

civil society & DEVELOPMENT



HUMAN DEVELOPMENT REPORT
Kosovo 2008



CIVIL SOCIETY AND DEVELOPMENT

**Kosovo Human Development
Report 2008**

The views expressed in this report are those of the authors and do not necessarily represent those of the United Nations Development Programme or the Swiss Development Cooperation Office.

The Kosovo Human Development Report 2008 would not have been published without the generous assistance of the Swiss Development Cooperation Office, Liaison Office of Switzerland in Prishtinë/Prishtina.



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Layout: Ardian Veliu
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Printing: Grafika Reznici (Prishtina, Kosovo)

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Acknowledgements

The Kosovo HDR Team would like to specially thank the Swiss Cooperation Office in Kosovo for their important contribution to this report.

Many thanks also go to the following individuals and organizations for their assistance in preparing and reviewing the report:

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Foreword

This is UNDP Kosovo's 2008 Human Development Report on Civil Society and Development. The Kosovo Civil Society in general or Civil Society Organizations (CSOs) in particular, have begun the process of transformation in a number of ways. Modus operandi has largely been established, and so have ways to work better with each other and with the government. However, they still have mostly their work defined by forces external to themselves. Among the challenges are: an unresolved legal status, internal tensions born out of competition for foreign funding, ethnic divisions that have only partially healed, public mistrust, and a lack of focus that has left all too many organisations willing to reshape themselves to donor priorities.

Nevertheless, civil society can fill a variety of roles as Kosovo's economic and political institutions mature, from serving as a watchdog to giving input on policy to providing social services. CSOs also have much of value to contribute on Kosovo's path to a prosperous and peaceful future.

This report brings together eleven authors for a multifaceted look at civil society's place on Kosovo's development agenda. It also draws on the Perceptions of Civil Society in Kosovo Survey.

After a close look at what we mean when we say "civil society" and what we mean when we say "development," the report goes on to explore the history of civil society in Kosovo, its legal context, and ways it can influence public policy. Next, it looks at civil society through the eyes of the government and the general public, before discussing ways that CSOs can effectively work together with the government, with each other, and with the media, and ways they can influence and benefit from the European integration process. The final two chapters suggest improvements that CSOs should strive for and explore the potential of Community Driven Human Development in Kosovo.



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Table of Contents

- Executive Summary 11
- Abbreviations 15
- 1 Human Development and Civil Society 17
 - 1.1 Human development 17
 - 1.2 Civil society 18
- 2 The History of Civil Society in Kosovo 35
 - 2.1 Origins 35
 - 2.2 Civil society or civil resistance? 36
 - 2.3 Civil society after 1999: The “NGO boom” and its consequences 39
 - 2.4 Conclusion 41
- 3 The Legal Environment for Civil Society in Kosovo 45
 - 3.1 Legal status of the non-governmental sector in Kosovo 45
 - 3.2 Lacking legislation for NGO sector 47
 - 3.3 Monitoring of NGO sector 50
 - 3.4 Citizens’ perceptions of NGO sector 50
 - 3.5 Partnerships 53
 - 3.6 Conclusions 54
- 4 Civil Society and Public Policy 57
 - 4.1 Public policy 57
 - 4.2 Civil society and public policy 58
 - 4.3 The public policy cycle 59
 - 4.4 Conclusion 66
- 5 The Government’s Vision of Civil Society 69
 - 5.1 Developing the social economy 69
 - 5.2 Vision for financial sustainability 73
- 6 Perceptions, Image, and Participation in Civil Society 77
 - 6.1 Knowledge of civil society 77
 - 6.2 Participation in civil society 78
 - 6.3 Openness of civil society 79
 - 6.4 Impact of civil society 80
 - 6.5 Public image 81
 - 6.6 Role for civil society 83
 - 6.7 Holding government accountable 83

Table of Contents

- 7 Creating Mechanisms for Cooperation between Civil Society and the Government 87
 - 7.1 Public perception of the relation between NGOs and government 90
 - 7.2 The interaction of minority NGOs with Kosovo institutions 93
 - 7.3 CSO initiatives for meaningful interaction with Kosovo institutions 94
 - 7.4 Conclusion 95
- 8 Civil Society Coordination in Kosovo 99
 - 8.1 Formation of civil society coordination 99
 - 8.2 Historical background 101
 - 8.3 NGO coordination in Kosovo today 102
 - 8.4 Conclusion 106
- 9 The Media and Civil Society 109
 - 9.1 The media in Kosovo 109
 - 9.2 Links between media and civil society 110
 - 9.3 A special relationship 114
 - 9.4 Conclusion 115
- 10 European Union Integration and Civil Society 117
 - 10.1 Civil society and the European integration process 118
 - 10.2 Kosovo and the European integration process 121
 - 10.3 European integration process instruments, mechanisms and structures 123
 - 10.4 How civil society can make a difference 127
 - 10.5 Conclusion 128
- 11 Sustainability of Civil Society 131
 - 11.1 Civil society development in Kosovo 132
 - 11.2 Self-regulation and improved governance 133
 - 11.3 Financial sustainability 136
 - 11.4 Networking and coalition building 138
 - 11.5 Public image 140
 - 11.6 Conclusion 142
- 12 The Role of Community Driven Development in Shaping a New Kosovo 145
 - 12.1 Key success factors 146
 - 12.2 Community Driven Development in action 148
 - 12.3 CDD in Kosovo 149

Table of Contents - Figures

Figure 4.1	How issues are discussed in Kosovo	59
Figure 4.2	62
Figure 4.3	How civil society can contribute to the public policy cycle	65
Figure 5.1	Do CSOs protect the rights of the people from government?	70
Figure 6.1	Manner of involvement in CSOs	78
Figure 6.2	Volunteerism and work for non-profit and non-governmental organizations before and after 1999	79
Figure 6.3	Respondents who would like to work as a volunteer	79
Figure 6.4	Benefits offered by CSOs to a person or a family	80
Figure 6.5	Which of the following represents your interests the most?	81
Figure 6.6	To whom do NGOs report? To whom should NGOs report?	82
Figure 6.7	The role of civil society in relation to government	83
Figure 6.8	Who holds the Kosovo government accountable?	84
Figure 7.1	To whom do NGOs report their activities?	91
Figure 7.2	To whom should NGOs report their activities?	91
Figure 7.3	What role should CSOs play in relation to the government?	92
Figure 7.4	Do civil society organizations cooperate with central and local government?	92
Figure 7.5	Do any of these actors hold the Kosovo government accountable?	92
Figure 7.6	Are NGOs in Kosovo specialised?	93
Figure 9.1	Do civil society and the media hold the government accountable?	111
Figure 9.2	Who would you trust more—government, civil society or business?	114
Figure 9.3	In how many stories would you include civil society?	114
Figure 11.1	<i>NGO Sustainability Index</i> ratings of Kosovo NGOs	133

Table of Contents - Tables

Table 3.1	What role should civil society organizations have in relation to the state?	51
Table 3.2	To whom should NGOs report on their activities?	52
Table 5.1	Have you worked as a volunteer since 1999?	72
Table 5.2	Whose requests get the highest priority in Kosovan CSOs?	73
Table 6.1	Which of these groups belong to civil society?	77
Table 6.2	Which of these characteristics belong to civil society?	77
Table 6.3	Type of CSO participated in	78
Table 6.4	Responses to the statement “CSOs are open for public participation”	80
Table 6.5	Have you or any member of your family received any benefits from civil society activity?	80
Table 6.6	What is the overall impact of CSOs on Kosovan society?	81
Table 6.7	Do any of the current CSOs represent your personal interests?	81
Table 6.8	Are CSOs accountable to the people?	82
Table 6.9	How do Kosovan civil society organizations set their priorities?	82
Table 6.10	Sectors chosen as needing support from CSOs, by gender	83
Table 7.1	89
Table 7.2	Strategies for cooperation between civil society and government	96
Table 9.1	Actors perceived as belonging to civil society	112
Table 9.2	Journalists’ definition of the media	113
Table 9.3	Journalists’ view of media characteristics	113

Table of Contents - Boxes

Box 1.1	The human development concept	17
Box 1.2	What is civil society?	18
Box 1.3	United Nations' definition of civil society	19
Box 1.4	NGO acronyms	23
Box 1.5	Civil society and private companies—recommendations	24
Box 1.6	What is the human development case for democracy?	26
Box 1.7	UNDP work with civil society	29
Box 1.8	Basic parameters for CSO networks	32
Box 3.1	Freedom of association	46
Box 3.2	CiviKos on the Law of Freedom of Association	47
Box 3.3	How active are NGOs?	50
Box 3.4	Support for NGOs from the government	54
Box 4.1	On the agenda: publicly owned enterprises	64
Box 5.1	Elements of a national economy	70
Box 7.1	Relation between civil society and government	90
Box 9.1	Online “Media and Civil Society” survey methodology	109
Box 11.1	Development of civil society in Kosovo	133
Box 11.2	NGO regulation	134
Box 11.3	What is accountability?	135
Box 11.4	International NGO Accountability Charter	136
Box 11.5	Financial resources for NGOs	137
Box 11.6	The 1 percent law	138
Box 11.7	Private philanthropy	138
Box 11.8	Case study of an NGO collapse	139
Box 11.9	Preconditions for successful NGO networking	140
Box 12.1	Kosovo Community Development Fund	149
Box 12.2	Community Development Fund implements CDD	150

Executive Summary

In two short decades, civil society in Kosovo has experienced everything from brutal repression to intensive assistance that has sometimes bordered on patronage. Now it is struggling to find its own authentic, effective voice in a newly unilaterally declared independent nation that has many economic, social, and political hurdles to overcome. As it masters its own development challenges, civil society will be helping Kosovo to do the same. A skilled and confident “third sector” is essential to the functioning of a healthy democracy.

Kosovan civil society was born in an era of repression and dissent. It came into its own simultaneously with the “parallel institutions” created by Kosovo Albanians after Yugoslavia rescinded the then-province’s autonomous status in 1989, and took on a range of responsibilities from human rights to medical care and poverty relief. Under United Nations administration after the conflict of 1999, Kosovo saw a rapid influx of assistance, and home-grown organizations sprang up to work with foreign donors on an almost infinite variety of projects. More recently, especially since the unilateral declaration of independence in February 2008, donors are channelling more of their funds to the government and less to civil society. Thus, the environment in which civil society organizations (CSOs) must operate, and the challenges they face, are changing once again, demanding new skills and new attitudes.

CSOs have begun the process of transformation in a number of ways, from creating codes of conduct to searching for ways to work bet-

ter with each other and with the government. But they still have their work cut out for them. Among the challenges: an unresolved legal status, internal tensions born out of competition for foreign funding, ethnic divisions that have only partially healed, public mistrust, and a lack of focus that has left all too many organizations willing to reshape themselves to donor priorities.

Civil society can fill a variety of roles as Kosovo’s economic and political institutions mature, from serving as a watchdog to giving input on policy to providing social services. CSOs also have much of value to contribute on Kosovo’s path to European integration.

Sometimes CSOs’ relations with government and business will have an adversary nature, and at other times they will support and be supported. But whatever the task and whatever the role, their success will depend on increased professionalism, a more diverse and sustainable funding base, and a stronger sense of who they are and what they want to achieve. What they have achieved already is remarkable.

This report brings together eleven authors for a multifaceted look at civil society’s place on Kosovo’s development agenda. It also draws on the *Perceptions of Civil Society in Kosovo Survey*.

After a close look at what we mean when we say “civil society” and what we mean when we say “development,” the report goes on to explore the history of civil society in Kosovo,

its legal context, and ways it can influence public policy. Next, it looks at civil society through the eyes of the government and the general public, before discussing ways that CSOs can effectively work together with the government, with each other, and with the media, and ways they can influence and benefit from the European integration process. The final two chapters suggest improvements that CSOs should strive for and explore the potential of Community Driven Development in Kosovo.

Human development and civil society are both terms open to multiple interpretations. Development cannot be measured purely in terms of buildings and roads and power lines; even more important is whether it improves individuals' well-being and ability to take charge of their lives. This is where it intersects with civil society, which encourages people to demand a voice in the decisions that affect them. For all the debate about the exact nature of civil society—does it include the media? churches? organizations that receive corporate or government subsidies? groups with racist or totalitarian beliefs?—probably the simplest way to think of it is as a third sector, lying between government and business, with the boundary sometimes blurred in one direction or another. Recent changes, from the fall of communism to the rise of the Internet, have created a fertile ground for its development in Kosovo and around the world.

The history of civil society in Kosovo is part of the broader story of Eastern Europe

during the fall of communism, but was also shaped by the unique circumstances of Kosovo and the violent break-up of Yugoslavia. When Kosovo's autonomous status was revoked in 1989, civil society became part of the resistance, cooperating closely with the parallel government set up in defiance of Belgrade and offering alternative health, welfare, and literacy services. The success of the Movement for the Reconciliation of Bloods Feuds is just one example of the popularity and strength of civil society during this era. Civil society faced a radical change after the NATO intervention in 1999, with the United Nations Mission in Kosovo (UNMIK) focused on peacebuilding and reconstruction and a flood of foreign donors urging CSOs to play a major role but also sometimes, subtly or un-subtly, defining the parameters of that role. With the best of intentions, the sheer volume of support and the rapid pace of change have created challenges CSOs are still struggling to overcome.

The legal environment for civil society in Kosovo is still unsettled. A major law on NGOs was ready for UNMIK to sign off on just before independence was declared in February 2008. Now it has gone back to the parliament for review, and NGOs would like to see some changes in it. For the time being, NGOs still operate under a 1999 UNMIK regulation. Even when the Law on Freedom of Association in NGOs is passed, there are a number of issues that still need to be addressed. NGOs' tax status is ambiguous, and the law can make individual donations and voluntarism difficult. Civil society should

have a part in drafting the laws that will govern it.

Civil society's influence on public policy is potentially profound. It can contribute at any of the five stages of policymaking: agenda setting, policy formulation, decision-making, implementation, and evaluation. One of the most powerful tools for getting an issue onto the public agenda and influencing the subsequent debate is the media. Think tanks and other CSOs can also influence the government directly or through political parties with which they are sometimes associated. In Kosovo, the best route to government influence is sometimes through an international organization or UN agency. At the implementation stage, CSOs can often play a role in carrying out government-mandated services. And their role is key in evaluating policy outcomes.

The government's vision of civil society is positive but not well defined, and cooperation so far has been sporadic and too dependent on individuals. Government and CSO officials are often invited to each other's functions, but there is a need for deeper and more institutionalized cooperation. With some former government officials joining CSOs and vice versa, understanding between the two groups has grown. To the extent that CSOs are perceived as being driven by the agendas of their donors, however, their influence is weakened. Government could help by providing capacity building for CSOs and supporting them financially either through direct funding or by outsourcing the provision of government services.

Public perception of civil society is mixed. One in five Kosovans participates in some way in a civil society organization, and volunteerism has actually increased somewhat since 1999. But only about a third of those polled told the *Perceptions of Civil Society in Kosovo Survey* that they believed CSOs were open to public participation, and only about half felt that CSOs represented their personal interests. CSOs scored relatively low on accountability, and many respondents felt their decisions were driven by donors. Clearly there is room for improvement in civil society's outreach to the general public. Serving as a watchdog, and providing services that the government cannot provide, were the two functions that poll respondents found most important for CSOs to carry out.

Cooperation between civil society and government needs formal mechanisms to help it run smoothly. One problem has been that CSOs have lacked an umbrella organization to speak for them. Some CSOs maintain ties with political parties that go back to the parallel-government era of the 1990s. It has been more difficult for ethnic-minority CSOs to interact with government institutions. A few CSOs have enthusiastically taken on the watchdog function, but the government has not been receptive to their criticisms. Input from think tanks has been better received. CSOs with a solid specialty will be more credible with government than those that take a "jack of all trades" approach.

Coordination between CSOs can make it easier for them accomplish their goals by giving

them strength in numbers, better access to information, more visibility, and more credibility with donors, by enabling them to cover a wider geographical area, and by easing some of the administrative tasks on projects. Alliances between CSOs can be structured or unstructured, long-term or short-term. The Kosovo Women's Network is a good example of a CSO network. Some networks form to meet donor requirements, but networks are generally more successful when they are need-driven rather than donor-driven.

The media and civil society share a history that was heavily impacted by repression that followed the end of Kosovo autonomy in 1989 and the flood of aid money after 1999. Like with NGOs, there was an explosion of new media outlets. Journalists, surveyed in an online poll that supplemented the *Perceptions of Civil Society in Kosovo Survey* on which most of this report is based, said they felt the media and civil society served a similar purpose; many even said that the media was part of civil society. Most journalists surveyed felt that civil society was an important story to cover, but some suggested CSOs needed to build credibility by giving more reliable information.

European Union integration offers challenges and opportunities to Kosovo civil society. The process is a complex and technical one, and Kosovo stands near the beginning of it. Progress towards acceptance into the EU involves annual progress reports that assess, among other things, the status of civil society. Kosovo civil society has repeatedly been assessed as weak, but there is assistance available from the EU

for strengthening CSOs. Based on the progress reports, each candidate country develops an action plan for reforms. These plans can be an opportunity for civil society to enlist the EU's support for specific reforms.

Sustainability of Civil Society is all the more important given the key role that CSOs have played in helping some of Kosovo's neighbours join the European Union. Now that Kosovo has declared independence, perhaps some of the energy that went into resolving its status can now be spent on strengthening civil society. The decrease in donor funding is posing a challenge to CSO sustainability. Improved accountability will go a long way towards making CSOs more credible. Civil society needs to find ways to become less dependent on funding from foreign donors. The "1 percent law," pioneered in Hungary in 1996, is one option for channelling tax money to CSOs. More effective networking and better public outreach are other essential goals.

Community Driven Development is an approach to development projects, largely funded by the World Bank, that is highly congruent with the goals and values of civil society. It focuses on involving communities in the projects that are meant to benefit them in ways that will both strengthen the community and improve the project. CDD is not a magic wand—"communities" often contain competing interest groups, for example, and "participation" can be onerous for people already working long hours at low-paying jobs. But when implemented carefully, it can yield promising results.

Abbreviations

CDD	Community Driven Development
CDF	(Kosovo) Community Development Fund
CSO	civil society organization
EC	European Commission
EPAP	European Partnership Action Plan
EU	European Union
ICZM	Integrated Coastal Zone Management
IPA	Instrument of Pre-Accession
KACI	Kosovo Action for Civic Initiative
KAN	Kosovo Action Network
KEK	Korporata Energjetike e Kosovës (Kosovo Energy Corporation)
KFOS	Kosovo Foundation for Open Society
KHDR	<i>Kosovo Human Development Report</i>
KIPRED	Kosovan Institute for Public Research and Development
KMDLNJ	Këshilli për Mbrojtjen e të Drejtave dhe Lirive të Njeriut (Council for the Defence of Human Rights and Freedoms)
KODI	Kosovan Research and Documentation Institute
KWN	Kosovo Women's Network
KYN	Kosovo Youth Network
LDK	Lidhja Demokratike e Kosovës (Democratic League of Kosovo)
NGO	non-governmental organization
NPCG	NGO Peacebuilding Coordination Group
NRCG	NGO Returns Coordination Group
OSCE	Organization for Security and Co-operation in Europe
PB, PBO	public beneficiary
PISG	Provisional Institutions of Self-Government
PTK	Post and Telecommunications in Kosovo
RAE	Roma, Ashkali and Egyptian
SAA	Stabilisation and Association Agreement
SAP	Stabilisation and Association Process
STM	Stability Tracking Mechanism
TAK	Tax Administration of Kosovo
UNDP	United Nations Development Programme
UNHCR	United Nations High Commissioner for Refugees
UNKT	United Nations Kosovo Team
UNMIK	United Nations Mission in Kosovo
UPSUP	Independent Students' Union of the University of Pristina
USAID	United States Agency for International Development



1

■ Human Development
and Civil Society

Mytaher Haskuka

1 Human Development and Civil Society

Mytaher Haskuka

1.1 Human development

There are many definitions of development, but they all use words like increase, growth, progress, expansion or extension—words denoting more of something. Development can be defined as an incremental process of growth or progress. It does not always entail revolutionary change, but it does involve a determined process that aims to improve the lives of all citizens. The concept of human development puts people and their needs and wants at the centre of this process.

Human development seeks to expand the choices of the citizenry by expanding their capabilities and opportunities to lead long and healthy lives, to be knowledgeable, to have a decent standard of living, and to participate actively in community life. The process seeks to level the playing field and to create opportunities for all, especially the most vulnerable, so as to maximize every person's potential.

According to this perspective, development policy should not be based solely on generating more income. Instead, economic growth should become a means to an end rather than an end in itself. The human development approach places due attention on the impact of development policies and how they translate into livelihood and welfare improvements.

In recent years, the human development approach has placed increasing emphasis on basic political and human freedoms, to balance its emphasis on just and equitable social and economic development. In this regard, being able to participate in decisions that affect one's life is an intrinsic component of human well-being, therefore increasing the chances for participation in decision-making processes is by itself a human development gain. In a long-term perspective, participation is very important as it leads to an internalization of processes, institutions and values that are the result of those processes. Genuine participation expands communication, which could well lead to improved social dialogue and understanding. Thus it also decreases tensions within society and may help to prevent and resolve conflict.

Box 1.1 The human development concept

The basic purpose of development is to enlarge people's choices. In principle, these choices can be infinite and can change over time. People often value achievements that do not show up at all, or not immediately, in income or growth figures: greater access to knowledge, better nutrition and health services, more secure livelihoods, security against crime and physical violence, satisfying leisure hours, political and cultural freedoms and sense of participation in community activities. The objective of development is to create an enabling environment for people to enjoy long, healthy and creative lives.

— Mahbub ul Haq, founder, *Human Development Report*

1.2 Civil society

Civil society is nothing if not conceptually colourful and heterogeneous. After centuries of discussion, no common, universally accepted definition exists. The concept has been debated and defined in many different ways throughout history, beginning with Aristotle, who saw “civil” as meaning “of the state”; thus, “civil society” referred to one’s collective interactions with the state as a citizen of the polis. According to Socrates, public argument through dialectic was imperative to ensure civility in the polis and a good life for the people.

Today civil society is usually defined as a third sector, in addition to the public and pri-

vate sectors, where people can get together around shared values, norms and interests. It consists of associations that shape human interaction outside the other two sectors.

The boundaries of the sector are blurry and difficult to define precisely. In everyday reference, the term is used to represent institutions such as voluntary associations and non-governmental service organizations. Some researchers extend the scope of the sector to include the family, the church, informal social groups, social movements and the media.

It is commonly agreed that civil society is an arena of voluntary collective action around shared interests, purposes and values distinct from family, state and profit-seeking

Box 1.2

What is civil society?

Civil society is an unusual concept in that it always seems to require being defined before it is applied or discussed. In part this is because the concept was rarely used in discourse before the late eighties and many people are therefore unfamiliar with it. In part it is a result of an inherent ambiguity or elasticity in the concept.

Perhaps the simplest way to see civil society is as a “third sector,” distinct from government and business. In this view, civil society refers essentially to the so-called “intermediary institutions” such as professional associations, religious groups, labor unions, citizen advocacy organizations, that give voice to various sectors of society and enrich public participation in democracies.

But this does not solve every definitional question that the idea of civil society can give rise to. Many would hold that a free and vigorous press is an essential element in civil society. But most newspapers and TV stations in the U.S. are run as for-profit businesses. Should they be counted as part of civil society, of the third sector, or should they be seen as part of the commercial world?

A second problem associated with the concept of civil society is this: Is it a strictly objective and descriptive term that, for example, treats the League of Women Voters and the Ku Klux Klan equally as “third sector citizen organizations”? Or does the concept of civil society imply other, related values: for example, a commitment to democracy and equal treatment of all citizens before the law? This would exclude the KKK, needless to say.

Or, a more difficult question of values: Is the idea of civil society consistent with substantial state subsidies for a large number of third sector organizations, as occurs in parts of Europe? Is it consistent with substantial corporate subsidies of many third sector organizations, as occurs in America? Are there distinctively American and European (or French, Swedish, German, etc.) types of civil society?

Reprinted from Civil Society International, What Is Civil Society? (www.civilsoc.org/whatisCS.htm)

institutions. It is a particular space in a society where people come together to debate, associate and seek to influence the broader society. Civil societies are organic human arrangements shaped by numerous variables and continue to evolve everywhere. As a manifestation of the way that citizens associate in order to improve their lives, express and pursue their interests, exchange information, mediate differences and create stable social relationships, social institutions are as diverse as the people who establish them.

Box 1.3

United Nations' definition of civil society

Civil society refers to the associations of citizens (outside their families, friends and businesses) entered into voluntarily to advance their interests, ideas and ideologies.

— Panel of Eminent Persons on United Nations-Civil Society Relations, appointed by the Secretary. Retrieved from: <http://www.un.org/reform/civilsociety/panel.shtml>

For simplicity, many academics, international donors, and development practitioners treat civil society as emerging between the household and the state, equated with a self-initiated voluntary sector made up of freely and formally associating individuals pursuing non-profit goals in religious bodies, foundations, recreational clubs, professional associations, action committees, trade unions, social movements and so on.

In this respect, civil society can be seen as the foundation on which social capital is built. It complements the executive, the legislature,

and an independent media to provide the conditions necessary for development and democracy to flourish.¹ And it responds frequently to issues of social equity that are bypassed by profit-seeking institutions.

The rise of civil society on the national and global political scene constitutes one of the major developments of the last three decades.² While wide variations exist across countries and regions, what lies at the heart of this movement is a shift in the relationship between states and their citizens. When positively applied, it is often accompanied by an enrichment of the concept and practice of rights. The causes for this dynamic are numerous. Examples include the fall of dictatorships and the collapse of socialist systems, the introduction of new technologies and networking tools such as the Internet, and the successes of non-violent “people power” movements in countries such as Bulgaria, the Czech Republic, and Poland as well as global campaigns on issues such as banning land mines. Advocacy movements are credited with influencing everything from multilateral bodies such as the World Trade Organization to local governance reforms. Civil society has also strengthened its operative capacity as an instrument for better service delivery and for modernization by unburdening the state of tasks that can be better handled by non-governmental organizations. The increasing recognition of civil society has been premised on the belief that people are citizens with rights and obligations protected by law rather than subjects dependent on privileges or entitlements.

Whereas the magnitude of tangible contributions can be debated, many scholars and development professionals agree that a vibrant and organized civil society serves as a cornerstone of any modern nation-state. Simultaneously, however, this sector should not be viewed as a panacea or a benign conduit to democracy and economic growth. Some researchers also point to the negative role that civil society organizations can sometimes play; for example, they may increase the role of informal associations as opposed to formal mechanisms, and some organizations may pursue undemocratic or xenophobic goals or may operate for other immoral or illegal purposes. When reviewing a social phenomenon such as the growth and activism of civil society, there are rarely single or conclusive answers but rather multiple and evolving responses depending on the context. And this context involves environmental, institutional, relational, and other factors.

Civil society organizations

The organizations within civil society encompass a wide range of non-state and non-market constituencies and vary according to their purpose, philosophy, expertise and scope of activities. Civil society organizations (CSOs) include organizations with a philanthropic or services orientation, community associations, associations reflecting special interests such as business, advocacy groups to defend the collective benefit and professional groups such as syndicates. They are autonomous, voluntary, not-for-profit associations that have a structured governance and organizational

framework. They operate within boundaries defined by legislation and defend the public interest outside of the political realm.

Most practitioners agree that the civil society sector is composed of entities that are:

- organizations—they have a structure and regularity to their operations, regardless of legal registration
- private—they are not officially part of the state
- non-profit-distributing—they do not distribute profits to shareholders or a set of directors and are primarily not commercial in activity
- self-governing—they are in control of their own affairs
- voluntary—participation is not legally required or compulsory³

CSOs do not operate in a vacuum. They are linked to social, political, economic and demographic conditions. The dynamics of political values, a young population, privatization, increased participation of women in the labour force, and globalization are impacting profoundly on the nature and content of society and hence on the nature of CSOs. As a result, over the past two decades, there has been a significant trend in the growth of sustainable development-oriented civil society organizations as opposed to charity or philanthropic organizations. Another trend has been the emergence of partnerships and contractual relationships between non-governmental organizations and/or the private sector and public authorities in the service of long-term development.⁴

Included within the category of CSOs are non-governmental organizations or NGOs, the entities most often associated with formalized civil society.⁵ NGOs are usually defined as organizations that are not part of a government and do not benefit from regular government funding, and are therefore typically independent of governments. Although the term can technically include for-profit corporations, its use is generally restricted to social, cultural, legal and environmental advocacy groups with primarily non-commercial goals. NGOs are usually non-profit organizations that gain at least a portion of their funding from private sources. The term non-governmental organization came into use with the establishment of the United Nations in 1945 with provisions in Article 71 of Chapter 10 of the United Nations Charter⁶ for a consultative role for organizations that are neither governments nor member states. The vital role of NGOs and other “major groups” in sustainable development was recognized in Chapter 27 of Agenda 21, leading to revised arrangements for consultative relationships between the United Nations and non-governmental organizations.⁷

Because the label NGO is considered too broad by some, many NGOs now prefer the term private voluntary organization.

A 1995 UN report on global governance estimated that there were nearly 29,000 international NGOs. The number in 2001 it was estimated as 40,000. National numbers are even higher: The United States has an estimated 2 million NGOs, most of them formed in the

past 30 years. Russia has 277,000 NGOs. India is estimated to have between 1 million and 2 million NGOs. Dozens are created daily. In Kenya alone, some 240 NGOs come into existence every year.⁸

The process of registering NGO in Kosovo is relatively short and it can be done by filing a request and providing information to the Department for Registration and Liaison with NGOs which is related to the Ministry Of Public Services. The requirements for the registration requested of the NGO are the following:

1. The official name of organization
2. The description of organization (whether it is an organization or foundation)
3. The address of organization
4. The aims of organization
5. The names and addresses of founders
6. The names and addresses and other information of delegates

The similar procedure is applicable for international NGOs but with the edition requirement for the demonstration that the NGO is a legal organization or foundation in another country.

The Department for Registration and Liaison of NGOs has also the division for reporting and monitoring which accepts and analysis annual reports with financial presentation of NGO, monitors the activities of NGO in order to find out how much they respect their status and other obliged laws and it recommends needed advancements, cooperates

with other institutions, provides public beneficiary status, make decisions for suspension of public beneficiary status, revoking and deregistration of NGO.

The information the description of the department is transparent and it is provided in the official website of department: <http://www.ks-gov.net/mshp/Departments.aspx>. The website also contains the application forms and other materials and information in Albanian, English, and Serbian languages. Moreover, the description of the department, in Albanian, English, and Serbian, is available in the official website. According to latest statistics provided by Department for Registration and Liaison with NGOs there are 4917 local NGOs registered and 447 international NGOs.

History

The development and proliferation of organized civil society organizations was experienced differently in developing countries. This was largely due to internal historical influences and political systems but was also, in part, a consequence of external influences such as Western aid money and ideology. Therefore, the majority of civil society organizations in the developing world remain at the nascent stage of institutional maturity. They have not yet fully consolidated their identities independent of their international supporters.

CSOs and political parties

CSOs and political parties relate and overlap significantly. In many countries, there is a

serious need to distinguish more clearly between the two. For instance, in some countries of Europe and Latin America, political parties are struggling to maintain their voting base, thus they function traditionally in competition with CSOs. Many political parties in Western Europe have established their own NGOs to further pursue their agendas.

On the other hand, in some countries, like Thailand and the Philippines, the laws invite CSO representation in parliament, and CSOs put up candidates for government office. The other option represents an issue in countries where society is more or less polarized, like in South-Eastern Europe. Another link between CSOs and political parties in this region is that many current politicians are former CSO leaders and many CSO leaders are former politicians who were not re-elected and wished to stay publicly active or visible.⁹

What distinguishes civil society groups from political parties is the aim for the control of power. CSOs are concerned with and act in the public realm and relate to the state without seeking to win control over the state. On the other hand, the purpose of political parties is to win and exercise state power.¹⁰



According to the Perceptions of Civil Society in Kosovo Survey only 3% of Kosovans think that political parties belong to civil society. ”

Box 1.4 NGO acronyms

Among the acronyms for different types of non-governmental organizations are the following:

- INGO—international NGO
- BINGO—business-oriented international NGO
- RINGO—religious international NGO
- ENGO—environmental NGO
- GONGO—government-operated NGO (which may have been set up to qualify for outside aid)
- QUANGO—quasi-autonomous NGO

An example of a QUANGO is the International Organization for Standardization, which is not purely an NGO since its members are nations, not individuals.

Summarized from NonProfitExpert.com, "NGOs: Non-Governmental Organizations," www.nonprofitexpert.com/ngo.htm

CSOs and the private sector

Civil society organizations and private-sector (business) organizations have many similarities. For example, both belong to the non-state sector, are based on voluntary action and individual entrepreneurship, can change their structure, personnel and area of focus very quickly, provide services, and lead to development.



According to the Perceptions of Civil Society in Kosovo Survey only 4 % of Kosovans think that private sector is part of civil society. ”

On the other hand, there are defining differences between the two sectors, most visibly that the former is non-profit and the latter is for-profit. Private-sector goals, activities, services and products are oriented to the profit of individual owners or shareholders. On the other hand, at least in theory, CSOs' goals, activities, services, and products are not intended to financially benefit the leaders or the board or create profit for the organization but to benefit the society in which they operate—though some researchers point out that this may not always be true. In most cases CSOs do not sell their products and services, while businesses do.

Another difference between the two sectors is that CSOs' main input into the process is volunteerism and social activism, which creates social capital or collectivism, while businesses' main input into the process is professionalism and market pricing, which most often potentiates private capital and individualism.

CSOs are thought of as more transparent to the public in that they are usually held accountable to donors, beneficiaries and other CSOs. On the other hand, business organizations are not required to be transparent to the public, and they are accountable only to their owners or shareholders.

According to the World Civil Society Forum, the relation between the private sector and NGOs has five characteristics:

1. The relationship is balanced through confrontation and elaboration.
2. Creation of partnerships between the two is not enough to bring corporate social responsibility.
3. Relations are based on voluntary initiatives.
4. Relations are based on NGOs and trade unions.
5. Civil society should monitor companies in a range of fields, including human rights, working conditions, patents, access to medicine and the right to food.¹¹

“Some NGOs in Kosovo act as private companies as they are interested more on personal gains than for public good” focus group participant.”

CSOs and accountability

“Civil society in Kosovo is accountable only to donors and only if they request” focus group participant”

It can be argued that CSOs lack the accountability mechanisms of voting and electoral campaigns and programs that political parties have. In a similar vein, membership in political parties is usually much larger than in CSOs; this is especially true for South-Eastern Europe. But when interacting with the state and the business sector, it is assumed that CSOs officially represent the interests of society and the voice of the people. This, too, raises the issue of CSO accountability.

Box 1.5 Civil society and private companies—recommendations

Civil society organizations should play an active role in monitoring the operations of private companies.

Information regarding private companies should be more widely accessible to civil society organizations.

Civil society organizations should influence the definition of criteria and the assessment of corporate behaviours.

Decentralization of the assessment process of corporations should be ensured. Civil society organizations and national bodies have a critical role to play in this matter.

Direct relations between civil society organizations and the private sector should not be detrimental to the regulatory role of governments and the public sector.

Civil society organizations should increase their influence over the public and private companies by maximizing communication from all sides such as the media, education, academia, campaign heroes, strategic alliances and networks.

Civil society organizations should require that the private sector respects cultural diversity in its approach to development.

Civil society organizations should pressure northern and southern governments to reinforce their social and environmental criteria in the fields of foreign direct investments, public purchase policies, and other economic relations.

Reprinted from World Civil Society Forum, “Executive Summary: Working Group on Private Sector,” www.worldcivilsociety.org/REPORT/EN/06/18-jul-02/exec_summ_wg_private_sector.html

The notion of accountability is particularly complex for CSOs, because of the multiplicity of actors with whom civil society engages and to whom it is therefore accountable. CSOs may have three directions of accountability. There is “upward” accountability to founders, donors, governments or other external actors, and “downward” accountability to community groups, activists or other beneficiaries.¹² Some researchers also speak of “horizontal” accountability in the relationship between civil society actors, who see themselves as part of a public process, unlike the competitive culture within the business community. Therefore, it can be argued that, when properly functioning, CSOs could be just as accountable as political parties.

Ethical codes of conduct for CSOs

In many international forums and conferences the necessity of ethical codes and principles for civil society organizations has been stressed. It is argued that certain ethical and accountable agreements need to be acknowledged in order to build up the constituency base for CSOs, and to contribute to and to truly serve the people within the community and society. According to one code of conduct for NGOs:

The National and local NGOs (both in North and South) should:

- be rooted in issues at home
- have some definable constituency or membership
- have open democratic working systems, gender parity, consultative problem-solv-

- ing, non-discriminatory practices
- have clear conflict-of-interest guidelines
- have a code of ethics for staff
- publish an annual report and audited financial statements
- be non-profit, non-party political
- foster justice and equity, alleviate poverty and preserve cultural integrity
- endeavour to enhance the total environment—physical, biological and human
- have a fair wage structure, with a credible scale between highest and lowest paid worker
- be truly with people and not impose their agendas on them
- base all their work on the resources available to the people, their expertise, existing institutions, culture and religions; be self-sufficient while remaining open to the assistance offered by their various partners
- avoid being corrupted both materially and spiritually
- facilitate people’s efforts
- share information with all members; set up necessary mechanisms to gather and exchange experiences; and get actively involved in environmental education (awareness-building) and training
- articulate a broad political framework and code of ethics to guide their internal operations and their work with community groups and people’s organizations, as well as their relations with the South, NGOs and the North
- ensure the highest levels of accountability, starting with their own constituencies—the people (this includes uncompromising evaluations involving the participation of the local populations)¹³

Civil society and human development



Biggest impact of NGOs on human development was in education through literacy projects” focus group participant.”

Most development practitioners agree that human development is closely related to the rights to associate and participate. Civil society can strengthen human development by enlarging opportunities and access to resources. For example, through creating mechanisms to give voice to vulnerable groups in public policy debates, CSOs can help create an environment whereby people can participate in the life of the community, an important aspect of choice and opportunity for inclusion into development processes.

At the same time, civil society organizations contribute to human development through

participation and partnership by encouraging dialogue on governance and economic prosperity. CSOs encourage participation in policy formulation, planning, implementation, monitoring and evaluation of development programmes, and this usually improves public service delivery, governance and overall participation.

CSOs’ contribution to human development can also be attributed to successful projects that improve living conditions or promote sustainable use of the environment. What distinguishes CSOs’ contribution to human development from that of the state and private sectors is that CSOs can play an important role in regulating unfair market practices, advocating against state policies that neglect vulnerable people, and mobilizing public opinion for change. Thus, CSOs can help eradicate poverty, support Millennium Development Goals (MDG) and advocate for equal rights much more effectively than other sectors of society.

Box 1.6

What is the human development case for democracy?

A human development approach identifies three arguments in support of democracy. First, respecting human dignity involves considering people as active subjects of their own destiny, however materially poor they might be. Being able to participate in decisions that affect one’s life is an intrinsic component of human well-being. Second, democracy is instrumental in promoting other components of people’s well-being. If a government fails to provide adequate health care to all, political participation of those who are left out, or representation of their voices, is crucial to reform social services provision. Amartya Sen has famously argued that famines are caused by the irresponsiveness of governments to people’s claims rather than by food shortages. Democracy is also instrumental in deciding on policy priorities and choices, given limited resources and financial constraints on promoting all dimensions of human development. The third reason is the constructive role democracy plays in value formation. It clarifies and constructs a society’s values and priorities, for example a society built around the value of tolerance or social equity.

Reprinted from Séverine Deneulin, “What Does a Human Development Approach Say About Democracy?” *HDRO-HD Insights*, Human Development Report Office, September 2007 (accessed 26 September 2008 from: http://hdr.undp.org/en/media/HDInsights_Sept2007.pdf).

Over the last decade, CSOs—including NGOs, people’s movements, trade unions, women’s federations, formal and informal associations, grass-roots coalitions and indigenous people’s organizations—have emerged as a powerful force for social justice and equity across and within borders. This is largely a result of the impact of globalization on the intergovernmental system, the changing role of the nation state and the growing impact of the information age. CSOs have mounted successful campaigns that are effectively shaping the content of national and international agreements—on issues ranging from landmines and debt cancellation to affordable medication for HIV/AIDS—and have helped to bring about new institutions, including the International Criminal Court and the Permanent Forum on Indigenous Issues. They have also laid the groundwork for local and global discussions on alternative policy choices—from local “citizen hearings” on poverty and AIDS to parallel NGO forums at United Nations conferences, people’s assemblies and social forums—to exchange experiences and debate and propose economic and social alternatives.

In summary, civil society and human development are linked in several ways. Civil society provides services to populations and areas that states and private businesses fail to reach. They support people’s rights to assemble, express their views, and engage in public dialogue. In the long run this acts as a security valve by encouraging society to address issues before they reach the critical point. In this regard civil society can be a very impor-

tant force for conflict prevention and peace building. By providing a means for social groups to participate and communicate concerns, they perform a watchdog function for both the public sector and the market, channelling the voices of constituents and consumers.

It is also argued that civil society can play a crucial role in human development by facilitating the access of communities and individuals to information, decision-making, justice, security, and resources.

CSOs and human rights



According to the Perceptions of Civil Society in Kosovo Survey around 55% of Kosovans associate civil society with protection of human rights.”

CSOs play an important role in promoting human rights in the developing world and, in turn, deserve to have their own rights and freedoms upheld. Their responsibilities in upholding rights are three-fold. They support the setting of standards and pressure their national governments to ratify important human rights treaties; they document violations of these treaties and other human rights abuses; and they create and monitor enforcement mechanisms.¹⁴ Their rights include, but are not limited to, the rights to: undertake collective action, be recognized as a legal entity,

decide on membership, pursue lawful objectives without undue intrusion from the state, express themselves freely, maintain their privacy, and use and dispose of property.¹⁵

The creation of a positive and enabling legal and regulatory framework for civil society and its respective organizations is of extreme importance because it protects basic human rights. Most famously, the Universal Declaration of Human Rights (1948) proclaims, “Everyone has the right to freedom of peaceful assembly and association.” The Universal Declaration is not a treaty but a resolution of the General Assembly of the United Nations and thus is not legally binding. There are other important international covenants that pertain to protecting the rights of an independent civil society, including the International Covenant on Economic, Social, and Cultural Rights (1966) and the International Covenant on Civil and Political Rights (1966).

It is also worth noting the Community of Democracies, comprised initially of 110 governments, as possibly playing a role in promoting human rights. The Warsaw Declaration serves as a set of rights-based principles for the member states of the Community. The Warsaw Declaration text draws directly from international practices and laws, including the Universal Declaration and the aforementioned international covenants. It boldly proclaims that member state signatories will promote, not merely tolerate, civil society and an independent media in their exercise of democratic rights. It continues to note that “informed participation by all elements of society, men and

women, in a country’s economic and political life, including by persons belonging to minority groups, is fundamental to a vibrant and durable democracy”¹⁶. Upon its drafting in June 2000, the Community of Democracies included all countries of the Commonwealth of Independent States, including Russia, and the Caucasus. When the third ministerial meeting of the Community was held in Santiago, Chile in April 2005, CSO participation and discussion were the main themes of the event.

The United Nations Development Programme (UNDP), by adopting a human rights-based view of human development, acknowledged that it shares obligations related to human rights with the governments. In this regard, CSOs have legitimate entitlements, codified in international conventions, covenants and laws. People have a right to act as claimants on and monitors of UNDP policies and actions, alongside, with and through governments as complementary duty-bearers.¹⁷

On the other hand, a rights-based philosophy of development challenges CSOs, particularly intermediary NGOs, to reflect on their own obligations. Some CSOs claim a role in policymaking because they represent and are accountable to certain groups. Others base their claim on their expertise and interest. In their efforts to influence policy, a core issue for CSOs is accountability based on expertise; they should not attempt to act as representatives unless they can demonstrate that they have a constituency that gives them a mandate and effective control over the policy positions they have adopted.

Box 1.7 UNDP work with civil society

The United Nations Charter gives UNDP a powerful mandate to work with civil society organizations. Also, the UNDP's goal of sustainable human development, which places people at the centre of development, cannot be achieved without the robust engagement of civil society. Given the collective power of CSOs in building social, economic and political agendas, both locally and globally, it is clear that strengthening partnerships with CSOs is crucial for UNDP to remain a relevant and effective development player.

At the Millennium Summit in 1999 it was stated that the partnership with CSOs is central to delivering the promises of the Millennium Declaration. CSOs are a crucial resource, constituency and partner for UNDP in advancing sustainable human development goals and principles. UNDP has made significant progress in both broadening and deepening its interaction with CSOs at all levels of its work. In particular, UNDP has developed a valued niche in creating the space with governments for CSO perspectives to be heard and incorporated into policy and programmes. In so doing, UNDP recognizes that CSOs are not a substitute for government, but are central to sustainable governance.

UNDP collaborates with CSOs whose goals, values and development philosophy correspond to its global mandate. UNDP also engages with CSOs concerned with (inter-)national public policy and governance. The partnership with CSOs, particularly at the country office level, is rooted in informed analysis and assessment of the country situation, including the role, competencies and needs of CSOs.

In May 2000, the UNDP CSO Advisory Committee was formed, interfacing directly with the UNDP Administrator establishing formal status arrangements with CSOs. The expressed intention of this step was to ensure that the organization becomes more open and sensitive to the agendas within civil society. The UNDP CSO Advisory Committee proposed the following priority themes for collaboration:

- Poverty reduction and sustainable debt
- Inclusive globalization—democratizing trade and finance
- Conflict prevention and peace-building
- Human rights and human development
- Private sector engagement

Based on the experience of the advisory committee at headquarters, some country offices have set up national advisory committees. Botswana was the first to do so (2003), followed by Brazil (2004). UNDP actively promotes and supports civil society advisory committees at the country level as mechanisms for policy advocacy and debate, as well as advice on UNDP policy direction, and a means for UNDP to tap into local knowledge and expertise.

Why does UNDP engage with CSOs?

UNDP interest in forging partnerships with CSOs stems from many considerations.

Improving the condition of the poor and excluded is the ultimate justification for the existence of UNDP as a development agency. Collaboration with CSOs that articulate the needs and aspirations of the poor is a sine qua non of good practice.

Governments in developing countries cannot on their own fulfil all the tasks required for sustainable human development. This goal requires the active participation and partnership of citizens and their organizations.

While external support can help, improved governance must ultimately come from within and be owned by a country and its citizens. CSOs therefore have vital roles to play as participants, legitimizers and endorsers of government policy and action, as watchdogs of the behaviour of regimes and public agencies, and as collaborators in the national development effort.

From the human rights perspective, UNDP, along with member governments, bears duties and obligations towards the poor and excluded who are denied internationally recognized entitlements. To fulfil these obligations, the organization must engage with and involve a range of civic actors in its programmes.

UNDP positions, public support, work and success in the future are dependent on multiparty trust.

Why do CSOs engage with UNDP?

CSOs' interest in engaging with UNDP depends on the extent to which such collaboration generates mutual added value. From a CSO perspective, some factors that warrant engagement with UNDP are:

- At the country level, the relationship of trust between developing country governments and UNDP, and the ability of UNDP to broker space for government-CSO dialogue and engagement
- The human development paradigm as a critical entry point and foundation for dialogue, action, joint advocacy and campaigns with civil society
- The broad mandate of UNDP, which is not only more holistic compared to other sectoral, issue-specific agencies, but also more in line with the interrelated manner in which many CSOs look at issues of development and conflict
- The coordinating role of UNDP in the United Nations system and the United Nations Development Group, both globally and at the country level
- The potential of UNDP as an ally and source of resources for CSO human development initiatives
- UNDP potential to differentiate itself intellectually from conventional policy advice with the aim of promoting inclusive globalization

Summarized from UNDP and Civil Society Organizations: A Practice Note on Engagement.

Defining best practice and challenges to CSOs

Successful development interventions by civil society have promoted the notion of CSO best practice in poverty alleviation and in other civil society activities. Global events have also helped set new agendas for the propagation of the best practice concept in

development, especially the 1995 and 2000 UN World Social Summits on Development. These meetings stressed that the distribution of knowledge through networking and partnerships was essential for sharing the best practices for civil society organizations.

The United Nations Educational, Scientific and Cultural Organization (UNESCO) main-

tains that there are four characteristics of best practice, especially in poverty and social exclusion:

1. Best practice cases are innovative, developing new and creative solutions to common problems.
2. They make a difference. A best practice project demonstrates a positive and tangible impact on the living conditions, quality of life or environment of the individuals, groups or communities concerned.
3. They have a sustainable effect. A best practice contributes to sustained eradication of poverty or social exclusion, especially by the involvement of participants.
4. They have the potential for replication. A best practice serves as a model for generating policies and initiatives elsewhere. In hindsight, it appears common sense in development terms to provide models of success that can be replicated or utilized for the purpose of scaling up to serve larger numbers of beneficiaries.

On the other hand, research in developing societies and states indicates that there are several challenges in the development of CSOs:

1. **Financial viability and membership:** Most CSOs do not have financial sustainability and are highly dependent on donors. In the case of Kosovo, all donors are international organizations, as the private sector is not developed and does not finance or participate in civil society initiatives. At the same time, membership in these organizations is an issue of concern. Apart from a few

big organizations, most CSOs do not have more than two or three active members; usually there are no membership fees.

2. **Political and legislative environment:**

There remains a huge gap between the intentions stated in the political discourse and the reality on the ground. Civil society is rarely, if ever, considered an equal partner in the initial drafting of plans, and participation is usually limited to consultation sessions. The authorities and international organizations focus attention on civil society's role in service provision, and sometimes advocacy, but watchdog functions that support civic and democratic development are viewed with suspicion.

3. **Internal issues:** These include vague and multiple missions, lack of democratic practices within organizations, poor technical capacity of staff, and top-down relationships between CSOs and their constituencies. Frequently, these are symptoms of inexperience, but they result in a low level of public trust in CSOs and limit their ability to influence government policies. While there is evidence of much greater professionalism, especially within business associations, development-oriented NGOs and advocacy groups, there is a need overall to upgrade skills. Very rarely do CSOs evaluate and measure the overall impact of their work; and if they do, it is seldom that their findings inform future strategy. This lack of vision for the future is also due to financial hardship, which impacts on the ability to assess achievements and plan forward. Their function as monitors of government or private sector activity is still very limited.

4. **Networking:** There are some networks, but these remain loose and limited in time, are reliant on outside donor initiatives and funding, and usually remain unofficial. In Kosovo, the few networks that were created in the past were usually part of a project financed by international donors and functioned only while the project was active. As they do not evolve into official networks with a mandate and goals, they stop functioning once the funding ends.
5. **Social and cultural environment:** One serious problem is the absence of a culture of voluntarism, a visible manifestation being low participation rates from youth.¹⁸ Another deficiency is a poor understanding of the value of collective work. Inter-group ventures are not in great evidence, nor are partnerships sufficiently exploited.

Box 1.8

Basic parameters for CSO networks

CSO networks are only as strong as their members. Instituting a code of conduct for members increases credibility.

The content and focus of the network should be member-driven.

The institution housing the network should serve as a facilitator and not attempt to directly manage its members. Management of network activities is best done through an elected board.

Strong communication structures (including face-to-face meetings, forums, CSO directories, publications and electronic discussions) are required to sustain the network and keep members active and engaged.

The network should make the work of its members more effective and avoid burdening them with extra tasks.

Connections with other international networks are important sources of support and learning.



2. The History of Civil Society in Kosovo

Armend Bekaj

2 The History of Civil Society in Kosovo

Armend Bekaj

2.1 Origins

The origins of civil society in Kosovo can be seen from two different viewpoints: a broad look at socio-political change in South-Eastern Europe or a closer focus on Kosovo in the late 1980s and early 1990s. The birth of civil society, as an alternative and balancing power to the political establishment, was a common phenomenon in the final days of the communist bloc. Here one should take into account the general political changes that were sweeping Central and Eastern European countries in the late 1980s and early 1990s. The fall of communism and the Berlin Wall, the politics of *Solidarnost* in Poland, and the Velvet Revolution in Czechoslovakia, were preceded and partly caused by the eroding and liberating effect of civil society movements. These movements sent reverberations throughout the continent, including the former Yugoslavia.¹⁹ The underlying philosophy of these movements was linked with the notions of autonomy and self-organization, with grassroots initiatives for offering alternative and critical thinking. They added colour and diversity to the otherwise monolithic political landscape of Central and Eastern Europe, and as such began to undermine the system from within and below. Of course, such independent initiatives were looked at with suspicion and hostility, as they were bound to challenge the ruling regimes.

Civil society in the former Yugoslavia, and by default in Kosovo, was part of the same

trajectory of development. In the late 1980s, the first civil society organizations began to appear, mainly organized by young people, especially students, and writers and journalists. The birth of civil society raised the hope that Yugoslavia would enter a new era of political plurality and tolerance. There was optimism, as the communist monopoly crumbled in Yugoslavia and elsewhere, that civil society organizations would fill the vacuum, providing peaceful and creative alternatives.²⁰ However, events in Kosovo in the late 1980s—followed by the escalating crisis in the rest of the former Yugoslavia—disappointed these hopes. Whilst such a peaceful transition from totalitarian and one-party rule to plural and democratic regimes, buttressed by civil society contributions, was made possible in much of the communist bloc, Kosovo's civil society experienced a different kind of development.

With a closer focus on Kosovo, the origins of its civil society are intrinsically connected to political developments in the former Yugoslavia in the late 1980s—in particular, the political crisis in Kosovo triggered by Belgrade's annulment of its autonomy in 1989 and the escalating repression that followed. It was during this time that international NGOs first began to display an interest in Kosovo. However, their first projects were mainly focused on raising inter-ethnic awareness among local K-Albanian, K-Serb, and other communities by organizing workshops and trainings,

facilitating literacy programmes in villages, setting up health centres for women and children, and so on.²¹ Such initiatives, however, did not have the desired effect of alleviating the mounting discord, and as such seemed misplaced and out of context, considering that the overall socio-political situation in Kosovo was worsening daily. For this reason, civil society emerged in Kosovo, gradually taking the form of a non-violent civil resistance.

2.2 Civil society or civil resistance?

In his book *Civil Resistance in Kosovo*, Howard Clark sums up the rising parallel structures in Kosovo during the 1990s: “While the [Serbian] regime had established its monopoly over state structures, Kosovo Albanians counterposed their own self-organization and self-activity.”²² This statement places the rise of civil society in Kosovo in the second, more local context described above. It concerns the first civil society organizations that were independently created in Kosovo. Their birth would galvanize Kosovan society in the late 1980s and throughout the 1990s. Their strength and uniqueness stemmed from their authentic, grassroots nature, born out of a natural instinct and need to assist the society in Kosovo. They seemed to have in common a focus on civil resistance and non-violent protests against the regime in Belgrade, civil disobedience, solidarity with the K-Albanian population.

A unique element of civil society organizations was their cooperation with the political

parallel structures that were emerging at the same time. The Kosovo parallel government was led by the pacifist Democratic League of Kosovo or Lidhja Demokratike e Kosovës (LDK), the main political body amongst Kosovo Albanians. Due to the common challenges they faced, such as the deteriorating political and economic conditions and the general plight of Kosovo Albanians, the LDK-led political establishment collaborated closely with civil society. They formed a united front against the Serbian regime, providing guidance to the rising civil resistance. However, this close collaboration meant that the delineating line between the political movement and civil society was often blurred.

For example, one of the first independent organizations created in Kosovo was the Council for the Defence of Human Rights and Freedoms—Këshilli për Mbrojtjen e të Drejtave dhe Lirive të Njeriut (KMDLNJ). Formed in December 1989, this organization played a major role in monitoring and documenting human rights violations and police maltreatment throughout the 1990s. In the words of one of the group’s leaders, KMDLNJ was “part of the general resistance” but not part of politics; however, the circumstances were such that it “could not be indifferent to politics around it”.²³ KMDLNJ distributed the information it gathered to national and international media to draw attention to human rights violations. In theory, it was also open to K-Serbs and other ethnic communities, but in fact it became a civic body through which Kosovo Albanians could express their grievances.

Another very important NGO, formed soon after KMDLNJ and LDK on 10 May 1990, was the Mother Teresa Association, which became the backbone of the K-Albanian parallel healthcare and welfare system. It was an independent humanitarian organization that tried to remain above party politics. It played a central role in providing medical services and distributing food and other forms of humanitarian aid to all parts of Kosovo, especially rural areas. The organization relied on the support and solidarity of the population during the 1990s. It was funded by private businesses and donations inside Kosovo, and later also by foreign donors, beginning with Caritas. For a very long time, Mother Teresa conducted a no-cash policy, urging donors to give only donations in kind. The absence of ready money mitigated the risk from raids by the police.²⁴

The association managed to expand its workload particularly because of the solidarity contribution of 3 percent of wages by the Albanian diaspora. The first Mother Teresa medical clinic was opened in Pristina on 30 March 1992. Its network expanded rapidly, so that by 1998 there were more than 90 clinics throughout Kosovo. The organization employed more than 7,000 volunteers, who distributed humanitarian aid to around 350,000 people across Kosovo.²⁵ During the NATO bombing campaign in the first half of 1999, Mother Teresa played a key role in distributing food supplies. After the conflict, the association continued to distribute food supplies to the poor, thus assisting the government and the international community in their

reconstruction efforts. In June 2002, Mother Teresa transferred full responsibility for the remaining poor to the Ministry of Welfare of Kosovo's interim government, the then-Provisional Institutions of Self-Government (PISG).²⁶

Solidarity with the population and civil resistance against the Serbian regime were the overarching principles of civil society organizations. Another driving force was the idea of volunteerism and empowerment of marginalized and disenfranchised groups. Such was the work of the organization Motrat Qiriazhi, led by Igballe and Safete Rogova. It began in 1990 as a literacy program on the outskirts of Pristina and soon expanded into 64 field offices throughout Kosovo. Besides offering language courses, Motrat Qiriazhi worked with the local community in the southern region of Has to open a library and secondary schools and organize cultural events.²⁷

At certain times, civil society organizations reached such a momentum and mobilized so many people that it seemed that conditions were becoming ripe for a widespread social movement.²⁸ 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.²⁹ This was an authentic civic initiative with widespread grass-roots mobilization of the population and concrete results.

Later in 1997, the Independent Students' Union of the University of Pristina (UPSUP) began organizing non-violent protests against Belgrade's usurpation of university premises. This movement represented a tipping point of patience of Albanian students, having studied in private houses throughout the 1990s, without access to the university premises and other facilities. These protests also gained such a momentum within Kosovo and abroad that they could potentially galvanize the whole society. Although they targeted Serbian repression, they also represented a rebellion against LDK's passive resistance, which was gradually losing favour with the people.

Although civil society's relations with the so-called parallel institutions became increasingly acrimonious, in the beginning civil society was almost an integral part of the LDK-led government. Indeed, the first NGOs were clearly involved in more than just advocating for civil rights against a repressive state; they were almost quasi-governmental organizations.³⁰ Both Mother Teresa and KMDLNJ became the bedrock of civil society as well as part of the parallel system of governance, prior to the conflict, thus stretching the definition of civil society.

The close cooperation between political and civil society organizations blurred the line between the two. Kosovo civil society in the 1990s did not aim to challenge the work of the LDK-led establishment. Instead, its role was to complement, supplement, or substitute for the parallel government wherever necessary. Moreover, NGOs remained entrenched within their ethnic divides and served their communities accordingly.

In the late 1990s, however—for example in the UPSUP protests described above—dissent was not just addressed towards Belgrade; civil society became increasingly critical of Pristina's inability to produce results using passive resistance. Other organizations founded during this time included the Kosovo Helsinki Committee, the Association of Independent Trade Unions, various women's groups that sprang out of the Women's Forum of the LDK, the Centre for the Protection of Women and Children, and the ethnically diverse Post Pessimists. The latter maintained a working relationship with its counterpart office in Belgrade. Civil society made other attempts to move away from ethnic segregation. During 1997-98 countless meetings and workshops took place between UPSUP student leaders and their colleagues from Belgrade University.

Other NGOs that predated the 1999 conflict and that were open to interaction across ethnic lines included the Kosovo Action for Civic Initiative (KACI), Riinvest, and the Kosovo Foundation for Open Society (KFOS). They did not, and could not, have large popular

followings like Mother Teresa and KMDLNJ, and they maintained a critical stance towards LDK throughout the 1990s.

2.3 Civil society after 1999: The “NGO boom” and its consequences

The immediate post-conflict period in Kosovo was marked by an unprecedented mushrooming of NGOs, both local and international. Kosovo became a rich experimental terrain for planting the seeds of peacebuilding and reconciliation. The first few years after 1999 were prosperous times for the so-called NGO boom. Civil society was one of the first sectors to be regulated by law. On 15 November 1999, the United Nations Mission in Kosovo (UNMIK) promulgated Regulation 1999/22, On the Registration and Operation of Non-Governmental Organizations in Kosovo. Section 8 of this regulation emphasized that the overarching principle of all NGOs should be to maintain political autonomy, and stated, “NGOs may not engage in fundraising or campaigning to support political parties or candidates for political office, nor may they propose, register or in any way endorse candidates for public office.”³¹

Whilst the 1990s were associated with civil resistance and social movements, civil society after 1999 underwent a rapid and necessary transformation in outlook and approach. NATO’s focus on humanitarian intervention was replaced by the UN-sponsored language of peacebuilding, reconstruction, reconciliation and multi-ethnicity. In this new era, civil

society organizations young and old were suddenly ushered into the political mainstream and viewed as an indispensable part of post-conflict peace building efforts. The process of this transformation “necessitated a radical shift of focus for civil society organizations from the politics of resistance to a politics of reconstruction and state-building”.³²

The old civil society organizations were able to come out of the underground and make dramatic changes to their approach. KMDLNJ expanded its remit in K-Serb-inhabited areas and included minorities in its ranks. Its work was diversified and compartmentalized into several categories, including lobbying and defending human rights and minority rights, as well as giving input to human rights legislation.³³ On the other hand, Mother Teresa became closely involved in civic and inter-ethnic dialogue and infrastructure-building with the United Nations High Commission for Refugees (UNHCR).³⁴

Kosovo experienced a two-tiered government after 1999. NGOs had to act as the balancing power not only to the PISG but also to the executive authority of UNMIK. Besides creating an unfair power play, such an anomalous equation meant that often civil society struggled to pinpoint the right address to advocate for its interests. In short, the additional level of governance (UNMIK) opened space for divergence and evasion of responsibility.

Furthermore, as noted in Blair et al.’s *Kosovo Civil Society Assessment*,³⁵ one of the main priorities and major sources of international

funding remained the promotion of good relations between K-Albanians, K-Serbs, and other minorities. In addition, considering the high rate of unemployment (around 60 percent), civil society maintained a special responsibility for offering a voice to youth. Given that about 60 percent of the Kosovo population is 25 years or younger, this task is particularly challenging.³⁶

The rise of NGOs has also been accompanied by a feeling of public scepticism, not to say paranoia, about their true nature. There continues to be a fear that civil society organizations are not driven by authentic and deep-seated needs but embark on projects to please foreign donors and meet their requirements. The quote below sums up these concerns:

“ Alongside imposition, [UNMIK] uses enticements through privileges and money—money in particular, which in Kosovo continues to be poured relentlessly towards those channels which seek the destruction of Kosovo Albanian identity and the creation of the co-called civil society without an identity or a transplanted one. All NGOs in Kosovo ... are financed for this reason: that Kosovo’s new society is not projected through Kosovo’s eventual independence, but that its status is made relative through a tolerant society and an abandoned identity.³⁷ ”

Many have suspected that the true intentions of NGOs are profit-driven; accusations of corruption and favouritism have also been linked to some organizations.

Another issue is whether local NGOs can be self-sustaining. Of course, the presence of large international NGOs has been conducive to capacity-building for local NGOs. However, one should be wary of the possible development of patron-servant relationship, whereby international NGOs obtain a large share of the grants in the name of empowering local civil society.³⁸ Indeed, with the gradual decrease of international aid, some authors have raised concerns that civil society organizations “may tear down their previously-adopted agendas for something more radical and divisive”,³⁹ or may indeed just crumble away, due to lack of sustainability and consistency of programmes. There is a valid concern that donor dependency may erode civil society’s bottom-up approach. Furthermore, it has been argued that this “Darwinian approach to NGO development” has created an environment conducive to NGO entrepreneurship, particularly during 2001 and 2002. This businesslike promotional marketing of civil society may have led to a “squandering of funds on relatively irrelevant and low-impact projects”.⁴⁰

The post-1999 period has seen several successful campaigns—such as “Boll Ma!” (Albanian for “Enough!”), organized in May 2001 by The Forum. The campaign’s aim was to initiate a public debate on domestic violence and increase cooperation of the lo-

cal population with the police in combating crime, and it attracted a lot of media attention. In November 2003, the Kosovo Action Network (KAN) launched a petition campaign called “We Are All Missing Them”, which called upon power brokers to resolve the fates of people missing from the conflict. The campaign gathered 230,000 signatures.⁴¹

Civil society was put to a serious test when the riots of March 2004 plunged Kosovo into wide-spread unrest. A number of organizations rebuked UNMIK for its cumbersome handling of the peace process. The Association of War Invalids and the Students’ Union issued stark anti-UNMIK statements. On the other hand, civil society became the subject of harsh criticism by some international organizations. The International Crisis Group accused NGO representatives of being too hesitant in condemning the assailants and of aligning themselves behind ethnic lines. Old grievances had made them “slow to acknowledge the horror of what the ‘protests’ had quickly turned into”, the International Crisis Group said.⁴² However, in an immediate response to the riots, 57 Kosovan NGOs convened an emergency meeting to set up a forum of NGOs and issue a statement condemning violence and calling for peace. In their Joint Declaration of Kosovan Civil Society on 19 March 2004, the participant NGOs agreed to act as a forum for conflict prevention for potential future crises.⁴³

On a more positive note, the development of a think tank component to Kosovo civil

society has exemplified professionalism and serious research capacities among local staff. KACI has taken a leading role in the area of education. In 2002 the Kosovan Research and Documentation Institute (KODI) took the initiative to document and archive evidence of war crimes in Kosovo, and later opened a public dialogue on the applicability of transitional justice in the Balkans. In recent years it has explored local governance reforms with municipalities across Kosovo. The Kosovan Institute for Public Research and Development (KIPRED) continues to provide policy briefs on current political topics as well as to conduct training courses. Think tanks have established a working relationship with the government and other institutions, enabling the latter to benefit greatly from their expertise. The interaction between civil society and government still has a long way to go, however, in the intensification and professionalism of their working relationship.⁴⁴

2.4 Conclusion

Civil society in Kosovo witnessed a drastic change in its role after 1999. In the 1990s, the underlying issue was civil resistance, bordering sometimes on social movements, with the capacity to galvanize grassroots support in massive numbers. It often coexisted in solidarity with the parallel structures and was mostly divided along ethnic lines. It was largely born out of the necessity for resistance and was authentic in character.

In 1999, with the ushering in of the “NGO boom” era, it seemed necessary that the role of civil society should change. There has been a development away from civil resistance, with fewer protest-like expressions of dissent and dissatisfaction.⁴⁵ Instead, the civil society agenda quickly became dominated by programmes on institution-building, reconciliation and reconstruction, human rights and good governance.

There is an argument to be made that civil society is currently faced with another change in direction, following the declaration of independence in Kosovo on 17 February 2008. This is because civil society is expected and encouraged to take a more proactive role in furthering projects that are deemed important by donor organizations. There are capacity-building grants made readily available to ministries and NGOs by international donors, standing ready to support local institutions that have the desired expertise and experience. However, it has been argued that civil society is suffering from a lack of capacity to absorb grants and implement projects successfully.⁴⁶ This problem seems to be a protracted one.

In *Kosovo 2008 Progress Report*, the European Commission paints a bleak picture of civil society and its ability to sustain itself.⁴⁷ Although there are more than 4,600 civil society organizations currently registered with the Ministry of Public Services, most of them remain overly dependent on short-

term funding from foreign donors. Most are small and lead a haphazard existence. They often go into a lull or reawaken depending on whether a foreign donation is forthcoming. It is also the European Commission’s assessment that “overall, civil society remains weak”, whilst the government “does not have a strategic approach for its interaction with civil society organizations”.⁴⁸

Other studies have identified shortcomings that can be detrimental to civil society development. The public continues to have a low level of acceptance of NGO work, largely because of misconceptions about their reason for being. Further, the expected increase in responsibilities of the government after independence has had an effect on the performance expectations faced by civil society,⁴⁹ which is largely ill equipped to absorb additional responsibilities.

Civil society has come a long way since 1999. It is no longer focused on civil resistance and is much less ethnically segregated. In the new political landscape, the NGO agenda has shifted to promotion of human rights, inter-ethnic dialogue and democratization. However, crises such as the one noted above have shown that they need further consolidation of their overriding principles. Their proactive role in reaching across ethnic lines, as well as their authentic grass-root initiatives, have helped create a formula for their continued development.

This chapter drew on interviews with the following people:

- Ibrahim Makolli, formerly of KMDLNJ, Pristina, 10 November 2008.
- Igballe Rogova, Kosovo Women's Network, Pristina, 31 October 2008.
- Luan Shllaku, Kosovo Foundation for Open Society, Pristina, 17 October 2008.
- Naim Rashiti, International Crisis Group, Pristina, 29 October 2008.
- Zef Shala, Mother Teresa Association, Pristina, 30 October 2008.



3

The Legal Environment for Civil Society in Kosovo

Hasnije Ilazi

3 The Legal Environment for Civil Society in Kosovo

Hasnije Ilazi

3.1 Legal status of the non-governmental sector in Kosovo

The development of the civil sector in Kosovo in the period since the conflict of 1999 has not moved ahead in parallel with the development of the country's institutions. Although 1999 may appear to be the point at which both government institutions and civil society organizations started from zero, a number of non-governmental organizations and associations, local and international, were already active before and during the conflict.

After the NATO forces entered Kosovo, followed by the UNMIK establishment and international donors, a huge expansion of non-governmental organizations occurred in almost every area of social life. In some areas the non-governmental organizations even took the role of substitutes for missing institutions. Civil society organizations during this time developed much faster than government institutions, although not all of them at an equal pace.

Until November 1999, civil society organizations operated in a legal vacuum, which presented considerable obstacles to their development. On 15 November 1999, UNMIK issued Regulation 9/22 on Registration and Operation of the Non-Governmental Organizations in Kosovo, which was the first step towards setting up an institutional and le-

gal status for the NGO sector. The UNMIK's NGO Registration and Coordination Unit was established as an implementing mechanism for this regulation.

Two years later, in September 2001, UNMIK issued Regulation No 2001/19 on the Executive Branch of the Provisional Institutions of Self Government, which presented the legal basis for the establishing and functioning of the country's governmental institutions. As per this regulation, the Ministry of Public Services was responsible to "assist in the administration of policies related to civil documents, vehicle registration and NGO registration".⁵⁰

In July 2004, the Ministry of Public Services enacted Administrative Instruction MPS 2004/6, which established the NGO Division within the Department of Registration Services. Upon its enactment, the responsibility for NGO registration, monitoring and coordination was handed over to national institutions. In March 2006, aiming to allot increased institutional capacities for provision of services to NGOs, the NGO Division was elevated to the Department for NGO Registration and Liaison (Decision 01/97, MPS).

The Department for NGO Registration and Liaison is responsible for registering civil society organizations, and it maintains a register of more than 4,600 NGOs, both local and international. The department monitors 280 civil so-

ciety organizations that have public beneficiary status and are entitled to financial support from the Kosovo consolidated budget.

Freedom of association is guaranteed in the June 2008 Constitution of the Republic of Kosovo.

Box 3.1 Freedom of association

The freedom of association is guaranteed. The freedom of association includes the right of everyone to establish an organization without obtaining any permission, to be or not to be a member of any organization and to participate in the activities of an organization.

— Constitution of the Republic of Kosovo, Section 44

The regulation of the NGO sector after the conflict of 1999, Regulation 99/22 had the “purpose of regulating non-governmental organizations in Kosovo”⁵¹ and creating a favourable environment for the development of NGOs and civil society in general. It set the rules for registration of local and international non-governmental organizations, their status, internal governing principles and dissolution procedures. At the time this regulation was drafted, it was considered one of the best NGO legal frameworks in the region, because it provided for fast registration of non-governmental organizations and it helped to prevent undue influence by the state in the civil society sector.

As the situation evolved, mainly due to the shift of the Kosovan society from the so-called “emergency situation” towards an established institutional environment, the need emerged to amend the legislation to reflect the new reality. During 2004, PISG drafted

the Law on Freedom of Association in Non-Governmental Organizations. Building on the foundation of Regulation 99/22, the law was drafted with the participation of over 200 non-governmental organizations, all of Kosovo’s political parties, and all communities living in Kosovo. On 23 February 2005, the Assembly of Kosovo approved the law with some changes. However, the law was never promulgated by UNMIK, so it never entered into force and Regulation 99/22 continued to be the binding legal document for NGOs.

After Kosovo’s declaration of independence, this law and a long queue of other laws that had been approved by the Assembly of Kosovo but not promulgated by UNMIK were returned to the parliament for additional review by the respective parliamentary commissions. As this document went to press, the Law on Freedom of Association was still undergoing review by the Parliamentary Commission for Public Services, Local Administration and Media.

The law has as its purpose to “create a legal environment which strengthens and develops civil society and which implements the right to freedom of association”.⁵² It includes conditions and procedures for NGO registration, obliges the appropriate institutions to create an NGO register, and regulates the internal governance, status and financial reporting requirements of NGOs.

The law’s return to parliament for review has created an opportunity for civil society to make new comments and suggestions. In

a letter sent to parliament, representatives of over 100 NGOs gathered around Platform CiviKos raised their concerns on the law. There are ongoing debates on issues such as completing the legal framework with additional laws that ensure better functioning of the civil society sector.

Box 3.2**CiviKos on the Law of Freedom of Association**

These statements set out CiviKos's proposals for the Law on Freedom of Association in NGOs.

Every person in Kosovo enjoys the right to associate with an NGO.

Every person, regardless of race, belief, nationality, gender, etc., has the right to register NGO in compliance with the conditions set forth in this law. No person shall need to register NGO in order to be able to use the right to associate.

No person shall be obliged to associate against his/her will and no person will be discriminated in any way due to his/her decision to associate or not to associate.

— Platforma CiviKos, Open Letter to the Members of the Kosovo Parliament, 15 September 2008

3.2 Lacking legislation for NGO sector

Despite the fact that freedom of association is guaranteed in the Constitution, the lack of legislation supporting this right is evident. This fact has been noted in the European Commission's *Progress Report for Kosovo 2008*.⁵³

The Law on Freedom of Association in NGOs, as discussed above, has not yet been approved by the parliament of Kosovo, and the existing legal framework is inadequate

for the new environment and does not meet the requirements of civil society. Considering there are currently over 4,600 civil society organizations registered by the Ministry of Public Services, this presents serious problems not only to the functioning of civil society organizations but also to the functioning of government institutions in relation to the NGO sector. In addition to the Law on Freedom of Association in NGOs, there is an urgent need to enact or amend laws that regulate specific issues relevant to the NGO sector, such as voluntarism, donations, and especially taxation.

The outdated, unclear and incomplete legal framework continues to present a serious obstacle to the functioning of NGOs. It has led to an ambiguous situations and erratic interpretations that have hurt NGO activities in Kosovo. For example, NGOs granted public beneficiary (PB or PBO) status by the Ministry of Public Services were later required to pay taxes by the Ministry of Finance and the Tax Administration.⁵⁴

At the operational level, the issue of NGO financing and donations is probably the main problem that needs to be addressed through legislation. At present, NGOs in Kosovo have two options for funding: self-financing ("income generated from any lawful activities undertaken by the NGO with its property and resources"⁵⁵) and donations ("cash, securities, and in-kind contributions; bequests; membership fees; gifts; grants; real or personal property"⁵⁶); the latter are not defined precisely by the law.

The Regulation on Registration and Operation of NGOs permits all NGOs to engage in lawful economic activities to fund their not-for-profit activities, as long as the profits are used to support legitimate NGO objectives and are not distributed to the benefit of the directors or other NGO officials. Still, almost regularly, organizations are asked to provide their tax registration certificates (Value Added Tax - VAT certificates) or, at a minimum, their tax completion certificates, before they can become eligible to provide services to the government and to public enterprises.

Under current tax law, up to 5 percent of a corporation's taxable profit may be allowed⁵⁷ as expenses and it may be donated for "humanitarian, health, education, religious, scientific, cultural, environmental protection, and sports purposes"⁵⁸. There are no tax benefits for donations by individuals. Donations to an NGO are considered to be income subject to taxation. The problem with the regulation lies in its inconsistent interpretation by the Tax Administration of Kosovo (TAK), which usually errs on the side of over-taxation. There have even been situations when government institutions that received donations were asked to treat the donations as income and implement regular tax rates and procedures.⁵⁹ Clarification of the issue of financing is essential to the functioning of NGOs.

In practice, it can be extremely difficult for an NGO to receive donations, especially non-cash donations, from organizations or businesses outside the country. Donations in goods have been stopped at the border by

Customs, requiring the recipient organizations to pay the same taxes that would be applicable to regular imports.⁶⁰ The regulation is outdated in view of UNMIK's diminishing role. It is also very restrictive and even discriminatory to NGOs in that exemptions of donations from VAT do not fit NGOs as this is reserved in most part to only UNMIK and to government institutions:



*Imports, intra-FRY inflows or supplies funded from the proceeds of grants made to UNMIK or through UNMIK for Ministries and Departments (Provisional Institutions of Self-Government) and Directorates of the Interim Administration by governments, government agencies, governmental or non-governmental organizations in support of humanitarian and reconstruction programs and projects in Kosovo;*⁶¹ ”

The latest Administrative Instruction on Tax Treatment of the NGOs with Public Beneficiary Status, issued on 14 July 2007 by the TAK, unfortunately only continues, and may even worsen, the unclear and arbitrary interpretation of the laws on which it is supposed to be based. In it, among other things, TAK gives itself the right as being "...entitled to perform audit and establishes that an NGO is working in accordance with its public benefit status"⁶², although TAK is not the institution that granted that status in the first place and

has no authorization to perform such controls on behalf of the institution that does grant it—namely, the Ministry of Public Services.

The following paragraph uses particularly interesting wording: “It is a possibility that any NGO that has certain amount of profit has not operated in accordance with its public benefit status. (TAK believes that an NGO has the right to have certain amount of profit if that profit has been used for other purpose, and has not been used for the benefit of the Director or NGO officials or for the purpose of having very high⁶³ salaries by the officials or NGO employees.)”⁶⁴. Defining the threshold for “certain amount of profit” and “very high salaries” is left to the discretion of the individual TAK inspector. The document further states:



*If TAK establishes that an NGO is not operating in accordance with its Public Benefit Status, then TAK will issue a notice to the NGO in effect, informing her that will be subject to tax on the profit, from the date when the notice has been issued. TAK will send a copy of this notice to the NGO Registration Office. Through this notice the NGO can also be informed for the right to appeal against such decision at the NGO registration Office, where then the decision can be reviewed and confirmed whether the status will be still continued or will be revoked.*⁶⁵”

Here, the instruction clearly contradicts itself and reveals that TAK has no right to dismiss the PBO status which can be granted or not only by the NGO Registration Office, an entirely different institution. Nevertheless, the TAK decision will affect the NGO status immediately, regardless of the appeal procedure that the NGO may undertake.

Registration can also be a problem. There are only two types of entities that can be registered in Kosovo, NGOs and businesses, and experience has shown the need for additional sub-types. For example, there is no option of registering a private non-profit organization, an issue which has become apparent with the proliferation of private educational institutions. These organizations would fit very well within the private non-profit status.⁶⁶ But they can not register as such, because there is no provision in either the business or NGO legal framework for this type of organization. Hence, in most cases, they end up registering as a business, or sometimes, as in the case of IPKO [“Internet Project Kosova”]⁶⁷, even as both business and NGO.

There is also no provision for voluntarism in the laws of Kosovo. Under current law, a volunteer or an intern must be issued an employment contract, subject to the discretion of various labour and tax inspections, or the organization could become subject to heavy fines.

The clarification of its legal status is highly important to the NGO sector. The current ambiguities hinder NGO functioning at every stage.

3.3 Monitoring of NGO sector

The legal framework does not provide institutions with the instruments to monitor and evaluate the functioning of the NGOs, particularly those striving for or already enjoying the public beneficiary status. Only NGOs with PB status are required to submit yearly reports to the Department for NGO Registration and Liaison. Other NGOs are not required to be audited or submit financial reports. The law does not clearly specify either the right of the state to monitor the work of all NGOs or the procedures that any monitoring should follow⁶⁸—for example, whether there should be advance notice of any inspections and what the reporting requirements should be. The lack of legal clarity creates a risk that, if officials at an agency such as the Tax Administration interpret the law loosely enough, an NGO could be accused of violating the law. In addition to protecting NGOs, effective regulation must also ensure the right of the state to monitor the work of NGOs to prevent financial mismanagement, money laundering and other activities that could harm the public interest. Monitoring and evaluation of NGOs could also help the government identify appropriate partners to help it offer public services and implement policies.

Box 3.3 How active are NGOs?

Civil Society in Kosovo lacks administration. Associations, sports organizations, unions, all get registered as NGOs. Although they are high in number, most of the NGOs are not active. They have registered in times where donations were distributed and some of them are closed, sometimes without fulfilling obligations.

participant at the Kosovo Human Development Report 2008 focus group meeting

3.4 Citizens' perceptions of NGO sector

Public opinion in Kosovo is not sufficiently informed on the existing legal basis for non-governmental organizations. Research conducted during October 2008 shows that 38 percent of respondents do not have knowledge of the legal basis for the NGO sector, while 50 percent do not know whether current legislation meets NGOs' needs.

A large number of the respondents to the survey (40.5 percent) said they do not believe that Kosovo has all the legislation it needs in the civil society area. When asked why, 33.5 percent blamed a lack of political will, small interest groups and individual interests (28.1 percent) and obstacles from UNMIK and international organizations (15.5 percent). A smaller percentage (10.4 percent) said that lack of determination from civil society itself is one of the factors. There were considerable differences in responses along ethnic lines. While the majority of K-Albanians and non-Serb minorities saw lack of political will as the main reason for the lack of legislation, K-Serb citizens saw personal interests and special interest groups as the main reason.

Most of the respondents (88 percent), regardless of ethnicity, agreed that NGOs should be regulated by law.

More than half of the respondents (53.5 percent) said they did not know if there was cooperation between the central govern-

ment and civil society, while 28.8 percent said that cooperation exists. In relation to local government, a greater number (46.3 percent) said they did not know the level of cooperation with civil society; 29.4 percent said that there was no cooperation, and 24.3 percent said that there was cooperation. Unlike respondents from the K-Albanian majority, those from the K-Serb minority said that civil society has better cooperation with local government than with the central government. This result is not surprising given that the K-Serb community cooperates, in general, at the municipal level more than with the central government. However, the position of respondents from the K-Albanian majority is a bit of a surprise, since it is considered that local government should be closer to the citizens and have cooperation with them and with local partners from civil society.

When it comes to the role of civil society in relation to the government and government institutions, opinions are split: 22.5 percent think that civil society should offer services which the government does not have capacity to provide, 20.1 percent regard the role of civil society as serving as a watchdog, 15.1 percent see civil society as a monitor of the government's performance. In fourth place with 12.2 percent is the opinion that civil society should be a partner in implementing government policies, while 10.2 percent consider that civil society should conduct research and evaluation on government needs.

Table 3.1

What role should civil society organizations have in relation to the state?

	N	Percent	Percent of Cases
Serve as watchdog	415	20.1	33.2
Provide services that government cannot provide	465	22.5	37.2
Monitor government performance	312	15.1	24.9
Conduct needs assessments	211	10.2	16.9
Serve as a communications medium between citizens and state	169	8.2	13.5
Be an implementing partner with government	252	12.2	20.1
Don't know/no answer	245	11.8	19.6
Total	2,069	100.0	165.4

Citizens' views on the relation between the state and the civil society can be found in their responses to the question: To whom do NGOs report on their financial and development activities? Here, 47 percent of respondents said that NGOs report to the donors, 17.8 percent said that reports go to the appropriate institutions, while 10.4 percent said that international organizations get the reports. Only 4.9 percent said that NGOs report to the government, and 4.7 percent said they report to the citizens.

The responses differed among the different community groups. All agreed that in the first place NGOs report to the donors. In second place, according to respondents from the Albanian majority and non-Serb minorities, came the institutions, while respondents from the K-Serb minority put citizens and the government in second place.

On the question of to whom NGOs *should* report, answers differed from the answers about the actual situation. The highest percentage (22.7 percent) said that NGOs should report to citizens; 21.3 percent said to donors and 20.5 percent said to government. While K-Albanian and K-Serb respondents agreed

that NGOs should report primarily to citizens and donors, non-Serb minority respondents said that reports should go to the government institutions: to the government (65.7 percent) and to the parliament (52.8 percent).

The research makes clear that there is a lack of information among the citizens of Kosovo on the role of civil society, the laws that regulate it and its relation with government institutions. Despite this, citizens share a common opinion that the relationship between government institutions and civil society and the responsibilities of each should be clarified by law and that the cooperation between the two should be at a much higher level.

Table 3.2		To whom should NGOs report on their activities?			
		K-Albanian	K-Serb	Other	Total
Donors	Number	429	46	104	579
	% within ethnicity	49.4%	22.5%	58.4%	
Respective institutions	Number	291	11	23	325
	% within ethnicity	33.5%	5.4%	12.9%	
International organizations	Number	144	18	14	176
	% within ethnicity	16.6%	8.8%	7.9%	
Citizens	Number	478	87	50	615
	% within ethnicity	55.0%	42.6%	28.1%	
Government	Number	407	31	117	555
	% within ethnicity	46.8%	15.2%	65.7%	
Parliament	Number	226		94	320
	% within ethnicity	26.0%	.0%	52.8%	
None	Number			1	1
	% within ethnicity	.0%	.0%	.6%	
Don't know/no answer	Number	106	11	25	142
	% within ethnicity	12.2%	5.4%	14.0%	
Total	Number	869	204	178	1251

3.5 Partnerships

Despite the development of the civil society sector and the clear progress in the development and functioning of the state's democratic institutions since 1999, cooperation between the government and civil society organizations is insufficient. During the last years a more positive approach by government institutions towards the civil society organizations has been noted, but the cooperation has been fragmented and erratic.

The focus of the institutions was mainly on including civil society from time to time in drafting or debating public policies. But this has been done more on individual basis, engaging people from civil society as subject matter experts, rather than at the organizational level. Civil society representatives have also been included in decision-making through their inclusion on the boards of government agencies and public enterprises.

In most cases, cooperation between the institutions and civil society has occurred in specific sectors, with individual ministries and agencies, mainly because they were behind in offering and contracting services. The European Commission's *Progress Report for Kosovo 2008* stated: "Government does not have a strategic approach for cooperation with civil society organizations",⁶⁹ and this reflects the essence of the problem.

Signing of the Memorandum of Understanding between the Government of Kosovo and the Platforma CiviKos in November 2007

was a step forward in building a long-term partnership based on clear responsibilities and obligations between the government institutions and civil society organizations. The purpose of the memorandum was "to establish a framework for cooperation between the Government of Kosovo and the civil society organizations which will result in building the Government of Kosovo's strategy for cooperation with civil society organizations".⁷⁰ The coalition of non-governmental organizations CiviKos has offered also the Platform for partnership between the government and civil society, but neither the Platform nor the Memorandum has found a practical implementation yet.

Unlike in the countries with developed democracies where government institutions work in partnership with both civil society and the private sector in areas such as drafting and implementing public policies, offering public services to the citizens, and assisting with social and economic problems, in Kosovo this potential has yet to start being fulfilled.

Non-governmental organizations in Kosovo are still considered the opposition, as if their activities were focused almost exclusively on monitoring the work of government institutions and pointing out and correcting their mistakes.

In order to establish basic conditions for a meaningful partnership between the state and civil society, political representatives need to understand that public policymaking

and implementation are not exclusive rights and responsibilities of government institutions.

Active and coordinated engagement of the civil society should emphasise:

- The important role of civil society in drafting, revising and implementing public policies, which are important and could impact the everyday lives of the citizens and other groups affected directly by those policies
- Capacity to offer professional services
- Readiness for meaningful partnership in the process of achieving important objectives for overall progress

This requires increasing the capacity and professionalism of the civil society organizations, but also a higher cooperation between the organizations in the civil sector itself.

The respective institutions, on the other hand, should create conditions for a meaningful partnership, which include:

- Enacting and implementing the related legislation
- Giving higher financial support to NGOs, offering tax incentives and dedicating a set percentage of the government's budget for the civil sector
- Higher participation of NGOs in decision-making
- Initiating the offering of public services through the civil society sector

Box 3.4

Support for NGOs from the government

Although there is no established mechanism for the government to provide sustainable financing to NGOs, there have been several initiatives by individual ministries to finance NGOs. The Department of Youth of the Ministry of Culture, Youth and Sport, jointly with some donors, each year has supported around 30 youth centres and around 150 NGOs that work with youth. For 2008, 92 percent of the Department's budget is planned for financing civil society and is being spent through NGOs to implement projects in compliance with youth development policies.

Author's interview with Mr. Fatmir Hoxha, Director of the *Department of Youth (DoY)*, 2008

3.6 Conclusions

Meaningful cooperation between the government and civil society starts with defining the rights and responsibilities of each sector through a legal framework that formalises the cooperation. The following actions are proposed:

- Government institutions should create a legislative framework that ensures a favourable environment for the functioning of civil society organizations.
- Civil society should insist on drafting legislation that will enable it to participate in formulating and revising policies, monitor government institutions, participate in decision-making, offer services, and ensure sustainable funding for the functioning of civil society organizations.

Meaningful cooperation between the two sectors is based on “recognition of shared values, acceptance of shared responsibilities for respective issues and in sharing each other’s financial and human resources”.⁷¹ The following actions are proposed:

- Government institutions should review their role as the exclusive provider of public services and identify activities that could be performed by the civil society sector and by the private sector.
- Civil society organizations should work to build their capacity and professionalism.

Long-term and sustainable cooperation between the state and civil society must be carried out with a strategic approach for cooperation. The following actions are proposed:

- Government institutions should implement commitments undertaken in the Memorandum of Understanding signed with civil society organizations (Platforma CiviKos 2007), which includes drafting a strategy for cooperation.
- Civil society organizations should work more to inform the public about civil society and to improve cooperation within civil society organizations themselves.



4. Civil Society and Public Policy

Shpend Ahmeti

4 Civil Society and Public Policy

Shpend Ahmeti

Public policy is one of the youngest sciences in the world. Think tanks—civil society organizations whose goal is to influence public policy—are one of the youngest types of non-governmental organizations. Yet the number of think tanks around the world, from autocratic countries to the most democratic ones, has increased exponentially, and their influence on the public policy process has been astonishing. This chapter examines the influence of civil society on public policy, opportunities in Kosovo to achieve that influence, and the effects that this could have on the process in Kosovo.

4.1 Public policy

Several definitions of public policy are used in textbooks. One of the most comprehensive definitions was given by William Jenkins, who said that public policy is a “set of inter-related decisions taken by a political actor or a group of actors concerning the selection of goals and the means of achieving them within a specified situation where those decisions should, in principle, be within the power of those actors to achieve”.⁷² This definition sees public policy as a process that has different stages and involves a lot of decisions. The other important aspect of the definition is its reference to political actors, who are not always the government.

In a simpler definition and possibly the first one ever given, Thomas Dye called public pol-

icy “everything that a government chooses to do or not to do”.⁷³ Everything that a government does affects the lives of citizens living in that country. It is very important that the citizens have a say in the choices that governments make. It is not enough that citizens do this by voting in elections. It is very important that their voices are heard throughout the process of interrelated decisions that Jenkins talks about. Civil society has the responsibility to be the voice of citizens who sometimes cannot be heard in this process.

This chapter looks at the public policy process in theory, its different stages and how civil society can be active in the process, but it will also look at how that theory applies in practice in the case of Kosovo.

There are many examples of civil society influencing public policy around the world. In the United States, there are daily examples in the press of different representatives raising their voices to persuade the government to tackle a particular issue and influence how the government will solve it. Some civil society organizations are so close to governments and political parties that the latter rely on them for ideological support.

This influence is not present only in democratic countries. Many of the reforms in transition countries of Central and Eastern Europe were initiated by civil society organizations. There are hundreds of stories of suc-

successful civil society organizations as promoters of change in these countries.⁷⁴

4.2 Civil society and public policy

Before 1999

Kosovo is not an island, and the role of civil society has been crucial throughout recent history. We do not need to go back long in history to look at the importance of the Mother Teresa Association. Founded in 1990 in response to the difficult political situation, in less than five years this organization had a network of more than 7,000 activists working in more than 40 branches all around Kosovo, making sure that assistance was delivered to the poor.

The nature of civil society in the period prior to the conflict was more one of emergency aid delivery and survival. Influencing public policy was not a priority for the small number of civil society organizations that were active in that period. Communicating with the government was not an option, and working with the media was not an option, since the independent media were not allowed to operate.

After 1999

After the end of the conflict in Kosovo, more than 4,000 organizations registered as non-governmental organizations. However, the governing structure was different from the rest of the world. Kosovo was governed under

United Nations Security Council Resolution 1244, which effectively put Kosovo under the governance of the United Nations Mission in Kosovo. Kosovo also had the Provisional Institutions of Self-Government (PISG), local leaders who were elected in central and municipal elections.

This made the process of policymaking a difficult one in which there was no clear place for civil society. The Special Representative of the Secretary General was responsible for enacting legislation, but could also agree on initiatives taken by PISG. For many of the big problems, PISG would pass on the responsibility to the United Nations, and UNMIK would also look towards Kosovo leaders when civil society was looking for answers.

Even in though in small numbers, public policy was being influenced at different stages. The Law on the Access to Documents, food inspection regulations at the local level, and elections legislation were among the areas where civil society was key in pushing for change in public policy.

However, there are a lot of things to wish for in the future. Many of the issues that civil society was pushing for were donor driven, because financing in large amounts came from donors. Sometimes the most difficult, unpopular issues were not tackled at all as a result of financing problems. Mechanisms to work and influence the government were not in place. Civil society was fragmented, and coalitions were rarely built around issues.

With the ratification of the Kosovo constitution, there is now a clear role for civil society, and the policy process is becoming stabilized. With that comes new responsibility for Kosovo organizations—to speak for citizens who cannot be heard, to offer solutions and not just criticize, and to educate the Kosovo public about policy problems and potential solutions. There are different models around the world as to how this could be done. This is a learning process for everyone, and if Kosovo is to become a democratic country with the goal of prosperity and development for all, everyone has to play a role.

4.3 The public policy cycle

The public policy process in theory follows a rational model. There are different models, but most are based on a rational form of creative problem solving: we identify the problem, consider all possible options, choose a solution, implement it, and then evaluate the results. Although politics influence policy at every stage, most experts agree there are five stages in every policy process:

1. agenda setting
2. policy formulation
3. decision-making
4. policy implementation
5. policy evaluation

Agenda setting

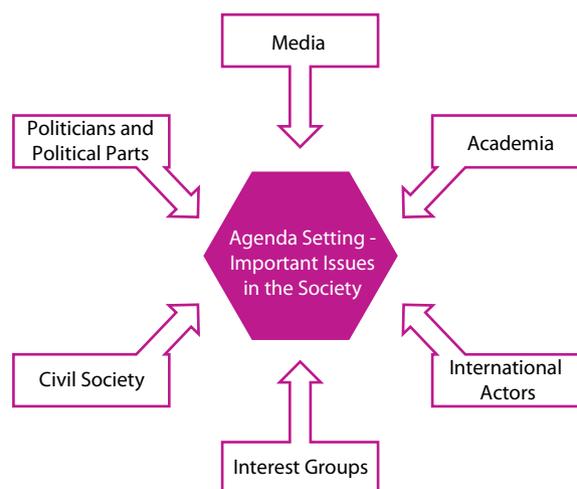
Agenda setting is where every policy starts. This is the stage at which some issues are chosen for discussion by the different actors

in society while others are dropped. This is where, in the case of Kosovo, we decided to discuss pensions for the elderly and drop the discussion of the rights of stray dogs in the cities.

In the early stages of the policy cycle, there are formal and informal mechanisms for getting issues onto the agenda. There have been several studies of these mechanisms, and there are no definitive answers, just ideas. Obviously, issues get on the agenda if they are discussed by the key actors in a society. Sometimes, the media is instrumental in focusing attention on an issue and getting it on the agenda. Sometimes, politicians initiate a policy process, sometimes special interest groups, and sometimes it is the experts who start talking about a certain issue.

In the more developed countries, these mechanisms are more developed, and usually there is a clear set of options for influencing what gets to be discussed. In less developed

Figure 4.1 How issues are discussed in Kosovo



countries such as Kosovo, the mechanisms are much more informal and have developed in an ad-hoc manner.

Civil society organizations seeking to understand how issues can be placed on the agenda and what issues will arise can draw on several theories.

Convergence theory

Obviously, Kosovo cannot be that different from other countries at the same stage of development and transition. That is why, very often, Kosovo looks at neighbouring countries for options for policy discussions. There are numerous cases in which Kosovo society has relied on insights from the former Yugoslavia and Albania, because of the widespread belief that these countries are passing through the same stage of transition. This also influences policy choices at this very early stage of the cycle.

For example, an issue will often get on the agenda if it is being discussed in a neighbouring country. In every country transitioning from communism, a common set of issues has been discussed in a very similar fashion in almost the same chronological order. Those issues include privatization, representation, access to public documents, pensions, opening of communist-era files and, especially in the Balkan countries, war veterans' benefits. These are all issues that are inevitably found on the public agenda regardless of the country's civil society and politicians, since in a normal transition process, the public demands it.

This pattern is described in convergence theory.⁷⁵ Civil society organizations in Kosovo, looking at countries at a similar stage of development, should be able to predict what issues will come along and prepare better to influence public policy.

Issue-attention cycle

Other experts believe that every issue gets on the agenda because attention created by the media and other actors in a society compels the government to react.⁷⁶ This is particularly true in the case of Kosovo, where, in a young society, politicians from all parties are reactive to public opinion. This is why the media has enormous power to push issues up and down on the agenda—and why NGOs and think tanks sometimes direct their work towards the media, hoping the publicity will create the demand for policy solutions in which the NGOs could play a greater role. Without the media, NGOs in developing countries would have a difficult time influencing policy.

In the United States, the success of a think tank is measured by the number of times its work is cited in newspapers compared to the size of its budget. NGOs' influence is measured by how much they influence the media.

Ideological alliances

In many developed countries, NGOs in the area of public policy, especially think tanks, are closely linked to certain political parties, or more importantly to ideologies; think tanks may be left wing, conservative, or lib-

eral. Such think tanks in countries such as the United States, United Kingdom, Germany and other European Union (EU) countries are also numerous.

When a political party that shares the same ideology is in power, think tanks use their direct links with the party to influence the government's choices of issues to address. Following the recent elections in the United States, many left-wing think tanks are either working with the new administration to define the agenda or making sure that they are prepared for the agenda to come. On the other hand, more conservative think tanks are getting ready to work more with the media and with public opinion to make sure that the issues that they believe are important are not forgotten by the new administration.

Mobilization, outside initiation and inside initiation

Another model⁷⁷ categorizes the three ways that issues can get on the agenda as mobilization, outside initiation and inside initiation. In totalitarian and undemocratic regimes, issues are put on the agenda through mobilization, which is when the government puts an issue on the agenda, without any public discussion or demand, and tries to promote the issue and convince the people that it is important.

Outside initiation is when a group outside the government structure articulates an issue, attempts to promote it to other parts of the population and then creates pressure on

the government to include the issue on the agenda.

In inside initiation, interest groups with special access to government promote an issue, but they are not very keen to put it up for public discussion.

The case of Kosovo

Applying these theories to events in Kosovo, we can draw the following conclusions.

Civil society is only one of the actors that can influence the choice of topics to be discussed in a society. In Kosovo, the media have been very influential in the agenda-setting stage of the policy process. This is because the politicians care a lot about their public image, and media in Kosovo have a strong influence on the public. As a result, big headlines about an issue in newspapers and in the electronic media are usually a sign that the politicians will address it.

Because of the specific situation that Kosovo has been in since 1999, international actors have also played a big role in agenda setting, usually being the key decision makers on specific legislation. Academia has usually not been very active, unlike in more developed countries; and special interest groups have usually been grouped around business interests.

If civil society is donor driven, then agenda-setting also becomes donor driven. However, civil society in Kosovo has developed over

the years, and in recent history, many grass-roots civil society organizations have become instrumental in getting issues on the agenda.

Civil society in Kosovo has successfully influenced the agenda in three ways:

1. **Direct communication:** A number of civil society organizations have excellent contacts with the political parties and the government. They usually use these contacts to influence decision makers to give certain issues priority. This also opens the door for these organizations to offer solutions at a later stage. This has usually primarily involved the government; the Assembly has only recently taken on an increased role.
2. **Working through the media:** Civil society organizations often organize events and present publications to the media, who can raise public awareness and influence public opinion, thus encouraging the government to either pick up on the issue or defend its decision not to tackle it.
3. **Working through international organizations:** International NGOs, the offices of allied countries, and United Nations agencies have all influenced public policy in Kosovo. Due to the unique nature of Kosovo's situation, their influence has been even stronger in Kosovo than elsewhere. Civil society has sometimes found it easier to try to influence an international organization, which in turn will influence the government, than to go directly to the government.

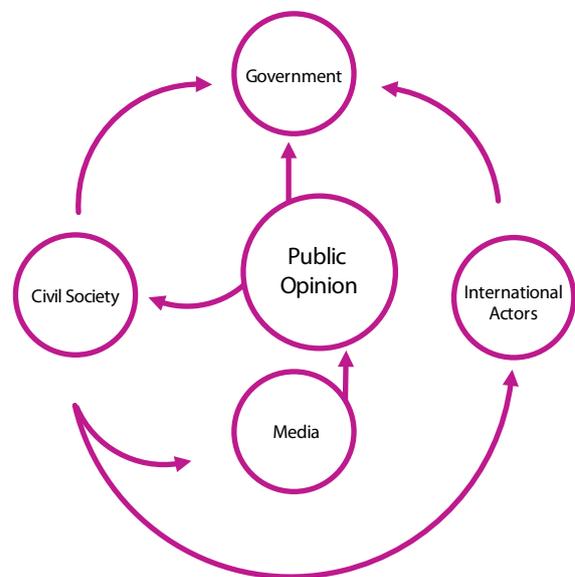
Obviously, many of Kosovo's issues are also regional issues. Most of the countries in the region have gone through the same stages and discussed the same policies.

The role of the European integration process

The goal of each country in the Balkans is European integration. Each country is in the integration process, although at a different stage. This is probably the main determinant of policy issues in each country; based on the convergence theory, Kosovo will likely face the same issues.

This is important for civil society in Kosovo to understand. Unfortunately, the European integration process in Kosovo is understood as a purely technocratic and bureaucratic process in which requirements are linked only to the passage of legislation. Civil society can have

Figure 4.2



an important influence on the policy agenda in Kosovo by foreseeing issues that need to be addressed, explaining them to the public and influencing the government to make the needed changes.

Civil society has been instrumental in the European integration process in all accession countries—more recently, especially in Bulgaria. The agenda-setting stage will be heavily influenced by the European integration process and as such it can be highly predictable.

Policy formulation

The second stage of the policy cycle is called policy formulation. After the problem has been acknowledged in public as important, the next step is to discuss all the options for a solution. In a politically developed society, potential solutions will be discussed across the political spectrum.

The range of policy instruments that the governments can use to deal with a problem is extensive. The most obvious examples include taxes and subsidies, provision of services, regulations, decentralization and centralization—important debates in a country never end. Civil society can play a great role in suggesting policy instruments that the government should use and commenting on proposals by experts.

Think tanks play a great role in this stage of the policy cycle. The term “think tank” originally described a gathering of military strategists. Later, it was used for organizations that suggested policies and strategies. A more for-

mal definition describes think tanks as “independent organizations engaged in multidisciplinary research intended to influence public policy”.⁷⁸

Think tanks usually spend a lot of time publicizing their reports. They differ from academia in that they need to target politicians and the media to achieve their impact, and as a result have changed their approach somewhat. They usually produce short reports in the form of policy briefs and also spend a lot of time writing newspaper articles and opinion pieces in order to influence public policy.⁷⁹

During the policy formulation period, civil society organizations together with other parts of society such as academia, the media, and international organizations can propose policy solutions. This is also the stage where civil society could play a key role in correcting misinformation given by politicians and testing the robustness of the government and opposition claims.

In the last 20 years the number of think tanks has increased significantly around the world, from countries with one-party rule to democracies. In many countries they are linked to political parties or to certain ideologies. In most developed countries, there are think tanks on the right and left side of the political spectrum.

Think tanks have also been present in Kosovo, and many civil society organizations have played the role of think tanks there. Recently, there have been many cases of active civil society participation in policy formulation.

Box 4.1**On the agenda: publicly owned enterprises**

Many policy issues are discussed extensively by civil society in Kosovo. For each, different organizations have offered solutions. One interesting recent example is the discussion of publicly owned enterprises in Kosovo—especially Post and Telecommunications in Kosovo (PTK) and Kosovo Energy Corporation (KEK). PTK has accumulated more than 200 million euros in profits. KEK has lost money and is taking subsidies from the government in excess of 50 million euros per year. Recently, the government put the privatization of these two companies on the public agenda. The policy formulation stage has been very active. The media have reported extensively on the issue, and civil society organizations have been very vocal. In the case of PTK, civil society has questioned the timing and the nature of privatization.

Decision-making

The decision-making stage is when government institutions choose a policy course. At this stage, the role of the other stakeholders besides the government decreases significantly, and civil society organizations choose a more direct way of influencing policymaking through communication with the government. In developed countries, as mentioned before, think tanks are often linked directly to political parties through which they can influence the government.

Different government institutions have different methods of reaching decisions. When infrastructure is involved, the government uses cost-benefit analyses. In other cases, qualitative analyses are used. One of the most well-known authors on public policy,

Deborah Stone, says that every government decision should have four goals in mind:

1. Equality: Decisions are fair to everyone.
2. Efficiency: The highest output is achieved with the least input.
3. Liberty: The decision does not infringe on people's freedom.
4. Security: It provides for the minimum needs of the society.⁸⁰

Civil society, and especially research organizations, can play a role in providing analyses on which the government can base a decision. Usually, they raise their voices if they believe that some of these goals are not protected. This is also a stage where civil society can play a great role in testing the robustness of government decisions.

Policy implementation

Policy implementation is the fourth stage of the policy cycle. It is one of the most important stages, because without implementation no policy has worth. Kosovo is full of examples of best-practice legislation and policies that were never implemented because the issues they addressed were really never on the agenda.

Civil society organizations play a key role at this stage in providing services on behalf of the government. In the 1990s, for example, the Mother Teresa Association distributed food aid to families in need. The network worked very well, with distribution points in most areas around Kosovo, and Mother Ter-

esa remained instrumental in delivering aid throughout the decade.

Many people would argue that Mother Teresa even today has much more capacity to deliver aid than any government agency. It is the case in many countries around the world that governments choose civil society organizations to implement policies because of their capacity to do so.

During natural disasters, governments around the world assist relief efforts by funding civil society organizations that have specialized in this area. The United States has channelled its assistance for hurricane relief efforts through the Red Cross because it has a higher capacity to deliver assistance than the government.

The Community Development Fund is an example of a Kosovo NGO whose focus is implementing community projects, especially in infrastructure. They are well known for their cost-efficient projects, which are much less expensive than those of international organizations and much more efficient than those of government agencies. There are numerous cases where the Community Development Fund was hired by the government to implement government policies in infrastructure for the simple reason that they would do a better job.

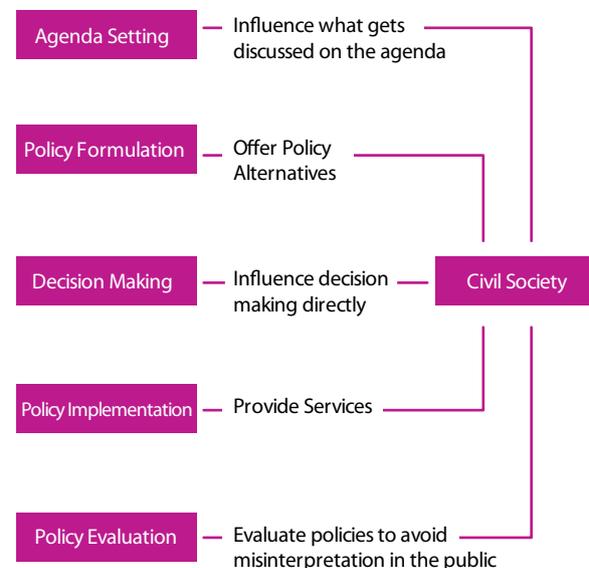
Policy evaluation

The final stage of the policy cycle is evaluation. There are three different approaches to

evaluating whether an implemented policy has achieved its goal: administrative, judicial and political.⁸¹ Administrative evaluations—for example, audits—are done by government agencies. In judicial evaluations, the courts check the legality of policies. Political evaluations are the arena in which civil society can play a great role, with the media and non-governmental organizations supporting or criticizing policies based on whether they have achieved their goals.

This stage is crucial, because it determines whether the policy is continued, changed or terminated, and civil society should be very active in it. In many cases, political parties give information to the public about the success or failure of government policies. Civil society organizations have a non-partisan role to play by objectively testing and reporting on policy outcomes. This can result in

Figure 4.3 How civil society can contribute to the public policy cycle



more competitive policymaking and more successful policies.

4.4 Conclusion

Public policymaking is a very important process in every country, because decisions that are made during the process have an impact on

the lives of every citizen. Civil society serves as the voice of the citizens throughout the process. It can channel that voice, help formulate opinions, and offer solutions. There are different ways for civil society to influence the process, and its impact usually fosters competition of ideas, which inevitably leads to better policies and better lives for the citizens.



5. The Government's Vision of Civil Society

Dardan Velija

5. The Government's Vision of Civil Society

Dardan Velija

This chapter analyzes the viewpoint of the government of Kosovo towards the development of civil society and recommends a clearer approach. Kosovo finds itself at an important historical turning point. With the declaration of independence, the Kosovo government has acquired the power that was once held by representatives of the United Nations. The perception of the people with regard to the government has also changed: citizens now believe that the government is in charge and needs to run the country. The development of civil society is key in building a functioning society and increasing the responsiveness of the government.

The government lacks a clear vision of civil society, although it superficially recognizes its importance. This is due both to a lack of an understanding of civil society's role and a lack of capacity within the government itself. While there is cooperation between the government and NGOs, it is sporadic and ad hoc.

The NGO sector boomed after the 1999 conflict. Seemingly endless needs arising from the damage caused by the conflict needed to be met. That led to the establishment of thousands of NGOs. The situation now has changed, and civil society organizations should adapt to take on more of a watchdog role. There is also much room for partnership in addressing issues of concern for the new country. Civil society organizations should

be ready to play both roles, and the government needs to be ready to assist.

The government needs to have a clear vision of how to foster citizen engagement in all possible sectors, maintaining the autonomy of CSOs but including them in carrying out tasks and promoting a mature civil society. The Paris Declaration on Aid Effectiveness calls upon governments to take the lead in coordinating aid and involving civil society and the private sector. Enabling Kosovo CSOs to receive Kosovo funding for their activities will be a great step in this direction. Even a good government attitude towards engaging with CSOs will be a helpful step.

5.1 Developing the social economy

Developing the social economy should become a priority of the government. This is viewed as a key sector in Europe. There are around 10 million jobs in the social economy in the European Union and that membership in social economy enterprises is much wider, with estimates ranging as high as 150 million.⁸²

While there are more than 4,000 registered NGOs in Kosovo and countless unregistered initiatives, the European Commission Progress Report for 2008 states that the civil society sector remains weak in Kosovo. Still, compared to other countries in the region,

Box 5.1 Elements of a national economy

The economy of a country is composed of the private sector, public sector, social economy, and, in developing countries, the informal economy.

NGOs in Kosovo enjoy a much easier terrain to work in. The general perception is positive; NGOs are not viewed as agents of other countries. There are numerous examples of NGO engagement in implementing projects with the government. This is evident at both the central and local levels, where NGOs assist in various fields.

NGOs as watchdogs

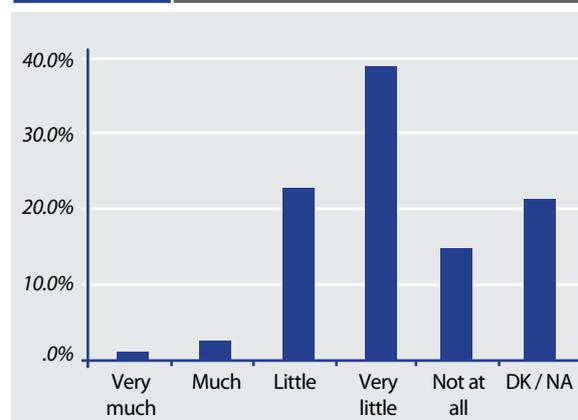
A number of NGOs can be categorized as watchdog organizations or pressure groups. This is a very important sector of the civil society that fosters better governance by pressuring the government. This sector needs to be developed further and needs to maintain its autonomy from the government.

Prior to independence, civil society organizations have been relatively mild in their relations with the government, because they perceived it as the champion for the settlement of the final status of Kosovo. As long as that status remained in limbo, it was believed that too much dissent or pressure could damage prospects for development in Kosovo. Even earlier, the special relationship that the CSOs had with the Kosovo government in exile during the 1990s created a culture of peaceful relations between the two. Currently lacking a strong and vocal opposition, the CSO sector has been quite passive towards the govern-

ment. CSOs feel uncertain about pressuring the government when not even the political opposition is doing so.

According to the *Perceptions of Civil Society in Kosovo Survey*⁸³, the role of CSOs in protecting the rights of the citizens from the government is not considered satisfactory. Very few people expressed the opinion that CSOs do much to defend the rights of the citizens; the largest group of respondents said that CSOs do very little to defend those rights.

Figure 5.1 Do CSOs protect the rights of the people from government?



No administrative obstacles

The government does not provide obstacles to the development of the civil society sector. The registration process is very easy, and government control over NGO activities is minimal. Currently NGOs are regulated by UNMIK Regulation 1999/22, which provides a very favourable framework for their functioning.

The government launched an initiative in 2005 to write a new law on NGOs that would

replace the regulation. Representatives of Kosovo NGOs and independent experts on the functioning of NGOs participated in drafting the law. The law was passed with certain amendments that were fiercely opposed by NGOs. It was then blocked by the Special Representative of the Secretary General and, as of this writing, has still not been enacted.

In several cases, NGOs representatives have reported that they received threats after they published reports or organized activities that did not suit the government or other stakeholders. On one occasion, the Ministry of Public Services sent civil servants to check the financial statements of the NGO Çohu! after the latter produced a report criticizing the government. The NGO refused to give access to the controllers. The governing parties have attacked NGOs for being related to opposition parties. This has damaged the relationship between the government and those organizations.

Institutionalizing cooperation

The communication channels between the government and civil society remain weak. Much is dependent on individuals. If an individual in a government institution has had experience in the civil society sector, that can help foster a positive approach towards CSOs.

There are ad hoc meetings between the government and the NGOs. These happen on invitation by both sides, but usually the cooperation is superficial and pro forma and lacks

elements of genuine cooperation. The government and parliament often invite NGOs to participate in their working groups, giving NGOs a platform to express their points of view. NGOs also invite government officials to participate in activities such as conferences, and government officials often use those platforms to further their agendas. Even the president and prime minister of Kosovo have regularly attended openings of civil society conferences.

The cooperation of the parliament with NGOs has improved steadily in the past years, and now NGOs regularly participate in the activities of the parliament. Still, representatives of civil society believe that there is much more room for cooperation. They have recommended that the Assembly open an office at the parliament where citizens could come to get answers to questions and to voice their concerns.⁸⁴ The fact that members of parliament do not have an office in the municipality they represent is also seen as a concern. A best practice from other parliaments is opening a library on the premises for the public, especially students.

There have also been limited attempts to institutionalize cooperation between the government and civil society organizations. In 2006, the Advocacy Training and Resource Centre attempted to organize a lobbying campaign with the government. The same year, a separate initiative called CiviKos aimed to do the same by organizing the signing of a Memorandum of Understanding with the prime minister. The memorandum was signed dur-

ing a public conference in 2007, but very little has been done to implement it since the change of the government.

NGOs' image within the government

While NGOs do not enjoy the best of images, at least they are not perceived as external agents, as is the case in other countries, such as the former Soviet republics, Serbia, Macedonia, and the Middle East. The international community enjoys a relatively positive image, which also puts NGOs supported by foreign donations in an advantageous position. Nevertheless, the perception of civil society within the government can sometimes be negative. NGOs are often perceived as profiteering from foreign donations. Such perceptions damage the cooperation between the two sides.

With several ministers, members of parliament and political advisors coming from the civil society sector, the relationship between the two sectors has greatly improved. Numerous people have left civil society and joined political parties or the government, and there have also been cases in which people after serving in the government have gone to work with civil society. The shift from civil society to government is perceived mainly positively, as people who have learned key concepts about management and networking in civil society bring their experience to the government. All political parties have recognized the human capacities within the nongovernmental sector and have aimed to attract it

for themselves. Civil society organizations have been for many people a starting place for entering politics.

NGOs have generally enjoyed a positive image in Kosovo, especially during the 1990s, when they played a crucial role in providing services. Organizations like the Mother Teresa Association and the Council for the Defence of Human Rights and Freedoms were unique world-wide in the services and activities they performed. "I used to remark that if any new country wanted to learn about how to develop a 'third sector' in their country they should come to Kosovo,"⁸⁵ one civil society representative said. It could be argued that in the nineties the whole of Kosovo society functioned as an NGO.

The attitude changed completely after 1999. Participation by citizens in civil society activities dropped tremendously, and the perception arose that the government should provide all necessary services. The survey showed that only 12.1 percent of the people had volunteered after 1999 (see table 5.1).

Table 5.1 Have you worked as a volunteer since 1999?

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Yes	151	12.1	12.1	12.1
	No	1,093	87.4	87.4	99.4
	Don't know	7	0.6	0.6	100.0
	Total	1,251	100.0	100.0	

Increasing capacity

There is no vision within the government for increasing the capacities of NGOs. Although the civil society sector is in a much better position than it was some years ago, still there is much room for improvement in the managerial skills of NGO personnel. Some NGOs have suggested that the government organize support for increasing management skills of NGO staff.

Improving skills is of paramount importance, not only for the NGOs themselves but also in their growing role as an “incubator for politicians,” especially in the absence of corporations and other organizations that could take on that role. By increasing the skills of NGO leaders and staff, the country will increase its general pool of managers.

Local ownership of civil society

Ever since the NGO boom after 1999, it has been continuously discussed whether the types of NGOs that were established were fit for Kosovo. While the knowledge received from internationals has been recognized as valuable, it has also been argued that NGOs need to become more focused on Kosovo. The ownership of the civil society needs to be Kosovan.

The survey shows that CSOs are generally perceived to prioritize their activities based on the requests of the donors rather than the needs of the community.

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Donors	673	53.8	53.8	53.8
	Community	151	12.1	12.1	65.9
	Government	48	3.8	3.8	69.7
	None	60	4.8	4.8	74.5
	Don't know/no answer	319	25.5	25.5	100.0
	Total	1,251	100.0	100.0	

5.2 Vision for financial sustainability

The government does not have a vision for promoting financial sustainability in the NGO sector, which is the main problem in the establishment of an active civil society in Kosovo. Slow economic development is contributing to lack of support for the NGOs, which leaves them fully dependent on support from foreign donors. Kosovo has a long tradition of philanthropy. However, support is only given for poverty alleviation and community infrastructure. Very little, if any, is given for activities of CSOs and NGOs.

The government erroneously perceives that there is enough support for NGOs from foreign donors that government support is unnecessary. This attitude is problematic for two reasons. First, a civil society that is not derived fully from its home society finds it difficult to address that society's problems. Second, with most foreign donor support

directed towards technical assistance to the government, NGOs are now facing challenges to their financial sustainability. Therefore, the government needs to form a vision as to how civil society organizations should be financed.

Currently there is no planning going for preparing to support the CSOs, thus most of their activities depend primarily or fully on foreign donor support. Of course, this support will remain a very important factor in developing a professional NGO sector, but the inclusion of Kosovo financing will change the dynamics of civil society engagement. The perception of the NGO community as foreign-aid-inspired will change. This will also increase the drive among other civil society organizations to ask for more accountability from NGOs.

The government can assist NGOs both through direct financial support (by outsourcing tasks) and through indirect means, which can mean anything from creating an easier tax environment for NGOs to enabling them to use public premises cost-free.

The one percent model

Many countries use the so called "one percent model", which allows taxpayers to allocate a small share of their taxes to a chosen CSO. The government then matches the amount. This structure not only strengthens the CSOs and the sector itself but advances the idea that civil society is more than just NGOs. The media and businesses also can help build a civil society.

Several times NGO groups have unsuccessfully attempted to convince the government to establish such a scheme. The model was first initiated in Hungary in 1996 and was later followed by many Central and Eastern European countries, where it has proven a great success. Other countries have used other models, such as a lottery with a significant share of the profits going to fund CSOs.

Such a scheme can be managed by a government agency, or management can be delegated to a particular NGO. Nevertheless, preserving the autonomy of NGOs is crucial to the existence of a vibrant civil society. Thus, even if such a scheme is managed by the government, it should have majority CSO participation.

Outsourcing government tasks to civil society

A very limited number of NGOs have been contracted in the past by the government. The practice needs to become much more widespread. Many countries are turning to NGOs for services that can best be performed by them.

During the 1990s, CSOs played an irreplaceable role in providing various services such as aid and education. This tradition has been weakened as the society has come to look to the state as the full provider of those services. But sooner rather than later, people are likely to realize that the government cannot address all the needs of a transforming society and that they still need NGOs and CSOs.

In the years since the conflict, NGOs have played a crucial role in addressing many needs that cannot be fully addressed by the government, such as gender equality and minority rights. But they can also easily complement government efforts in fields such as education, health care, and municipal infrastructure.

One civil society representative pointed out that the state could involve civil society at an even deeper level to create a public works system. Or at the very least, the government could encourage its own institutions to contract work to community organizations rather than private companies whenever possible.⁸⁶ "For example, if pipes need to be laid in a certain village for water supply or if a building needs to be built or restored, why not use the local village councils to collectively (thereby reducing chances of nepotism and corruption) hire village residents to do the work. If a village does not have a council, this would be a good impetus to create one."⁸⁷

Sources

Focus Group Conclusions. *What is the role of NGOs in Kosovo*. Held in Pristina on 8 October 2008.

Focus Group Conclusions. What is the role of international community in Kosovo. Held in Prishtina on 9 October 2008.

United Nations Development Programme, *Perceptions of Civil Society in Kosovo*. Pristina: UNDP, 2008

Interview with Albert Lila, head of CiviKos (26 October 2008)

Interview with Argjentina Grazhdani, Civil society expert (20 October 2008)

Interview with Dr. Karmit Zysman (25 October 2008)

Interview with Habit Hajredini, Head of Good Governance, Office of the Prime Minister (26 October 2008)

Interview with Luan Shllaku, Director of KFOS



6. Perceptions, Image, and Participation in Civil Society

Mytaher Haskuka

6 Perceptions, Image, and Participation in Civil Society

Mytaher Haskuka

6.1 Knowledge of civil society

Kosovans are knowledgeable about civil society; around 87 percent of respondents reported that they were familiar with the term. This percentage was higher among K-Albanian respondents and those from Other⁸⁸ communities, while it was lowest among K-Serb respondents. When associating the term “civil society” with different actors in society, the majority of Kosovans first mentioned NGOs, followed by syndicates and then by people/community organizations (see table 6.1). A considerable number of respondents also associated the media with civil society, reflecting an academic debate about whether the media belongs in the civil society sector or the private or public sector. Although responses did not differ significantly by ethnicity, a considerable number of K-Serb respondents also associated political parties with civil society.

	K-Albanian	K-Serb	Other	Total weighted
NGOs	90.3%	56.4%	91.5%	88.3%
Syndicates	65.1%	43.1%	66.5%	63.9%
People/community organizations	30.3%	38.2%	18.2%	30.1%
Media	14.7%	22.1%	11.4%	14.9%
Political parties	1.5%	18.6%	2.3%	2.6%
Private businesses	2.9%	14.2%	1.1%	3.5%

Regarding values, civil society in Kosovo is associated with human rights, volunteerism, and service provision, while democratization and support for vulnerable groups were associated by very few respondents (see table 6.2).

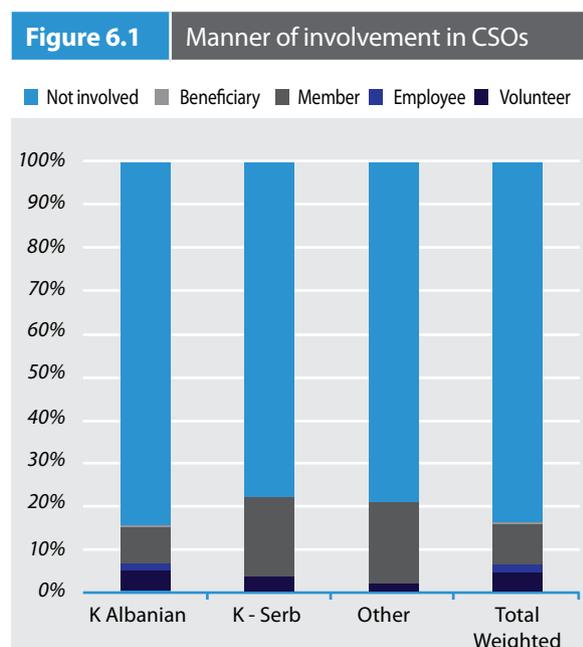
	K-Albanian	K-Serb	Other	Total weighted
Volunteerism	56.6%	42.2%	30.1%	54.1%
Non-profit aims	26.7%	26.5%	15.9%	26.1%
Advocacy	18.9%	1.5%	5.7%	17.1%
Human rights	54.7%	45.1%	72.2%	55.2%
Service provision	45.2%	32.8%	63.6%	45.5%
Accountability	19.6%	13.7%	8.0%	18.6%
Transparency	25.2%	10.8%	10.2%	23.4%
Representation	23.2%	5.4%	56.8%	24.2%
Vulnerable groups	2.5%	9.8%	0.0%	2.7%
Democratization	4.7%	26.5%	5.1%	6.0%

It can be concluded that overall Kosovans have had experience of civil society organizations and properly associate civil society with different actors. Every fourth Kosovan associates civil society with a non-profit aims, representation, and transparency, while one in six person associates civil society with advo-

cacy. Maybe the most important result is that only six out of 100 Kosovans associate civil society with democratization and three out of 100 associate it with vulnerable groups. Furthermore, nobody from the Other communities associated civil society with vulnerable groups. This is particularly important, as this group is one of the most vulnerable groups in Kosovo in terms of their socio-economic situation.

6.2 Participation in civil society

Every sixth Kosovan participates in some civil society organization—10 percent as members, 5 percent as volunteers and around 2 percent as employees.



The most popular organizations for involvement are sport clubs, followed by syndicates, cultural clubs and local associations.

Table 6.3 Type of CSO participated in

	K-Albanian	K-Serb	Other	Weighted Total
Professional association	1.5%	1.5%	.0%	1.4%
Local association	3.1%	1.5%	10.2%	3.4%
National association	.5%	.0%	.0%	0.4%
Sport club	5.6%	3.4%	13.0%	6.0%
Cultural club	3.3%	.5%	9.0%	3.5%
Community group	2.0%	4.9%	10.2%	2.6%
NGO	3.2%	1.0%	1.1%	3.0%
Syndicate	4.0%	13.2%	1.1%	4.4%

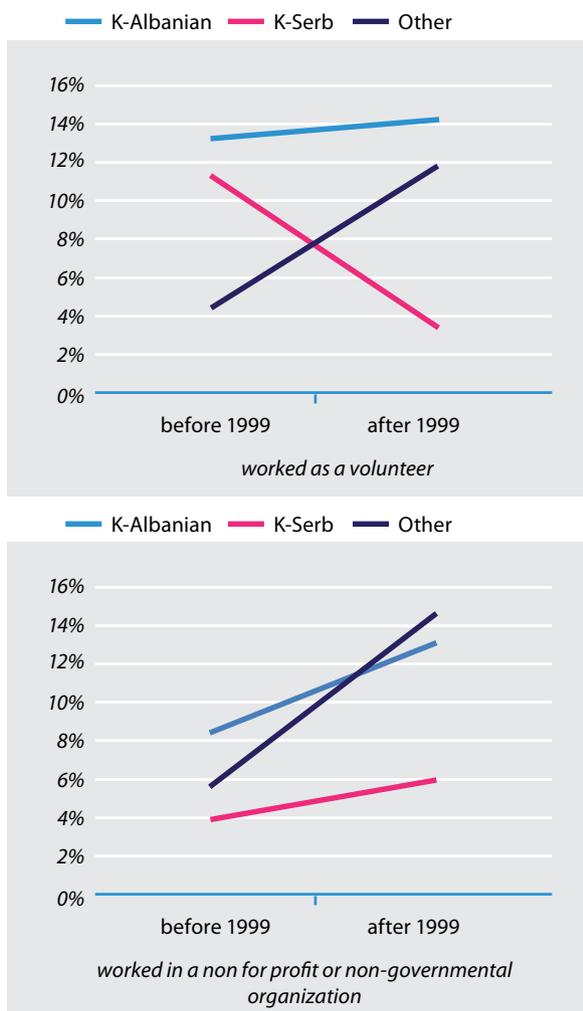
Civic participation

Similar to participation in CSOs, around 19 percent of Kosovans take part in civic activities such as implementation of projects by local governments or NGOs, citizen initiatives, petitions, or public debates. Overall, compared to 2004,⁸⁹ there are some positive trends, specifically an increase in participation in public debates and meetings and in the implementation of local government and NGO projects. At the same time, participation in public protests and signing of petitions has decreased.

Contrary to the assumption that civic participation was higher before the 1999 conflict, the survey results reveal that generally there was an increase in both voluntary work and work for non-profit or non-governmental organizations. The most notable increase is within the Other communities, where voluntary work has increased by 8 percent, while work for NPOs and NGOs has increased by 9 percent. Among

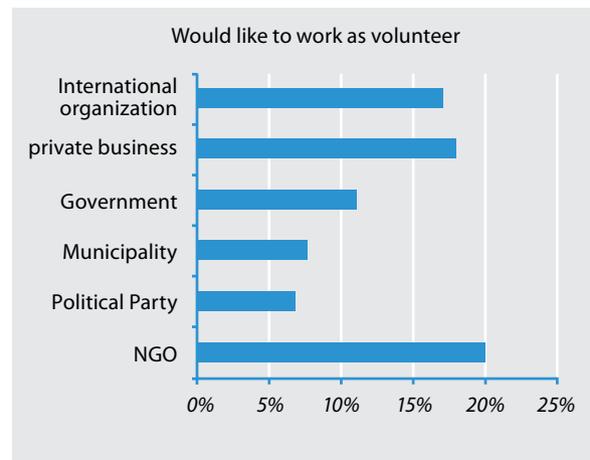
K-Albanians volunteerism has increased insignificantly by 1 percent while work for NPOs and NGOs has increased by 5 percent. The only downward trend was observed with volunteerism among K-Serbs, which decreased by 8 percent, while work for NPOs and NGOs has increased for 2 percent.

Figure 6.2 Volunteerism and work for non-profit and non-governmental organizations before and after 1999



Asked whether they would like to work as a volunteer in different organizations, about 20 percent of respondents said that they would like volunteer for an NGO, while just 7 percent said they would volunteer for political parties.

Figure 6.3 Respondents who would like to work as a volunteer



6.3 Openness of civil society

Fewer than one third of Kosovans think that CSOs are open to public participation. (There are no comparable data for other sectors.) As one of the roles of CSOs is to promote participation, this is a worrying statistic, and it is particularly pronounced among minorities: Only one out of ten respondents from Other communities thought that CSOs were open to public participation. This may partially explain the low number of respondents willing to work as volunteers.

	K-Albanian	K-Serb	Other	Total
Agree	32.1%	10.3%	9.5%	29.4%
Disagree	22.6%	36.3%	47.8%	24.9%
Don't know/no answer	45.3%	53.4%	42.7%	45.7%
Total	100.0%	100.0%	100.0%	100.0%

6.4 Impact of civil society

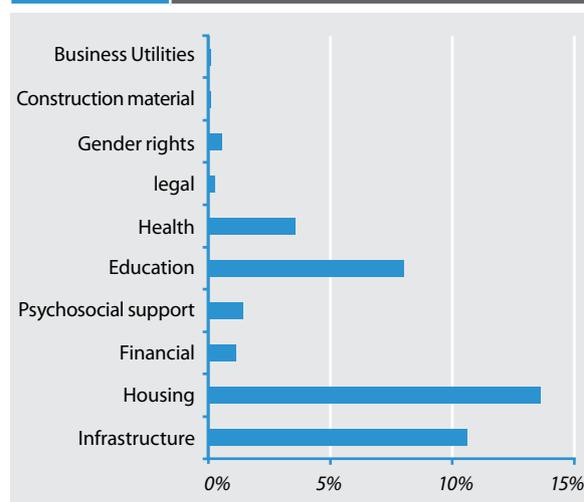
Every fourth Kosovan family has benefited from a civil society activity. The number of people benefiting from civil society activities is higher than the number of people participating in civil society organizations, but only by a few percentage points. This percentage is highest among Other minorities and lowest among K-Serbs. However, a considerable number of K-Serbs responded “don't know” and may have benefited from international organizations, as in the areas where they lived most activities were carried out by international NGOs.

	K-Albanian	K-Serb	Other	Total weighted
Yes	25.9%	18.1%	42.7%	26.4%
No	70.4%	62.3%	57.3%	69.1%
Don't know	3.7%	19.6%	—	4.5%
Total	100.0%	100.0%	100.0%	100.0%

Assistance for housing was given as the most common form of benefit from CSOs,

reflecting the mayor role these organization played in repair and refurbishment of households damaged from conflict. This is followed by infrastructure assistance, also one of the priorities of the emergency phase. Benefits in education and health were also cited by a considerable number of respondents, reflecting both investment in the public sector and investment in forms of assistance and training for education and health.

Figure 6.4 Benefits offered by CSOs to a person or a family



Asked what they thought about the impact of CSOs on Kosovo society, a considerable number of respondents said the impact was both positive and negative. One third of respondents said that the impact was very positive or positive, while around 5 percent said it was negative. There were no major differences in opinion based on ethnicity or gender.

Table 6.6 What is the overall impact of CSOs on Kosovan society?				
	K-Albanian	K-Serb	Other	Total weighted
Very positive	4.8%	2.0%	0.6%	4.4%
Positive	30.4%	19.0%	19.6%	29.1%
Both positive and negative	61.2%	66.2%	67.4%	61.9%
Negative	3.0%	11.8%	10.7%	4.0%
Very negative	0.6%	1.0%	1.7%	0.6%
Total	100.0%	100.0%	100.0%	100.0%

6.5 Public image

Public opinion in Kosovo is split in regard to how representative civil society is. Slightly more than half of Kosovans think that CSOs represent their personal interests “somewhat”; only about 3 percent say that CSOs represent their opinions “a lot”. The trends are similar for all communities. Statistical analysis by gender, age and region reveal no major differences on this issue.

Table 6.7 Do any of the current CSOs represent your personal interests?				
	K-Albanian	K-Serb	Other	Total weighted
Yes, a lot	2.9%	3.9%	1.1%	2.8%
Somewhat	50.8%	49.5%	61.3%	51.4%
Not at all	46.3%	46.6%	37.6%	45.8%
Total	100.0%	100.0%	100.0%	100.0%

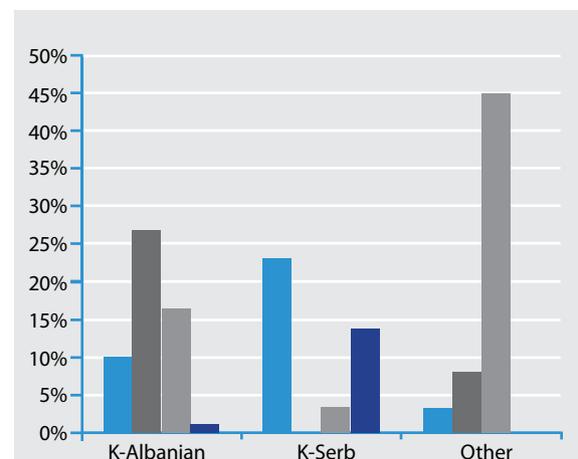
Representation

Among those who think that CSOs represent their personal interests, the majority think that

large Kosovo NGOs are the most representative. The response differed, however, by ethnicity. K-Albanians said large Kosovan NGOs were the most representative, followed by local NGOs. The results for K-Serbs reflect their lack of real integration into Kosovo society, as most chose the large international NGOs, followed by informal associations; no K-Serb selected Kosovan NGOs. Those in the Other group most often chose local NGOs as most representative.

Figure 6.5 Which of the following represents your interests the most?

■ Large International NGOs ■ Large Kosovar NGOs
■ Local NGOs ■ Informational associations



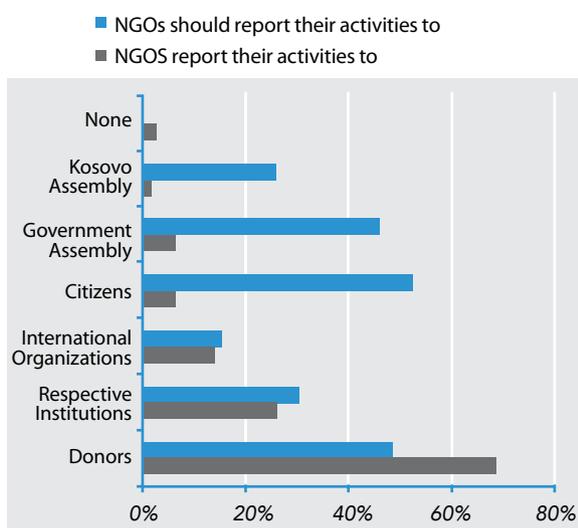
Accountability

In terms of accountability, fewer respondents said that CSOs are accountable to people: Only 5 percent said that most CSOs are accountable, and 23 percent stated that some are accountable. Most pessimistic in this regard were the Other communities, in which only around 10 percent said that most or some CSOs are accountable.

	K-Albanian	K-Serb	Other	Total weighted
Most of them are accountable	5.5%	1.0%	1.7%	5.0%
Some are accountable	24.2%	21.6%	7.9%	23.0%
Very few are accountable	47.6%	51.4%	67.4%	49.1%
None of them are accountable	22.7%	26.0%	23.0%	22.9%
Total	100.0%	100.0%	100.0%	100.0%

Analysis of the questions “To whom do NGOs report?” and “To whom should they should report?” reveals that Kosovans are not happy with current reporting practices; they would prefer that NGOs report more to citizens and Kosovo institutions and less to donors. The biggest difference was observed on the question of reporting to citizens: Only 6 percent

Figure 6.6 To whom do NGOs report? To whom should NGOs report?



said that NGOs report to citizens, while 53 percent said that they should. No respondents said that NGOs should not report to anybody, revealing once more that Kosovans are fairly well informed about accountability and the general principles of NGO work.

In terms of priorities, the majority of Kosovans said that civil society organizations set their priorities according to what donors say; one out of 10 said that they prioritize according to the community, and only one out of 50 said according to government. With exception of K-Serbs who more often than other ethnicities think that CSOs prioritize according to government the other categories revealed no major difference based on ethnicity. Similarly opinions on this issue do not change according to gender or age.

	K-Albanian	K-Serb	Other	Total weighted
Based on donors request	54.2%	52.5%	53.4%	54.0%
Based on the community needs	10.2%	18.1%	14.0%	10.9%
Based on government priorities	1.7%	15.2%	1.1%	2.5%
None	5.5%	1.0%	5.6%	5.3%
Don't know/no answer	28.4%	13.2%	25.9%	27.3%
Total	100.0%	100.0%	100.0%	100.0%

6.6 Role for civil society

Although housing was the major benefit from CSOs reported by respondents, when asked which sector needed support from CSOs, only 6 percent chose housing. The three sectors cited by respondents as the most in need of CSO involvement were infrastructure (23 percent), anti-corruption efforts (20 percent) and financial support (16 percent). K-Albanians' first priority for CSOs was infrastructure (26 percent), for K-Serbs it was the health sector (18 percent), while for Other communities it was anti-corruption (49 percent).

Analyzed by gender, although males' and females' first, second and third priorities were

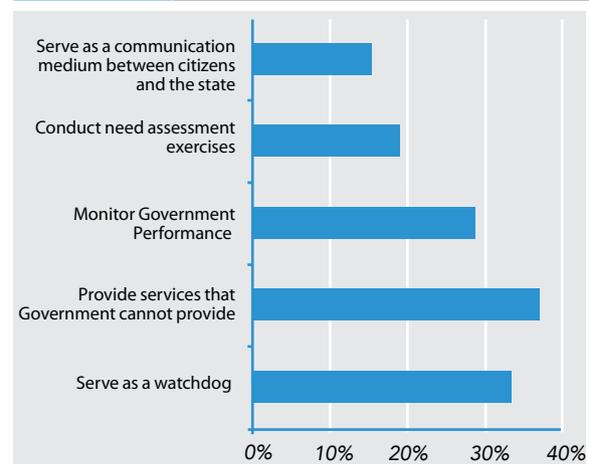
	Male	Female
Infrastructure	24.9%	20.3%
Housing	6.4%	6.0%
Financial support	16.3%	16.0%
Psychological/social support	3.7%	2.9%
Education	8.4%	10.5%
Health	11.8%	14.1%
Legal	2.1%	1.9%
Democracy	0.3%	0.3%
Environment	1.3%	3.2%
Gender rights	1.3%	2.8%
Interethnic relations	2.7%	1.7%
Government oversight	0.6%	0.3%
Anti-corruption	20.0%	19.8%
Total	100.0%	100.0%

similar, females chose health and education more often than males, with slight differences also observed on the environment. The fact that only about 3 percent of females chose gender rights as needing CSO support is very interesting in light of the debate about and resources devoted to this issue.

6.7 Holding government accountable

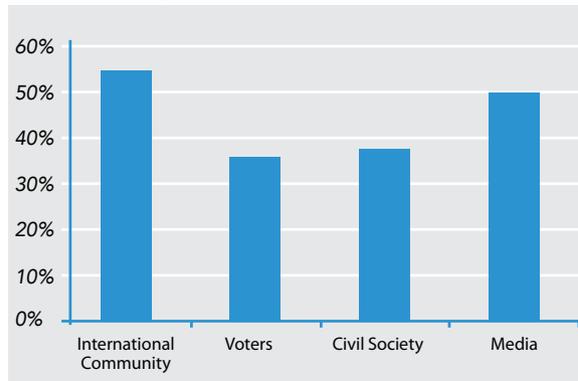
Although in terms of accountability respondents did not show very high confidence in CSOs, when asked what the role of civil society should be in relationship with government, substantial numbers of people (33 percent) responded that CSOs should act as watchdogs and monitor government work. More than 37 percent said that CSOs should provide services that government cannot provide.

Figure 6.7 The role of civil society in relation to government



When responses that civil society should monitor the government performance is combined with responses that civil society should act as a watchdog cumulate to about 60 percent, when asked about the present state of affairs, most respondents said that the international community is the main actor that holds government accountable, followed by the media. Civil society and voters were perceived as less important entity for holding the government accountable.

Figure 6.8 Who holds the Kosovo government accountable?





7

Creating Mechanisms for Cooperation between Civil Society and the Government

Elton Skendaj

7 Creating Mechanisms for Cooperation between Civil Society and the Government

Elton Skendaj

Kosovo is building democratic government institutions and civil society at the same time. The interaction between the state and civil society is crucial for the development of both institutional capacity and a democratic citizenry. The new Kosovo state needs civil society in order to foster citizens' participation, representation and ultimately accountability. One of the key findings of social science literature on statebuilding is that the state strengthens its capacity in return for meeting public demands for representation and protection.⁹⁰ Civil society also needs a functioning state in order to have legal space to develop associations and articulate its demands on behalf of citizens. Currently the interaction between the Kosovo state and civil society is ad hoc and carried out on a personal level. Stronger institutional mechanisms need to be built in order to bring civil society and the government together for dialogue, policymaking and advocacy.

Civil society among the Albanian ethnic majority in Kosovo has had a complex relationship with the state since World War II. Under Tito's socialist Yugoslavia, the state set up organizations and fronts, such as trade unions, that enhanced the state's penetration of society. After the Belgrade government abolished Kosovo's autonomy in 1989, Kosovo civil society acted like a social movement that resisted Serbian state institutions by creating parallel institutions in health, education, and welfare throughout the 1990s.⁹¹ Voluntarism

rates were high amongst Kosovo Albanians during this period as people were helping each other survive in addition to paying a 3 percent voluntary income tax to support the parallel institutions.⁹² Out of the various groups within the resistance movement in Kosovo came both civil society organizations and the political parties that aimed to build a state after 1999. One civil society activist in a focus group argued that the common perception of the relationship between civil society and the state was that "before 1999, we aimed to change the system, while now we aim to develop the system".⁹³

After the 1998-1999 conflict and intervention by the international community, the huge influx of international funding for reconstruction and the building of state institutions transformed all sectors of society, including civil society. Many NGOs sprung up overnight as international donors sought local partners for their infrastructure and service projects. UNMIK enacted a permissive regulation in 1999 that enabled the registration of more than 4,000 NGOs by 2008. Since self-government institutions started to be built after 1999, civil society organizations have engaged in many activities that are often the prerogative of central and local government institutions, such as reconstruction of houses, welfare services, publication of books for the education system, and waste collection. The main activities of NGOs then involved service provision, not policymaking or advo-

cacy. The short-term, project-based focus of most NGOs, however, made them entirely dependent on donor funding and prevented their specialization.⁹⁴ This continues to be a problem, as few NGOs have developed the capacity for policymaking and advocacy.

During the 1999-2001 period, UNMIK included NGOs in its administrative structure as part of a consultative body, the Transitional Council. Despite the fact that its members were less influential than the representatives of the political parties, the council played an important role in policymaking. Additionally, individuals from civil society were appointed by UNMIK to its administrative departments, performing the role of civil administration until the elections of 2001 produced a Kosovo assembly and a government.⁹⁵

With the establishment of Kosovo's Provisional Institutions of Self-Government in 2002 and the removal of NGO representatives from UNMIK structures, Kosovo civil society lost its direct influence on policymaking. UNMIK executives now expected Kosovo's civil society to play an advocacy role towards the institutions of Kosovo self-government. The self-government institutions and civil society often held joint meetings on specific issues, yet civil society did not have a direct institutionalized link to the government.

One problem is that the NGOs have not had a general platform that would coordinate their efforts. The Organization for Security and Co-operation in Europe (OSCE), whose early mission in Kosovo was to develop civil

society, tried to create an umbrella organization for all NGOs, the NGO Assembly, but the main NGOs resisted. Pula⁹⁶ argues that this rejection "reflects both the suspicion members of Kosovo's civil society have formed against any type of massive organization which purports to 'represent civil society' and the flawed manner in which OSCE attempted to unite all NGOs under a single umbrella." It is easier, however, to build coalitions between NGOs that share a certain mission or focus temporarily on a salient common issue.

Intense competition for donor funds and personal antagonisms also prevents NGO networks from having a more unified voice. Indeed, Pula argues that NGO networks do not have clear structures but are identified with individual leaders and organized like "cliques" around certain donors:

“Particular NGOs tend to be identified as being allied with either one or another such clique, and particular cliques tend to be associated with a particular donor or groups of donors. The antagonism existing between such groups surpasses that of what one would consider a “healthy competition,” because animosities and intolerance tend to stretch into a highly personal level.”⁹⁷”

Despite the lack of institutional mechanisms, representatives of civil society and government officials interact and communicate frequently on a personal level. Anecdotal evidence indicates that civil society people often go to work in the government or are elected to the Kosovo Assembly and vice versa. Such personal interactions facilitate the flow of ideas between the two sectors and are an indicator that they collaborate. On the other hand, such collaboration might prevent strong NGO critiques of the government, as NGO elites want to keep the opportunity to become government officials open.

Since both political parties and civil society organizations started in the resistance during the 1990s, several NGOs are also connected to political parties and have better access to the government when those parties are in power. The Mother Teresa Association, for example, has traditionally had connections with LDK, while the Association for War Veterans (SHVL) and the War Invalid Association (SHIL) are connected to the Democratic Party of Kosovo (PDK) and the Alliance for the Future of Kosovo (AAK).⁹⁸ Table 7.1 summarizes responses to the survey conducted for this report that also suggest that civil society activists are more likely to be members of political parties.

While the international organizations expected civil society to lobby, consult and monitor the local institutions, the lack of clarity over each institution's responsibilities made it difficult for civil society to exercise its new role. Civil society activists were also frus-

trated since they often had much less access to UNMIK, the real power holder, than to the local government.⁹⁹ According to Igballe Rogova,¹⁰⁰ UNMIK did not reply to the Kosovo Women's Network's demands for the implementation of UN Resolution 1325, which mandated that women should be included in all aspects of peacebuilding. Civil society activists were therefore discouraged since the UN in this case was not open to implementing its own resolution.

		NGO Participant		
		No Participation	NGO Participant	Total
Are you a member of a political party?	Yes	29.0%	40.6%	29.3%
	No	68.3%	56.3%	67.9%
	Don't know/ no answer	2.7%	3.1%	2.7%
	Total	100.0%	100.0%	100.0%

Many scholars agree that different social conditions give rise to different types of civil society. Dissident civil society in communist Eastern Europe has been antagonistic to the totalitarian state, while the latter used mass organization to control and discipline individuals.¹⁰¹ Howard¹⁰² also argues that civil society in post-communist Eastern Europe is generally weaker than in other regions in the world because of the communist legacy. In Kosovo, the resistance society amongst the majority of K-Albanians took a nationalist stand to react to the repressive Belgrade government, which used nationalism to ward off political challenges.¹⁰³

Box 7.1

Relation between civil society and government

The liberal theory of civil society sees it as a natural counterweight to the state's intrusion upon the private lives of the individuals. Scholars like John Locke and John Stuart Mill saw the role of the state as limited and the society as strong, thereby assuming that a state would be stronger if the civil society were weak. Another view sees civil society and state as mutually supporting each other. Alexis de Tocqueville, a French aristocrat, was impressed at how little Americans in towns would organize themselves to solve pressing community problems. Robert Putnam updated Tocqueville's theory as he argued that civil society prepares individuals with habits of cooperation and problem-solving and ultimately improves governance. When international donors invested a lot of resources into building civil society in Kosovo and the rest of Eastern Europe, they were following Putnam's assumption that a stronger civil society would result in a stronger state. Putnam himself was sceptical about civil societies built quickly from above, since it took centuries for Northern Italy to develop a strong civil society.

Based on Tocqueville, Alexis de, *Democracy in America* (New York: Westvaco, 1999), Putnam, Robert D., Robert Leonardi and Raffaella Nanetti, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton, NJ: Princeton University Press, 1993); Putnam, Robert D., *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000).

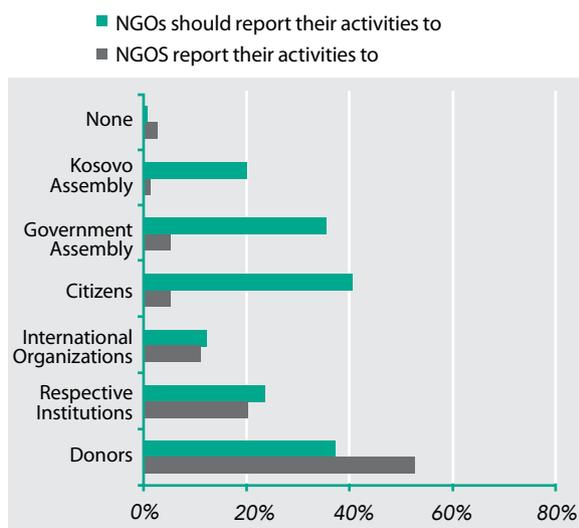
International organizations and donors fostered the new type of civil society, mainly consisting of NGOs that provided important services for a post-conflict population. Yet international organizations and donors emerged as the key actors who have been building both civil society and the state in Kosovo. On one hand, the international or-

ganizations (UNMIK, OSCE, and EU) took on governing functions before delegating some of those functions to local institutions. On the other hand, international organizations outsourced much of their service provision to civil society organizations that sprang up to meet the demand. With Kosovo's independence, the relationship between the state and civil society is being reconfigured again. Both the state and civil society need to be grounded more in the society and less in the international community.

7.1 Public perception of the relation between NGOs and government

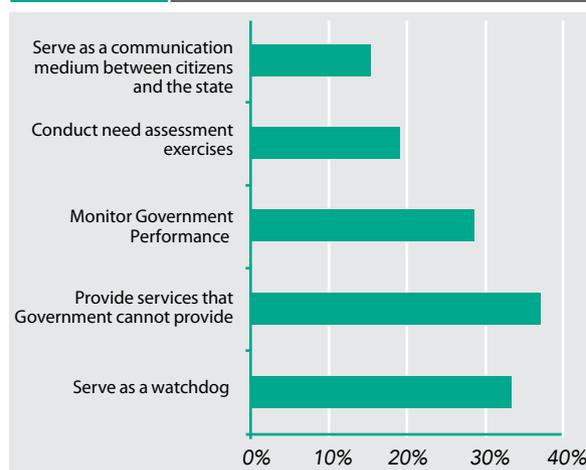
The following charts show the differences in perception that the population has regarding the accountability of NGOs in Kosovo. Figure 7.1 indicates public perceptions about to whom NGOs do and should report their activities. Unsurprisingly, 47 percent of respondents believe that NGOs report to donors. Less than 5 percent believe that NGOs report to the government or directly to citizens. The contrast between the perception of how NGO accountability works in practice and how it should work becomes obvious from survey responses about whom NGOs *should* report to. On average, respondents said that NGOs should report to citizens (22 percent) as well as donors and government (each around 21 percent). This could be interpreted as a call for higher NGO accountability towards the public and the government.

Figure 7.1
(same as figure 6.6)
To whom do NGOs report? To whom should NGOs report?



Judging by the citizen responses, the public expects CSOs to play an active role in their relation to the government (figure 7.2). The most common response (22.5 percent) on what sort of role CSOs should play was that they should provide services the government is not capable of providing. We should interpret this finding cautiously. NGOs surely can offer many types of expert service provision especially in the immediate post-conflict period. Yet, in the long term, we should not expect them to stand in for the government in many areas, thus preventing capacity building in the government. The other answers, in declining order, were for civil society to be a watchdog, monitor government performance, be an implementing partner with government, conduct needs assessment exercises, and be a communication medium between citizens and the state.

Figure 7.2
(same as figure 6.7)
What role should CSOs play in relation to the government?



As can be seen in figure 7.3, more than half of survey respondents did not know whether NGOs cooperate with the central and local government: 29 percent of respondents said they cooperated with the central government and 24 percent said with local government. On the other hand, members of the focus group that ran concurrently with the *Perceptions of Civil Society in Kosovo Survey* said that at the municipality level, problems are more direct, people are more dedicated and the results are more concrete. Usually, the more funding an NGO can bring to the table, the more the community is happy to collaborate. International NGOs in Kosovo have more funding and therefore more access to local government officials. The municipality officials also seek out NGOs to help them solve problems.

Figure 7.3 Do civil society organizations cooperate with central and local government?

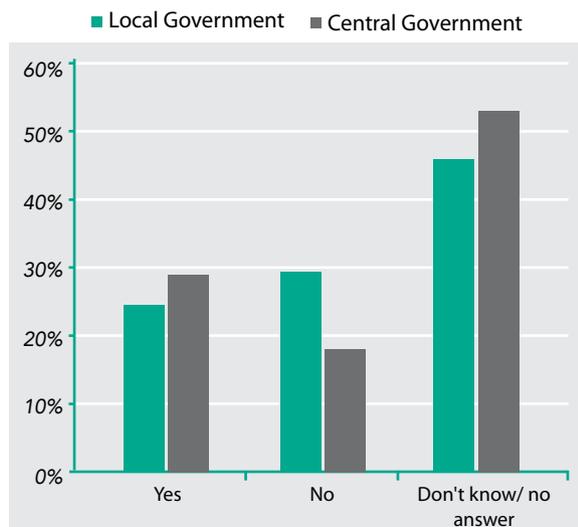
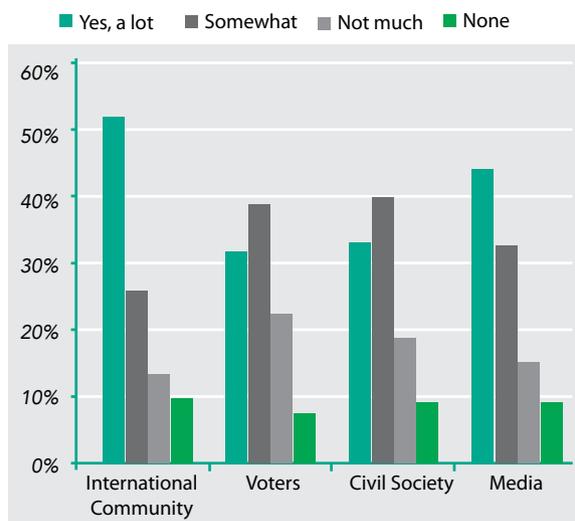


Figure 7.4 Do any of these actors hold the Kosovo government accountable?



Survey responses indicated that the public does not believe that civil society in Kosovo is able to demand strong accountability from the government (figure 7.4). Indeed, most respondents said that the government is beholden to the international community. They saw the media as exercising some influence, while civil society and the voters came last. Such perceptions might make the public less able to make demands on their elected officials.

A lack of specialization makes it hard for Kosovo NGOs to lobby, advise or monitor the government. More than half of survey respondents said that very few or none of the NGOs in Kosovo are specialized (figure 7.5). This lack of specialization is mostly because NGOs usually compete with each other for

short-term projects from donors, and hence have to adapt to the donor’s priorities. As figure 7.6 indicates, the public also believes that NGOs prioritize mostly according to the donors. Donor priorities partly explain why there are fewer NGOs in Kosovo working on human rights and the environment than on gender and youth issues.¹⁰⁴

Figure 7.5 Are NGOs in Kosovo specialised?

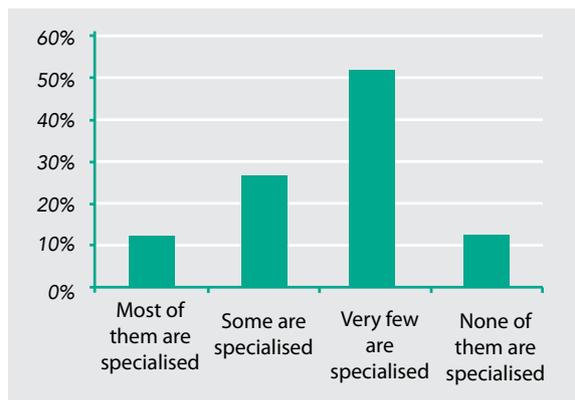
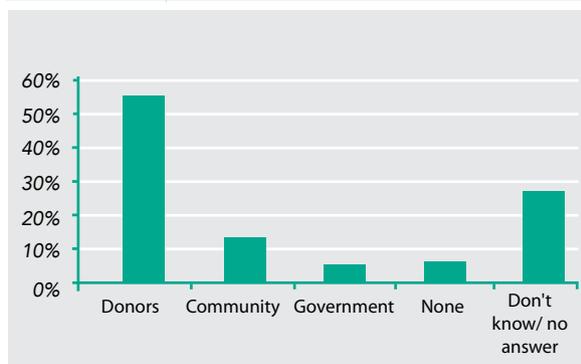


Figure 7.6 How do Kosovan civil society organizations set their priorities?



7.2 The interaction of minority NGOs with Kosovo institutions

The minority NGOs in Kosovo interact much less with Kosovo institutions. Local K-Serb NGOs tend to mistrust Kosovo institutions. Until 2006, K-Serb NGO activists also faced restrictions on their freedom of movement to the main towns where both Kosovo institutions and international donors are situated.¹⁰⁵ NGOs representing other minorities have been more collaborative with Kosovo institutions, but they, too, have problems with both resources and capacity.

Before 1999, there were few minority NGOs in Kosovo. There were few civil society organizations for Kosovo Serbs, and they were usually branches of organizations that had their headquarters in Belgrade, such as the Humanitarian Law Center. Kosovo Serbian NGOs were formed at the end of 1999 and the beginning of 2000; a large number have registered since then. They focus mostly on

local community issues, such as cleaning a school yard or promoting children's theatre, rather than addressing political issues. There is always fear that, if they collaborate with Kosovo institutions, they will be branded as traitors by their own community and by the Serbian state.¹⁰⁶

The Roma, Ashkali and Egyptian (RAE), Bosnian and Turkish communities have also attempted to organize since 1999, and they are willing to collaborate with the Kosovo institutions. Their socio-economic and educational development prevents them from taking charge more. One positive interaction is that the Kosovo government is organizing a participatory strategy for the inclusion of the RAE community, especially in the education sector. Civil society and community organizations have been participating in such processes. The Bosnian community has been more oriented towards the media. Through their Bosnian Forum of Kosovo, they have organized a series of round tables. They lobbied to be included in the negotiations on the status of Kosovo, and one member of the Bosnian community as well as an RAE community member were included.

As with Kosovo Albanian NGOs, donor funding often has set the civil society agenda for interethnic cooperation. Interethnic networks often start at a donor's request. The moment the funding is gone, the network usually disappears. NGO networks are oriented towards donor requests, and therefore do not have specialty areas. The community NGOs there-

fore try to work in culture, education, media, and other fields. Competition for funding also encourages fragmentation and jealousy. One common critique from minority activists is that Prishtina-based Kosovo Albanian organizations get funding for representing concerns of the communities in Kosovo.¹⁰⁷

7.3 CSO initiatives for meaningful interaction with Kosovo institutions

Civil society can offer significant support to the executive and legislative institutions in terms of dialogue, policymaking and monitoring of governance. Civil society can bring to policy planning local knowledge, the voices of underrepresented citizens, and a deeper understanding of social needs. Additionally, civil society can have a stronger role in policy implementation, both by providing services (e.g., health and welfare) and by continuing to fulfil government functions in protecting gender equality and human rights.

The role of watchdog, involving outright criticism of the government, has been taken on by organizations like Çohu! and Vetëvendosje!. The government has not been receptive to the critiques of either organization. Vetëvendosje!, a social movement that does not get donor funding and advocates unsupervised independence from the international community, is the only organization in Kosovo that directly confronts the international organizations and the government. Since it is seen as a radical organization by both internationals and the government, the

government does not answer to its criticisms. Çohu! produces frequent qualitative reports that monitor governmental corruption. These reports get extensive media coverage and are sometimes used as evidence by international organizations to critique the government. Additionally, Çohu! is part of an anti-corruption coalition called Civil Society for a Clean Parliament, which evaluated the candidates for parliament before the election. The government tries to portray Çohu!'s critiques as politically motivated and hence invalid.¹⁰⁸

The government should not shy away from constructive criticism by watchdog NGOs but welcome and encourage it, since it is essential for its own capacity building. One suggestion is for the government to set aside funds, to be distributed to NGOs through a competitive application process, to support watchdog and policymaking functions. The board that would award the funds should not be politicized, but should instead be made up of reputable intellectuals.

Another way of engagement between civil society and government is policymaking support where civil society organizations perform governmental services and functions. Think tanks like KIPRED, Riinvest, Policy Analyses Group (GAP), and KODI, have written policy papers and provided training and expertise to the government. They often get government endorsement and sometimes even government funding.

One of the few attempts to create institutionalized mechanisms for dialogue between

civil society and the government was a two-year effort by women's organizations that culminated in the creation of the Agency for Gender Equality in the office of the prime minister. Spearheaded by KFOS, CiviKos is another strong attempt by civil society to create an agreement for interaction with the government. While Prime Minister Agim Çeku signed the agreement with CiviKos on 9 November 2007, Platforma CiviKos is not as active with the current government. A 2008 CiviKos publication on the future of development in Kosovo, prepared for the 2008 donors' conference on Kosovo, was based on a wide participatory process that involved dozens of workshops and consulted more than 3,000 people representing all ethnic groups in Kosovo.¹⁰⁹ Why is the creation of institutionalized cooperation between civil society and government so hard? In addition to coordination problems amongst the NGOs, the government administration is heavily politicized, young, and not coherent in terms of its vision and policy implementation. For example, the central government's office for liaison with NGOs, the Office of Good Governance, is spread too thin to be very effective.

As it attempts to build mechanisms for cooperation, Kosovo can learn from similar experiences in different countries. Cooperation can happen at any level—the Assembly, the central government or municipalities—and in any sector (the Agency for Gender Equality in the prime minister's office is a good example). The Hungarian parliament has a Committee for Support for Civil Organizations, which used to provide grants to civil society organizations

and now has the mandate to draft legislation for civil society. At the central government level, partnership with civil society is often initiated by the government. In Hungary, the Department for Civil Affairs in the office of the prime minister is responsible for cooperation with civil society. In Slovenia, the Office for European Affairs appointed a national coordinator for cooperation with civil society. Both Slovenia and Hungary included collaboration with civil society in the preparation of their national development plans for European integration. Civil society organizations can also cooperate with specific ministries with which they have a shared interest. For example, Kosovo's Ministry of Culture, Youth and Sports cooperates with youth NGOs to organize Youth Month. At the local government level, municipalities in Kosovo could follow the example of the city of Szczecin in Poland, which opened an office that provides assistance to NGOs and supports them in disputes with local authorities.¹¹⁰

Table 7.1 lists key cooperation strategies, gives examples from Kosovo, and proposes mechanisms for carrying out the strategies and indicators of successful implementation.

7.4 Conclusion

Civil society in Kosovo is ready for more institutionalized mechanisms for cooperation with the government. NGOs received a significant amount of aid after 1999 as they performed quasi-governmental tasks. That funding trend is over now. The donor agenda has shifted from sponsoring NGOs to sup-

Table 7.2			
Strategies for cooperation between civil society and government			
Strategy	Examples	Mechanisms	Indicators of success
Dialogue	Advocacy Training and Resource Centre CiviKos Agency for Gender Equality	Offices in the national assembly, the national cabinet and municipalities	Number of meetings per year Number of requests for information
Cooperation in policymaking	KIPRED Riinvest KODI GAP Forum 2015	Government endorsement and use of think tank research	Number of think tank reports endorsed by government each year
Cooperation in monitoring	ÇOHU! Kosovo Democratic Institute	An independently administered government fund	Creation of fund Number of applications

porting state institutions; most of the funding pledged at the 2008 donors' conference on Kosovo will go to the state. Yet the civil society sector, despite its flaws, has significant assets to contribute to both state and society. While service provision has been the main task of NGOs in the post-conflict reconstruction period, they should increasingly play the important roles of promoting dialogue, participating in policymaking and monitoring government performance in a more institutionalized way. Recommendations for ways to make this happen follow.

Recommendations to the government of Kosovo

Create offices for CSO cooperation in the prime minister's office and national assembly and in municipalities.

Include civil society in steering groups and discussions on Kosovo's future with international organizations and donors.

Fund competitive grants for NGOs to perform advocacy and public services, but ensure that the government does not outsource its essential functions to NGOs or the private sector.

Recommendations to donors and international organizations

Continue to fund NGOs, at least in the medium term, until they develop stronger capacities and diversify their sources of funding.

Provide long-term, institutional support for proven, successful NGOs instead of short-term grants for projects that do not ensure sustainability.

Recommendations to civil society in Kosovo

Increase professionalism through capacity building.

Specialize and nurture a specific strength instead of trying to be a “jack of all trades” with a vague, catch-all mission statement.

Diversify sources of funding; explore options for government grants, private business donations, or separate commercial activities to ensure sustainability.



8

Civil Society Coordination in Kosovo

Driton Tafallari

8 Civil Society Coordination in Kosovo

Driton Tafallari

This chapter will explore and analyze efforts made by members of Kosovo civil society to build alliances to strengthen their ability to fulfil the needs that burden Kosovo society.

No country can be considered democratic or free without a well-organized and coordinated civil society. After the end of the cold war in 1989 and the breakdown of communism, civil society coalitions played a crucial role in spreading democracy in the former communist countries. The Union of International Associations in Brussels counts nearly 17,000 internationally operating organizations and thousands more of a national, religious or single-issue nature. The United States has about 2 million voluntary organizations, most created since the 1970s, and about 100,000 associations have sprung up in Eastern Europe since the fall of communism. Some of the groups are concerned with single issues; others are multifaceted organizations like the World Wide Fund for Nature, which has 5 million members.¹¹¹

Some worldwide networks have had enormous influence. One example is the International Campaign to Ban Landmines, a coalition of 1,400 NGOs from 90 countries that have convinced 146 countries to sign a treaty to ban landmines.¹¹²

Kosovo is passing through significant political, social and economic transformation. Its goal as a transition society, besides economic

development, is democratization and protection of human rights. Kosovo's aim is to be part of the western democratic countries, and therefore it needs to adopt internationally accepted norms and legal instruments. In becoming a part of the western family, the role of civil society is essential.

Civil society plays an important role in helping Kosovo become a truly democratic country. In many cases, individual NGOs cannot address a particular issue alone, which raises the need for coordination among NGOs. NGO networks and coalitions have multiplied, particularly in the last decade. They have achieved many concrete results, including monitoring elections, lobbying for changes to laws, and advocating for the rights of minorities, women, youth, and the handicapped.

Coordination among civil society organizations is not an end goal but rather a tool for achieving goals. It serves to strengthen the voice of civil society and increase its ability to improve people's lives and to fight injustice, corruption and other forms of inequity.

8.1 Formation of civil society coordination

Civil society in Kosovo is mostly coordinated through networks and coalitions of NGOs working together to address common issues. There is no exact formula that governs this process. Although many such alliances aim

to remain sustainable in the long term, some come together for a limited time to address a specific issue.

In order to ensure that they are being responsive to member needs, NGO alliances must time after time check their functionality. If an alliance no longer meets the needs of its members, there is a risk that participation will drop, and the group may even cease to exist. The NGO Returns Coordination Group (NRCG) is a typical example. This coalition was created in 2002 by international and local NGOs including GOAL Ireland, the Danish Refugee Council, Civil Rights Protection in Kosovo and Mercy Corps. NRCG was very active in its first three years, addressing sensitive issues relating to the return of minorities to Kosovo. By 2006, fewer NGOs were directly involved in the returns process, and the number of NGOs in NRCG fell significantly. This raised the need for NRCG to modify and broaden its mission, and it became the NGO Peacebuilding Coordination Group (NPCG).

NGOs expect to see a concrete benefit to joining an alliance. Benefits can include following:

- **Stronger impact:** It is not same if one NGO raises its voice or if 50 NGOs address the same concern. If a goal of the alliance is to influence legislation, then the number of people asking for the change will translate to the number of voters supporting it in the next election. Numbers matter.
- **Better access to information:** Networks and coalitions have regular meetings in which NGOs share information. In many cases, donors, government representatives, and other stakeholders are invited to the meetings as well.
- **Increased visibility:** Belonging to a successful and prominent alliance can enhance the reputation of individual NGOs and create a platform where members can be seen and heard.
- **Better geographical coverage:** This is particularly important when it comes to implementing Kosovo-wide projects. Bridges of Friendship, a coalition that implemented an OSCE-funded project, consisted of five NGOs that covered five Kosovo regions. Results were obvious: About 300 debates were held in 300 villages across Kosovo. No NGO could have achieved this alone. Democracy in Action, another coalition, which monitored elections in 2007, was able to recruit more than 2,500 monitors in three weeks. Again, no single NGO could have achieved this.
- **Greater access to donors:** Donors usually pay more attention to NGO networks and coalitions than to individual NGOs. NGOs are aware of this and believe that creating or belonging to a group will create access to new donors and lead to additional funding opportunities.
- **Faster project start:** If a network or coalition is the project implementer, it can take care of some administrative formalities, freeing individual NGOs to start their work more quickly.

There are also risks and difficulties to participating in networks and coalitions, and NGOs should consider them carefully. The reputation of the whole group depends on its members. If one NGO performs unsuitably, everyone could lose credibility. Furthermore, since not all alliances have funds for operational costs such as transportation and office space, NGOs must undertake a cost/benefit analysis to determine whether they can afford to participate. Member NGOs can also risk losing their identity if they are not represented sufficiently in the group.

One goal of NGO alliances should be capacity building of its members. This writer is not aware of many alliances that currently provide training or coaching to members. Potential member NGOs are in the most of the cases required to meet professional and sometimes financial criteria in order to join. This attitude must be changed, and weaker members must be assisted to become equal parts of the family. The fact that some members have more limited resources must be taken into consideration when applying for funding.

NGO alliances in Kosovo are for the most part either needs-driven or donor-driven. In the first case, NGOs join to meet a specific need or achieve a concrete goal. This is usually an autonomous process and does not necessarily need donor support. In many cases, NGOs form an alliance in order to become more attractive to donors. Examples include Fol '08, the NGO Peace-Building Coordination Group, Vetëvendosje!, the Kosovo Youth Network, Democ-

racy in Action and CiviKos. Donors may also specify that NGOs must cooperate in order to be eligible for funds. Examples include Bridges of Friendship and ProPeace. In both scenarios, NGOs usually end up with donor support.

8.2 Historical background

This short history of civil society alliance building in Kosovo starts with a short overview of the time when Kosovo was part of the Socialist Federal Republic of Yugoslavia and finishes with describing the ways NGO coordination is organized in Kosovo today.

Civil society coordination under communism

Civil society coalitions existed in Kosovo even in the communist era (although they may not have been fully independent)—particularly in rural areas working on infrastructure projects such as roads and electricity.

As in the other Yugoslav republics, civil society was not organized in formal coalitions but in politically oriented groups influenced by the Yugoslav Communist Party, such as the League of Pensioners and the League of Youth Socialists. These leagues were officially independent, but their main priority was to serve state and party interests rather than the real needs of the community. They functioned under the Yugoslav Communist Party (YCP). Organizations that tried to spread democratic views were considered anti-patriotic and were mistreated.

NGO coalitions during the dissolution of Yugoslavia (1989-1999)

The 10 years from 1989-1999 in Kosovo are known as the parallel state period. During this time K-Albanian political parties and NGOs took the leading role in a policy of peaceful resistance. They organized a private parallel education system and provided health care and humanitarian assistance for Kosovan families in need.¹¹³

The first NGOs in Kosovo were established in 1989 and usually acted through branches that were spread all around Kosovo (for example, the Mother Teresa Association, the Council for Defence of Human Rights and Freedom, and Motrat Qiriazi). The Mother Teresa Association was established in 1990 and quickly established branches all around Kosovo. Hundreds of volunteers helped distribute assistance (mostly food and clothes) donated by western countries. The Mother Teresa Association soon became a synonym for solidarity in Kosovo.

The first coalitions in Kosovo started operating in 1997 and included the Kosovo Women's Network. This network was officially registered in 2000.

After 1999—the “explosion” of NGOs

The withdrawal of Serbian forces and NATO's entrance in June 1999 changed not only the security situation but also the political and social environment. Thousands of international NGOs and hundreds of donors flood-

ed Kosovo. A two-year war in Kosovo left behind thousands of victims and destroyed an enormous number of houses.¹¹⁴

The new environment offered big financial opportunities. This was an impetus for Kosovans to establish local NGOs, and UNMIK legislation made it easy for them to register.¹¹⁵ The majority of them focused on humanitarian aid delivery, reconstruction of houses and schools and other social projects. Most of the NGOs were implementing partners for donors such as the UN High Commission for Refugees (UNHCR), UNDP, the United States Agency for International Development (USAID) and EAR.

The presence of such a large number of international organizations was not very well coordinated; in many cases, this led to a duplication of efforts.

8.3 NGO coordination in Kosovo today

Today there are about 4,200 local NGOs registered in Kosovo,¹¹⁶ though the exact number of operational NGOs is unknown. The huge number of NGOs has brought the need for better coordination. As a result, there are in Kosovo dozens of NGO networks, coalitions and other groupings, all with one goal—to become a strong voice for civil society and to strengthen democracy in Kosovo.

Membership is not limited to organizations, and the networks are often informal in structure. There are no formal written regulations

on how these groups should be organized. They are not formally registered, and they are usually regulated by a Memorandum of Understanding.

NGOs in Kosovo in general coordinate activities through networks and coalitions. Networks are better organized and structured than coalitions and usually have a longer-term issue to address. They are supported financially by the various donors engaged in Kosovo.

NGO networks

Networks are usually well structured and sustainable. They have elected boards and a council representing member NGOs, and they usually have many members with similar missions. Two good examples are the Kosovo Women's Network (KWN) and the Kosovo Youth Network (KYN).

Networks are usually created to enable their members to address a particular issue more effectively. KWN was created from 85 women's NGOs who considered that women in Kosovo were not treated in the proper manner and that it was not enough for individual NGOs to address such an important issue. Similarly, young people established the Kosovo Youth Network to address the problems of youth in Kosovo more effectively.

Some Kosovo NGOs are also part of regional networks. For example, in 2007 NGO Advocacy Training and Resource Center (ATRC) became part of Euklid, which consists of

NGOs from Albania, Montenegro and Kosovo. This is a functional network where all partners have concrete obligation to fulfil.

There were no women members on the teams created to negotiate a resolution to Kosovo's status. KWN in conjunction with the "Women in Black" network from Serbia raised their voices very strongly to demand participation of women in negotiating such an important issue.

Kosovo Women's Network

KWN was officially registered in 2000. Originally, it was an informal network of women's groups and organizations from various regions in Kosovo. It has developed into a network that advocates on behalf of Kosovan women at the local, regional and international level. Representing the interests of 85 women's organizations from all ethnic groups in Kosovo, KWN is a leader among civil society organizations in Kosovo and the region. In 2006, it became the first NGO network in Kosovo to adopt a code of conduct, setting an example of transparency and accountability. KWN also produces research reports and policy papers, including *Monitoring the Implementation of UNSCR 1325 in Kosova*, *The Extent of Gender-Based Violence and the Impact on Women's Reproductive Health in Kosova*, and *Domestic Violence in Kosovo* (forthcoming).

KWN's mission is to support, protect and promote the rights and interests of women and girls throughout Kosovo, regardless of their political beliefs, religion, age, level of

education, sexual orientation or ability. KWN fulfils its mission through the exchange of experience and information, partnership and networking, research, advocacy and service.

Kosovo Youth Network

KYN represents 127 youth organizations and youth centres throughout Kosovo. Its mission is to develop the capacity of youth to address their needs and to become effective actors for a free, open, democratic society in Kosovo.

The goals of KYN are to increase the capacity of youth groups in Kosovo; to strengthen cooperation, coordination and the exchange of ideas between youth groups and organizations, both within and outside Kosovo; to carry out activities that address priority needs of youth, such as participation, empowerment, human security, volunteerism, public health and employment.

KYN's main office in Pristina has four full-time staff members and five part-time staff members, depending on the projects that it is involved with, as well local volunteers working on different activities and projects.

NGO coalitions

Coalitions are usually more informal than networks. They rarely have boards or assemblies, but their internal relationships are determined through a Memorandum of Understanding or other contractual form. Coalitions are generally highly collaborative and often involve advocacy, technical capacity

building, joint research and the development of standards.

This form of coordination among NGOs is the most common in Kosovo. Coalitions in Kosovo are usually either issue-driven or donor-driven.

Issue-driven coalitions

NGOs sometimes form a coalition around a particular issue or project. A good example is Democracy in Action, a coalition of 11 NGOs that agreed to jointly monitor the November 2007 elections. They jointly created a work plan and requested financial support from donors operating in Kosovo. Other issue-driven coalitions include NPCG, ProPeace, and Çohu!. Coalitions may come together on an ad-hoc or long-term basis.

Ad-hoc coalitions are usually created to address short-term issues. An example is Germia 2005, whose purpose was to prevent Kosovo institutions from building a residence in the national park of Germia. It was created spontaneously and informally and ceased existing as soon as the issue was resolved. It did not need financial support to fulfil its mission. Coalitions that can work without donor support have additional strength because they can avoid donor influence. Two other ad-hoc NGO coalitions are the Coalition for Clean Parliament (headed by Çohu!) and Fol 08. These coalitions become active when they consider an issue needs to be addressed. The most recent case was when Fol 08 advocated against a planned increase in the Kosovo

president's salary. As a result, the president relinquished the salary increase.

In June 2007, a group of NGOs from different parts of Kosovo formed Coalition for a Clean Parliament. It was modelled on a successful Romanian coalition founded in 2004. The goal was to create a parliament free of corruption, organized crime and other illegal activities by researching the background of each candidate for parliament from the six biggest Kosovan political parties in order to reveal any illegal activities. Civil Society for a Clean Parliament is led by Çohu! (Organization for Democracy, Anticorruption and Dignity, based in Pristina); other members are the Initiative for Progress (Ferizaj), Eye of Vision (Peja), Forum of NGOs (Gjakova), Community Building Mitrovice (CBM), Citizens' Initiative of Llap (Podujeve), Çelnaja (Malisheve/Prishtine) and Young European Federalists (JEF—Vushtrri and Pristina).

Long-term coalitions are more sustainable than other NGO coalitions in Kosovo but less formal than networks. They meet on a regular basis, usually monthly or bimonthly, and usually have an executive committee that prepares the agenda and determines issues to be addressed.

A good example of a long-term coalition is NPCG. It meets every six weeks to address issues that arise in the peace building and returns process. Its executive committee consists of three local and two international NGOs, who each serve for a one-year term. The coalition facilitates information exchange, identifies and acts on issues, works

to ensure transparency and coordination among NGOs, provides a forum for prompt and frank discussion, and serves as a point of contact between NGOs and other key actors involved in peace building and returns.

Donor-driven coalitions

These coalitions are established to implement projects that are requested by donors, usually through calls for proposals. For example, Bridges of Friendship was created in response to an OSCE call for proposals for a project to foster communication between municipalities and citizens. It ceased to exist as soon as the project was completed.

Various donors in Kosovo have made an effort to create coalitions. Some donors make the creation of a coalition a criterion for eligibility to receive funds. Unfortunately, in many cases these coalitions have disintegrated when the project was completed.

One good example of a donor-driven coalition is ProPeace. In 2005, the German NGO Forum Ziviler Friedensdienst (Forum Civil Peace Service) brought together Kosovan NGOs working on peace building and reconciliation to assess what they would need to make their work more sustainable. NGOs stressed the need to meet, share experiences, exchange ideas, and help each other increase their capacity to influence the peace process in Kosovo. ProPeace is working to get media attention, establish credibility with politicians and donors, and play a role in policymaking. It currently has 13 NGO members.

8.4 Conclusion

Experience suggests that the most effective and natural forms of NGO coordination are based on need rather than donor expectations. However, it is not possible for NGOs to fulfil their tasks without financial support. In order to accomplish their missions, whether working alone or in groups, NGOs need to pay for office rent, fuel, salaries, websites and other operational or project expenses. At the moment, NGOs are fully dependent on international donors. The Kosovo government still does not have a clear policy or budget for working with NGOs. Furthermore, NGOs in Kosovo are still operating based on a 1999 UNMIK regulation that was intended to be a temporary solution. Parliament has drafted an NGO law, which needs to be further improved to regulate the proper functioning of NGOs. Civil society must be invited to comment on this law.

Recommendations

Recommendations for networks and coalitions are as follows.

Continue working together. Working in groups accomplishes more than working individually.

Provide capacity building for younger and less experienced NGO members; invest, when possible, in human resources.

Kosovo is very young society with many problems. Coalitions and networks must be more proactive in offering constructive opposition to the government and helping Kosovo institutions to create in Kosovo a truly democratic country.

In the *Perceptions of Civil Society in Kosovo Survey*, only 12.6 percent of respondents said they were aware of any NGO coalition in Kosovo. Networks and coalitions must more actively seek public visibility.

Communication between coalitions and networks must be improved.

Networks and coalitions must be more proactive towards donors by developing project proposals, requesting assistance, and developing long-term strategies for working with donors.

Existing networks and coalitions should undertake SWOT (strengths, weaknesses, opportunities and threats) analysis, which could help their further development.



9. The Media and Civil Society

Virtyt Gacaferi

9. The Media and Civil Society

Virtyt Gacaferi

This chapter explores the ambivalent relationship between the media and civil society in Kosovo. Details that pertain specifically to the media and its development will be discussed first. Features common to both the media and civil society will then be outlined, followed by a discussion on the ways in which the two diverge. Finally, a number of pragmatic recommendations will be made regarding actions to increase the contributions of both to further development in Kosovo.

To support the discussion, data from the *Perceptions of Civil Society in Kosovo Survey* have

been analysed and compared with the results of a separate, specially commissioned online survey, which included space for commenting on the questions (see box 9.1).

The term “civil society” has been defined throughout this report. The media, for the sake of this article, should be understood as a group of private entities that are involved in the publication of information, entertainment and educational material and that seek, through their own channels, to play an active role in the society.¹¹⁷

9.1 The media in Kosovo

Before 1990, the Kosovo media included only one daily newspaper, one Kosovo-wide broadcaster, a few specialized publications, and local radio stations in the main cities. These media outlets were owned by the state and controlled by the Yugoslav socialist regime, in contrast with the media in Kosovo today.

Following the fall of the Iron Curtain, the media blossomed in most Eastern European countries during the 1990s. However, Kosovo saw its status as a widely self-governing autonomous province, assured by the 1974 Constitution, abolished in 1989 by the Yugoslav regime led by Slobodan Milošević. The forcible closure of Albanian-language media began shortly thereafter. As the OSCE stated, “What had already begun with a series of new measures decreed by the Serbian assem-

Box 9.1

Online “Media and Civil Society” survey methodology

An online questionnaire was distributed to selected journalists during September and October of 2008 and to the Association of Professional Journalists of Kosovo for further distribution to its members. A total of 22 media professionals working for 14 different media organizations took part in the survey. They included two editors-in-chief and five senior journalists who have been working for more than three years in the Kosovo media. The least experienced respondent had one year of work experience, whilst the most experienced had 26 years in the Kosovo media. The average length of media experience was nine years. Respondents were drawn from several areas of the media, including print and broadcast journalism and the Web.

While most of the questions were closed, space was provided for respondents to make additional comments and to elaborate on any issues raised by the questions. A total of 23 written comments were received.

bly in March 1990 resulted in the ban of the only Albanian-language newspaper *Rilindija* and cessation of TV and Radio broadcasts on *Radio TV Pristina* (RTP).¹¹⁸

As a result of these moves, by 1997 the Albanian-language media in Kosovo consisted only of a two-hour satellite programme produced in Albania, one daily newspaper (*Bujku*), and two weekly magazines, *Koha* and *Zëri*. In 1997, the weekly *Koha* introduced *Koha Ditore*, a daily publication, and in 1998, a second daily newspaper, *Kosova Sot*, was launched. However, during 1999, the conflict in Kosovo escalated, and as a result of this, combined with Serbian President Milan Milutinović's refusal to sign the peace agreement drafted in Rambouillet and the subsequent NATO bombing of Yugoslavia, the Albanian-language media was destroyed, with most journalists expelled from Kosovo.

Following the end of NATO's military campaign and the expulsion of Yugoslav forces from Kosovo, the local media began to recover and develop. The establishment of UNMIK further contributed to a boost in freedom of expression, taking it to a degree hardly experienced in Kosovo before. In less than a year following UNMIK's creation, three Kosovo-wide TV broadcasters, five daily newspapers and dozens of radio stations had surfaced. These were further benefited by the significant influx of international aid money into Kosovo after 1999; according to an OSCE estimate, the financial support given to the Kosovo media had reached 36 million euros by 2006.¹¹⁹

In the wake of post-conflict rebuilding efforts, this media "explosion" was further reinforced by the lack of rules and regulations on broadcasting. Former OSCE Temporary Media Commissioner Robert Gillette explained that the high number of media outlets was created by "the uncoordinated licensing of stations by UNMIK and KFOR [the NATO peacekeeping force] in 1999/2000 as well as by the initial licensing policy of the TMC (Temporary Media Commissioner), aimed on utmost pluralism and the maximum right of freedom of expression"¹²⁰. The OSCE data also illustrate the fact that during that time, a broadcasting license could be obtained with a minimum of effort, leading to higher concentrations of media stations: "In August 2005 a total of 111 radio and TV stations operated in Kosovo. With an estimated population of only 1.9 to 2.2 million people, Kosovo ranks amongst the entities in the former Yugoslavia having the highest number of broadcasters."¹²¹

The media in Kosovo remain characterised by and largely comprised of organizations created following the conflict in an environment with limited regulation and high financial support. The media in Kosovo today continue to receive financial and institutional support from international donors, although at a significantly lower level.

9.2 Links between media and civil society

Common features

Sixty percent of the journalists who participated in the online survey agreed that the

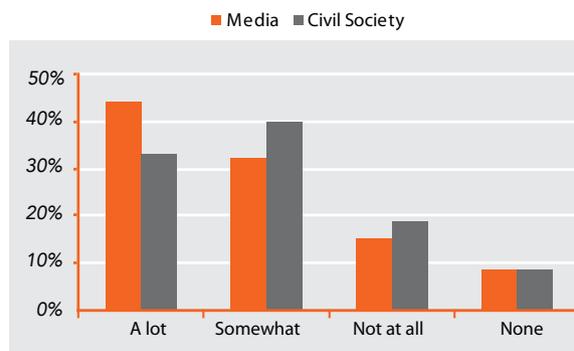
media in Kosovo fulfil a watchdog function, opting for a definition of media as “a group of people motivated to monitor what Government is doing with taxpayers’ money”. This function is even more widely acknowledged amongst Kosovo’s public: 76 percent of the respondents to the KHDR 2008 poll¹²² stated that they believe the media holds the government accountable. In comparison, 72 percent of the respondents considered that this role was effectively fulfilled by civil society organizations (see figure 9.1).

According to the online “Media and Civil Society” survey, a significant proportion (70 percent) of journalists surveyed also consider the media to be a group of people who “fight for more civil rights”, a function often fulfilled by other kinds of civil society organizations, for example in relation to the issue of women’s rights or when defending African-Americans’ civil rights in the United States.

Both of these statements would equally and undoubtedly apply to civil society as defined in this report (see chapter 1), and both aspects are taken into consideration below when assessing the extent to which the media can be considered part of civil society.

The results of the online survey also show that volunteerism may be an additional feature common to both civil society and media: 70 percent of journalists stated they would be willing to do their work on a voluntary basis if they had another income. This readiness to work voluntarily bears a resemblance to those involved in civil society organizations,

Figure 9.1 Do civil society and the media hold the government accountable?



which have traditionally been voluntary entities. This is reflected in Kosovo’s civil society. Similarly in Kosovo, and as testified by the KHDR 2008 poll, voluntarism seems to be emblematic of civil society’s work.

Last but not least, the fact that 60 percent of journalists surveyed consider the media to be part of civil society suggests that the concept of civil society should include the media. However, 40 percent of respondents disputed this idea. This seems to be due to a perception that media outlets have individual loyalties or agenda and thus cannot be a true representative of civil society; “some of the media support the government, some others the interests of particular groups; they rarely represent the civil society”, commented an editor with 10 years of experience in Kosovo media.

Key aspects that differentiate media from civil society

Despite the prevailing perception amongst those journalists interviewed that media and civil society serve a similar purpose and that as

journalists they are part of civil society, there is no consensus as to whether media themselves belong to civil society. Indeed, the main arguments used by those that propose a division between the media and civil society include the dissimilarities with regards to registration requirements, internal conduct of affairs, regulations and profit administration.

In Kosovo, civil society organizations that have at least three founding members and an accompanying statute are registered with the Ministry of Public Services. Media outlets, on the other hand, are registered with the Ministry of Finance and Economy, where they are regarded as businesses and as such must pay for their registration and provide the names of their owners. However, they are not required to provide authorities with their founding statute. Moreover, they can be founded, owned and governed by a single person—in contrast to civil society organizations, which must involve at least three persons.

Additionally, TV and radio stations need a license in order to broadcast, and as a result, the number of broadcasters is limited and regulated by specialised agencies. In contrast, civil society organizations operate more freely, without a need to be licenced.

Further, media organizations are allowed to distribute profits to their shareholders. This is not the case with civil society organizations, since in keeping with their status as non-profit organizations, any financial surplus must be reinvested in the organization rather than being distributed to founders or board members.

These legal differences are reflected in the opinions expressed by survey respondents. Only 15 percent of respondents to the KHDR 2008 poll said they perceive media as part of civil society (see table 9.1).

Table 9.1		Actors perceived as belonging to civil society			
		K-Albanian	K-Serb	Other	Total
NGO	Number	774	115	161	1,050
	% within ethnicity	90.3%	56.4%	91.5%	
Syndicates	Number	558	88	117	763
	% within ethnicity	65.1%	43.1%	66.5%	
People/community organizations	Number	260	78	32	370
	% within ethnicity	30.3%	38.2%	18.2%	
Media	Number	126	45	20	191
	% within ethnicity	14.7%	22.1%	11.4%	
Political parties	Number	13	38	4	55
	% within ethnicity	1.5%	18.6%	2.3%	
Private businesses	Number	25	29	2	56
	% within ethnicity	2.9%	14.2%	1.1%	
Total	Number	857	204	176	1,237

	Journalists' definition of the media				
	1 (agree strongly)	2	3	4	5 (disagree strongly)
Part of the third sector (the two others being the government and the private sector)	21.1%	10.5%	21.1%	15.8%	31.6%
Fourth estate (fourth power, the three others being the legislature, the executive, and the judiciary)	42.1%	15.8%	5.3%	21.1%	15.8%
Part of the private sector—as a group of professionals gathered to make profit	21.1%	10.5%	31.6%	15.8%	21.1%
A small group of people paying professionals to achieve social objectives	22.2%	11.1%	11.1%	33.3%	22.2%

Likewise, the journalists who participated in the online survey tended to refute the idea that the media belongs to the “third sector”, as some call civil society¹²³ (see Table 9.2). Most respondents preferred the definition attributed to 19th-century essayist Thomas Carlyle, built on a comment attributed to English statesman Edmund Burke: “Burke said there were Three Estates [powers] in Parliament; but, in the Reporters' Gallery yonder, there sat a Fourth Estate more important far than they all.”¹²⁴

The results shown in this table indicate that journalists do not agree that the media should be considered as a private sector entity striving for profit, nor that civil society is a group of people with defined goals and objectives.

Instead, a larger number tend to consider the media to be a tool of power.

With regard to the functional role played by the media, journalists support the idea of the media as “a group of people motivated to monitor what the government is doing with taxpayers' money” rather than “people guided by and striving to reach common objectives” (see table 9.3). Likewise, there is no unanimity amongst journalists surveyed in regard to the definition of the media either as “a group of people engaged for more democracy” or for “more civil rights”. As such, while the watchdog function of media seems to be broadly accepted, its association with civil society in its broadest conception is far less obvious.

	Journalists' view of media characteristics				
	1 (agree)	2	3	4	5 (disagree)
A group of people guided by similar concepts and striving to reach common objectives	27.8%	22.2%	11.1%	22.2%	16.7%
A group of people motivated to monitor what the government is doing with taxpayers' money	50.0%	12.5%	12.5%	12.5%	6.3%
A group of people engaged for more democracy	37.5%	12.5%	25.0%	12.5%	6.3%
A group of people engaged for more civil rights	43.8%	25.0%	6.3%	6.3%	12.5%
A group of professionals who work for a company	47.1%	5.9%	29.4%	5.9%	5.9%

9.3 A special relationship

As argued above, there are functions, in particular that of government watchdog, that both the media and civil society fulfil. While they clearly differ from each other in legal and regulatory terms, the distinction between their roles with regard to promoting civil rights and democracy seems less clear. This ambiguity has contributed to the fostering of a special relationship between the media and civil society organizations, especially between those sharing similar values, ideas and interests.

For example, the majority (70 percent) of the journalists surveyed affirmed that it is easier to report on issues in which civil society is involved. One respondent even said, “The voice of civil society sometimes makes the reporting more interesting than the voice of the opposition.” This might also be linked to the fact that most media entities place more trust

in civil society than in government and the private sector.

However, journalists’ willingness to include a civil society group in stories depends on whether they perceive that group to be independent of any particular political agenda. As one journalist stated: “I would include civil society in all of [my articles] if there was a real engaged civil society, rather than one that works for the interests of different groups.” (See figure 9.3.)

However, almost all respondents to the online survey acknowledged that they feel obliged to include civil society in their reporting. In addition, the quality and diversity of civil society organizations in Kosovo is considered limited by the media and as such, journalists’ confidence in civil society differs depending on which organization is involved. As one respondent said “[while] we also give space to civil society, these organizations have to be serious and careful on the statements they give as they are sometimes inaccurate.”

Figure 9.2 Who would you trust more—government, civil society or business?

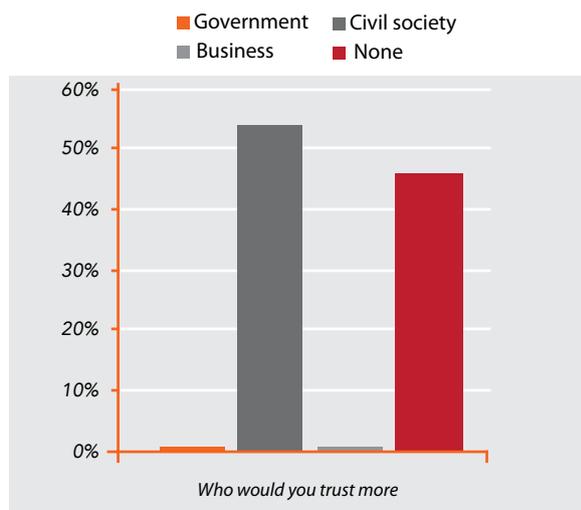


Figure 9.3 In how many stories would you include civil society?



There is a consensus amongst journalists that civil society organizations in Kosovo are a firmly established part of the media's daily reality. However, for journalists to give additional coverage to civil society, CSOs will need to provide more reliable information and substantive comments about issues in which the media are more directly interested.

9.4 Conclusion

The media, defined at the beginning of this chapter as "a group of private entities that are involved in the publication of information, entertainment and educational material and that seek, through their own channels, to play an active role in the society", cannot be considered part of civil society, as most media organizations can realise profit from their work and are regulated as businesses, governed by the wishes of their owners, and internally guided by diverging goals. However, like civil society organizations, most media outlets fulfil a watchdog function.

Taking advantage of their special relationship, they work with civil society to reinforce democracy in Kosovo, including in particular the improved management of public funds.

Recommendations to civil society organizations

Seek to enhance the level of cooperation and contact with the media. A momentum exists within the journalists' community in Kosovo for increasingly including the voice of civil society in the media and thus enabling activities undertaken by CSOs to have a larger impact on Kosovo society.

Recommendations to donors and development organizations

Seek to train civil society organizations in media relations.

When civil society organizations meet inside or outside Kosovo, media representatives should be invited to participate and report.



10. ■ European Union Integration and Civil Society

Shenoll Muharremi

10. European Union Integration and Civil Society

Shenoll Muharremi

European integration is one of the most demanding processes for Kosovo institutions and society. It has been one of the key factors that facilitated transformation of institutions and societies from socialist to democratic and from central to market economies in post-communist Eastern Europe. Surveys show that citizens of Kosovo overwhelmingly support membership in the European Union. Yet assessment reports indicate that Kosovo and its institutions still need serious reform in order to reach this goal.

As Kosovo is still in the very early stages of the EU membership process, it has not yet fully engaged in this course. This might prove to be a great impetus for civil society organizations to consolidate and, if capable, exert their influence and use this process to shape Kosovo's future. Like elsewhere in Eastern Europe, civil society organizations have an important role to play.

This chapter does not aim to assess civil society's capacity to interact with the European integration process, although it will illustrate how the European Commission (EC) reports on civil society functionality in Kosovo. It concentrates on the European integration process as seen from civil society organizations' perspective. It discusses key instruments, mechanisms and tools that civil society can use to monitor and become an actor in the process, which could transform Kosovo institutions and society. Engagement of other

actors with civil society organizations will be analysed as well.

There is no civil society policy per se in the EU membership process. There is hardly any civil society prime legislation in the approximately 100,000 pages of *acquis communautaire* (EU body of law). Rather, the EC addresses the issue as one of the benchmarks of the political criteria, namely within democracy and rule of law sections. The Commission only evaluates level of development of civil society; it cannot control or regulate civil society as this is up to national authorities.

Still, the Commission requires governments and institutions of countries that want to join the EU to pursue sound governance practices that allow civil societies to have an impact on policy and decision-making processes. But as this, by its nature, is a fundamental part of the development of democracy, it is a process that takes time to take root and become sustainable, especially in societies without a long history of democratic and civic engagement.

Issues and developments within civil society organizations in the course of the European integration process are no different from those in any democratic, market-economy system. European integration should not be approached as an isolated or parallel process. The role of civil society organizations in the European integration process is no different

from their role in developing sound democratic countries and societies. But they can use the process as a way to shape the organization and functioning of their own society and institutions.

10.1 Civil society and the European integration process

Civil society organizations are one of the most important actors in this important Europeanization process for the citizens and authorities of Kosovo. Like democracy, this process takes time, and civil society organizations need to develop themselves in order to be able to effectively play their role. The European Commission, in its Annual Progress Report, mainly it evaluates authorities. But they also briefly assess civil society. The following are summaries of how civil society has been evaluated in EC annual progress reports on Kosovo.

In the *Kosovo Progress Report 2005*, there was no direct assessment of civil society as in later reports. But analysis of the report shows that its assessment of the functioning and capacity of the civil society organizations was poor, as would be the case in the years to come. For example, the environmental section of the report stated: “Environmental civil society remains at a low level of development, limiting the possibilities for participation.”¹²⁵

The *Kosovo Progress Report 2006* said that there had been “no major changes since the last report occurred in terms of the capacity and influence of the local civil society

organizations”.¹²⁶ This is somewhat difficult to interpret, because it is hard to understand the precise assessment of civil society in the earlier report. It also reflects the fact that the main agenda items for local and international actors in Kosovo at the time were high-level politics such as Kosovo’s final political status and ethnic issues after the March 2004 riots – and not the functioning of civil society organizations. But the fact that civil society organizations received their own paragraph in the report within the discussion of political criteria constituted real progress, even though they were mentioned only twice in the report. That meant that, from then on, the EC would not only evaluate and monitor their capacity and influence but also address any identified gaps politically and financially.

The *Kosovo Progress Report 2007* states that “the administrative, financial, and managerial capacities of civil society organizations are very uneven, and are particularly poor at municipal level, which obstructs their development. Co-operation between the authorities and civil society organization remains uneven. Overall, almost no progress was made in this area. Civil society organizations remain weak.”¹²⁷

Although civil society was evaluated as weak, the EC did not use its strongest language – wording such as “very, very weak” or “extremely weak” was not used, as it was, for example, in the evaluation of Kosovo’s public administration in the 2005 report, which said, “Kosovo’s public administration remains extremely weak, inefficient and overstuffed”.¹²⁸

The civil society assessment in the 2007 report was more in depth and detailed, but also signalled that needs for intervention was urgent in the sectors.

The *Kosovo Progress Report 2008* maintained that “the capacity of civil society organizations remains weak”.¹²⁹ The EC has the capacity to assess, without any major political influence, the real situation on the ground. But EC reports are not necessarily 100 percent accurate, because they need partners such as civil society organizations to assist in information gathering. It might happen that some activities of civil society organizations, mainly at the local level, are not registered, but that should not be an excuse. The important fact is that these are to a great extent unbiased and professional reports and therefore should be treated professionally.

These reports lead to several conclusions. First, reports and warnings have not been taken seriously – and may not even have been read and analysed carefully. Second, the Kosovo leadership was very much overburdened during these years with the issue of the final political status of Kosovo, so that functioning of civil society organizations was not even on their agenda. Third, there was no comprehensive strategy for strengthening the role of civil society organizations; most actions were ad-hoc and failed to deliver needed results. Fourth, Kosovans, especially civil society organizations, should not wait for outsiders to come and solve their problems. This does not mean that international actors cannot deliver, but that sometimes it might be a conflict of

interest to do so, since democracy might not always be the most efficient system for moving projects forward swiftly – especially major projects.

Nevertheless, the European integration process needs civil society as a major partner, and the EC is committed to developing and supporting it. A well developed and functioning civil society is one of the key prerequisites for well-developed democracies and functioning societies and institutions in the western Balkans. That is why the EC included provisions for civil society support in its enlargement strategy papers and financial frameworks. For example, the 2007 progress report said:



*Ongoing EC assistance under the CARDS [Community Assistance for Reconstruction, Development and Stabilisation] instrument amounts to some €170 million and involves over 80 projects. The current programmes, among others, provide financial assistance to civil society organizations. A number of civil society organizations have been contracted to receive EC grants following a competitive selection process.*¹³⁰ ”

On the other hand, an analysis of the fifth enlargement of the EU (completed in 2007) notes:



*The share of assistance targeted to civil society as part of the democracy programmes of international donors has remained surprisingly small... the EU has given less support to civil society in its Eastern neighbourhood than some other major donors ... direct, financial aid to civil society has composed only a small part of the financial assistance programmes in the region. The democracy promotion programmes have lacked a clear purpose and more specified aims.*¹³¹ ”

Another commentator rightly states that “integration into the EU and the strengthening of the role of civil society in the candidate countries are not parallel processes.”¹³² This means that during the EU membership process not only institutions but also civil society’s framework and functioning change and improve. In the majority of cases, the European integration process and civil society organizations are natural allies and need each other to progress over the process. “The integration into the EU has been the main factor

in affecting a transformation of civil society in the Baltic states.”¹³³ The same can be concluded for all countries of the fifth enlargement as well.

Civil society, like democracy itself, is a long-term process and takes time to complete, if it can ever be considered complete. “If people are simply not accustomed to defending their interests and taking active part in public life, they do not easily change their habits even if the political system becomes more favourable to civic activity.”¹³⁴

The fact that Kosovo has faced several transitions—political, economic, and post-conflict—has been a challenge. Kosovo has young institutions and lacks the lengthy experience that might help it to properly handle these multiple processes at once. However, Kosovo is strategically on the right track. Now it needs proactive leadership that follows good governance principles and develops policies that deliver results and bring much-needed development, in order for Kosovo to catch up with its neighbouring countries and progress in the European integration process.

The main concerns of the European integration process are harmonisation, adoption and implementation of the EU *acquis*, institutional reforms and economic development. Of course, developing the capacities of civil society organizations is part of this process. But perpetuating a culture of passivity will not comply with the process, and strategies for change should be established.



In very general terms, civil society is needed in democratisation for two purposes: first, to move the process forward, and second, to prevent it from sliding backwards... In transition countries, there is no such civil society to begin with, although there are some forms of organized civic activity in all societies. The process of democratisation includes the creation of civic organizations that are able to perform these functions, and the development of relations between the state and civil society so as to allow the latter to contribute to the functioning of democracy.¹³⁵

10.2 Kosovo and the European integration process

It is essential that civil society organizations that aim to be involved in the European integration process understand EU membership criteria, the process and its instruments at both European and national levels. Interested stakeholders need to participate in policy- and decision-making from the very early stages. Unfortunately, the public is often informed only at the end of the process when a decision is approved or signed. Therefore,

this section addresses the process itself and its instruments and mechanisms in order to facilitate participation of civil society organizations.

Stabilisation and association process

Kosovo participates in the European integration process via the Stabilisation and Association Process (SAP)—the central mechanism driving EU relations with the western Balkans as they work towards accession. Due to Kosovo's unresolved political status, in 2003 a special instrument called the Stability Tracking Mechanism (STM) was designed to enable Kosovo to participate in SAP. Although STM did not answer the question of contractual relations between Kosovo and EU, it still provided a framework for Kosovo to engage individually (separate from Serbia) in the process.

Now that Kosovo has declared its independence, it might be reasonable to expect to move from the STM process to SAP. But this might be difficult, due to the fact that five EU member states have not yet recognised Kosovo's independence, putting the European Commission in a difficult situation and making negotiations on the Stabilisation and Association Agreement (SAA) difficult as well.

Decisions to start a feasibility study or negotiations are made by the Council of the European Union. Therefore, the European Commission will not be able to move forward without getting the green light from the Council. It is not difficult to conclude that lobbying the five

EU member states that have not recognised Kosovo's independence should be one of the main tasks of Kosovo's newly established Ministry of Foreign Affairs. It is to be hoped that these political obstacles will be removed in the near future. In the mean time, Kosovo authorities should continue to move forward on the necessary reforms.

EU membership criteria

The political issues mentioned above are highly technical and will require lengthy and significant efforts to resolve. Membership criteria, on the other hand, are clear. To join the EU, a country must be geographically located in Europe and respect the principles set out in Article 6(1) of the Treaty on European Union: "the principles of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, principles which are common to the Member States".¹³⁶ The well-known Copenhagen criteria (political, economic, and legal criteria deriving from the 1993 European Council Summit) provide the key guide for countries wanting to become eligible for membership in the EU, one of the most influential political and economic clubs on the planet.

Politically, "the applicant country must have achieved stability of its institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities;¹³⁷ economically, it must "have a functioning market economy, as well as the capacity to cope with competitive pressure and market forces within the EU;¹³⁸ legally

(perhaps the most demanding criterion), the country must "harmonise, endorse and implement complete body of EU legislation".¹³⁹

In 1995 in Madrid, the European Council added a criterion on administrative capacity, which addressed functionality of public administrations and reforms in aspiring countries. In terms of Kosovo and the western Balkans in general, two additional membership criteria derive from SAP: regional cooperation and cooperation with the International Criminal Tribunal for former Yugoslavia. The Union's ability to financially and politically absorb a candidate country, as well as the momentum for European integration, are also becoming increasingly important for any future EU enlargements.

Achieving EU membership is a long process with several phases designed to engage aspirant countries in ongoing multisectoral reforms, with progress assessed annually in a European Commission progress report.

The first step in the process is a declaration, by the EU and the aspirant country, of the intention to engage in long-term cooperation that could potentially lead to full EU membership. Within the SAP, there are several instruments (discussed in the next section of this chapter) that move the process from declaration to political and technical cooperation. Regular political and technical sectoral meetings between EC and Kosovo authorities take place to work on moving Kosovo forward and assessing its progress towards meeting the criteria—in this case, the European Partnership

priorities. The annual progress report also signals when it is time for a country to move to the next step in the process. EU provides continuous financial support throughout the membership process via its Instrument of Pre-Accession (IPA) with the aim of helping aspirant countries move forward with the necessary reforms.

The next step is usually a feasibility study by EC experts that makes a recommendation to the Council on whether the EU should start SAA negotiations. This chapter has already discussed the political issues that might hinder the start of a feasibility study for Kosovo. In any case, such a study might not necessarily give a positive recommendation. The feasibility study for Bosnia and Herzegovina, for example, recommended waiting for more progress before starting the SAA negotiations. Still, starting the feasibility study would be significant progress for Kosovo and would at least clarify, like it did for Bosnia and Herzegovina, the benchmarks on which Kosovo needs to concentrate.

This is followed by negotiations leading to the agreement and signing of the SAA, which has to be approved by EU member states. This is rightly perceived as a pre-accession agreement that legally affirms the aspirant country's prospects for full membership. All countries from the western Balkans except Kosovo have negotiated and signed an SAA with the European Union.

Meanwhile implementation of reforms based on the European Partnership priorities should

continue while all above issues are being addressed in parallel. The country will start to implement the SAA and, when it assesses that it has achieved significant progress, it will apply for EU membership. The Council will then ask the Commission to give its opinion on whether the applicant country is ready to start membership negotiations. If the Commission says yes, negotiations will start. Agreement on the 35 negotiated chapters leads to accession into the EU, provided that all member states have approved the membership. The conclusions of the Council of the European Union summit held on 17 December 2004 in Brussels stated that "the shared objective of the negotiations is accession" but "these negotiations are an open-ended process, the outcome of which cannot be guaranteed beforehand".¹⁴⁰

Kosovo's current status, as well as the work needed in order to become an EU member state, are clear. It is no secret that membership is highly important to Kosovo authorities, civil society and citizens. Nevertheless, the process itself should be as important as the end result, because it is a unique opportunity not only for authorities but also for civil society organizations to shape their future and the way Kosovo society is organized.

10.3 European integration process instruments, mechanisms and structures

This section will elaborate instruments, structures and mechanisms from both the EU and

Kosovo sides that civil society organisations can use to participate and influence policy and decision-making in this process. Most of the points below have been mentioned in this text already but had a different approach. This time the emphasis is on policy- and decision-making.

European Partnership priorities

One of the main instruments within the SAP is the European Partnership priorities document, which was initiated in the Thessaloniki European Council in 2003. The Council has stated that “the European Partnerships are a means to materialise the European perspective of the western Balkans”¹⁴¹ and that “the purpose of these Partnerships is to identify short- and medium-term reforms which the countries need to carry out, to serve as a checklist against which to measure progress, and to provide guidance for programming of EU assistance”.¹⁴² European Partnerships are based on the state of play of each country and address that country’s needs and the actions it needs to undertake in order to move closer to the EU. All actions and recommendations in the Partnerships are based on short-term (one to two years) and medium-term (three to four years) reforms that countries need to implement.

A European Partnership uses EU membership criteria and the country’s annual progress report to make recommendations on sectoral reforms.

For a civil society organization to influence this process, it needs to take part in the early

stages of drafting the agreement. Civil society can find support from the Commission to include a specific point or stress a policy that will later push authorities to implement it. For example, if access to information is a concern for civil society organizations, they should engage and talk to the European Commission in order to channel this concern into the European Partnerships. That way the EC, which has huge bargaining power in the process, will address the issue regularly with national authorities, and follow up on whether the government has implemented their recommendations. The issue will then also become part of the annual progress report.

European Partnership implementation action plan

European Partnerships require each country to prepare an action plan detailing measures to be undertaken and a timetable and budget for implementing them in order to respond to the priorities listed in the partnership document. Monitoring of progress will be carried out by established SAP mechanisms. The Commission is responsible for evaluating the implementation of the action plan in an annual report.

EU financial support for the countries of the western Balkans is prioritized based on the short- and medium-term reform actions derived from the European Partnership, taking into account each country’s particular needs and capacity. After the publication of the annual progress reports, the European Com-

mission updates the European Partnership documents, removing actions that have been complete and adding new ones.

Although, hypothetically, concern for civil society is incorporated into the European Partnership document, the work in this regard is not done. Civil society organizations need to lobby and work with national authorities to make sure that actions committed to in the European Partnership document are carried out. For this to happen, the actions must be realistic and implementable and have sufficient budget to be implemented.

The fact that EU assistance (the IPA) is based on recommendations in the European Partnership document gives another tool to civil society organizations to lobby both the EC (in Kosovo, the European Commission Liaison Office) and national authorities when they do annual programming. Once their concerns are incorporated into the European Partnership document, civil society organizations have the right to insist that the measure receives EU financial assistance through the IPA.

The financial measures and reporting requirements make this a complex and comprehensive process. Civil society organizations must master the process thoroughly in order to be able to use it proactively—thus its detailed discussion in this chapter.

EC annual progress report

The EC Annual Progress Report is a highly respected assessment, realistic and forthright in

nature. Investors around the world use the report as a reference to check the feasibility of their investments. For countries in advanced stages of the membership process, it can help determine whether political parties win elections.

Civil society can use this instrument in many ways. It can be used to lobby national authorities in favour of particular reforms. Moreover, civil society has been invited by the EC to contribute to the preparation of the report. They can express their concerns or appreciations in writing and, if appropriate and relevant, they will be included in the report. After the report is issued, the Commission informs the government and then holds a joint meeting with civil society organizations to communicate the findings. It is important to use this opportunity to influence the progress report in order to support arguments for including issues and concerns in the European Partnership document, implementation action plan and IPA.

EU financial assistance

EU financial management and procurement rules are complex and require considerable bureaucratic processing; they can only be discussed briefly here. Governmental and non-governmental organizations often ask for an immediate EU response to a funding request, but this only shows that they do not understand the process well. It is important to elaborate on the core issues relating to EU assistance.

The key instrument for EU financial assistance to aspirant and candidate countries is the IPA. It is programmed annually based on several

instruments, including the Multi-annual Indicative Financial Framework, Multi-annual Indicative Planning Document, Progress Report, and European Partnership document. Development strategies of national authorities are considered (based on the Paris Declaration). National authorities in charge of the process and of EU financial assistance are eligible to take part with the Commission in the process. IPA operations can be managed centrally (by the EC), jointly (by the EC and national authorities), or in a decentralised fashion (by the national authorities). Kosovo has a centralised management system.

In addition to the IPA, among the most important EU supporting mechanisms are the Multi-Beneficiary Programme, the European Human Rights and Democracy Initiative, Community Programmes, and the Technical Assistance and Information Exchange.

Because the IPA is the central financial instrument for Kosovo, it is worth mentioning that decisions on how to programme and distribute it are made in a series of consultations with stakeholders and take several months, sometimes a year, to complete. Civil society organizations are among the key stakeholders that the Commission consults. Therefore, if civil society organizations want to promote their agendas, they need to actively take part in this process. This can be a complex and demanding task: “One of the well-known obstacles to enhancing the EU’s support to civil society in [candidate] countries is posed by the bureaucratic procedures of aid programmes.”¹⁴³

STM political and technical meetings

The main forums where EU and national authorities discuss the European integration process are STM meetings (for political issues) and workshops (for technical and sectoral issues). Civil society organizations have in some cases taken an active part and been included on the official agenda—such as the STM Workshop on the Environment held on 24 January 2007 in Pristina. This is an effective way for civil society to make its message heard at a very high level.

Structures

The main addresses in Kosovo for the technical management of the European integration process are the Agency for Development Coordination and European Integration (formerly the Agency for European Integration and Donor Coordination Centre) and the European Commission Liaison Office (which in other countries is known as the EC Delegation). These two offices work together on a daily basis. The Kosovo Unit within Enlargement Directorate General, C Directorate is responsible for managing Kosovo affairs on behalf of the European Commission.

In terms of political representation, Kosovo’s deputy prime minister is in charge and responsible for this agenda. The Kosovo Assembly in 2008 established a Committee for European Integration, and Kosovo has also established a diplomatic mission in Brussels. The required IPA management structures are not yet in place.

SAA and membership negotiations

Both SAA and membership negotiations are complex and will take a significant amount of time to complete. While SAA is mainly trade related, negotiations for EU membership (also known as accession) cover all of the criteria described above. These negotiations are organized into chapters for different sectors (e.g., chapter 10, Information Society and Media, and chapter 22, Regional Policy and Coordination of Structural Instruments¹⁴⁴); each country has a separate Negotiating Framework¹⁴⁵. As with the STM Workshops described above, civil society will be invited to take an active part in this final stage of the process. Experience from Eastern European countries that joined EU in 2004 and 2007 has shown that in countries where civil society has been better informed it has had more influence on the process.

10.4 How civil society can make a difference

In addition to actively participating in the process, one of the roles of civil society organizations is to monitor the process. As discussed above, the process involves several instruments. One of the most important to monitor is the European Partnership Action Plan (EPAP), which usually includes the following:

1. Objectives to be achieved
2. Actions to be taken to achieve the objectives
3. Institutions and partners responsible for

implementing the actions

4. Timeframe for completing the actions
5. Budget necessary to implement the actions and from where it will be derived
6. Other comments and related issues

EPAP is a public document and the basis of most meetings that take place within the process. Civil society organizations can use it to monitor the plan's implementation. This is very important, since experience has shown that countries in the early stages of integration lack the capacity to implement policies and strategies. Kosovo is no exception.

Policymaking is another aspect of the process that civil society can monitor. Fulfilling the EPAP will require a number of new laws. Civil society organizations can monitor whether the laws are enacted on time. They can also work with the legal department of the Agency for Development Coordination and European Integration, which is responsible for ensuring that each draft law passes an EU compatibility check. In most cases, the more laws meet EU standards (e.g., for environmental or consumer protection or food safety), the better they will fit with civil society goals. (At this stage, laws are only checked to make sure that they do not breach EU legislation; they are not fully approximated or harmonised. But civil society can lobby for as much approximation and harmonisation as possible.)

Another way civil society organizations can monitor and participate in the integration process is by asking to take part in the meetings of the Committee for European Integra-

tion in the National Assembly. Although this committee is new and still struggling to establish itself, it is likely to become a key player in the harmonisation of legislation. Currently only the government checks laws for harmonisation. But when laws go to the Assembly, they can be still amended and modified, and there is no procedure (nor should there be) for the government to approve those changes. Thus the Assembly needs a way to check whether its laws are in line with EU standards. This will be a job for the Committee for European Integration, and civil society should be involved.

10.5 Conclusion

Civil society organizations are among the most important actors in the complex constellation of stakeholders in the EU membership process. Civil society can not only play its monitoring role, it can also become one of the main partners, especially to the EC, in this process. Civil society capacity for participating in policy- and decision-making needs to be improved. It has been observed in various

reports that civil society in Kosovo is at an early developmental stage.

Local leadership, of both institutions and civil society, in cooperation with international actors involved in Kosovo, should prepare and implement a strategy to strengthen the role and participation of civil society organizations in the European integration process. Both EC and the Kosovo government need to take into consideration funding and involvement of civil society organizations during their planning.

There are several instruments, as elaborated in this chapter, that civil society organizations can use to participate in the process. Their development and professionalism will have its impact in the process. However, societies without a proactive civic culture need more time to develop their spirit of participation. It took decades for western societies to reach the level of civic development they enjoy today. Democracy is a process, and the saying "Rome was not build in a day" applies to civil society development in Kosovo as well.



11

■ Sustainability of Civil Society

Hajrulla Ceku

11 Sustainability of Civil Society

Hajrulla Ceku

USAID's 2007 *NGO Sustainability Index* concluded that, among Balkan countries, only Kosovo's NGOs had regressed in sustainability: "For the most part, the NGO sectors operating in the Southern Tier, including the EU's newest member states of Bulgaria and Romania, improved their sustainability during the year. Only Kosovo experienced a decline in sustainability."¹⁴⁶ One of the explanations given in the report was that 2007 was taken up with negotiations on Kosovo's status (independence was declared in February 2008), and consequently "Kosovan NGOs found themselves unable to engage the government on other issues, and essentially engaged in self-censorship during the year."¹⁴⁷

Over the past decade and a half, Western countries, international institutions, and private donors invested vast resources into building a strong and effective civil society in the transition states of Central and South-Eastern Europe. Viewed as an indispensable component of a healthy, functioning, modern democracy, newly established civil society or nongovernmental organizations were provided financial and technical support as a means to gain a foothold in the governance affairs of their respective countries.¹⁴⁸

The crucial role of NGOs in Central and Eastern Europe, especially in helping these countries join the European Union, has been remarkable. There is no doubt that the international donor community was one of the main pillars

of a successful civil society, and the decrease in foreign funding has posed serious challenges to NGOs' financial sustainability. As a recent report described it: "But now, as much of the foreign money used to finance such organizations begins to dry up or move elsewhere, one of the looming questions in the region is how the civil society sector can be sustained, at least to some acceptable degree."¹⁴⁹ The USAID Sustainability Index 2007 points out that NGOs in Albania, Croatia, Kosovo, Montenegro and Serbia have made some small strides in diversifying their funding sources and improving their financial sustainability.¹⁵⁰ But there is little evidence that NGOs in the region will soon become less dependent on donors.

An ideal NGO for human development would have the following attributes:

- It is self-initiated.
- It is formally organized with accountable behaviour and a system of governance.
- It demonstrates public responsibility.
- It uses resources in sustainable ways.
- It is self-financed, which ensures autonomy in decision-making.
- It is democratic and equitable in its functioning.
- It is effective and efficient in realizing the objectives it sets for itself.
- It is able to position and assert itself towards or collaborate and compromise with others on the basis of well-reasoned considerations.

- It functions with an accurate awareness of the way society, the economy and politics work around it.

An NGO's sustainability is affected by four interrelated factors: organizational viability, financial security, program effectiveness and enduring impact. "For instance if an organization's governance is weak (organizational viability), sooner it will affect its credibility that stakeholders like donors will not fund it (financial viability), resulting of reduction in interventions (program effectiveness) which eventually have adverse effects on long term benefits for the community (enduring impact)."¹⁵¹ Current figures show a complex picture of the NGO sector in Kosovo. "While some 4,500 NGOs are officially registered with the Office of NGO Liaison, knowledgeable observers' estimate that only about three hundred, including organizations oriented to service delivery, community development and/or policy advocacy are currently active."¹⁵² This is one of the most optimistic estimates; others claim that the real number of active and to some extent sustainable NGOs in Kosovo is a two-digit one.

11.1 Civil society development in Kosovo

Civil society development in Kosovo went through two phases: civil resistance and solidarity in the 1990s, and the period of post-war reconstruction and building democratic governance after 1999 (also referred to as the mushroom period). "While most of the Albanian civil organizations [during the 1990s]

were service providers, they were strongly politicized and nationally oriented as they embodied the goals of the Albanian Kosovan nationalist struggle and were the means of peaceful resistance to the Serbian regime. Others pursued this goal through advocacy on the world stage."¹⁵³ The NGO movement in Kosovo gained substance through the appearance of the Council for the Defence of Human Rights and Freedoms in 1989, the Kosovo Helsinki Committee in 1990 and the Union of Independent Trade Unions, also in 1990. These umbrella organizations and a number of think tanks dominated civil society in the 1990s.



Through the turn of the century, the main institutions that survived the war were those that had the support of Kosovan Albanians, the "parallel society" — supported in opposition by a large portion of the public that believed in its cause. Hence, what is widely hailed as democratic pluralism throughout Eastern Europe, in Kosovo became the basis of resistance against Serbian repression and the struggle for independence.¹⁵⁴

As another commentator put it, "At the local level, a small number of other organizations repre-

Box 11.1 Development of civil society in Kosovo

The development of civil society in Kosovo occurred in four phases. The first phase began in 1989 when two organizations, the Council for the Defence 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.... Almost all the NGOs at that 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 think 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.

— Freedom House: Kosovo Country Report, *Nations in Transit 2007*, p. 60

senting other interests emerged in this period [the 1990s], including youth (Post Pessimists, Pjetër Bogdani Club, Alternativa), students (UPSUP), the disabled (Handikos), and those engaged in radio and the print Media.”¹⁵⁵

Of the registered NGOs, only around 150 are well established and active... “An increasing number of NGOs are now more or less sustainable, with stable organizational structures... Cooperation and networking between NGOs from different ethnic backgrounds and regions still remains rare”.¹⁵⁶

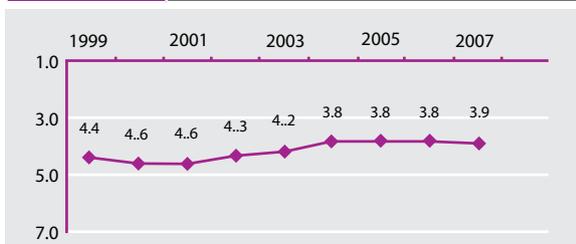
11.2 Self-regulation and improved governance

Considering that NGOs are not elected, but established on the basis of common interests, the question of accountability and responsibility can be more ambiguous than it is for state institutions. The concern is that NGOs, unlike businesses and elected governments, lack an adequate, clearly defined basis on which they can be held to account. Commentary on this issue has included the following:



*Their networked relationships and public profile can certainly provide crucial elements of pressure and oversight. But these mechanisms are rightly seen as inadequate governance for a form of organization that has become so important in influencing individual attitudes and public and private policy and practice.*¹⁵⁷”

Figure 11.1 NGO Sustainability Index ratings of Kosovo NGOs



Source: USAID, *NGO Sustainability Index 2007*, page 129. The index uses a 7-point scale, to facilitate comparisons to the Freedom House indices, with 7 indicating a low level of development and 1 indicating a very advanced level.

“ NGOs have to be transparent and accountable under their legal framework, as well as vis-à-vis the interest groups they represent. It is this characteristic that distinguishes credible NGOs from those incapable of being legitimate representatives of their interest groups.¹⁵⁸ ”

“ There is overwhelming agreement that if the voluntary sector is to hold governments and business accountable, it needs to ensure its own legitimacy, openness and transparency.¹⁵⁹ ”

“ NGOs should be accountable to a wide range of stakeholders: peoples whose rights they seek to protect and advance; their own members, supporters and staff; to those who contribute finance, goods or services; to partner institutions, both governmental and non-governmental; to regulatory bodies; to those whose policies, programmes or behaviour they wish to influence; and, more broadly, to the media and general public.¹⁶⁰ ”

Throughout Central and Eastern Europe, a so-called “accountability gap” exists in that NGOs often feel little pressure from stakeholders to behave accountably—donors don’t ask how money is spent, and beneficiaries don’t ask who funds an organization and why. But as one commentator put it: “The best NGOs view this accountability gap as all the more reason to prove they deserve their special privileges. By behaving responsibly and responsively, an NGO demonstrates its commitment to serving the public interest.”¹⁶¹

Box 11.2 NGO regulation

NGO regulation is the shared responsibility of society, since NGOs exist for society’s benefit. Effective regulation addresses the needs of, and can be owned equally by, a government and the NGO sector. There is also a clear link between the success of a regulatory system and the support that it enjoys from the NGO sector and from the government.... Shared responsibility has several different elements, and the Regulatory Bridge illustrates how they link together.

Internal accountability shows, and improves, the strength of an individual NGO.

The regulator is also key, as is its relationship with NGOs.

In many countries the NGO sector has voluntarily introduced codes of conduct—and in some cases the government has encouraged it to take control of important parts of regulation.

The public and donors also play an important oversight role.



Many Kosovan NGOs are run by one or two persons, who are engaged time after time in managing their organization, whenever some fund becomes available. As one commentator put it:

“Younger organizations and those belonging to disadvantaged groups are still mastering basic capacities, while more advanced ones feel a training fatigue and request access to more advanced trainings abroad or customized coaching. Almost all NGOs still require strengthening of their internal organization and increased professionalism, thus undermining their credibility when asking for greater openness in society generally.”¹⁶²

In a similar vein, One World Trust¹⁶³ and others have argued that the lines of accountability should run (as equally as possible) in four directions: upward to donors, governments and foundations; downward to beneficiaries; inward to an organization's own staff and mission; and horizontally to peers.¹⁶⁴

Box 11.3 What is accountability?

For an NGO, being accountable means demonstrating regularly that it uses its resources wisely and doesn't take advantage of its special privileges to pursue activities contrary to its non-profit status. An accountable NGO is transparent, readily opening its accounts and records to public scrutiny by funders, beneficiaries, and others.

— Marilyn Wyatt, *A Handbook on NGO Governance*, p. 5b

The main obstacles to NGO accountability include inadequate internal management skills and a lack of motivation, the latter directly related to their unawareness of, or lack of a clear understanding of, the benefits of self-regulation and improved governance.

NGOs in Kosovo should employ basic good-governance structures such as an elected board, financial audits, annual reports, specific prohibitions of abuse such as conflict of interest, and guidelines for carrying out duties.

“Each NGO with vertical structure of governance must employ internally the mechanisms of accountability, starting from the board and going down to the managing staff. The internal accountability is a strong institution, based on law and positive action.”¹⁶⁵

In one attempt to address accountability, “an *International NGO (INGO) Accountability Charter*, drafted by a committee of the In-

ternational Advocacy NGOs Workshop, was issued in June 2006 to create common standards for NGOs working across national boundaries.”¹⁶⁶ This document, even if designed for and signed by international NGOs, offers a viable basis for Kosovo NGOs in understanding the values of transparency and accountability in their work.

Box 11.4 What is accountability?

This Charter outlines our common commitment to excellence, transparency and accountability. To demonstrate and build on these commitments, we seek to:

- *identify and define shared principles, policies and practices;*
- *enhance transparency and accountability, both internally and externally;*
- *encourage communication with stakeholders; and*
- *improve our performance and effectiveness as organizations.*

We recognize that transparency and accountability are essential to good governance, whether by governments, businesses or non-profit organizations. Wherever we operate, we seek to ensure that the high standards which we demand of others are also respected in our own organizations. The Charter complements and supplements existing laws. It is a voluntary charter, and draws on a range of existing codes, norms, standards and guidelines. We agree to apply the Charter progressively to all our policies, activities and operations. The Charter does not replace existing codes or practices to which signatories may also be party, except as specified by them. Its adoption does not prevent signatories from supporting or using other tools to promote transparency and accountability. We will refine the Charter through experience, taking into account future developments, particularly those that improve accountability and transparency.

—International Non Governmental Organisations’ Accountability Charter, December 20, 2005, p. 2

11.3 Financial sustainability

Except for a small number of Kosovo NGOs that managed to achieve a desirable level of institutional and financial sustainability, the vast majority of NGOs face serious difficulties in sustaining their work and existence.

“Sole dependence on foreign funds and limited human resources are amongst the greatest challenges facing civil society today. To overcome this situation, we must build long-term strategies in partnership with government and business sector, each taking its own responsibilities under a democratic system of governance.”¹⁶⁷”

The relative shortfall in finance by international donors has not been compensated for by local sources: “The majority of NGOs are dependent on short-term funding from one donor, and many smaller NGOs are without any significant financial support.”¹⁶⁸

The capacity of domestic Kosovan NGOs is weak, and their work is largely unsustainable without international donor support. “Even the larger funding organizations concede this fact: NGOs are characterized as tools for projects – for the purpose of obtaining international funding and thus, not sustainable.”¹⁶⁹ Due to the weak economic situation, inadequate tax

structure,¹⁷⁰ and lack of public understanding of their value, NGOs in Kosovo are not close to becoming financially sustainable.



While numerous organizations could become institutionally sustainable within 2-3 years, financial sustainability remains a distant goal. Local philanthropy will need to wait for many years, during which NGOs will need to do their best to diversify their sources of funding in their bid to become more independent, as well as to widen and deepen their constituency to be able to use their membership for voluntary tasks as well as membership fees.¹⁷¹

“Nearly all NGO revenue falls within three broad categories ... (1) government funding, and (2) private giving, or philanthropy, and (3) self-generated income.”¹⁷² There are many possible revenue streams for NGO operational and programmatic activities. These sources include, but are not limited to: government support through direct public funding or indirect subsidizing such as tax exemptions, foreign aid, earned income from economic activity and membership fees, and private philanthropy.

The 1 percent system has reached as far as Japan, where the Ichikawa prefecture introduced a special version of it. Elsewhere in

Box 11.5 Financial resources for NGOs

There are general financial resources that all NGOs in principle can access:

1. public subsidies covering general support
2. public grants for individual projects
3. grants from international donors or non-budgetary sources
4. public procurement of goods/services delivered by NGOs
5. donations from private benefactors and companies

NGOs can also receive indirect support through the following:

1. organizational tax deductions
2. statutory exemption or credit allowed from individual income tax liability
3. use of public property at reduced rates

NGO resources consist of:

1. entrance and membership fees
2. revenues from sales of products or services
3. time contributed by members and volunteers

—Local Government and Public Service Reform Initiative, NGO Sustainability in Central Europe: Helping Civil Society Survive, p3

Asia there has also been success in working with the government to obtain financial resources for NGOs, such as the Pakistan Centre for Philanthropy’s “Gateway to Giving” project, which aims to certify NGOs for eligibility to receive tax-free donations. In the United Kingdom, encouragement has been given to developing more flexible sources of independent finance through the Community Investment Tax Credit (leading to a wave of new Community Finance Institutions), through licensing the Charity Bank as a source of cheap capital and through encour-

Box 11.6 The 1 percent law

Hungary introduced a mechanism to Central Europe in 1996 that has become known as the “1 percent law.” The initiative came from the Ministry of Finance, and the goal was to increase resources for NGOs, while also promoting development of a philanthropic culture. Individual taxpayers can designate 1 percent of their taxes to an NGO and 1 percent to a church. There is no cost to the taxpayer; the allocation simply requires filling out a form and submitting that form with the filing of tax returns. To be entitled to receive 1 percent contributions, a foundation or association must carry out public benefit activities. Following Hungary’s lead, several other countries have adopted similar mechanisms: Slovakia, Lithuania, Poland, and most recently, Romania. In Slovakia and Lithuania, taxpayers can designate 2 percent of paid tax to NGO beneficiaries. Corporations can also take advantage of the 2 percent allocation in Slovakia. Poland uses a somewhat different procedural approach by requiring the taxpayer, rather than the tax authority, to transfer an amount equivalent to up to 1 percent of his or her income tax.

—Reprinted from David More, *Laws and other mechanisms for promoting NGO financial sustainability*, p4&5

Box 11.7 Private philanthropy

Throughout the region, there are significant challenges in developing local sources of income. The development of local philanthropy presents perhaps the greatest challenge. NGOs routinely report low levels of citizen understanding and interest in civil society, leading to low levels of donations in the form of either monetary support or volunteerism. Despite the fact that nearly every country has enacted corporate donor incentives, the complaint that few corporations give still rings loudly. Individuals are even less likely to donate money, given difficult economic circumstances and distrust of the NGO sector.

—Reprinted from David More, *Laws and other mechanisms for promoting NGO financial sustainability*, p4&5

Therefore, in relation to financial sustainability, a central impasse of NGOs is how best to utilize public funds without compromising autonomy or engaging in economic activities that may corrupt their moral utility. It would be ideal to receive the majority of resources from individual contributions or membership fees, but this is rarely achieved.

aging banks to be less conservative in meeting the needs of excluded communities.¹⁷³

Due to the widespread opinion that numerous NGOs have mismanaged resources and that their leaders were paid excessively well, there is an apparent consensus that there is a need to tighten the leash on NGOs. A number of them have lost their public benefit status as a result. However, there is lack of clarity over rights and obligations of NGOs with regard to taxes, customs duties, VAT, and so on,¹⁷⁴ because there is a lack of adequate legislation for NGOs in Kosovo.

11.4 Networking and coalition building

Bringing NGOs together to act more decisively and effectively in their work and mission constitutes the darkest part of the civil society story in post-1999 Kosovo. There were few NGO networks established in this period, and most of those were either short-lived or ineffective in mobilizing the NGO potential and creating powerful synergies. The factors contributing to this situation vary from frequent internal disagreements between member organizations to the diversity of in-

Box 11.8 Case study of an NGO collapse

This case study describes how a major British NGO collapsed in 2002 due to poor financial management and weaknesses in governance and senior management. The only detail that has been changed is the name.

CDA's collapse resulted in the waste of a great deal of money that it had invested in its infrastructure, its brand and its organization (for instance, the time spent developing its mission statement). Over 500 members of staff were made redundant. Some of the organization's field projects were passed over to other NGOs. Others were closed down. CDA collapsed because it ran out of money. This was the result of relying very heavily on an overdraft and income from restricted grants, which led to a major deficit on general reserves. The restricted grants did not contribute enough to cover the organization's head office costs, and unrestricted fundraising did not raise enough either.

The situation did not develop quickly. It built up over at least the five years from 1997-2001, during which time CDA had a deficit of not less than £300,000 on its general reserves. This was funded by a large overdraft for at least four years, which peaked at almost £1 million in 2001. External factors (such as exchange rate losses, late payment by donors and foot-and-mouth disease) worsened the financial crisis, but did not create it. It was the trustees' responsibility to make sure that the organization did not collapse. They—and other senior managers—appear to have relied too much on the previous chief executive, the organization's founder. Too much distance grew up between the board and the staff, and the board did not challenge management enough, despite the poor financial position reported on the financial statements. It is not clear whether the quality of CDA's field work was overseen any more effectively than CDA's financial position. The board either did not assess the risks that the organization faced properly, or else failed to respond to them adequately. Short-term programme priorities were followed, with inadequate strategic oversight.

In particular, the board should have taken urgent steps to:

- *build up general reserves,*
- *diversify sources of income,*
- *improve the management of relationships with donors,*
- *build up a culture of good financial management (starting with themselves and the senior managers),*
- *ensure that management systems were adequate.*

The Executive Director was employed by the Trustees to run the organization. He did not put in place the systems needed to manage the organization's growth. It is not clear how much other senior managers could have helped him to recognize these problems and deal with them. But the management culture appears to have made it difficult to address the fundamental problems. In this case, secrecy and a lack of transparency at the most senior levels made good governance difficult. They directly contributed to the organization's downfall.

Source: *Mango's Guide to Financial Management for NGOs*

terests represented within the same network. A diverse civil society environment makes it quite difficult to establish and maintain sustainable NGO networks. Therefore, the process of building NGO networks and coalitions

must follow a natural line of coming together to act around shared common interests, and avoid as much as possible the donor driven and “positive perception”¹⁷⁵ networks. Building networks and coalitions has been a real

challenge to Central and Eastern Europe civil societies during the times of transition, and Kosovo is no exception to this fact.

“It has proved almost impossible to bring 3-4 organizations together, around a common interest or project. There were ad-hoc groupings, motivated by money and stimulated by donors, but we witnessed no successful coalition, where organizations came together as a way of becoming stronger in their action.”¹⁷⁶

Two fundamental reasons exist for coordination among and between NGOs: to minimize duplication and waste through exchange of information and resources, and to provide a mandated forum through which a collective consensus of NGOs can be expressed to others, including themselves, but also to government authorities, donors, the general public, and so on. Building alliances within a sector or domain will support individual sector members or issue-based communities. It leads to improved information, through sharing best practices and avoiding duplication. Through collaborative action in alliances there can be a greater impact at policy level, and a means to set standards in accountability.¹⁷⁷ Through networking, NGOs can influence decisions and leverage utility, provide a common (not disparate) ground, and provide some level of quality control.

Box 11.9

Preconditions for successful NGO networking

There is no blueprint for network development. However, based on a variety of experiences, it is possible to list some preconditions and matters to consider for anyone determined to establish a network of non-governmental organizations.

A network is a means, not an end in itself.

No network should be built without prior feasibility studies.

Networks are not built overnight.

Networks are temporary creations.

Networks need to rely on their own resources.

Networks need diversity of membership.

Networks need flexible management and an ability to adapt over time to changing circumstances.

Networking is more important than formal structures.

Networks need solid anchors in local communities.

Face-to-face contact between members is essential, especially in emerging networks.

Summarized from UNDP Office to Combat Desertification and Drought, *Optimizing Efforts: A Practical Guide to NGO Networking*, p. 29, 30

11.5 Public image

It is generally agreed that the Kosovan public has a misconception about the work of NGOs. There is a lack of proper understanding of NGOs' role, mission and effectiveness. In general, there are different perceptions of NGOs in Kosovo. Some argue that, in general, the public has a positive perception of NGOs and greater understanding of their activities, while others blame NGOs for an elitist mentality and appearance, thus provoking public antipathy. NGOs bear serious responsibility for not promoting their work adequately.

“ Although perhaps less than in the past, there is still jealousy among the political elite about the relatively well-funded organizations in civil society, and by corollary the high quality of individuals they can attract. As most NGOs are supported by shallow or nonexistent constituencies, they are perceived as elitist. Being funded almost exclusively by foreign donors, few believe that NGOs set their own priorities.¹⁷⁸ ”

Functioning as watchdogs and criticising government programs or leaders does not always reverberate positively among the public. Sometimes NGO advocacy is seen as attacks on government. As others have commented:

“ It is possible that such a comment reflects a misunderstanding of the role of NGOs in a democracy, but it also suggests that the sector, sometimes viewed simply as a vanguard of foreign interests, faces an uphill struggle to legitimize itself with the Kosovan public.¹⁷⁹ ”

“ I am sure that public image of Kosovo NGOs is a totally wrong one, and is a consequence of not only the little known work they do, but also of an inexistent familiarity with the sector as whole, which was missing during communism. Right after the war, Kosovo received a humanitarian aid package, and considering that currently it is not humanitarian anymore and nor inexistent like in communism, people would have difficulties understanding why an NGO [would] have to stand up against the government, especially if he/she is the voter of the ruling party.¹⁸⁰ ”

“ It is obvious that the negative image is also due to the lack of “marketing” to promote best practices, that would not only increase the public visibility and image of NGOs, but also would encourage citizens to be an active part of society and work for the common good.¹⁸¹ ”

NGO activists are sometimes even described as “snobs who pretend to work, but who are only in it for the lucrative salaries, to those feeling NGOs were too influenced by politics and that too many of them did nothing.”¹⁸²

11.6 Conclusion

Civil society in Kosovo remains an unconsolidated sector. Non-governmental organizations are still maturing entities and lack necessary preconditions to be sustainable and effective in their work. There are serious shortcomings in at least four fields identified throughout this report: weak and non-functional internal governance structures, lack of financial sources and means to ensure long-term existence and independence and avoid extremely high dependence on donors, inability to join forces and capacities to act jointly under networks or coalitions, and a not-so-positive public image, producing a perception of elitism.

However, some progress is being made. A few NGOs have managed to distance themselves from the thousands of NGOs currently registered in Kosovo by giving positive examples of sustainability. This has been achieved through focusing on one particular issue instead of being opportunistic vis-à-vis donors' priorities, as well as through more effective use of public pressure and advocacy tools, making the action more down to earth and closer to citizens. These encouraging examples must serve as role models for the vast majority of NGOs, which still lack proper strategy and means for becoming sustainable organizations.

The state institutions, on the other hand, play a crucial role, affecting the sustainability of NGOs in different ways. Inadequate and poor legislation, discouraging taxes and overall neg-

ligence by state institutions, are among major obstacles to a more sustainable NGO sector in Kosovo. This, however, does not mean that state institutions have to extend their control and oversight to a worrisome extent, endangering the independence of NGOs and posing burdens to their functionality.

The work of NGOs and the purpose they serve are not clearly perceived by the general public. Kosovan NGOs bear much of the responsibility for clarifying their existence, mission and activities to the general public and to their particular target groups. After all, NGOs do exist and operate because these groups have needs to be met and problems to be solved. It is more than evident that NGOs' elitist image has caused serious public doubts about whether NGOs are trustworthy and effective in representing citizens' concerns and needs.

Recommendations

Kosovo should enact a comprehensive law on NGOs, flexible tax legislation and fiscal incentives for philanthropy. The draft law on NGOs, currently under legislative consideration, must be adopted soon and provide a sustainable legal basis for NGOs to function in Kosovo. The current tax law affecting NGOs must be made more flexible, and special attention must be paid to developing fiscal incentives for philanthropy as a way of encouraging the community (especially corporations) to support NGOs financially.

NGOs should diversify funding sources and become less dependant on donors. Kosovan

NGOs have to find alternative financial sources and means to ensure institutional and financial sustainability. Government funding, private donations, self-generated income and other funding options would help NGOs avoid sole dependence on international donors.

NGOs should develop adequate internal governance structures for more transparency and accountability. One of the most serious barriers to effectiveness for Kosovan NGOs is a deficient governance structure. It is of crucial importance to adopt democratic principles of internal governance, which would enable greater transparency and promote the development of mechanisms to ensure responsibility.

NGOs should seek an improved public image through grass-roots initiatives and a more fo-

cused approach. By being transparent and accountable, NGOs can help create a positive public image. They can further improve their public image by reaching out more to their target groups and applying a more focused approach in their mission, rather than opportunistically changing their approach to match donors' priorities.

NGOs should create stronger networks. Networks are an effective way of achieving better, faster results, especially when advocating on important development issues for Kosovo. NGOs should shift from an individualistic approach based on narrow interests to a broader understanding of the benefits that can be achieved when NGOs act jointly and create a force that is more powerful than their individual capacities.



12.

The Role of Community Driven Development in Shaping a New Kosovo

Faton Bislimi

12. The Role of Community Driven Development in Shaping a New Kosovo

Faton Bislimi

The world in which we live today faces many challenges. One major challenge is ending, or at least reducing, poverty. Even though the international community has been working on poverty reduction for many years, results have been limited. As a result of ongoing poverty across the globe, we refer to countries as belonging to the First World (developed nations), Second World (developing nations) and Third World (very poor, undeveloped nations).

In a serious attempt to reduce poverty worldwide, the international community at large, and many specialized bodies within it, have been rigorously dealing with the field of development. While there are many ways in which development can be understood, one could effectively argue that development means moving forward, a process of modernization. Development can also be inferred to mean betterment. How true this particular interpretation is remains to be judged by each of us individually.

Being in the business of development means being in the business of innovation and creativity in seeking solutions to very important issues, problems, and challenges, which impact the lives of so many people around the world. Brilliant economists, social scientists, humanists, and other professionals from a variety of fields have done an enormous amount of hard work in studying development and producing models, approaches, and theories that they believe can be helpful in devising

solutions to the life-impacting problems of undeveloped and developing nations.

In this regard, Community Driven Development (CDD) has emerged as an approach to overcoming barriers in the development process. Understanding the importance of the involvement of communities in reducing poverty and furthering development in their own localities has been a key feature of the CDD approach. According to the World Bank, "Community Driven Development is the exercise of community control over decisions and resources directed at poverty reduction and development."¹⁸³

The World Bank, being one of the major donors of Community Driven Development projects, believes that the aim of CDD is to enable the communities that it targets to have more security, be able to create more opportunities for all members, and become more empowered in the process of decision-making. While there is no particular algorithm that development practitioners could use to come up with the best way to implement CDD, the World Bank believes that the aims of the CDD can be achieved through the following:¹⁸⁴

- Strengthening of accountable, inclusive community groups
- Supporting broad-based participation by poor people in strategies and decisions that affect them
- Facilitating access to information and linkages to markets

- Improving governance, institutions, and policies so that local and central governments and service providers, including NGOs and the private sector, become responsive to community initiative

12.1 Key success factors

At least three key factors are critical to the success of CDD projects: participation, community, and social capital.¹⁸⁵ Each is directly related to civil society organizations as well. Hence, this indicates one essential role that CSOs in the developing world, including Kosovo, could play in the development process.

Participation

One could assume, to some extent even safely, that participation would not be a problem for a CDD project. Such an assumption would rest on the belief that because a CDD project aims to improve a local community, all members of that community would be ready to do their part for the project. Without adequate participation, the success of a CDD project could easily fade away, given that adequate participation by the community is key to its successful design and implementation. The CDD approach is based on the expectation that a project that involves local knowledge can be better planned and more easily and cost-effectively carried out.

But members of the communities targeted by CDD projects do not always show adequate levels of participation in the planning, designing, decision-making, and implementing of

these projects. This could be due to several reasons. One obvious and simple reason is community members' lack of time. When a CDD project targets a very poor community, members whose incomes are dependent on time-consuming labour may not be able to afford to spend time on the CDD project because their opportunity cost would be too high.

Participation alone is also not a good indicator of success. In some cases, what is considered local knowledge, which should benefit the project design and implementation, becomes a misrepresentation of the true local knowledge. This misrepresentation can arise from the particular political situations, power and authority implications, and other constraints within a given community, as pointed out by David Mosse.¹⁸⁶

Community

The community itself is another key factor in ensuring a successful CDD project. But interpretations of the term "community" can be broad. While the term is widely used in Community Driven Development, its definition remains problematic. One usually thinks of a community as a group of people with some common interests or background. But, what is it really in the context of CDD? The answer is: it depends. Sometimes the term refers to a group of people with common interests in a given locality or area (in which case this would very much resemble a local NGO), but other times it refers to an administratively defined region or population within a country. "Community" usually ends up be-

ing defined by project itself and its construction and facilitators.¹⁸⁷

When a CDD project targets a homogenous community, then logically there is a better chance for success, provided the aims of the project are in line with the needs and objectives of the community. But there are cases in which CDD uses the term “community” to refer to a more heterogeneous group of people. In such circumstances, while a CDD project’s objectives may be in line with the needs of the majority of the community’s population, it could still face forceful opposition from a minority in the community, which may not want, believe in or need the improvements that the CDD project is intended to bring about. A group within the community targeted by the CDD project could object to it because its interests or privileges are threatened by the project.

Social capital

The term “social capital” was coined by Robert Putnam in his study of Italian civic transitions.¹⁸⁸ According to Michael Woolcock, it is a “broad term encompassing the norms and networks facilitating collective action for mutual benefit.”¹⁸⁹ One could argue that the community strengthens itself through collective action for mutual benefit, which represents yet another important operating premise for CSOs. By strengthening itself through building social capital, the community creates a “stock of ability” for its own betterment.

Like other concepts, the notion of social capital has been criticized. Alejandro Portes has ar-

gued that the real causal effect could be the reverse. According to Portes, it is perhaps more the case that wealth causes the increase in group activity or collective action that eventually builds up social capital, rather than more group activity causing more wealth, in terms of building social capital, which in turn could be helpful for improving the community.¹⁹⁰

Evaluating results

Another issue that has been of immense discussion in the field of Community Driven Development is that of scaling up. CDD projects should be carefully evaluated before they are scaled up. It is not only desirable but also appropriate to measure the results of the initial stage by conducting a formal evaluation before a CDD project is scaled up. Even when evaluations are done, careful consideration must be given to their results. People want their projects to make a good impression, and managers of CDD projects may be tempted to present only success stories, as explained by Lant Pritchett.¹⁹¹ Therefore, strictly independent and scientifically rigorous evaluations would be ideal.

Given that only an extremely small number (about 3%)¹⁹² of World Bank projects are ever formally evaluated, and that the World Bank is one of the major donors of CDD projects, it is obvious that much more work needs to be done before sufficient empirical data can be compiled in support of the continuation and even increase of funding for the CDD approach. Some of these analyses could also be helpful in the discussion of scaling up.

12.2 Community Driven Development in action

Having set up the theoretical framework, we can now turn to a concrete example of an ongoing World Bank-sponsored project that uses the CDD approach. According to the World Bank's documentation, the Integrated Coastal Zone Management and Clean-Up Project started in June 2005, and its "overall objective ... is to protect the coastal natural resources and cultural assets, and promote sustainable development and management of the Albanian coast." To reach its overall objective, the project aimed at establishing a "modern institutional and policy framework for an Integrated Coastal Zone Management (ICZM)" and at strengthening the operational capacity of Albania's central, regional, and local institutions that protect its coastal and marine natural resources. The project components were expected to do the following:¹⁹³

1. Enhance the capacity of the Albanian authorities to manage coastal resources, develop an adequate operational policy, legal and regulatory framework, and financial/economic instruments for the ICZM; strengthen institutional capacity to increase the effectiveness of regulatory, planning, and management functions of the ICZM at the central, regional and local levels; strengthen the coastal water quality monitoring network; strengthen protected areas management in Butrint National Park, and enhance the knowledge base, while raising public awareness on coastal issues.
2. Assist southern coastal municipalities and communes to preserve, protect and enhance coastal natural resources and cultural assets to improve the environmental conditions of the coastal area and to encourage community support for a sustainable coastal zone management. This component will support improvements in solid waste management in the southern coastal zone, the transformation of the Port of Saranda into a ferryboat and passenger terminal, and the establishment of a Coastal Village Conservation and Development Program.
3. Mitigate soil and groundwater contamination in the chemical plant at Porto Romano, seriously contaminated within the Balkans. The component seeks to build capacity and awareness on hazardous waste management, in pursuit of adequate environmental monitoring, to include remediation and clean-up work, land-use planning, and resettlement plan implementation.
4. Support project management, coordination, monitoring and evaluation, through technical assistance, training, and the provision of incremental operational costs.

The clean-up part of the project was designed in the spirit of Community Driven Development. While Albania is one of the poorer countries in Europe, it has some of the most beautiful beaches and tourist attractions. By developing its tourism industry along the Adriatic seashore and properly managing its marine natural resources, Albania could rapidly grow its economy.¹⁹⁴

One of the first things that needs to be done is to clean up the beaches so that they can become more attractive to tourists. But different groups within the communities where the clean-ups are needed have different interests. Owners of properties on or near the beach are very much interested in participating in and contributing to this portion of the project, but other members of the same community are not as enthusiastic.¹⁹⁵ While they do not oppose the project publicly, they silently try to avoid it and hope nothing will change. Why? While the owners of properties close to the beach expect to be in a better position to make a profit (by renting rooms to visitors or building hotels and restaurants), the non-owners would be at a disadvantage, because with a tourist influx, these areas would become urbanized, clean, and too expensive for them to visit.

This is a very simple example of how a key element of the CDD approach, participation, can be inadequate and thus hurt the overall project outcome. While there is hope that this World Bank-sponsored project in Albania will achieve most of its objectives, there is also clear evidence that the challenges facing CDD remain a reality.

12.3 CDD in Kosovo

CDD has been used by CSOs in Kosovo as well, starting right after the end of the war in 1999. A prominent Kosovo CSO that has primarily worked on CDD projects is the Kosovo Community Development Fund (CDF).

Box 12.1 Kosovo Community Development Fund

The Community Development Fund (CDF) is one of the first initiatives in post-conflict Kosovo, designed to help communities rebuild their shattered infrastructure and improve community services. CDF operates as a non-governmental organization to carry out community development projects through small-scale investments. With an overall budget of US\$23.15 million during 2000-2006, funded by the World Bank and other international and local donors and supported by a contribution of US\$3.63 million from benefiting communities, CDF has implemented projects for the benefit of over 40 percent of the Kosovo population. In Kosovo and abroad, CDF is well known as a development agency for its visible impact in achieving its prime goal of poverty reduction and improving living conditions both in rural and urban areas, including Serbian and other minority communities and returnees. The success of the CDF II Project financed by the World Bank, CIDA and other donors is attributable to its implementation of three types of high quality and cost-effective projects, which have made a tangible impact on the living conditions of the Kosovo population:

1. Infrastructure projects, especially in poor, conflict-affected and mountainous communities, where the CDF has developed the capacity to penetrate and engage communities in formulating relevant project proposals
2. Social service projects in response to priority needs of vulnerable and disadvantaged groups in Kosovo
3. Institutional capacity building projects at the local level to ensure the sustainability of facilities constructed or rehabilitated, improve social service delivery, and support the government's decentralization agenda

Summarized from *Community Development Fund*, www.kcdf.org

CDD projects that have been implemented by CDF have shown various types of community participation. Beneficiary communities have not only been involved through volunteer work and in-kind contributions but also through direct cash investments. A few examples of these CDF projects have been provided in the box below.

Box 12.2 Community Development Fund implements CDD

In the early days of the Community Development Fund, community contributions could be in the form of cash and voluntary physical work. When the 800-household village of Studenčan in the municipality of Suhareke (south-western Kosovo) needed a new sewage network, people volunteered physical work valued at 9,500 euros and gave 7,500 euros in cash contributions. This was one of CDF's first projects, with a total contract value of 74,719 euros. Voluntary work was effective in this case because the firm contracted to do the work was from the village, and so there was a strong connection between the community and the contractor.

A major irrigation canal passing through the town of Peja, used to irrigate 400 acres of land in the nearby villages, had not been maintained for years, and even some of the city sewage was passing through it. The total value of the project was 88,459 euros, of which 25,475 euros in cash were contributed by the Municipal Assembly of Peja, while the community itself contributed physical work in the value of 29,029 euros. CDF staff noted: "This project was implemented slowly, due to the difficulties in physical work invested by the community and the few months delay in the removal of a high voltage electrical cable which was supposed to be done by the Electric Energy Company. However, this is still one of the most beautiful projects implemented by CDF."

Summarized from *Community Development Fund*, www.kcdf.org/old/eng/index.php?id=20

Even though there is no unique and proven solution as to how one should go about overcoming development problems, fortunately, at least there are approaches that have brought about positive results. Based on the work done so far, and on the much needed creativity and innovation of the new generation of developmentalists coming from a variety of fields—economics, sociology, natural sciences, humanities—the business of development will eventually produce better and better approaches to dealing with poverty, one of the world's most critical problems, which impacts so many lives on a daily basis. Perhaps poverty can one day be reduced to the extent that it will no longer represent a major problem for our world. Communities and CSOs can play a major role in achieving this objective. Kosovo's future is being shaped by actions taken today by all relevant stakeholders.

Bibliography

- Administrative Direction NO. 2000/10 on implementing UNMIK Regulation No.1999/22 on Registration and Operation of the Non-Governmental Organisations in Kosovo, UNMIK/DIR/2000/10, 9 May 2000.
- Blair, Harry; Donaghey, Lorel; and Velija, Dardan. 2004. *Kosovo Civil Society Assessment*. Washington, DC.
- Clark, Howard. 2000. *Civil Resistance in Kosovo*. London: Pluto Press.
- Clark, Howard. 2002. *Kosovo, Work in Progress: Closing the Cycle of Violence*. Coventry, UK: Coventry University Centre for the Study of Forgiveness and Reconciliation.
- Claussen, Kathleen. International Intrusion on the Evolution of Civil Society, Kosovo: A Structuralist Perspective
- Constitution of the Republic of Kosovo.
- Council of the European Union. 2004. *Presidency Conclusions (December)*. Brussels: European Union.
- Council of the European Union. 2006. *IPA—New Instrument for Pre-accession Assistance, Council Regulation (EC) No 1085/2006*. Brussels: European Union.
- David More. *Laws and Other Mechanisms for Promoting NGO Financial Sustainability*.
- European Commission, DG Enlargement, 2004. "2004 Enlargement Strategy Paper."
- European Commission, DG Enlargement, 2005. "2005 Enlargement Strategy Paper."
- European Commission, DG Enlargement, 2005. "Negotiating Framework—October 2005."
- European Commission, DG Enlargement, 2005. *Kosovo Progress Report 2005*.
- European Commission, DG Enlargement, 2006. "2006 Enlargement Strategy Paper."
- European Commission, DG Enlargement, 2006. *Kosovo Progress Report 2006*.
- European Commission, DG Enlargement, 2007. "2007 Enlargement Strategy Paper."
- European Commission, DG Enlargement, 2007. *Kosovo Progress Report 2007*.
- European Commission, DG Enlargement, 2008. "2008 Enlargement Strategy Paper."
- European Commission, DG Enlargement, 2008. *Kosovo Progress Report 2008*.
- European Commission, EUR-lex, 2006. "Treaty on European Union."
- European Commission. 2003. "The Western Balkans and European Integration (Communication from the Commission to the Council and the European Parliament)." *European Commission, DG Enlargement: Conditions for Enlargement*.
- European Commission. 2008. *Kosovo (Under UNSCR 1244/99) 2008 Progress Report*. Brussels: European Commission.
- European Union. 2006. "Council Decision of 30 January 2006 on the Principles, Priorities and Conditions Contained in the European Partnership." *Official Journal of the European Union*. Brussels: Council of the European Union.
- Foweraker, Joe. 1995. *Theorizing Social Movements*. London: Pluto Press.
- Freedom House. 2007. "Kosovo Country Report." In *Nations in Transit 2007*. Washington, DC: Freedom House.

- Independent International Commission on Kosovo. 2000. *The Kosovo Report: Conflict, International Response, Lessons Learned*. Oxford: Oxford University Press.
- International Council on Management of Population Programmes. *Sustainability of NGOs* (brochure).
- International Crisis Group. 2004. *Collapse in Kosovo*. Brussels: International Crisis Group.
- Kosovan Research and Documentation Institute and OSCE Mission in Kosovo. 2007. *Civil Society and the Legislative Process in Kosovo: Analytical Study at the End of the Second Mandate of the Assembly of Kosovo*. Pristina.
- Law No.02/L-6 on Freedom of Association in Non-Governmental Organisations, 2005.
- Letër e Hapur Deputetëve të Kuvendit të Kosovës, Platforma CiviKos, Pristina, 15 September 2008.
- Local Government and Public Service Reform Initiative. 2005. *NGO Sustainability in Central Europe: Helping Civil Society Survive*.
- Management Accounting for Non-Governmental Organizations. *Mango's Guide to Financial Management for NGOs*, www.mango.org.uk/guide/introduction.aspx (accessed January 21, 2009).
- Mansuri, Ghazala, and Vijayendra Rao. "Community-Based and -Driven Development: A Critical Review." *The World Bank Research Observer* 19 (Spring 2004), 1-39.
- Mehmet, Kraja. 2003. *Mirupafshim në një luftë tjetër*: Pristina: Rozafa.
- Mertus, Julie. 1999. *Kosovo: How Myths and Truths Started a War*. Berkeley: University of California Press.
- Mosse, David. 2001. "People's Knowledge, Participation and Patronage: Operations and Representations in Rural Development," in Bill Cooke and Uma Kathari (eds.), *Participation: The New Tyranny*. London: Zed Books.
- Nietsch, Julia. 2006. *Civil Society in Kosovo: The Interaction between Local NGOs and the Provisional Institutions of Self-Government* (AP 54 – 9/2006).
- Nonprofit Information and Training Centre (NIOK). Untitled website, www.onepercent.hu/project.htm
- Organisation for Economic Co-operation and Development. 2005. *Paris Declaration on Aid Effectiveness: Ownership, Harmonisation, Alignment, Results and Mutual Accountability*, www.oecd.org/dataoecd/11/41/34428351.pdf
- Platforma CiviKos. 2007. *Partneriteti Qeveri- Shoqëri Civile në Kosovë*. SOROS.
- Portes, Alejandro. "Social Capital: Its Origins and Applications in Contemporary Sociology." *Annual Review of Sociology* 24: 1-24.
- Pritchett, Lant. "It Pays to Be Ignorant: A Simple Political Economy of Rigorous Program Evaluation." *Policy Reform* 5(4): 251-269.
- Pula, Besnik. 2004. *A Changing Society, a Changing Civil Society: Kosovo's NGO Sector After the War*. Pristina: Kosovan Institute for Policy Research and Development.

- Putnam, Robert. 1993. *Making Democracy Work: Civic Traditions in Modern Italy*. Princeton, NJ: Princeton University Press.
- Raik, Kristi, 2006. *Promoting Democracy through Civil Society: How to Step Up the EU's Policy Towards the Eastern Neighbourhood*. Brussels: Centre for European Policy Studies.
- Regulation No 1999/22, 15 November 1999, *On the Registration and Operation of Non-Governmental Organizations in Kosovo*, www.unmikonline.org.
- Regulation No 2001/19, 13 September 2001, *On the Executive Branch of the Provisional Institutions of Self Government*, UNMIK/REG/2001/19.
- Spurga, Saulius. 2005. *Evaluation of the Impact of the European Integration on the Civil Society of Baltic States*. Mykolas Romeris University.
- Sterland, Bill. 2006. *Civil Society Capacity Building in Post-Conflict Societies: The Experience of Bosnia and Herzegovina and Kosovo*. INTRAC.
- Strengthening Democratic Governance: The Role of Civil Society*. Report on Wilton Park Conference, 2006.
- Udhëzimi Administrativ Nr. 2004/6 mbi Organizimin dhe Strukturimin e brendshëm të MSHP, IPVQ/MSHP, 6 Korrik 2004.
- Udhëzimi për trajtimin tatimor të OJQ-ve me status të përfitimit publik, Administrata Tatimore e Kosovës, 14 Qershor 2007
- UNDP Office to Combat Desertification and Drought 2000. *Optimizing Efforts: A Practical Guide to NGO Networking*.
- USAID Kosovo. 2008. *Kosovo Civil Society Program Final Evaluation Report*.
- USAID. 2008. *NGO Sustainability Index 2007*.
- Vendimi 01 Nr.97 mbi transferimin e Divizionit për regjistrim dhe ndërlidhje me OJQ në Departament për regjistrim dhe ndërlidhje me OJQ në MSHP, 24 March 2006.
- Wild, Leni. 2006. *Strengthening Global Civil Society*. IPPR.
- Woolcock, Michael. "Social Capital and Economic Development: Toward a Theoretical Synthesis and Policy Framework." *Theory and Society* 27(2): 151-208.
- www.advocacy-center.org/Newsletters/0404special%20edition_eng.pdf.
- Wyatt, Marilyn. 2004. *A Handbook on NGO Governance*. ECNL.
- Zadek, Simon. *Civil Governance and Accountability: From Fear and Loathing to Social Innovation*.

Endnotes

- 1 Canadian International Development Agency. 2007 (June). Civil Society and Aid Effectiveness, for the Advisory Group on Civil Society and Aid Effectiveness.
- 2 Most scholars tend to cite the last 30 years as a period of rapid expansion for organized civil society based on indicators such as levels of financing, references in scholarly works, and growth of registered legal entities. For example, one conservative yardstick of international NGOs, the *Yearbook of International Organizations* (1999) shows the growth of international NGOs from 6,000 in 1990 to more than 26,000 in 1999.
- 3 Lester M. Salamon, S. Wojciech Sokolowski, and Regina List. 2003. *Global Civil Society: An Overview*. The Johns Hopkins Comparative Nonprofit Sector Project.
- 4 United Nations Development Report. *Egypt Human Development Report, 2008*
- 5 Geoff Prewitt. Civil society in CIS and SEE. unpublished paper.
- 6 D. Korten, *Getting to the 21st Century: Voluntary Action and the Global Agenda* (West Hartford, CT: Kumarian Press, 1990), 118.
- 7 P. Campbell, *Management Development and Development Management for Voluntary Organisations* (Occasional Paper No. 3).
- 8 Anheier et al, "Global Civil Society 2001", 2001
- 9 USAID, *Civil Society Groups and Political Parties: Supporting Constructive Relationships*, Office of Democracy and Governance Occasional Papers Series no. PN-ACU-631 (Washington, DC: USAID, 2004),
www.usaid.gov/our_work/democracy_and_governance/publications/pdfs/pnacu631.pdf
- 10 Ibid.
- 11 World Civil Society Forum, "Summary: Working Group on the Private Sector,". Last retrieved on 20 September 2009 from:
www.worldcivilsociety.org/REPORT/EN/06/18-jul-02/summ_18.16.html
- 12 Kumi Naidoo. (2003). Civil Society Accountability: "Who Guards the Guardians? Last retrieved on 22 September 2008 from website:
www.gdrc.org/ngo/accountability/ngo-accountability.pdf
- 13 "Infohabitat: Code of Conduct for NGOs," www.gdrc.org/ngo/codesofconduct/infohabitat.html
- 14 Paraphrased from The Advocates for Human Rights, "Stop Violence Against Women," www.stopvaw.org/NGOs_and_the_Human_Rights_Movement.html
- 15 PowerPoint presentation by the European Center for Not-for-Profit Law (ECNL), Budapest, Hungary 2004.
- 16 Final Warsaw Declaration. Toward a Community of Democracies. Ministerial Conference. Warsaw, Poland, June 27, 2000. Last retrieved 20 December 2008 from:
http://www.demcoalition.org/pdf/warsaw_english.pdf.

- 17 *UNDP and Civil Society Organizations: A Practice Note on Engagement.*
- 18 United Nations Development Programme, *Kosovo Human Development Report 2006.*
- 19 The Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford: Oxford University Press, 2000.).
- 20 Besnik Pula, *A Changing Society, A Changing Civil Society: Kosovo's NGO Sector After the War* (Pristina, 2004).
- 21 Julie Mertus, *Kosovo: How Myths and Truths Started a War* (Berkeley, University of California Press, 1999).
- 22 Howard Clark, *Civil Resistance in Kosovo* (London: Pluto Press, 2000), 95.
- 23 Interview with Ibrahim Makolli, formerly of KMDLNJ, Pristina, 10 November 2008.
- 24 Interview with Zef Shala, Mother Teresa Association, Pristina, 30 October 2008.
- 25 Howard Clark, *Civil Resistance in Kosovo* (London, Pluto Press, 2000), 107.
- 26 Interview with Zef Shala, Mother Teresa Association, Pristina, 30 October 2008.
- 27 Interview with Igballe Rogova, Kosovo Women's Network, Pristina, 31 October 2008.
- 28 "Social movements are not equivalent to civil society, but they [are] seen as participating in the process of constructing that society, or of recovering it from the state"—Joe Foweraker, *Theorizing Social Movements* (London: Pluto Press, 1995) 6.
- 29 The Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned* (Oxford: Oxford University Press, 2000), 45.
- 30 Julia Nietsch, *Civil Society in Kosovo: The Interaction between Local NGOs and the Provisional Institutions of Self-Government* (AP 54 – 9/2006).
- 31 Regulation No. 1999/22, 15 November 1999, *On the Registration and Operation of Non-Governmental Organizations in Kosovo*, www.unmikonline.org (accessed 1 November 2008).
- 32 Pula, *A Changing Society.*
- 33 Interview with Ibrahim Makolli, formerly of KMDLNJ, Pristina, 10 November 2008.
- 34 Interview with Zef Shala, Mother Teresa Association, Pristina, 30 October 2008.
- 35 Harry Blair, Lorel Donaghey, and Dardan Velija, *Kosovo Civil Society Assessment* (Washington, DC, 2004).
- 36 Blair, et al., *Kosovo Civil Society Assessment*, iv.
- 37 Mehmet Kraja, *Mirupafshim në një luftë tjetër ["Farewell till the new war"]* (Pristina: Rozafa 2003).
- 38 Interview with Luan Shllaku, Kosovo Foundation for Open Society, Pristina, 17 October 2008.
- 39 See for example Howard Clark, *Kosovo, Work in Progress: Closing the Cycle of Violence* (Coventry, UK: Coventry University Centre for the Study of Forgiveness and Reconciliation, 2002).

- 40 Pula, *A Changing Society*, 12.
- 41 Blair, et al, *Kosovo Civil Society Assessment*, 12.
- 42 International Crisis Group, *Collapse in Kosovo* (Brussels: International Crisis Group, 2004), 25.
- 43 www.advocacy-center.org/Newsletters/0404special%20edition_eng.pdf
- 44 For more information, see *Civil Society and the Legislative Process in Kosovo: Analytical Study at the End of the Second Mandate of the Assembly of Kosovo* (Pristina: Kosovan Research and Documentation Institute and OSCE Mission in Kosovo, 2007).
- 45 Only a few organizations, such as the Self-Determination Movement (Lëvizja Vetëvendosje), have still been able to attract a large popular following at certain moments.
- 46 Interview with Naim Rashiti, International Crisis Group, Pristina, 29 October 2008.
- 47 European Commission, *Kosovo 2008 Progress Report* (Brussels: European Commission, 05 November 2008).
- 48 Ibid. 19.
- 49 USAID Kosovo, *Kosovo Civil Society Program – Final Evaluation Report* (2008).
- 50 Annex IX of UNMIK Regulation 2001/19.
- 51 UNMIK Regulation 99/22.
- 52 Law No.02/L-6 on Freedom of Association in Non-Governmental Organizations.
- 53 European Commission, *Progress Report for Kosovo 2008* (Brussels: European Commission, 5 November 2008), SEC (2008) 2697.
- 54 Kosovo Education Centre, for example, is an NGO enjoying Public Beneficiary status that has conducted significant research, curriculum development and educational activities. However, it has had to pay over 70,000 euros in taxes, retroactively after the Tax Administration's ruling that its educational activities did not qualify for PB status. The Centre has filed a lawsuit against the Administration.
- 55 UNMIK Regulation No 2001/19, section 9.1
- 56 Ibid
- 57 Section 6 of the UNMIK Regulation No. 2002/3 under the Chapter III – Expenditures, is titled "Allowable expenses".
- 58 UNMIK Regulation No. 2002/3, Section 8, Charitable Contributions
- 59 A good example is the donation of European Agency for Reconstruction (EAR) to the Government of Kosovo to reconstruct the government building. The Tax Administration ruled that the construction company carrying out the work had to charge VAT to the government even though the funds to pay for the project were from a donation. In the end, the government paid the VAT from its own budget.
- 60 In 2002, for example, Cisco Systems donated laboratory equipment to the University of

- Pristina as part of a project implemented by the IT Institute, an NGO. The equipment was held for almost a month at the border and risked being returned to the donor.
- 61 UNMIK Regulation No 2002/17, Section 11 Exclusions, (c),
- 62 Tax Administration of Kosovo, Instruction on tax treatment of NGOs with Public Benefit Status, 14 June 2007, page 3: Disclosure of information, paragraph two.
- 63 Albanian version of the document states “too generous” for “very high”.
- 64 Tax Administration of Kosovo, Instruction on tax treatment of NGOs with Public Benefit Status, 14 June 2007, page 3: Disclosure of information, paragraph three.
- 65 Ibid, paragraph five.
- 66 This is often reflected in their status documents. For example, the Riinvest Institute’s *Constitutive Contract of the Institute* (1 January 2000), article II, states: “Persons from Section I of this contract agree to define the status of the Riinvest Institute for Development Research, as private, independent and non-profitable subject.” Riinvest, *Annual Report 2003* (March 2004), page 3, states: “Riinvest Institute for Development Research is operating since May 15, 1995 as a non-profit private research organization and think tank.”
- 67 Internet Project Kosova – IPKO, has initially started in 1999 as NGO, providing Internet connection services to many international and local organisations and institutions. As the operations of the NGO widened, it came into being the IPKOnet L.L.C., a profitable company. The split between the two - NGO and business, the transfer of operations, of assets and people, has been subject to many media speculations and its discussion is out of the scope of this report.
- 68 In 2007, the government sought to gain access to and monitor financial activities of the major anti-corruption NGO Çohu. Çohu repudiated the government’s demand, saying it was not sanctioned by law and was retaliatory in nature, although the organization’s own main activity was to advocate for financial openness in government.
- 69 European Commission, *Progress Report for Kosovo 2008*.
- 70 Platforma Civikos 2007.
- 71 Ibid.
- 72 William I. Jenkins, *Policy Analyses: A Political and Organizational Perspective* (London: Martin Robertson, 1978).
- 73 Thomas Dye, *Understanding Public Policy* (Englewood Cliffs, NJ: Prentice Hall, 1972).
- 74 Policy Association for an Open Society, *Public Policy Centres, A Directory of Think-Tanks in Central and Eastern Europe and Central Asia*, 2007.
- 75 Colin J. Bennet, “What Is Policy Convergence and What Causes It?” *British Journal of Political Science*, 21(2): 215-233; Clark Kerr, *The Future of Industrial Societies, Convergence or Continuing Diversity?* (Cambridge, MA: Harvard University Press, 1983).

- 76 Anthony Downs, *Up and Down with Ecology—the Issue Attention Cycle*. The Public Interest, 1972.
- 77 Roger Cobb, J. K. Ross, and M. H. Ross, “Agenda Building as a Comparative Political Process,” *American Political Science Review*, 1976.
- 78 Simon James, “The Idea Brokers: The Impact of Think Tanks on British Government,” *Public Administration-London* 71(4): 491.
- 79 Michael Howlett and M. Ramesh, *Studying Public Policy, Policy Cycles and Policy Subsystems* (Oxford: Oxford University Press, 2003).
- 80 Deborah Stone, *Policy Paradox, The Art of Political Decision-Making* (New York: Norton and Company, 1988).
- 81 Howlett and Ramesh, *Studying Public Policy*.
- 82 European Commission, “Enterprise and Industry: Europe’s Social Economy,” http://ec.europa.eu/enterprise/entrepreneurship/social_economy.htm (Accessed on October 10, 2009)
- 83 United Nations Development Programme, *Perceptions of Civil Society in Kosovo*. Pristina: UNDP, 2008.
- 84 Focus group conclusions. *What is the role of NGOs in Kosovo*. Held in Pristina on 8 October 2008.
- 85 Interview with civil society representative, 25 October 2008.
- 86 Ibid.
- 87 Ibid
- 88 Respondents from the following ethnicities were classified in this category: Bosnians, Goranis, Turks, Roma, Ashkali and Egyptians.
- 89 United Nations Development Programme, *Kosovo Human Development Report 2004—The Rise of the Citizen: Challenges and Choices* (Kosovo: UNDP, 2005).
- 90 Charles Tilly and Gabriel Ardant, *The Formation of National States in Western Europe* (Princeton, NJ: Princeton University Press, 1975); Deborah Brautigam, Odd-Helge Fjeldstad, and Mick Moore, *Taxation and State-Building in Developing Countries: Capacity and Consent* (Cambridge: Cambridge University Press, 2008).
- 91 Besnik Pula, “The Emergence of the Kosovo ‘Parallel State,’ 1988-1992,” *Nationalities Papers* 32(4); Howard Clark, *Civil Resistance in Kosovo* (London: Pluto Press, 2000).
- 92 Index Kosova, *Voluntarism in Kosovo* (Pristina, UNDP, 2004).
- 93 Focus group with NGO representatives organized at UNDP main office in Prishtina by Elton Skendaj, and facilitated by Dardan Velija, October 8, 2008. The methodology for the focus group closely followed the comparative study by researcher Ase Grodeland, whose project was funded by the Research Council of Norway (project no 15049/730).

- 94 Besnik Pula, *A Changing Society, A Changing Civil Society: Kosovo's NGO Sector After the War*, Policy Research Series Paper 3 (Pristina: KIPRED, 2004), 7-8.
- 95 Ibid., 8.
- 96 Ibid., 10.
- 97 Ibid., 15.
- 98 Julia Nietsch, *Civil Society in Kosovo: The Interaction between Local NGOs and the Provisional Institutions of Self-Government*, Working Paper No. 54 (Austrian Institute for International Affairs, 2006), 17-18.
- 99 Armend Bekaj, *Civil Society and Peacebuilding Partnership Gaps in Post-War Kosovo: Analysis of Local NGOs* (master's thesis, 2005, University of Bradford), 59; Harry Blair, Lorel Donaguey, and Dardan Velija, *Kosovo Civil Society Sector Assessment*, produced for USAID Kosovo and USAID Center for Democracy and Governance, 2 May 2004, p. 7, www.usaid.gov/missions/kosovo/pdf/Kosovo_Civil_Society_Assesment.pdf (accessed 1 November 2008).
- 100 Interview with Igballe Rogova, Kosovo Women's Network, 6 November 2008.
- 101 Václav Havel, "The Power of the Powerless," in J. Keane (ed.), *The Power of the Powerless: Citizens Against the State in Central-Eastern Europe* (Armonk, NY: M.E. Sharpe, 1985), 228
- 102 Marc M. Howard, *The Weakness of Civil Society in Post-Communist Europe* (Cambridge: Cambridge University Press, 2003).
- 103 V. P. Gagnon, *The Myth of Ethnic War: Serbia and Croatia in the 1990s* (Ithaca, NY: Cornell University Press, 2004).
- 104 Nietsch, *Civil Society in Kosovo*, 29.
- 105 Ibid., 32.
- 106 Helsinki Committee for Human Rights in Serbia, *Forgotten World—Kosovo Enclaves*. Belgrade, September 2008.
<http://www.helsinki.org.yu/doc/HC%20Report%20KOSOVA%20Enclaves.pdf>
(accessed 24 January 2009).
- 107 Interview at Kosovo Foundation for Open Society, 20 October 2008.
- 108 Interview with Alban Bokshi, Çohu!, 20 September 2008.
- 109 Platforma CiviKos, *The Vision of Civil Society: Kosovo Development Framework*. Prishtina, CiviKos 2008.
- 110 These examples and more can be seen on the CiviKos website: "The Role of Civil Society in Modernizing the State of Wellbeing," www.civikos.org/j/index.php?option=com_content&view=article&id=3&Itemid=7&lang=en (accessed 1 November 2008).
- 111 Barry James, "Challenges of Development: The Expanding Reach of Nongovernment Aid,"

- Global Policy Forum, August 14, 2002,
www.globalpolicy.org/ngos/advocacy/conf/2002/0814joburg.htm
- 112 www.icbl.org – October 2008
- 113 Shqipe Pantina, *The Role of Civil Society in State Building, Reconciliation, and European Integration: The Case of Kosova* (master's thesis). Karl-Franzens Universitat Graz – August 2007
- 114 The International Management Group has estimated that 120,000 houses were damaged during the war.
- 115 UNMIK Regulation 1999/40.
- 116 NGO Liaison Office, Ministry of Public Services.
- 117 The relationship between civil society and the publicly owned broadcaster RTK, which is governed by its own law and financed through public funds, is not dealt with in this article and is best suited to a separate discussion.
- 118 Eberhard Laue, *Local Electronic Media in Kosovo* (Organization for Security and Co-operation in Europe Mission in Kosovo, 2005), 11,
www.osce.org/documents/mik/2005/08/16222_en.pdf
- 119 Miklós Haraszi, *The State of Media Freedom in Kosovo: Observations and Recommendations* (Organization for Security and Co-operation in Europe, The Representative on Freedom of the Media, 2006), 1, www.osce.org/documents/rfm/2006/07/19767_en.pdf
- 120 Eberhard Laue, *Local Electronic Media in Kosovo* (Organization for Security and Co-operation in Europe Mission in Kosovo, 2005), 8, www.osce.org/documents/mik/2005/08/16222_en.pdf
- 121 Ibid.
- 122 The *Perceptions of Civil Society in Kosovo Survey* polled more than 1,200 people from all across Kosovo.
- 123 The first and second sectors are the government and the private sector.
- 124 Thomas Carlyle, *Book of Heroes and Hero Worship* (1840), Project Gutenberg EBook, www.gutenberg.org/dirs/1/0/9/1091/1091.txt (accessed January 17, 2009).
- 125 European Commission, Enlargement, *Kosovo Progress Report 2005*,
http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1423_final_progress_report_ks_en.pdf, page 46.
- 126 European Commission, Enlargement, *Kosovo Progress Report 2006*,
http://ec.europa.eu/enlargement/pdf/key_documents/2006/nov/ks_sec_1386_en.pdf, page 14.
- 127 European Commission, Enlargement, *Kosovo Progress Report 2007*,
http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/kosovo_progress_reports_en.pdf, page 17.

- 128 European Commission, Enlargement, *Kosovo Progress Report 2005*, http://ec.europa.eu/enlargement/archives/pdf/key_documents/2005/package/sec_1423_final_progress_report_ks_en.pdf, page 11.
- 129 European Commission, Enlargement, *Kosovo Progress Report 2008*, http://ec.europa.eu/enlargement/pdf/press_corner/key_documents/reports_nov_2008/kosovo_progress_report_en.pdf, page 19.
- 130 European Commission, Enlargement, *Kosovo Progress Report 2007*, http://ec.europa.eu/enlargement/pdf/key_documents/2007/nov/kosovo_progress_reports_en.pdf, page 6.
- 131 Kristi Raik, *Promoting Democracy through Civil Society: How to Step up the EU's Policy towards the Eastern Neighbourhood* (CEPS Working Documents No. 237, 1 February 2006), page 3.
- 132 Saulius Spurga, *Evaluation of the Impact of the European Integration on the Civil Society of Baltic States* (Mykolas Romeris University, 2005), 6.
- 133 Ibid.
- 134 Ibid.
- 135 Raik, *Promoting Democracy through Civil Society*, 7.
- 136 EUR-Lex, 2006, Treaty on European Union. European Commission, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:321E:0001:0331:EN:pdf>
- 137 European Commission, Enlargement. *Conditions for Enlargement*, (September 2008), http://ec.europa.eu/enlargement/the-policy/conditions-for-enlargement/index_en.htm
- 138 Ibid.
- 139 Ibid.
- 140 Council of the European Union, "Presidency Conclusions" (December 2004), <http://europa.eu/rapid/pressReleasesAction.do?reference=DOC/04/6&format=HTML&aged=1&language=EN&guiLanguage=en>
- 141 Council of the European Union, "Council Decision of 30 January 2006 on the Principles, Priorities and Conditions Contained in the European Partnership," *Official Journal of the European Union*, (September 2008), http://eur-lex.europa.eu/LexUriServ/site/en/oj/2006/l_035/l_03520060207en00570072.pdf
- 142 European Commission, "The Western Balkans and European Integration," Communication from the Commission to the Council and the European Parliament (Brussels: European Commission, DG Enlargement Brussels, 2003).
- 143 Raik, *Promoting Democracy through Civil Society*.
- 144 See list of all 35 chapters in the annex of the Negotiating Framework of Croatia at, (September 2008): http://ec.europa.eu/enlargement/pdf/croatia/st20004_05_hr_framedoc_en.pdf;

- 145 Ibid.
- 146 USAID, *NGO Sustainability Index 2007*, 1.
- 147 Ibid., 6.
- 148 Local Government and Public Service Reform Initiative, *NGO Sustainability in Central Europe: Helping Civil Society Survive*, 1.
- 149 Ibid.
- 150 USAID, *NGO Sustainability Index 2007*, 7.
- 151 International Council on Management of Population Programmes, *Sustainability of NGOs* (brochure)
- 152 USAID Kosovo, *Kosovo Civil Society Program Final Evaluation Report*, i.
- 153 Bill Sterland, *Civil Society Capacity Building in Post-Conflict Societies: The Experience of Bosnia and Herzegovina and Kosovo*, 13.
- 154 Kathleen Claussen, *International Intrusion on the Evolution of Civil Society, Kosovo: A Structuralist Perspective*, 10.
- 155 Sterland, *Civil Society Capacity Building in Post-Conflict Societies*, 13.
- 156 USAID, *NGO Sustainability Index 2007*, 130.
- 157 Simon Zadek, *Civil Governance and Accountability: From Fear and Loathing to Social Innovation*, 1.
- 158 Interview with Kosova Civil Society Foundation staff, 18 October 2008, KCSF Office in Prishtina.
- 159 *Strengthening Democratic Governance: The Role of Civil Society*, report on Wilton Park Conference S06/10, 2, Wiston House, Steyning, West Sussex, 12-14 June 2006.
- 160 Ibid., 2-3.
- 161 Marilyn Wyatt, *A Handbook on NGO Governance*, 5b
- 162 USAID Kosovo, *Kosovo Civil Society Program Final Evaluation Report*, 7-8.
- 163 The One World Trust promotes education, training and research into the changes required within global organizations in order to make them answerable to the people they affect and ensure that international laws are strengthened and applied equally to all.
- 164 Kovach et al. 2003; Leni Wild, *Strengthening Global Civil Society*, 11.
- 165 Interview with Luan Shllaku, executive director of Kosovo Foundation for Open Society, 17 October 2008.
- 166 *Strengthening Democratic Governance: The Role of Civil Society*, report on Wilton Park Conference S06/10, 3-4.
- 167 Interview with Kosova Civil Society Foundation staff, 18 October 2008, KCSF office in Prishtina.

- 168 Sterland, *Civil Society Capacity Building in Post-Conflict Societies*, 28.
- 169 Claussen, *International Intrusion on the Evolution of Civil Society*, 11-12.
- 170 NGOs, even those with public benefit status, pay VAT on imports, including donated goods.
- 171 USAID Kosovo, *Kosovo Civil Society Program Final Evaluation Report*, 9.
- 172 David More, *Laws and Other Mechanisms for Promoting NGO Financial Sustainability*, 2.
- 173 *Strengthening Democratic Governance: The Role of Civil Society*, 6-7.
- 174 USAID Kosovo, *Kosovo Civil Society Program Final Evaluation Report*, 8.
- 175 This refers to establishing a network only for the sake of togetherness and making a positive impression on other sectors and the general public.
- 176 Interview with Luan Shllaku, executive director of Kosovo Foundation for Open Society, 17 October 2008.
- 177 *Strengthening Democratic Governance: The Role of Civil Society*, 10.
- 178 USAID Kosovo, *Kosovo Civil Society Program Final Evaluation Report*, 7.
- 179 USAID Kosovo, *Kosovo Civil Society Program Final Evaluation Report*, 9.
- 180 Interview with Luan Shllaku, executive director of Kosovo Foundation for Open Society, 17 October 2008.
- 181 Interview with Kosova Civil Society Foundation staff, 18 October, KCSF office in Prishtina.
- 182 Claussen, *International Intrusion on the Evolution of Civil Society*, 12.
- 183 World Bank, *Community Driven Development: An Overview*, <http://inweb18.worldbank.org/ECA/ECSSD.nsf/DocByUnid/93614E702C69AFCF85256C010000D677?Opendocument&Start=1&Count=5>
- 184 Ibid.
- 185 Ghazala Mansuri and Vijayendra Rao, "Community-Based and -Driven Development: A Critical Review," *The World Bank Research Observer* 19 (Spring 2004), 1-39.
- 186 David Mosse, "People's Knowledge, Participation and Patronage: Operations and Representations in Rural Development," in Bill Cooke and Uma Kathari (eds.), *Participation: The New Tyranny* (London: Zed Books, 2001), quoted in Mansuri and Rao 2004.
- 187 Mansuri and Rao, "Community-Based and -Driven Development: A Critical Review."
- 188 Robert Putnam, *Making Democracy Work: Civic Traditions in Modern Italy* (Princeton, NJ: Princeton University Press, 1993).
- 189 Michael Woolcock, "Social Capital and Economic Development: Toward a Theoretical Synthesis and Policy Framework," *Theory and Society* 27(2): 151-208
- 190 Alejandro Portes, "Social Capital: Its Origins and Applications in Contemporary Sociology," *Annual Review of Sociology* 24: 1-24.

- 191 Lant Pritchett, "It Pays to Be Ignorant: A Simple Political Economy of Rigorous Program Evaluation," *Policy Reform* 5(4): 251-269.
- 192 Professor Woolcock, "Policies, Programs, and Practices—Managing the Development Process" (class presentation, KSG, Harvard University, March 2005).
- 193 World Bank, *Integrated Coastal Zone Management and Clean-Up Project in Albania*, Project Document ID P086807 (Washington, DC: World Bank, 2005).
- 194 Beqir Sina, *Albanian Tourism as a Source of Economic Growth* (New York: Gazeta Illyria, 2005); original article is in Albanian.
- 195 Beqir Sina, *Will Beaches of Durres be as Good as You Expect This Summer?* (New York: Gazeta Illyria, 2006); original article is in Albanian.



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