

TEN YEARS OF STATEHOOD: What are 10 successes and 10 failures that marked the first decade of Independence?

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TEN YEARS OF STATEHOOD: WHAT ARE 10 SUCCESSES AND 10 FAILURES THAT MARKED THE FIRST DECADE OF INDEPENDENCE?

Introduction

For Kosovo, 2018 constitutes a jubilee year. It has declared its independence from Serbia on the 17th of February 2008 and the decade-long journey of one of the youngest state in the world has seen its ups and downs. Categorized in successes and failures, this paper summarises the main developments that took place during these first ten years.

The finding of 10 developments that can qualify as successes was a challenge in its self. Nevertheless, such developments are encountered mainly during the first years of the state. It is understandable that the act of declaring its independence constitutes the greatest achievement for Kosovo, but it was meaningful only after the recognitions that came from the most powerful Western countries and by more than half of the United Nations member countries.

A milestone was marked with the opinion of the International Court of Justice that the declaration of independence was not in violation of the international law. The Stabilization and Association Agreement, the first contractual relationship that Kosovo has with the European Union is also well ranked on the list of greatest developments. The country holds two white records in the region: For increased rights for minority communities and severe policies against violent extremism and terrorism.

It has been easy to identify failures that have occurred over the decade. There have been many of these and the selection of only 10 of them has been a challenge in its self. Top of the list of major failures is the dialogue with Serbia, a process through which Kosovo made its northern neighbour a factor in dealing with many topics that should be internal affairs of the new state. The process slowed down the strengthening of international subjectivity. In the other hand Kosovo did not manage to follow the pace that other countries of the region had in progressing towards EU, and consequently, it does not have a clear European perspective, and its citizens are stuck in the ghetto, being the only ones in Europe that cannot travel visa-free in the Schengen area.

The new State holds black records in the region for a number of problems. It has the most underdeveloped economy and the highest unemployment. In addition, there is also corruption in the boil. There was stagnation in many sectors, and most noticeable are in health and education. On the other hand, being influenced by politics, the justice system is far from fulfilling its mission.

This paper constitutes a summary of telegraphic data on developments and major events that occurred in the first decade of the state of Kosovo. It's a catalogue of summarising information. Intentionally, the minimum is commented and analysed on the factual data that are being offered.

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Kosovo's Dialogue for Serbia

Kosovo and Serbia started the dialogue in 2011 to "normalise the relations" by which the northern neighbour even formally became a factor by dealing with many topics that should have been internal matters of the new state. The benefits of the process were not symmetrical.

The dialogue held in Brussels facilitated by the European Union initially was of a technical character and subsequently advanced to a political character, and it acknowledges the "First

agreement of principles governing the normalisation of relations”¹ as the greatest achievement, wherein the Prime Ministers of Kosovo and Serbia placed their initials. Parties agreed on a list of issues. A total of 14 public agreements have been reached within the frame of the dialogue for normalisation as well as 32 other agreements within the frame of the technical dialogue. They exclusively relate to topics with regard to the internal system of Kosovo.

Some of the “results” of agreements are: The full integration of Serbs is yet to take place and divisions are still obvious; The full dissolving of Serb parallel structures has not been achieved, whereas members of armed formations that operated illegally in Kosovo have been amnestied from a range of criminal offences punishable even by more than 20 years and such people have been accommodated in Kosovo Institutions; The executive authorizations of the Association/Community of Serb municipalities with Serbian majority proclaimed to be an NGO had been recognized in contradiction with the Constitution; The northern municipalities were given the right to have a special police region; The northern municipalities are the only ones that benefit from the entire budget that contains customs taxes collected in the two border crossings with Serbia; The court of the entire region of Mitrovica with the Albanian majority is run by a Serb and every court order related to Serbs may be appealed only before a panel composed by a panel of judges of the same ethnicity; Kosovo does not apply reciprocity in relation to Serbia; Kosovo was unable to collect the debt of the electricity spent by the Serbs nor make KOSTT an independent operator of the transmission system; The agreement for the revitalisation of Ibar river aiming to establish freedom of movement produced a project containing therein the construction of a barrier to obstruct free access in the central boulevard in the north; Instead of “Republic of Kosovo”, Prishtina accepted to be represented in regional initiatives with the denomination “Kosovo*”, and for the asterisk the footnote shall contain the United Nations Security Council Resolution 1244.

The agreements not reaching the intended effect and not being implemented is proven by periodic reports sent by the Government to Brussels. The recent report², dated 2017, speaks about “a number” of agreements awaiting the implementation, “some” being entirely blocked and “others” being interrupted in various stages of implementation, but also “some others” that were subject to delays.

One of the reasons producing this reality shall be sought in the language used in the agreements. It is ambiguous. The best proof of this is the naming of the umbrella mechanism of municipalities with the Serb majority: Association/Community, words that do not constitute a synonym.

In Kosovo, the dialogue process was characterised with a lack of platform, consensus and transparency. As a result, protests were organized from time to time and there were clashes in the Assembly related to a number of agreements being accepted by the Government of Kosovo. The largest resistance was provoked by the recent agreement on Association/Community where the Constitutional Court found that it was not in spirit with the Constitution³.

The dialogue which did not result in the actual integration of Serbs largely helped Serbia and helped Kosovo less in the European Union integration process. In the new enlargement strategy⁴

¹First agreement of principles governing the normalisation of relations (2013). Available at: http://www.kryeministri-ks.net/repository/docs/Marveshja_e_Pare_per_Normalizimin_e_Marredhenieve_19_prill_2013.pdf.

²Remarks from Kosovo authorities in relation to the level of implementation of agreements by Serbia have been included in an official written correspondence which Edita Tahiri in the capacity of the Minister for Dialogue sent to the Director for Western Balkans in the European External Action Service, Angelina Eichhorst. The correspondence is available at: http://www.kryeministri-ks.net/repository/docs/RAPORT_-_Marr%C3%ABveshjet_e_Brukselit_n%C3%AB_Pritje_t%C3%AB_Zbatimit_060717.pdf.

³Constitutional Court of the Republic of Kosovo. Case No. KO130/15. Available at: http://gjk-ks.org/wp-content/uploads/vendimet/amicus_curiae_brief_ki_shq.pdf.

⁴Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: A credible enlargement perspective for an enhanced EU engagement with the

with the Western Balkans, the European Commission offered Serbia the year of 2023 as the potential accession date, whereas in relation to Kosovo it says there is “a chance” to advance on its European path “once the objective circumstances allow”.

The integration perspective

Kosovo is the only country in the region that has not formally started its European Union accession path. It has yet to apply to get the status of a candidate country. The integration perspective of Kosovo can neither be found in the EU enlargement strategy for the Western Balkans which was published before the state entered into its first decade. The document titled “The credible enlargement perspective for and enhanced EU engagement with the Western Balkans”⁵, refers to Kosovo 11 times.

It indicates in two occasions the chance for sustainable progress by implementing the Stabilisation and Association Agreement and advance in its European path, but “once the objective circumstances allow”. Unlike this situation, 2025 is specified as the potential accession year for Montenegro and Serbia, Albanian and Macedonia have the chance to open the accession negotiations, whereas Bosnia and Herzegovina has the chance to become a candidate country. It indicates in one occasion the benefits that Kosovo may achieve in the integration process shall it reach a comprehensive and legally-binding agreement for the normalisation of relations with Serbia. It reminds Serbia in three occasions in relation to the same agreement with Kosovo as a condition in the accession process and it reminds both countries in relation to the agreement in two other occasions.

The name of Kosovo is indicated in two other occasions in the context of Specialist Chambers and in another occasion it indicates the footnote explaining the status neutrality.

EU mechanisms use the footnote to explain the asterisk attached to the name of Kosovo as five member states have not yet recognized its independence. Spain is amongst these countries and it had asked not to include Kosovo at all in the new enlargement strategy nor in any process which gives the impression of being treated as a state⁶.

Nevertheless, these are not the only barriers in the integration process. The Kosovo politicians have started to blame themselves due to Kosovo’s stagnation in the “last wagon” while the region is moving towards the EU. This is because they have not completed their homework.

The Stabilisation and Association Agreement is the key act in the EU integration path. This document was signed between Kosovo and the EU and it entered into force on 1 April 2016. The agreement was fulfilled insufficiently. 1374 measures were listed to be fulfilled on the first year, but only a total of 762 were completed. The other 612 measures were not fulfilled. “Slow steps” were made even in the following year. The Government did not publish the records for 2017, but the Group for Legal and Political Studies found that only 34.8 percent of the measures were fulfilled out of the 241 measures to be fulfilled by mid-2017⁷. If the same pace is followed, Kosovo will need double the time it foresaw for the implementation of this agreement.

In the previous year, in 2016, the agenda for European reforms was launched by the Government of Kosovo and the European Union. The duties that were taken in order to be

WesternBalkans. Available at: https://ec.europa.eu/commission/sites/beta-political/files/communication-credible-enlargement-perspective-western-balkans_en.pdf.

⁵Ibid.

⁶Koha Ditore (30.01.2018): “Exclusive: Spain says that Kosovo is not part of the EU enlargement”.

⁷RTV21 (2017) “GSJP: For six months only 34.8% of SAA measures were fulfilled”. Available at: <http://rtv21.tv/gsjp-per-gjashte-muaj-u-zbatuan-vetem-34-8-e-masave-per-msa-ne/>.

competed in 2016 have not been fulfilled even now when Kosovo celebrated its 10th anniversary of independence.

Gripped state

Kosovo was a weak state with strong power throughout a decade. The entities that have dominated the political scene throughout that period have installed their control on all links, turning them in their interests, whether individual or group interests.

PDK was in the Government throughout the period and led the government in most of the period. The appearance of the main exponents of this party in the leaked interceptions to the public indicated a lot about the control it has on independent institutions. They show how people are installed on top positions in courts, prosecution offices, the police and public enterprises and also show how the decisions of the Assembly are dictated.

Other assembly political entities were either in the executive or have exercised their power at the local level. Following the early elections of 2014, LDK, AAK, Nisma, and subsequently LVV got together in a bloc to try and deny PDK to continue with its governance although it won the elections. Such an alliance was justified with the need to “remove PDK from the gripping of the state”⁸. LDK had divided from the bloc and decided to co-govern with PDK but the agreement on coalition expressed the determination to carry on with the state-gripping policies. Article 8 of the agreement specified the equal sharing of all positions “established by the Government and the Assembly”. In the following elections, PDK was joined by AAK and Nisma and even they did not give signs of being interested to “free” the independent institutions. One of the first decisions taken by the head of AAK running the Government was to dismiss members of the board of the Agency of Accreditation following which the Agency was expelled from the European Assurance Register for Higher Education. Vetëvendosje currently has the largest number of deputies in the Assembly but it has never governed in the central level. It currently runs three municipalities, including Prishtina where one of the first decisions following the latest elections was taking control over the public municipal enterprises⁹.

Credible reports have established the control spread on institutions by the authorities in power. In the following are some findings contained in the recent report¹⁰ issued by the European Commission in relation to Kosovo: “The judiciary is still volatile due to undue political influence”; “Undue influence over investigations ... hamper the fight against organized crime”; “The efficiency of investigations continues to be hampered by political influence”; “Undue influence and limited capacity still hamper the conduct of effective financial investigations”; “RTK is directly state funded, which ... leaves it prone to political influence”; “Political influence over appointments and dismissals (of civil servants) continues to be a serious concern, especially on the selection of senior management”; “Appointment procedures of publicly-owned enterprises management are often subject to political influence”, “Education remains a high risk sector for corruption and political influence, especially in higher education”.

This dependence has led to lack of efficient functioning and management of these bodies which are independent only by their name.

⁸Radio Free Europe (2017) “Towards a coalition agreement”. Available at: <https://www.evropaelire.org/a/25444409.html>.

⁹Kallxo.com (2017) “Vetëvendosje takes control over Public Enterprises in Prishtina”. Available at: <http://kallxo.com/vetevendosje-merr-kontrollin-e-ndermarrjeve-publike-ne-prishtine/>.

¹⁰European Commission, “Report of 2016 on Kosovo*”. Available at: https://eeas.europa.eu/sites/eeas/files/20161109_kosovo_report_2016_alb.pdf.

Institutional Chaos

The political spectrum has not carried on with the tradition established prior to the proclamation of independence in relation to the full conclusion of the mandates of institutions. Three central elections were organized in Kosovo in the last decade and all of them were early elections. There were four presidents during this period of time and only one of them managed to complete the full mandate. Chaos is not related only to these developments but also to the political stalemate created after two series of elections and the undemocratic conduct demonstrated by the opposition in the previous mandate in the Assembly.

Fatmir Sejdiu was forced to leave the presidency after the Constitutional Court found that he was violating the constitution by running the country and at the same time exercising the function of the head of the political party, namely the LDK. The successor of Sejdiu, Behgjet Pacolli, was able to stay as head of state for only one month. This was because the same court found that his election was unconstitutional because the voting process was carried out in the first two rounds in the Assembly although 80 deputies were not present in the Assembly hall which required the same number of votes that can elect the head of state. The Constitutional Court became a shield for President Atifete Jahjaga who was elected after Pacolli by an agreement by which she would run the country awaiting constitutional changes intended to elect the president directly by the people. The court found that the president's mandate cannot be terminated by an amendment and the new rules may apply only after the conclusion of the regular mandate. Hashim Thaçi succeeded Jahjaga and is still holding the same position.

Throughout the ten years the developments were even more dramatic in the Government and the Assembly. Two government mandates of Hashim Thaçi and one government mandate of Isa Mustafa ended by motions. Kosovo has not experienced political stalemate only in the first elections, which were early elections in the independent country but it experienced political stalemate in the two other elections.

The elections in June 2014 produced a bloc after the elections. LDK, AAK and Nisma, helped also by LVV, got together to remove PDK of Thaçi from power. This bloc considered that it had the majority in the Assembly and could form the institutions although PDK came first in the elections. The ideal kept the entities united only until the moment the Constitutional Court declared the election of Isa Mustafa as the head of the parliament to be invalid. After around six months of blockade, LDK entered into a coalition with PDK, an agreement making Mustafa the Prime Minister and Thaçi the President.

The Assembly experienced the greatest clashes in that mandate. The opposition composed of LVV, AAK and Nisma operated in a bloc to oppose the Demarcation Agreement with Montenegro and the agreement on the establishment of the Association/Community of municipalities with the Serb majority. The causes were defended by not selecting the means of opposition – they used tear gas in the Assembly and organized massive protests in the boulevards of the capital, some of which were violent. In this period, the Assembly was attacked with a rocket in relation to which the authorities accused five LVV activists, one of whom was found dead while in detention, whereas four others were convicted in the First Instance Court for terrorism, but the decision was appealed and the case was returned for retrial.

Last year, PDK united the votes with the opposition in the motion against Mustafa Government a part of which was PDK itself. In the following election, it entered into coalition with AAK and Nisma which had shared their paths with LVV while being on opposition. Although the coalition was elected as the first entity, it could not form the majority along with the minorities. Therefore, after months of blockade, it managed to “fish” three out of four deputies of AKR that were in a pre-election coalition with the LDK.

Throughout a decade, there was no topic for which the entire political spectrum held consultations between them and came out with a common solution. There was no consensus on any issue.

Economic stalemate

Kosovo came out of the war with a ruined economy, it became independent without any significant progress and it has reached its first decade of statehood in stalemate. It remains a champion in Europe when it comes to poverty and unemployment rates. Figures speak more than words in economy. Some of the key figures are explained below.

The first decade was concluded with an annual growth of 3.9 percent. Unlike the necessity, there was a lot of planning and many promises made. The insufficient annual growth was almost equal over the decade and its largest contributors were the consumption and investments, but not also the export which remains low. According to the World Bank, with the current pace of growth, Kosovo will need up to ten decades in order for the income rates to reach those of the European Union¹¹.

The effects of this stalemate can be seen most clearly in relation to the unemployment rate which is the highest in Europe. According to the Agency of Statistics, in the third quarter of 2017 the level of employment was 30.4 percent, around 4.2 percent more compared to 2008. The latest report indicates that the unemployment rate is 30.2 percent, while the rate of inactivity is 56.5 percent. The highest unemployment rate remains with the groups aged 15-24, which stands at 53.3 percent. The number of net jobs for ten years was only 63 thousand, unlike the fact that around 25-30 thousand youth join the labour market every year.

However, figures do not indicate that the situation may change. The trade deficit has only increased. It used to be 1.8 billion Euros on the independence year, whereas it has deteriorated to about 2.5 billion Euros in 2017. About half of Kosovo's exports are metal scrap, whereas the other portion are mainly unprocessed materials and metal based products.

In its report "Doing business in 2018", the World Bank has listed Kosovo among the 10 largest improvement economies in the world. It ranks the 40th out of 190 countries in ease of doing business. Nevertheless, this report and other reports are only symbolic rankings. In fact, foreign investments remain low and there has neither been any flux in the increase of businesses by the locals. They rely mainly on capital investments of Kosovo's diaspora. In 2008, the annual balance of direct investments was 370 million Euros, whereas in 2016 it has almost decreased by half – it was 220 million Euros¹². According to the European Commission, the main investment hindrances include a weak and irresponsible administration, undeveloped infrastructure, weak rule of law, large informal economy and poor education results.

Privatization which did not produce any development

The economy was left in ruins from the war after which the international administration was installed in Kosovo and took over 500 socially-owned enterprises under administration and put them in the privatization process with the purpose of fulfilling two goals that were set: the reconstruction and economic development. The goals were not fulfilled even in 2008 when Kosovo became independent and the privatization competences were handed over to the locals, neither were the goals fulfilled a decade later.

¹¹Radio Free Europe (2017) "With the trend of economic growth, Kosovo is 60 years away from EU countries". Available at: <https://www.evropaelire.org/a/rritja-ekonomike-kosova-60vjet-larg-be/28891921.html>.

¹²Central Bank of Kosovo "Foreign Direct Investment". Available at: <https://www.bqk-kos.org/?id=55>.

Kosovo continues to have the weakest economy in Europe and suffers from a low development rate. The insufficient growth compared to the needs has caused the country to remain champions on high unemployment rate. Liberal policies compared to the socialist economy inherited from the period before the war did not produce the expected results. The sale of enterprises has not saved them from deterioration. The effects were contrary to what was expected. This is proven by two findings that are found in a study report¹³, conducted by “Forum 2015”, after the privatization of the majority of enterprises: 1. At the period the study was carried out 31 percent of 103 privatized enterprises that were part of the sample were not operating; 2. Apart from the negative impact that the non-operating enterprises had on employment, the employment rate had decreased even in those operational enterprises.

From 2002 until 2016, the Privatization Agency of Kosovo and its predecessor, the Kosovo Trust Agency dominated by internationals, administered or sought to administer with a total of 3,324 assets of socially-owned enterprises, including even those that are outside the territory of the state. There have been 1,483 sales made so far from which the accumulated fund is worth 684,772,221 Euros. This amount is about half of state’s annual budget, but it was never used for the purpose of economic activity. It is kept frozen in the Central Bank. The internationals had created a norm to keep the privatization funds blocked and were strongly criticised by the locals, but the latter have not changed the approach although they have been having the authority for a decade to decide on the funds.

Only a few enterprises proved to be success stories in the privatization process. Some were transformed and many others remained closed. Some of them were estimated to have been sold for ridiculous prices the owners of which were powerful people of politics or their relatives, and people from various groups of interest. There were assertions raised on political influence and corruption in relation to some large processes. The most serious case was in 2012 when the Board of the Agency decided to withdraw the shares of Grand Hotel located in the centre of Prishtina. Among the shareholders who had invested capital to purchase the hotel was the Deputy Prime Minister Behgjet Pacolli. The shareholders made public accusations, according to which the former Deputy Minister of Finance Astrit Haraqija had played the role of a mediator in that case and he had demanded 4 million Euros on the name of the Head of the Board of the Privatization Agency of Kosovo Dino Asanaj as a condition not to withdraw the shares. Asanaj was found dead in his private office in the following month. The death was as a result of multiple knife stabbings and the autopsy found them to have been self-inflicted. Therefore, the case was qualified as suicide.

Some socially owned assets were left on the hands of usurpers for almost two decades. Their number was 491 in 2014.

Corruption as a disease

The European Commission referred to a medical term when mentioning the level of corruption in Kosovo in 2015. It indicated in the annual period report that it is “endemic” and this expression refers to a disease that affects at least one tenth of the population.

The 2008 report alerted that corruption was spread out and remained the main problem in Kosovo. There was such a situation due to the lack of legislative and implementation measures and the lack of determination and due to the weakness in the judicial system. The “Endemic” was not tackled over a decade. The recent report of 2016-s finds that corruption is spread out in many areas and continues to remain a serious problem. On the same year, out of the 42 participating

¹³Forum 2015 (2008) “Privatization and post-privatization in Kosovo: A glass half empty and half full?”. Available at: <http://www.riinvestinstitute.org/uploads/files/2016/October/17/shqip1476702103.pdf>.

countries in the Global Corruption Barometer TI 2016¹⁴, Kosovo was ranked the third with 65 percent.

The “Disease” has affected almost all links of the state. According to the UNDP study¹⁵ released in 2016, Kosovars consider most corrupt sectors to be the political parties, the Assembly of Kosovo and the central level institutions, followed by the judiciary, health services and the local level institutions.

Public procurement throughout the past ten years posed one of the largest sources of corruption. There were a lot of denouncements made in public about corruption affairs and there were investigations conducted against some high state officials, including ministers that were under accusation since 2010. Nevertheless, not many cases have ended with final convictions. There are many criminal offences related to corruption involving members of the justice system and the efficiency of investigations and trials continues to be hampered by the political influence. Some affairs that were revealed over the decade, in particular the “Pronto” affair have shown the interference of the authorities in the judiciary, either by placing obedient people in prosecution offices and the courts, or by dictating the decision making.

There are some large consequences experienced by the state due to the lack of fighting of the phenomenon. The Government itself admitted that the corruption is holding hostage the economic growth. At the end of 2016, the Millennium Challenge Corporation excluded Kosovo from the “Compact” programme which provided opportunities to receive hundreds of millions of American dollars within a period of five years. For the same reason, Kosovo has remained an enclave in the European map – lack of results in fighting high level corruption is one of the two reasons EU has not lifted the visa regime. In general, the “endemic corruption” has caused the barrier to the state on its path to have sustainable economic development, and has also caused political and social barriers.

Fight with the ghetto

Kosovars lie in a ghetto as their state is an “enclave” in the European map. They are deprived to move freely in the Schengen area, but throughout a decade about 10 percent of all the resident inhabitants of the new country managed to get to the Schengen area, using illegal routes.

The waves of migration could not avoid strategies. On the second year of Kosovo’s statehood, 15 of its citizens had lost their lives when the boat they were sailing with capsized on Tisa river, at a location in the border between Serbia and Hungary. They found death in their attempt to abandon their country with the poorest economy in Europe through illegal routes. Since then until 2017 it is estimated that over 190.000 Kosovars sought asylum in the EU countries.

The massive migration of Kosovo citizens took place at the end of 2014 and the beginning of 2015. They considered migration through illegal routes as the only opportunity to break the isolation. This is because their passport is one of the least powerful passports in the world. According to company “Henley Passport Index” which conducts periodic studies on the power of state passports, it ranked the Kosovo passport as 97th, only a little ahead of the Afghanistan

¹⁴Transparency International, “Global corruption barometer – People and corruption: Europe and Central Asia” (2016). Available at: http://www.transparency.org/èhatèedo/publication/people_and_corruption_europe_and_central_asia_2016.

¹⁵UNDP, “Public pulse on corruption” (2016). Available at: http://www.ks.undp.org/content/kosovo/en/home/library/democratic_governance/special-edition-of-the-public-pulse-on-corruption.html.

passport which is ranked 105th in the bottom¹⁶. The citizens of Kosovo remain isolated since the movement in the Schengen area remains hostage of two uncompleted tasks by the local authorities.

In June 2012, the European Commission handed over to Kosovo the roadmap on visa liberalisation. The document contained 94 criteria and was organized in blocks. In May 2016, the Commission recommended to lift the visa regime for Kosovo, but it had a condition – until the meeting of the European Parliament, foreseen to be held after a period of time, Kosovo had to complete the two remaining tasks: To ratify the demarcation agreement with Montenegro and provide evidence that high level corruption is being fought according to a registry of cases monitored by the EU. This was a moment when the politicians in Prishtina had removed the tap from the Champaign and were celebrating the “success”. However, the two “homework” have not been completed in two years.

In the previous mandate, the demarcation was one of the two issues on which the governing coalition and the opposition had their most severe clashes since Kosovo got liberated from Serbia. The opposition considered that Kosovo would lose around eight thousand hectares. Therefore, they hindered the efforts for the ratification of the agreement by using tear gas inside the Assembly and through protests outside the Assembly. Just before the anniversary of the proclamation of independence, two of the political parties that were in opposition in the previous mandate, currently in power, AAK and Nisma, accepted to vote for following a joint statement between the President of Kosovo and the President of Montenegro, expressing the willingness to correct the agreement in the event that new legal facts emerge. The initiative for such a statement was taken even in the previous mandate, but the opposition did not accept any modality, except the ratification of a “corrected” agreement.

On the other hand, the authorities have not shown determination in fighting corruption, in particular high level corruption. The European authorities seek results in investigations and final court judgements related to organized crime and corruption, including trafficking in of narcotics, trafficking in of human beings and money laundering. That has not been seen so far. The consequences are multidimensional. Those considered most affected are the youth who in many occasions are deprived from mobility and the right for a better quality education offered abroad. In addition, even other specific categories in the area of academics, business, culture and sports are affected.

The current procedures in order to receive a visa take several months. Based on official statistics of the European Commission¹⁷ for 2010-2012, the embassies of Belgium, Germany, Greece, Finland, Hungary, Italy, Slovenia, Switzerland and Norway have issued Schengen visas for the citizens of Kosovo. In total, there were 217.862 visa applications submitted for three years. A total of 37.500 visa applications were rejected in three years. Only in these three years, Kosovars have spent about 15 million Euros, out of which 9 million Euros were spent to make direct payments at embassies for visas, whereas at least 5.8 million Euros are other expenses related to the completion of documentation for visas, bank expenses and travel expenses¹⁸.

¹⁶Koha.Net (2018) “Singapore and Japan have the most powerful passports in the world – Kosovo is ranked 97th”. Available at: <http://www.koha.net/arberi/78231/pasaportat-me-te-fugishme-ne-bote-kane-singapori-e-japonia-ndash-kosova-e-97-ta/>.

¹⁷ GAP Institute & Group for Political and Legal Studies (2013) “Economy of Visas: Report on visa cost for Kosovars for the period 2010-2012”. Available at: http://www.institutigap.org/documents/55950_Raport_mbi_koston_e_vizave_per_kosovaret_per_periudhen_2010-2012.pdf.

¹⁸ Ibid.

Education fails the exam

State policies applied in education over one decade have not passed the “exam”. The test held in 2015 by the Programme for International Student Assessment (PISA) ranked Kosovo in the bottom of the list of 70 participating countries, leaving behind only Algeria and the Dominican Republic.

There are six levels ranking the results of PISA. Level two speaks about the minimum knowledge of students. The results showed that in the area of reading performance, 77 percent of students from Kosovo have not shown the minimum knowledge, 78 percent in mathematics, and 68 percent in science.

This result is as a consequence of a system being experimented continuously with curriculums, and it was unable to give the students advanced skills in communications and was unable to develop the skills of critical thinking. The first habits are acquired in the early years, but early childhood education has no longer been a priority in the recent years and only 4 percent of children aged 0-5 have attended this level of education.

The expenses of students in the primary and secondary education were lower than those in the neighbouring countries, whereas 75 percent of overall expenses have been allocated for salaries. The investments, although insufficient, were mainly concentrated on infrastructure. The children of primary school and secondary lower education were provided free books by the state, but in a number of events, they had scientific inaccuracies and promoted gender stereotypes. However, the teachers were not sufficiently trained to implement curriculums that were subject to amendment.

University education was characterised by political interference. Over the last decade, three rectors of the biggest public university in Kosovo were people who had positions in political parties when assuming the position. Such people were selected to run some of the 6 other new public universities that were opened in the last 10 years. The consequences of political interference in education institutions resulted in the expulsion of the Accreditation Agency from the European Assurance Register for Higher Education.

Governments have applied overcrowding student policies in universities with the purpose of maintaining social peace. Almost every student out of the 30.000 graduated secondary school students in each year have had a place either in public universities, or in about 30 private colleges and institutes, some of which have operated for years without license or accreditation. This overcrowding policy for students was not associated with the respective increase in financial funds, investments in infrastructure and science, or to support the increase in the number of professors. The academic staff graduated in not a few cases against the norms requiring the necessary scientific credentials.

The demonstrated policies have created a gap between the lack of staff and hyper-production of graduates. This was a consequence of study programs and registration policies that did not adapt to the labour market needs and did not make students the masters of the profession in which they graduated.

Another problem that has accompanied the education is the lack of a uniform system throughout the country. Serb students attend schools that are funded and managed by the Ministry of Education of Serbia, and Kosovo has no control over them although it allocates the budget for the payment of the teachers' salaries. The same situation rests in the higher education but the state has recently acknowledged the diplomas received in Serb universities that were not subject to licensing and accreditation by the Kosovo mechanisms.

Health without diagnosis and therapy

Neither diagnosis nor the therapy is found for the health system in Kosovo. Quality of service has recognized very little progress since the post-war time.

Institutions of primary, secondary and tertiary levels are underdeveloped, while government policies failed to provide the necessary support for them. The Government, in the latest Strategy¹⁹ for health, emphasized that it is not possible for the budget, available for health care institutions, to provide incentives for improved performance, by that giving a message that the situation is less likely to improve. The resources available for public health services are among the lowest in the Europe.

The state has not yet started collecting premiums to supply the Health Insurance Fund, established by law since 2014. Consequently, Kosovars have remained the only citizens in the region that do not have health insurance. Even if the premiums start to be gathered, all the preconditions are not finalized to start with implementation of the new policy. One of the obstacles is Health Information System with medical histories of patients, which is not fully operational, although it started a few years ago. It has coverage of only one-third of the territory of the state. Very credible local and international reports have shown that corruption is very present and poses a serious challenge for health care services. Forms of corruption are linked to the appointments for operations and for scheduling diagnostic checks and other treatments, but also with the connection that doctors have between public institutions with the private ones, and compensation that is provided for each patient that they refer to them. In June 2016, 62 persons were accused by the prosecution for criminal offenses related to official corruption, unlawful practice of medical activity and negligent medical treatment. Reports of abuse of duty are frequent.

The two are the consequences of this situation: In addition to the poor quality of life, Kosovars have life expectancy of 5 years lower than the citizens of countries in the region and 10 years lower than those of EU countries; Kosovars spend 120 million to 150 million Euros annually for medical treatment abroad²⁰, in which figure are included treatment and expenses for travel and accommodation.

One of the problems that is accompanying this sector, has to do with a list of the essential medicines, which contains medicines that are secured by the state through the procurement procedures and distributed free of charge. Often, health institutions remain without such medicines, while in many cases it is reported for abuses in the procedures of these contracts, since many times they were purchased with prices much higher than on market. There were also cases when essential medicines provided by the Government, ended up for sale in private pharmacies.

Another problem is the departure of doctors. Many graduates, but also doctor specialists, choose to go to European countries, especially in Germany, where they are offered the opportunity of choice of specialization and a salary for several times higher than in Kosovo. Health union members have alarmed that this trend is not good. Union Federation conducted a survey with 1 thousand students of medicine, 73 percent of them declared that they will escape abroad²¹.

¹⁹ Health Sector Strategy 2017-2021 (2016). Available at: <http://www.kryeministri-ks.net/repository/docs/Strategjia-sektoriale-e-shendetesise-final-nentor-2016-ALB.pdf>.

²⁰ Figures about the expenses for medical treatment abroad have been provided for public viewing by the Union Federation officials. One of them is available at: <https://telegrafi.com/qytetaret-shpenzojne-rreth-150-milione-euro-ne-vit-per-sherim-jashte-kosoves/>.

²¹ Zeri/Info (2015) "Departure of doctors from Kosovo, frustrating". Available at: <http://zeri.info/aktuale/20890/ikja-e-mjekeve-nga-kosova-shqetesuese/>.

10 PLUS

Birth of the Country

Kosovo declared independence on February 17th 2008, about a year after Martti Ahtisaari, Special Envoy of the UN Secretary General on the settlement of Kosovo status, finalized the Comprehensive Status Settlement Proposal²². The document was produced after difficult negotiations between Serbia and Kosovo under the mediation of the Ahtisaari, and the process started in July of 2016 in Vienna.

The proposal was not accepted by Serbia, whereas the team representing Kosovo in negotiations, agreed to assume the responsibilities specified in the document. Another supplementary negotiation process would happen prior to the historical moment. Through the insistence of Russia and by the agreement of the Quint countries, it was decided for additional three months of talks, under the leadership of the Triad: The representative of EU, Wolfgang Ischinger, of America, Frank Wisner and of Russia, Alexander Botsan-Kharchenko. Even this produced no results. The Ahtisaari Proposal was not introduced before the UN Security Council, in which Forum the Russian Federation has the right to veto, the most ardent supporter of Serbia.

After this circumstance, in coordination with the strategic partners of Kosovo - the United States and the most powerful countries of the European Union - in a solemn session, leaders of the people - President, Members of the Parliament and the Government members - through a Statement declared Kosovo as an independent and sovereign state. The first section of the declaration reads that this declaration "is in full accordance with the recommendations of UN Special Envoy Martti Ahtisaari and his Comprehensive Proposal for the Kosovo Status Settlement"²³. The provisions contained in the Ahtisaari's Plan, especially those related to the rights of minority communities, were included in legal acts of the new state - in the Constitution and the laws.

The new reality was taken into consideration by the UN and EU. The first had downsized its mission in Kosovo, whereas many of the competences were passed to the International Civilian Representative, which had the mission for international supervision of independence, and other ones were transferred to EULEX, European rule of law mission, which is still active.

From the inside, this development has been followed by a number of actions in two levels: In consolidating the state and in ensuring further international recognition of the independence and the sovereignty of Kosovo.

In its historic year, Kosovo also developed its own Constitution, in drafting of which participated international and local experts. The highest legal act of the state was adopted in April by the legislative and entered into force after two months. Other Legislation has also undergone some changes.

On the same day when it declared independence, the Assembly adopted the flag, and about four months later the anthem of the Republic, titled "Europe", but which does not have a script (text). At the border crossing points, the Government placed the border signs with "Republic of Kosovo" logo and for the symbolic act; it was initially placed in Merdare border crossing with Serbia. Prior to one year of its establishment, the Kosovo Security Force started its mission, which was proposed by the Ahtisaari plan, but without army mandate. Only 1,400 out of 3,000 active

²² The Comprehensive Proposal for the Kosovo Status Settlement (2007). Available at: <https://www.kuvendikosoves.org/common/docs/Propozim%20per%20Statusin%20e%20Kosoves.pdf>.

²³The Declaration of Independence of Republic of Kosovo (2008). Available at: https://www.kuvendikosoves.org/common/docs/Dek_Pav_sh.pdf.

members that the Kosovo Protection Corps had, managed to pass successfully the tests compiled by NATO. However, the Kosovo Security Force has not yet received a mandate of an army.

A request for recognition of the state of Kosovo had begun towards statesmen of all countries of the globe. Some positive responses were received immediately. Within the first 24 hours, statehood was recognized by the United Kingdom, France, The United States of America, Turkey, Albania, Afghanistan and Costa Rica. Within the first year, 54 recognitions were secured, while until the first decade of the state it was only possible to double this number. Diplomatic relations were also established. Liaison Office of the United States of America promoted immediately its status to the Embassy and the action is followed by many other countries. On the other hand, in its first year as a state, Kosovo nominate 10 Charges d'affaires for ten countries: USA, Britain, France, Germany, Italy, Austria, Belgium, Switzerland, Turkey and Albania.

Kosovo has also applied for membership in large number of international and regional organizations, and other international mechanisms. It was accepted in only a few of them, but there are also some known failures, as on the occasion when efforts were made to become a member of UNESCO and Interpol.

Kosovo has not yet received recognition from five EU member states - Spain, Greece, Romania, Slovakia and Cyprus - as well as by two of the five permanent members of the UN Security Council - Russia and China - which are an obstacle to Kosovo's membership in the UN. Non-recognition by these countries is seen as a "gravel in Kosovo's shoes", which constitutes a major challenge in moving toward strengthening of the international factorization.

The ICJ decision and effects

Short of six months since Kosovo declared its independence, statehood was placed on trial: Serbia requested from the UN General Assembly to request from the International Court of Justice in The Hague to provide a legal opinion on the issue if "Kosovo's unilateral declaration of independence by the Provisional Institutions of Self Government of Kosovo is in accordance with international law or not". Local authorities and their allies failed to stop this initiative in the Assembly. It was decided in favour of the Serbian request, with 77 votes in favour, 74 against and 6 abstentions, this forum of the UN adopted a Resolution 63/3, pursuant to Article 96 of the UN Charter and Article 65 of the statute of the International Court of Justice. Article 96 of the tribunal statute recognizes the right only of the General Assembly and the Security Council to be able to seek its opinion on each legal issue that has to do with the international law.

This initiative came back as a boomerang to Serbia. It took the court two years for review, and then finally decided: The independence of Kosovo did not violate the international law nor the Resolution 1244 of the UN Security Council or the Constitutional Framework, the main legal document in Kosovo when independence was declared. Judge Hisashi Owada of Japan provided this news in a courtroom at The Hague, but after reading for about an hour all the pages with justifications. Court decision regarding the dispute over the independence of Kosovo was taken with 10 votes in favour to 4 against.

The decision of the International Court of Justice was issued on 22 July 2010, whereas on 9 September of that year the UN General Assembly adopted a resolution, through which the ICJ advisory opinion is "taken into consideration".

The verdict was received with enthusiasm in Kosovo. In a special session, the next Assembly adopted a Declaration, which expressed satisfaction and approved the Court's opinion.

The International Steering Group, issued a statement in which it reconfirmed once again its “unwavering support” for “the irreversible Independence of a democratic and multi-ethnic Kosovo in its current borders” and called on other countries to recognize Kosovo.

One of the first effects that declaration had, is that it produced dialog. In the resolution of the General Assembly, the readiness of the European Union to facilitate the process of dialog between the parties was supported, which would promote “co-operation, achieving progress on the path towards the European Union and improve the lives of the citizens”²⁴.

Immediate effects of this development were not noticed. During 2010 Kosovo had ensured recognition by only 8 countries, five of which announced the decision before the ICJ declared opinion about the independence. However, Kosovo used that as a strong weapon providing arguments in favour of the recognition. The essence of the verdict is also included in an agreement with Serbia on the representation of Kosovo in regional initiatives. Based on that, above the name of Kosovo is placed an asterisk and the footnote explains it and contains also the opinion of the ICJ.

"Independence" from internationals

The Ahtisaari plan contained provisions, according to which the independence should be supervised. The transitional process was also foreseen, through which gradually executive powers carried by the head of the UN mission, as a supreme authority, as well as missions for security and police, but also for others, would be transferred to local authorities.

Less than two weeks since Kosovo declared independence, the International Steering Group was created, in which there were high level officials, representing: Austria, Belgium, Bulgaria, Croatia, Czech Republic, Denmark, Estonia, Finland, France, Germany, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Netherlands, Norway, Poland, Slovenia, Switzerland, Sweden, Turkey, the United Kingdom and the United States of America. The group had the mission to provide direction and supervise the democratic development of Kosovo, promote good governance and multi-ethnicity, which were promoted in Ahtisaari Plan.

As of September 10, 2012, Kosovo’s supervision was formally abolished. The decision was made in Prishtina at a meeting of the International Steering Group. Just a week before, the fifteenth meeting of this Group was held in Vienna, in which among other things was concluded that “Comprehensive Proposal for Resolution of Kosovo’s Status is implemented substantially and with this authorizes final steps for the conclusion of the supervised independence and closing of the International Civilian Office (ICO)”. In a statement, which provides announcement for removal of supervision, emphasizes among others that the Ahtisaari Package is implemented substantially and that it was noted that in accordance with their commitments, Kosovo institutions have now adopted packages of changes to the Constitution and the primary legislation, including in a satisfactory manner the remaining elements of the Package, within the constitutional and legal framework of Kosovo. This was considered as the highest international evaluation sent to Kosovo since the declaration of independence.

Therefore, along with completion of supervision of independence, was concluded the mandate of the International Civilian Representative, who, during the time of supervision, had supreme authority in Kosovo.

And, before the declaration of independence, the supreme authority in Kosovo was exercised by the chief of the United Nations mission, UNMIK. The mission downsized its presence, since

²⁴General Assembly on Resolution adopted by the 9 September 2010. Available at: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/%20RES/64/298.

Kosovo became an independent state, and is very little active. On the other hand, the EU mission of the rule of law in Kosovo, EULEX, has maintained very little executive powers and is on the verge of "packing". June is the month when its mandate ends.

Contract with the EU

The Stabilization and Association Agreement constitutes the first contractual relationship that Kosovo has established with the European Union. The document, in addition to entering into a new phase of relations with official Brussels, obliges the newly created country to undergo a large number of reforms in all area, in order to further align with European standards.

The agreement supports the economic transition of Kosovo and ensures gradual development of a free trade area with the EU. In addition, it stimulates good governance and rule of law. The SAA includes ten main chapters, seven annexes, five protocols and a joint statement.

The government has accepted that, in order for Kosovo to fully use the SAA and economic opportunities that it provides, it must be accompanied with urgent economic reforms, as well as to be accompanied by the rule of law. In an agenda²⁵ of reforms, the state executive has emphasized that the powerful and efficient institutions, independent judiciary and necessary resources, as well as the political will to strongly fight corruption, are key for development and economic growth and employment. Two years ago, the Government started to Draft each year the National Program for Implementation of the SAA, and the agenda for European reforms, which lists short-term and mid-term actions that must be undertaken for the fulfilment of the Stabilization and Association Agreement. Over the past two years, when the country was faced with the political crisis and stalemates, both documents were implemented in unsatisfactory level, but the European agenda was declared by the authorities²⁶ as a top priority in this mandate.

In addition to the support that it provides for these reforms, the SAA also overtook one of the problems that Kosovo had in the formal communication with the EU.

EU avoids stalling of the agreement from the five EU member states that have not recognized the independence of Kosovo - Spain, Greece, Romania, Slovakia and Cyprus. In this case it applied a strategy. Decision-making stemmed after the entry into force of the Lisbon Treaty, under which only EU can establish agreements with other parties and by default is recognized by all member states. Under the previous treaty of Nice, the SAA had no chance to go through. This is due to the fact that it required all agreements to be adopted by all member states separately, including the five countries that have not recognized the independence of Kosovo, and to be passed at the EU Council.

Before being signed, the SAA has been adopted by the European Commission on 30 April 2015, while from the EU Council on 22 October 2015. Initials in the agreement were placed in July 2014, but the process of entry into force was slow due to the lack of consensus within the EU and finding solutions to overcome this situation.

It is not only the EU that avoided obstacles to push forward this agreement with Kosovo. At a time when the SAA was presented for ratification in front of the MPs of the Kosovo, the position and opposition were undergoing greatest clashes in the Assembly's history. The opposition rejected

²⁵Senior level dialogue Kosovo - EU on key priorities: European Reforms Agenda (2016). Available at: <http://www.mei-ks.net/repository/docs/erfinalsq.pdf>.

²⁶Koha.Net (2017) "Veseli: The European Agenda is a key priority of Kosovo". Available at <http://www.koha.net/arberi/47217/veseli-agjenda-evropiane-eshte-prioritet-kryesor-i-kosoves/>. Koha.Net (2017)

"Haradinaj: The priority of the Government remains the European agenda". Available at: <http://www.koha.net/arberi/56452/haradinaj-prioritet-i-qeverise-mbetet-agjenda-evropiane/>.

the demarcation process with Montenegro and the establishment of the Association/Union of the municipalities with a Serbian majority, the passing of which they hindered by dropping tear gas in the Assembly and by organizing mass protests on the streets. They did not allow even other issues to be introduced for a review, without fulfilling the requests they had in relation to the annulment of both agreements. However, they made an exception for the SAA, which was ratified "in peace", since the opposition political entities did not hinder the session. They even contributed to the debate developed there. The Assembly considered that the ratification represents the biggest event for Kosovo since the declaration of independence.

The Special Court for "Marty's Report"

Almost three years since independence, Kosovo was shaken by an international report, which contains claims that the people from KLA committed crimes of inhumanity, including removal of organs from some Serbs and Albanians, during and after the war that ended in June 1999. The author of the report was Senator Dick Marty, while in January 2011, the document was adopted by the Parliamentary Assembly of the Council of Europe.

Report casts incriminating claims on several exponents of the KLA, some of whom from the war time and until now have high state functions. The charges were strongly rejected in Kosovo, but they constitute news across the globe. The content was published by the British newspaper "The Guardian" on their cover page, as well as the central news.

In September 2011, the European Union formed the Special Investigative Task Force, with a mandate to conduct Independent criminal investigations on the claims raised in the report and the other crimes related to them. Four years later, this task force announced that there is sufficient evidence to file indictments, but they were not able to find compelling evidence for the removal of organs for transplantation purposes.

The Indictments could not be filed without a judicial institution.

After the persistence of the international community and a large number of negotiations, the Kosovo authorities reached an agreement with the EU on the modalities for the processing of claims contained in the report. This recognition awoke controversy and protests. However, during the summer of 2015, the Assembly approved the constitutional changes and approved the Law for the Specialized Chambers and the Specialized Prosecutor's Office, with a mandate to deal with crimes against humanity, war crimes and other crimes mentioned or related with the Senator Marty's report. Based on these changes, the court was established in The Hague, Netherlands. It consists solely of internationals and there is no accountability obligation to any Kosovo authority.

During the last summer, the specialized rooms, which constitute the Specialist Court, are fully operational. At that time the Regulation of the procedure and evidence entered into force, without which document Specialized Rooms were not considered to have been made fully functional. Although after this circumstance the Chambers could receive submissions and launch judicial proceedings, so far it has not filed any indictment.

At the end of the year, the key institutional leaders have made multiple attempts to revive the initiative of the entities in power to abolish the Law on this court, even though the representatives of the USA and EU alerted them that such decision would isolate Kosovo on international level. Presidency of the Assembly made two attempts to review the request of 43 members of the parliament who signed it to have an extraordinary session which would paralyze the work of the

special court. Before this development, it was reported²⁷ that the head of state Hashim Thaci and Prime Minister Ramush Haradinaj stand behind this petition of the organizations deriving from the war that requested the abolishment of the Specialist Court. However, at the beginning of 2018, both of them confirmed that the initiative would not be able to move forward and that the mandate of Specialist Court will remain intact. Kosovo's cooperation with the tribunal is the expectation the European Union listed in the new enlargement strategy.

Facing extremism

Terrorism constituted the main preoccupation of the world in the last decade. Many civilians in the Middle East and in different countries of the West suffered from acts of terrorism, whereas Kosovo was not spared from the threats.

The acts were mainly motivated from wars in the Middle East, where a number of Kosovars went as volunteers. They were involved in the wars in Syria and Iraq and a part of them were recruited in the Islamic State, an organization that claimed the responsibility for the majority of acts of terrorism in the West. The official data on the exact number of Kosovars involved in these wars are not provided, but there are rough figures. Authorities have mentioned about 300 of them, half of whom have returned, over 60 were killed and some still remain in areas where there are still conflicts.

Starting from this reality, Kosovo has taken a series of measures to prevent new departures. In March of 2015 a law was adopted, according to which membership and participation in foreign army, police and paramilitary groups or para-police, constitute a criminal offense punishable by imprisonment from 3 to 15 years. Punishments are also foreseen for the recruiters and preachers of the violent extremism that leads to terrorism. Financing directly or indirectly or provision of material support to a person who intends to join a group of foreign military, according to the law, is punishable with imprisonment from 3 to 15 years.

In some police operations, more than 100 people were arrested, some of whom are allowed to defend themselves at liberty. There were also some judicial convictions, but there were also some acquittal decisions. Among the convicted is also a citizen that collaborated with the authorities to bring back a child to Kosovo, whose father had taken him with him in Syria, without the knowledge and consent of the spouse.

Since 2009, the government has drafted the first Counter Terrorism Strategy, the document that not only lists the necessary mechanisms, but also provides a comprehensive approach for preventing and combating terrorism. However, at the time the fear was of something else. Interethnic relations between the two greater communities, Albanians and Serbs, continued to remain tense, especially in the north of the country where there is continues presence and there are active extremist groups which the Government said they were predisposed to use violence to achieve their political goals. Since then, two new strategies have been drafted, the last one at the end of the year, which refers to the period 2018-2022. In these documents, almost all the attention is focused on religious extremism leading to terrorism, deemed as a threat to the country. Authorities have been urging the Kosovars remaining in war zones to return to their homeland and their treatment is foreseen in the National Strategy for Sustainable Reintegration of Repatriated Persons.

²⁷Koha Ditore (16.12.2017). "The Petition for Specialists Court 'driven' by Thaçi and Haradinaj."

Guarantee for communities

A part of the Advanced Legislation that was adopted by Kosovo, before and after the declaration of independence, guarantees significantly higher rights to the non-majority communities compared to those offered by the countries in the region. The Constitution defines "special rights", along with framework that promotes gender equality in all areas of economic, social, political and cultural life.

Kosovo is consisted by the Albanians majority and other communities that in total constitute less than ten percent of the population: Serbs, Turks, Bosnians, Roma, Ashkali, Egyptian, Gorani, etc. Besides the Constitution which lists the rights, there are also other specific laws, like the Law on the Protection and Promotion of the Rights of Communities and Their Members in Kosovo, the Law on the Use of Languages, Laws on Education and the Law on Cultural Heritage. In all of them there are embedded guarantees that are offered in the Comprehensive Proposal for the Kosovo Status Settlement, a large part of the document which deals with additional rights to communities, especially for the Serbs.

The European Commission, in its latest periodical report²⁸ for Kosovo, has concluded that institutional structures and mechanisms for protection of minority communities are in place at the local and the central level. In addition, it concluded that the overall security situation for minority communities remains relatively stable and mainly unchanged.

They are guaranteed representation in all the institutions at central and local level.

The Assembly of Kosovo has five vice presidents, two of whom are from the minority communities. There 20 out of the 120 guaranteed seats in the legislature. Each constitutional amendment is conditioned by the votes of at least two-thirds of parliamentarians representing minority communities and they also enjoy the right of "veto" for the adoption of laws for a list of issues. For two years now, the changes in the draft Law on higher education did not pass, and the reason is the lack of voting by Serb parliamentarians who make up half of lawmakers from communities.

The Government in this mandate has one Serb Deputy Prime Minister and two Ministers, and a Turkish Minister. There are several Deputy Ministers from the communities. The Constitution stipulates that the Government will have at least one minister from the Serb community and one from any other non-majority communities. If there are more than twelve (12) ministers, the Government is obliged to have a third minister.

Provisions also guarantee representation at the local level. They are by default entitled to the post of deputy mayor in the municipalities where at least ten percent of the residents belong to communities that are non-majority.

A Consultative Council for Communities operates under the authority of the President of the Republic of Kosovo in which all communities are represented. Equal representation in employment in public bodies and public enterprises at all levels, including police is granted.

The Albanian and Serbian languages and their alphabets are official languages of Kosovo and have equal status in its institutions. Meanwhile, Turkish, Bosnian and Roma languages have the status of official languages at the municipal level.

²⁸The European Commission, "Kosovo Report 2016 ". Available at: https://eeas.europa.eu/sites/eeas/files/20161109_report_kosovo.pdf.

Public Universities offer special quota for registration of students from communities. All persons belonging to communities have the right to receive public education at all levels in one of the official languages of Kosovo of their choice.

Northern municipalities inhabited by Serbs have additional competencies in education and health care. Together with other Serb-majority municipalities, they have the right to organize themselves within an Association, for which there is an agreement between Kosovo and Serbia, but that is not yet operational. Northern municipalities mainly inhabited by Serbs are the only ones who benefit from the entire budget that contains customs fees collected in two border crossing with Serbia.

Learning from industrial theft of the vote

After 2008, Kosovo gained the right to organize elections on both levels; central and local - which until that time were managed by the OSCE mission. It failed in its first test.

The first local elections were held in 2009. They were estimated to be the worst organized elections since Kosovo gained its freedom in 1999. The First Elections for the Assembly of Kosovo were held at the end of 2010 and there much more irregularities in them. In relation to this process there were diplomats like Christopher Dell, who at the time was the U.S. Ambassador in Kosovo, who said that they witnessed "industrial theft" of the votes.

International pressure has prompted elections to be repeated in three municipalities where irregularities were at the highest level, as well as in some voting centres in other municipalities. Meanwhile, the judicial authorities decided to impose sanctions with effective imprisonment against those for whom it would be established to have abused the process.

And this has constituted a turning point. The four sets of consequent elections that were organized – two of them for mayors and municipal assemblies, and also another two for the Assembly of Kosovo – had no serious shortcomings that influenced the overall result, except in some cases in the north inhabited by Serbs, part in which the state of Kosovo has not been able to extend its authority.

In 2017 were organized two sets of elections - during the summer the national ones, and at the end of the year the local ones. The EU mission for monitoring the elections in Kosovo, in the final report published for the electoral process which produced new mayors of the municipalities and members of the municipal assemblies, provided the conclusion that "In general, elections were held in a safe and competitive environment, marking a significant improvement compared to the local elections of 2013²⁹. The Mission indicated that in municipalities with Albanian majority the elections were held in really competitive and the campaign environment was calm, enabling numerous candidates to freely convey their messages to the electorate. In contrast, "the environment of the campaign in many communities of Kosovo Serbs became deformed by intimidation especially targeting political entities except the 'Serb List' (Lista Srpska) and their candidates".

In relation to the Serbs, the organization of elections was not the only challenge. In September 2013, CEC removed the naming "Srbija" from Serbian parties. There were two parties that had this name in their title of the party, including the 'Serb List' that has 9 of 10 Serb parliamentarians in the Assembly of Kosovo and leads the absolute majority of municipalities with Serb-majority.

²⁹ European Union, Election Monitoring Mission. "Final report: Elections for mayors and municipal assemblies in Kosovo" (2017). Available at: http://www.kqz-ks.org/wp-content/uploads/2018/02/1-final_report_kosovo_albanian.pdf.

No election process was boycotted by any important political entity and the results of all elections that were organized within the first decade of the state of Kosovo were in the fact accepted by the entire

Sport triumph

Two years before concluding the first decade of statehood, Kosovo experienced the greatest success in sports. In 2016 Kosovo judoka Majlinda Kelmendi won the Olympic gold medal, while Kosovo became part of FIFA and UEFA, two largest houses of the most popular sport; the football. Prior to this, Kosovo had joined the International Olympic Committee and the majority of sports federations of those sports taking place in Kosovo. In a number of federations, membership came even before 2008. These successes were transferred into two levels.

The first one relates to the inclusion of Kosovars in international sport events, from which they were deprived until that time. At the Olympic Games in Brazil, Kosovo was represented by 8 athletes, whereas at the Winter Olympics, which recently was held in South Korea, it had one athlete. Kosovo sport representatives participated in the European and World qualifiers, and in various qualification competitions. The peak successes like the one of Kelmendi, made it possible for such "paradoxes" to happen that could not have been imagined earlier. Just a few months before the Olympics, Russian military guard honoured the Kosovo flag and performed the anthem, where Kelmendi took the first place in judo European Championship that took place in Kazan of Russia, a state that constitutes the main obstacle for Kosovo's membership in the UN. Meanwhile, the results in sport made major world Medias make "free" commercials for Kosovo by presenting their successful stories.

The second one relates to the investment of the Government. Such successes made the authorities turn their eyes towards the athletes. A regulation issued by the Government provides scholarships for eminent Olympic athletes in order to prepare for the Olympics, and it provides financial support for each medal won in the Olympics, as well as in international championships. For example, 100 thousand Euros is the amount of the remuneration for the winners of the Olympic gold, whereas 50 thousand for the coach. On the other hand, admission to Federations has imposed investments in sporting infrastructure. This is because the stadiums and gyms that do not meet the minimum criteria required by federations are not entitled to organize qualifying competitions. As a result of that, Kosovo has invested millions of euros in two football stadiums, one in Mitrovica and another in Prishtina, and also a feasibility process has been launched for the establishment of the national team stadium, which is expected to cost around 50 million euros and there are also allocated funds to establish a judo centre in Peja, the city that within a decade has provided to Kosovo, not only Olympic gold, but also medals at the World and European championships. On the other hand, clubs gained financial "infusions" from international federations, as a support for their development, but also as a reward for each qualifying round that they pass.

Image with art

Kosovo has not made work of millions it gave for the commercial in international media, aiming to introduce the image of the newly established country as better as possible. Compared to the millions it invested, it gained more through the works and events of art where Kosovars are protagonists, as well as cultural events organized by them.

The NEWBORN monument was placed in the centre of Prishtina on the Day of declaration of the independence, known as the obelisk of independence. Its designer, Fisnik Ismajli, has been

over the last two mandates a member of the Assembly of Kosovo, while he was financially supported by the Government. The images with photographs from celebration of Independence, which in the centre had this monument, have taken front pages of many newspapers, including the American one; "The New York Times". As a work of art, NEWBORN has received several awards, including "the Golden Lion" award at Cannes, which for commercials is like an Oscar award for the movies.

And, in January 2016, Kosovo arrives also to the Oscars. The movie "Shok [friend]" put the new state in the history of the most prestigious award in cinematography. Kosovo story that approves friendly borders of two children in times of war, was nominated for the category "Best Live Action Short". The film is a co-production between Kosovo and Great Britain.

Kosovo has become a regional centre for international documentary and short film. The International Festival Dokufest, is the largest film event in Kosovo and a reference for the region. It is held in every August in the city of Prizren, and attracts numerous international and regional artists, but also many tourists.

Not only cinematography had a share in the image of Kosovo, which was presented abroad. In 2012, the singer originating from Kosovo, Rita Ora, came in Pristina to realize the video clip of the song "Shine bright" that became a hit worldwide. Monuments of culture and the identity of the state are promoted in the song. Afterwards, Atifete Jahjaga, the then President of the state, awarded her the title "Honorary Ambassador of Kosovo". Kosovo is also promoted by two other voices that conquered the world music scene, Dua Lipa and Bebe Rexha.

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Policy Analysis

Policy Analysis in general is a policy advice paper which particularly aims to influence the key means through which policy decisions are made in both local and central levels of government. The purpose of Policy Analysis is to address, more in-depth, a particular problem, to examine the arguments related to a concerned policy, and to analyze the implementation of the policy. Through Policy Analysis, Group for Legal and Political studies seeks to stimulate wider comprehensive debate on the given issue via presenting informed policy-relevant choices and recommendations to the key stakeholders and parties of interest.



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