

Master thesis

**The EU as an external transformation actor in Kosovo after 1999  
Towards political stability?**

by

Roman Karliczek

Matrikelnummer: 414764

Studentnumber: 1457225

Wordcount: 18038

First Supervisor: Dr. Matthias Freise (WWU Münster)

Second Supervisor: Dr. Nico Groenendijk (University of Twente)

## **Acknowledgement**

This master thesis was made possible with the support of Dr. Matthias Freise of the Westfälische Wilhelms Universität Münster and Dr. Nico Groenendijk of The University of Twente, who deserve highest gratitude for their time and professional advice whenever it was required.

## List of Abbreviations

CEC	Central Election Commission
CEECs	Central Eastern European Countries
CSO	Civil Society Organisation
EAR	European Agency of Reconstruction
EC	European Commission
EC	European Community
ECO	EU Humanitarian Aid and Civil Protection Department
EIDHR	European Instrument for Democracy and Human Rights
EU	European Union
EULEX	European Union Rule of Law Mission in Kosovo
EUMM	EU Monitoring Mission
EUSR	European Union Special Representative
ICO	International Civilian Office
ICTY	International Criminal Tribunal for the Former Yugoslavia
IPA	Instrument for Pre-accession Assistance
KJC	Kosovo Judicial Council
KPC	Kosovo Prosecutorial Council
KTA	Kosovo Trust Agency
LGBTI	Lesbian, Gay, Bisexual und Transgender
MMA	Monitoring, Mentoring and Advising
NATO	North Atlantic Treaty Organizations
NGO	Non Governmental Organisation
OSCE	Organisation for Security and Co-operation in Europe's
RTK	Radio and Television of Kosovo
SAA	Stability and Association Agreement
SAP	Stability Association Programme
SEECF	South-East European Cooperation Process
STM	Stabilisation and Association Process Tracking Mechanism
UÇK	Ushtria Çlirimtare e Kosovës
UN	United Nations
UNMIK	United Nations Interim Administration Mission in Kosovo

## **TABLE OF CONTENT**

<b>1. INTRODUCTION</b>	<b>5</b>
<b>2. DEFINING TRANSFORMATION</b>	<b>7</b>
<b>3. TRANSFORMATION LITERATURE AND EXTERNAL ACTOR</b>	<b>8</b>
Post-communism approach	8
Control theories & Governance approaches	9
Europeanization approaches	9
<b>4. THEORETICAL FRAMEWORK</b>	<b>10</b>
<b>5. RESEARCH QUESTION &amp; Hypotheses</b>	<b>12</b>
Hypotheses 1 (main hypothesis)	12
Hypotheses 2 (for the additional chapter about statehood)	12
An analytical transformation model	14
<b>6. METHODOLOGY</b>	<b>17</b>
<b>7. ANALYSIS OF FOUR DEMOCRACY CRITERIA</b>	<b>21</b>
Electoral Regime (A)	21
Political Rights (B)	26
Division of Power and Horizontal Accountability (D)	29
The Effective Power to Govern (E)	33
Conclusion: Five dimensions of an ideal type liberal democracy	35
<b>6. THE CIVIL SOCIETY PERSPECTIVE OF DEMOCRATIC CONSOLIDATION</b>	<b>36</b>
Defining civil society	36
EU influence on democratic consolidation in Kosovos civil society	37
<b>7. STATEHOOD AS A VARIABLE IN THE TRANSFORMATION PROCESS</b>	<b>39</b>
The theoretical debate	39
Statehood as a variable	41
A brief history of statehood in Kosovo	41
Lacking statehood and the impact on EU's political stabilization efforts	42
<b>9. CONCLUSION &amp; OUTLOOK</b>	<b>44</b>
<b>10. BIBLIOGRAPHY</b>	<b>48</b>
<b>11. APPRENDIXES</b>	<b>52</b>

## INTRODUCTION

Since the end of the Kosovo war in 1999, the EU has been involved in many aspects of governance in the “former” Serbian province. The EU was part of the United Nations Interim Administration Mission in Kosovo (henceforth UNMIK) and has contributed significantly to financial and economic reconstruction efforts under the UNMIK structure (Papadimitriou & Petrov, 2013). Evidence for strong financial support exist. Yet to what extent can the EU be regarded as an influential actor in the political stabilisation process in Kosovo?

This thesis will investigate the role of the EU in the post-communist transformation process in the former Yugoslavian republic Kosovo. In order to do so, this research analyses **to what extent can the EU be regarded as an influential external actor in the political stabilisation process in Kosovo?** Although, a vast amount of literature has been published on the topic of post-communist transformation theories, the influence of external actors such as the EU with regard to political stability and democratic consolidation requires further research in this area. Furthermore, it should be mentioned that the majority of case studies concerned with transformation theories, dealt with sovereign states. Yet, although Kosovo has unilaterally declared its independence in 2008, the UN Security Council was not able to agree on, or define the status of Kosovo. Apart from major influential key players in Kosovo such as Russia and Serbia, five EU member states namely Spain, Slovakia, Greece, Cyprus and Romania refuse to accept Kosovo’s independence. This can be explained with the fear that “an independent Kosovo could destabilize a number of multi-ethnic countries in Western and Eastern Europe and create a precedent that could backfire in their respective countries” (Fendrich, 2011, p. 153). Among others, this thesis and case study contributes to the transformation debate because it investigates the impact of the unresolved question of statehood on the role of the EU as an external actor in the democratic consolidation process in Kosovo.

In the immediate aftermath of 1999 Kosovo could not be regarded as a sovereign state, because it was an international protectorate of the United Nations under the UNMIK structure. UNMIK is based on UN resolution 1244 which was implemented in 1999 and made Kosovo *de facto* a protectorate of the UN (FAZ, 2007). In 2008 UNMIK competencies were transferred to the European Union Rule of Law Mission in Kosovo (henceforth EULEX) (Ajeti & Kurbogaj-Ajeti, 2013). However, due to Russia vetoing against the Ahtisaari-Plan, it legally remained under UN Resolution 1244 until today (Gesellmann & Roth, 2013). The Ahtisaari-Plan envisaged a self-determined Kosovo while acknowledging the sovereignty of the remaining former Yugoslavian state territories in Serbia (ibid). After NATO’s military intervention in 1999, the “province” Kosovo did not possess legal personality nor functioning and sovereign institutions. It was not before September 2012, that Kosovo declared the end of supervised independence (EC, 2012). However, Kosovo remains “dependent on EU for the following support: economic, financial, political, rule of law, building of public institutions and civil society” (Palokaj, 2013, p. 5). Thus, as part of this research, it will be scrutinized to what extent lacking statehood, influences the transformation process in terms of political stability in Kosovo. However, the

main research question focuses on the external influence of the EU in terms of democratic consolidation towards political stability and thus the transition from a post-communist system towards a liberal democracy. Under liberal democracy “priority is given to free and fair competitive elections, protection of individual rights, and mechanisms to hold government officials accountable” (Azpuru, 2011, p. 366). At the same time this research acknowledges that although a liberal democracy will be used as a measurement and ideal outcome, it is not seen as the only outcome of the transition process. Thus according to O'Donnell and Schmitter (1986) it is possible that the transition will fail and lead to an authoritarian form of government or even new revolutionary forms of government (Brückner, 2015).

In order to investigate the transformation process towards political stability this research applies a model developed for the doctoral thesis by the German political scholar Christine Frantz. In her thesis from 2000, she argued that academic literature is lacking an analytical model which is capable of illustrating and analysing the causality between the domestic transformation of a country and the attempts of external stabilisation measures by international organisations such as the EU (Frantz, 2000). Thus, in her work the EU served as an external political stabiliser, which she identified as the EU transformation frame (ibid).

Although the causality between economic and political policies on transformation processes cannot be contested, this thesis will primarily focus on mere political policies and their impact on the democratic consolidation process in Kosovo. In order to do so this paper will use a modified version of the transition frame developed by Franz. It should be critically mentioned that Frantz outlined the problem of the “dilemma of simultaneity” as one of the main reasons for not focusing on the economic sphere in her work (ibid). However, today it is acknowledged that this concept which was developed as part of the theoretical tradition of rational choice theories proved to be wrong. The *dilemma of simultaneity* was defined as “the necessity and impossibility of simultaneous economic and political reform” by Elster (1990) and Prezworsk (1991) (Kollmorgen, 2011, p. 303). Today it is empirically proven that simultaneous implementation of democratic and economic reforms have been the most successful model in many former soviet states (Kollmorgen, 2015). Thus the choice not to include the economic sphere in this research does not result from the dilemma of simultaneity but from that fact that this research explicitly intends to focus on the political system and the civil society aspect, because this has been the priority of the EU and will be in the near future. As Fendrich puts it:

*“More than ten years after the conflict, stability remains a primary concern for the international community and, consequently, for the EU. While economic growth emerges as an indispensable task, Kosovo's development remains dependent on the achievement of political stability and enforcement of the rule of law. This is further a sign that the absence of an agreed settlement heavily impacts on the hierarchy of priorities on which the EU has to concentrate. Stability remains a key priority” (2011, p.163).*

## DEFINING “TRANSFORMATION”

As *Kollberg et al.* mentioned, the term transformation is used in many disciplines such as mathematics, economics, sociology and politics (Kollberg et. al., 2015). Karl Polanyi can be identified as the scholar who first used the term transformation extensively in his book “The Great Transformation”. In this work he described liberal market economies as a utopia which resulted in the big economic crisis of the 1930s (ibid). However, according to Frantz, it can be distinguished between four dominant definitions of transformation. The **first** definition by Gert-Joachim Glaeser describes transformation as a development stage between the collapse or overthrow of a system and the permanent establishment of a new political order. Yet, Frantz criticised that this definition lacks the identification of evidences, which can be used to measure the establishment of a permanent new political order.

The **second** definition outlined by Frantz was proposed by O'Donnell and Schmitter, who defined transformation as an interval between two political regimes which determine and provide the access to powerful governmental positions. This includes the actors which are either included or excluded from the access to the positions and the strategies and resources, which can be used by these actors to get access to political power. However, Frantz criticised that this definition would not be useful for the investigation of post communist transformation research, because by focusing on the term regime, the social and economic spheres are neglected. Unlike the transformations in Southern European states in the mid 1970s, these three spheres are of particular significance for the unique transformation in post communist states. The **third** definition was proposed by Dieter Nohlen, who defined the term transition as conditions, factors and process models of the democratisation of political systems. The **fourth** and last definition as identified by Frantz was developed by Ralf Dahrendorf who argued that “transition is the controlled transformation of illiberal states into liberal ones”. The problematic of definition three and four is that transformations are regarded as a chronologically limited process with democracy as the single possible outcome (Frantz, 2000, p. 26). Frantz's own definition of transformation can be traced back to Eberhard Sandschneider, who used the term *Systemtransformation (system transformation)* as an umbrella term for the change of a system and its sub-systems (ibid, p. 27). Thus, according to Frantz, *system transformation* can be seen as an inevitable and constant adjustment of a system in response to domestic and external factors, with the goal to re-establish the balance of the system (ibid). The following section will illustrate the most dominant approaches of transformation theory concerned with external actors, outline their strengths and weaknesses and illustrate their lacking capability to explain and investigate external actors in transformation processes.

## TRANSFORMATION LITERATURE AND EXTERNAL ACTORS

The following will investigate the three most significant theories and outline their strengths and weaknesses and conclude that these theories are not capable to explain the causality of domestic political transformation through external actors. Once the main theories have been outlined this section attempts to illustrate **what we understand under domestic political transformation processes and what role external actors as the EU play in that process.** The early 1990s, saw a considerable amount of new and advanced transformation theories. The three theories under investigation are: the *Postkommunismusansatz*, (*post-communism approach*), *Steuerungstheoretische und Governance-Ansätze* (*control theory and governance approaches*) and *Europeanization approaches*.

### **Postkommunismusansatz, (post-communism approach)**

As the name indicates, the so-called *Postkommunismusansatz* (*post-communism approach*) is in general concerned with the transformation of post-communist states. Yet, this approach consists of at least three distinct strands, which will be briefly outlined in the following (Kollmorgen, 2011). The *totalitarismustheoretische Ansatz* (*totalitarianism approach*) is concerned with socio cultural legacies of communism, but has lost in relevance in recent years. The second strand is concerned with area studies of eastern European countries. Two main assumptions can be identified. The first assumption argues that the social state system of Eastern European states has not ceased to exist in 1989, rather it continues to exist today in structural, institutional and cultural conditions. In contrast to the *totalitarianism approach*, this approach argues that the communist legacy should not simply be seen as an obstacle. Rather, these socialist legacies are seen as a link that can be used to build and establish welfare systems and democratic political systems in a country specific manner (ibid, p. 301). However, the non-existence of one overall communist system as such reveals the flaws of this approach. Although the imperial and ideological influence of the Soviet Union on other communist states cannot be neglected, socialism differed considerably between Russia, Poland, the German Democratic Republic (DDR) or Albania, to name just a few examples (ibid). The third and last strand of the post-communism approach argues that post-communism as well as communism can only be explained as a global project. Hence, in a post-communist world, the communist ideology has not ceased to exist, rather it is understood as a part of this transformation process (ibid). *Post-communism approaches* have been criticized extensively. One of the main critique points is that the term post-communism has lost its relevance. However, although other factors such as external factors of players such as the European Union incrementally play a crucial role since the fall of communism, the legacies of communism still matter in transformation research, since they have shaped the political sphere and civil society for years. Moreover, in particular the first and the third strand fail to provide theoretical transformation approaches. Yet, the most noticeable flaw post-communism approaches is the non-existence of an applicable theoretical model and the lacking consideration of external actors. (ibid, p. 303). Nevertheless, post-communism approaches are beneficial for this research, since they can identify impeding factors for the democratic transformation process as well as beneficial legacies.



These impeding or beneficial factors, can be remaining authoritarian governing structures, and elites or former elites for name just a few. All these factors play a crucial role and can be illustrates in the model that will be proposed later.

### **Steuerungstheorien (control theories) & Governance Ansätze (governance approaches)**

As *Post-Communism Approaches*, *Steuerungstheorien (control theories)* have not developed a universally applicable model, which is capable of describing the process of transformation and the impacts of external actors. In social theory the term “*Steuerung*” (*steering*) describes a subject-led activity of deliberate and targeted influence on social processes (ibid). Because it is acknowledged that the intended results of “steering processes” do not always correspond to the outcomes, scholars distinguish between “*Steuerungshandeln*” (the action of steering) and “*Steuerungswirkung*” (steering results) (Mayntz, 1987, p. 94). Mayntz, argued that steering problems occur due to four problems: problems of implementations, motivation problems, lacking skills, and the lack of instruments for the implementation (Mayntz, 1987). One of the most significant contributions of this theory is the argument that democratic and economic reforms can be implemented simultaneously. Thus, the *dilemma of simultaneity* as illustrated by Claus Offe and Jon Elster, was proved to be wrong. However, the dilemma was extended by Claus Offe who proposed a “triple transition”, which adds the sphere of nation building to the two other spheres of democratization and the building of a market economy (Kollmorgen, 2015). Yet, the “dilemma” of the *trilemma* or the *triple transition* has been disproved by empirical evidence. Most significantly is the lacking capability to analyse the causality between external actors and domestic transition. Although, Offe mentioned the problematic of nation-building, he does not provide a holistic theoretical model, which can prove or disprove this hypothesis or explain the causality between economic, political reform and the problematic of nation/state-building.

### **Europeanization approaches**

The third and last dominant strand are Europeanization approaches (Kollmorgen, 2011). The main focus of these approaches are the investigation of the influence of the prospects of EU membership and EU influence in general on the transformation processes in post-socialist states (bid). Among others, the most prominent proponents of Europeanization theories are Sedelmeier and Schimmelfennig (2005). They define the EU as an international actor which has the capacities to socialize their member states (Trappmann, 2015). Accordingly, this is achieved through the establishment of norms and rules which have to be implemented by prospect member states and are monitored by the EU or other International Organisation (henceforth IO) (ibid). Problematic remains the asymmetrical balance between the EU and the prospective member state, because the EU can stipulate the benchmarks and even stop negotiations. According to the *external incentive model* “the EU sets the adoption of its rules as conditions that the CEECs have to fulfil in order to receive rewards from the EU” (Schimmelfennig & Sedelmeier, 2005, p. 10). However, the flaw of this model is the focus on elites, “which make a cost-benefit appraisal of the rewards of membership in contrast to the cost of

non-membership in order to decide if compliance with EU conditions is worthwhile” (Braniff, 2011, p. 21). Since the investigation of democratic consolidation and political stability requires different measurement, the simple focus on elites cannot be regarded as an applicable tool for this research. All Europeanization approaches criticise transformation theories and models which focus primarily on domestic factors and thus neglect external factors. However, although Europeanization approaches are correct when criticizing the lacking focus on external factors, they fail to provide a theoretical framework or model that combines the domestic and external factor in the transformation process and in particular in terms of political consolidation.

It can be summarised that the outlined transformation literature is lacking a model that considers the characteristics of the former Yugoslav Republic of Kosovo and states in democratic transition in general in a holistic manner. Theories that were able to explain transformation processes in southern European states cannot be applied as a model for the majority of post-communist states due to a number of factors such as: ethnic conflicts, lacking pro-democratic elites and lacking efficient economic and political institutions (Frantz, 2000). In the particular case of Kosovo the factor of lacking statehood adds to this dilemma. Due to the focus on elites, models such as the *external incentive model* as proposed by Schimmelfennig und Sedelmeier fail to provide a holistic research approach, because it neglects other crucial factors such as domestic and external political events, domestic and external interest groups, such as states, International Organisations, businesses or organised crime groups. In order to fill the gap in the transformations literature, this research proposes a model that can support scholars investigating the influence of external actors on domestic democratic consolidation processes. This model is beneficial to the transformation literature, since it is able to incorporate and consider existing approaches and models such as the “external incentive model” by Schimmelfennig and Sedelmeier, while at the same time incorporating other factors, which have not been considered in their works. The following section will outline the theoretical framework and hypothesises and illustrate the model as proposed by Frantz and explain the relevance of it for this research.

## **Theoretical Framework**

All these above mentioned approaches are based on system theory. Modern system theory was introduced by the Philosoph and Biolog Ludwig von Bertalanffy in the 1940s (Merkel et. al., 2015). According to him a system is a “set of elements standing in interrelations [...]” (Isss.org, 2015). The EU can be described as a system, which consist of interrelated elements, such as the Parliament, the Commission, the European Court of Justice, the Council and others. These element itself can be described as sub-systems or systems *sui generis*. Three types of interactions are characteristic for a system: **(a)** interactions between elements of the system, **(b)** interactions between the system and its environment, **(c)** interactions within the various elements of the system (Merkel et. al., 2015).

A systematic description of a process can thus be considered as successful, if it allows the understanding of that given process (ibid). In this context the term “understanding” can have three

purposes: **(a)** to predict a process, **(b)** to control a process and **(c)** to compare the existing element of a system with other existing element of the system (ibid).

In political transformation research the term system regained relevance after the collapse of the Soviet Union and other former communist states. The increasing relevance of the term system is a result of the inability to investigate and grasp these transformations from communism towards democracy with existing theories which have been applied to investigate transformations in Southern Europe and South America. The transformations in Southern Europe and South America were predominantly concerned with the mere political system, where the transformations of Eastern European states were and continue to be more complex. The transformation of the majority of Eastern European and former soviet states encompassed and continues to encompass not he mere political system, but the transformation of access rules to political positions, the domestic organisation of political power, the relationship between the holders of political power and their subordinated actors, as well as the economic structures and societal mentalities (ibid).

The main hypothesis and the model are derived from the idea of a political system. In this particular case the idea of the political system of a liberal democracy. The term political system describes the entity of structures such as institutions and rules, which regulate the interaction between various spheres of political and society actors, in order to guarantee the stability and reproduction of the given political system (ibid). The advantage of system theory is, that it encompasses complex interactions within a defined system, and not merely on the “state” or the “regime” (ibid). Thus, on the one hand the term system is capable of investigating a defined system as a whole, while on the other hand it is capable of focusing on smaller systems or elements of a defined system such as the political, economic, judicial and societal level for instance (ibid). The term system is also beneficial for the broader transformation research, since it is closely related with the legitimacy and stability of political order (ibid). Thus, by applying the system approach, it is possible to identify dysfunctional (henceforth impeding) factors as well as favouring factors, of a given system. These dysfunctional as well as beneficial factors or events can be illustrated in the developed model on page XXX. Since, this research investigates **the influence of the EU as an external actor in the political stabilisation process in Kosovo**, a system will be regarded as stable when it fulfils the four democracy criteria of a liberal democracy. As a result the hypothesis of this research investigates the second system characteristic: **(b) interactions between the system and its environment**. This the causal relationship between democratic political support of the EU for the political system as well as the society in Kosovo. The proposed model which will be outlined on the following pages attempt to grasp these interactions. However, this research is not theory testing and does not attempt to prove or disprove theories by the most dominant scholars such as Talcott Parson, David Easton, Gabriel Almond and Bingham Powell to name just a few (ibid, p. 34). Rather is follows the system idea in order to answer the research question and to provide a model which can be generalized and applied in further case studies. **Thus, in this research political stability can be regarded as achieved when the four democracy criteria are fulfilled and the political system can be regarded as a liberal democracy.**

## RESEARCH QUESTION AND RESEARCH DESIGN

### Hypotheses 1 (main hypothesis):

**The EU can be regarded as an influential external actor in the political stabilisation process in Kosovo between 1999 and 2014, because it has fundamentally contributed to the democratic consolidation process**

“All hypothesis involve at least one independent variable (X) and one dependent variable (Y)” (Gerring, 2007, p. 71). However both, the main and the additional hypothesis will investigate a cause relationship and thus can be described as X1/Y centred, because it connects a particular case with a particular outcome (ibid). Hence, the main hypothesis “*The EU can be regarded as an influential external actor in the political stabilisation process in Kosovo, because it has fundamentally contributed to the democratic consolidation process*” can be illustrated as the following. The dependent variable which represent the output or effect is stipulated here as Y (political stabilisation process in Kosovo) and the independent variable which represent the inputs or causes is stipulated as X1 (the external contribution of the EU in the democratic consolidation process).

Resulting from the hypothesis, the following **main research question** can be formulated:

**To what extent can the EU be regarded as an influential external actor in the political stabilisation process in Kosovo?**

### Hypotheses 2 (for the additional chapter about statehood):

**The degree of influence of external actors such as the EU in political stabilisation processes is highly dependent on the status of statehood.**

In case of the additional hypothesis X1 (status of statehood) is the independent variable and Y (EU external influence on the political stabilisation process) is the dependent variable. The purpose of this chapter is of confirmatory character and aims to test an existing hypothesis. However, it should be mentioned that X1 (statehood) may only explain a small amount of variation in Y. “The X1/Y relationship may be problematic” (ibid). However, this chapter should be seen as an extra to the primary research question and hypothesis 1, but remains necessary due to the unique character of Kosovo.

In order to determine whether the political system in Kosovo can be regarded as democratic consolidated and thus political stable, it is necessary to identify factors which can be used to measure the level of democracy. Thus, “one attempt to grasp the increasingly widening and blurred area between democracy and autocracy” has been proposed by Wolfgang Merkel. “Instead of sticking to

the widely used one-dimensional concept of democracy based on everything but the vertical dimension, he identified five dimensions of an ideal-type liberal, embedded democracy” (Bosold and Achraimer, 2011, p. 12). The following five criteria will be used in this thesis:

- An **electoral regime (A)** that is competitive and transparent and allows for the unrestricted access of prospective candidates into public power positions. Elections have to be equal, general, regular, free and fair;
- **Political rights (B)** enabling elections and the pursuit of collective interest by granting citizens the right to freedom of speech and opinion as well as the right to association and demonstration;
- **Division of Power and Horizontal Accountability (D)** which manifests itself in the autonomy and not necessarily full separation of the three branches of power; i.e. the state's executive, legislative and judiciary bodies;
- **The Effective Power to Govern (E)**, that is the ability of representatives to govern without restrictions. This refers to so-called “reserved policy domains” that are influenced by unelected groups such as the military (ibid, p.13)

These criteria slightly differentiate from the criteria as proposed by Frantz. However, since Merkel's concept of defective democracies can be regarded as an accurate tool and does not alter the character and purpose of Frantz's model, it will be used instead in the following research. In essence the criteria mentioned by Frantz and Merkel remain identical, but differentiate in their terminology. “Only in case all five regimes are properly established and operate in the absence of obvious flaws one can refer to a state as a liberal democracy. If one or more of these regimes are dysfunctional one talks of a defective democracy” (Bosold and Achraimer, 2011, p. 13). Thus, at the end of this research it will be demonstrated to what extent these democratization criteria have been fulfilled or not and whether Kosovo can be regarded as a liberal democracy or a defective democracy. After these criteria have been tested, it will be investigated to what extent these developments stand in interrelation with the democratic consolidation efforts of the EU.

The second level of analysis will be concerned with Kosovo's civil society, which is defined by Frantz as an “autonomous and capable society of political active citizens” (Frantz, 2000, p.39). Frantz questioned how civil society transformation towards a democratic political culture can be verified (Frantz, 2000). She concluded that the criteria that have been proposed in order to analyse the state of democratic consolidation, can be used in order to determinate the level of democratic consolidation in civil society. Yet, she argued that the civil society aspect of democratic consolidation remains problematic and hence can at best provide significant ideas and subjective opinions, rather than valid empirical data. This problematic of measuring level of political consolidation in civil society remains today. As a consequence, the second part of the analysis will use the civil society dimension as a significant supplement to the empirical analysis of the democratic consolidation process in the first part.

## **An analytical transformation model**

The first part of the analysis will scrutinize the democratic consolidation of the political system by investigating the four criteria. By doing so, this research differentiates from Frantz's approach, because it brings each criteria in direct relation with EU involvement, while simultaneously illustrating the domestic and external factors, that have an impeding effect on the impact of the EU. Thus the approach of this research differs in the sense that it will not investigate the political developments in Kosovo in detail, because this is beyond the scope of this master thesis. My model brings the five democracy criteria by Merkel in direct relation with EU involvement. Furthermore, the model differentiates between *direct* and *indirect* Influence. This is necessary, since certain EU policies and instruments that have not been initiated for Kosovo in particular, have an impact can have considerable influence the political system in Kosovo. Other instruments have a direct effect, since they have been specifically developed for Kosovo. The differences between the model as developed

Frantz and the model developed for this research are outlined on the following page.

Model by Frantz

System Repercussions	Actor	Nature of incentive:	
		endogenous	exogenous
eufunctional (system supporting)			
dysfunctional (system impeding)			

Source: Frantz, 2001 (translated from German to English; colours added)

Self-Developed Model

Four criteria of a liberal democracy			
<i>Electoral regime (A)</i>	<i>Political rights (B)</i>	<i>Division of Power and Horizontal Accountability (D)</i>	<i>The Effective Power to Govern (E)</i>
<b>DIRECT Influence of the EU as an external actor</b>			
<b>INDIRECT Influence of the EU as an external actor</b>			
<b>DOMESTIC Impeding actors, issues and events</b>			
<b>EXTERNAL Impeding actors, issues and events</b>			

It should be clear that this matrix serves the identification and illustration of possible factors supporting or impeding on the democratic transformation process. An analysis of the accumulated data is unavoidable. Since the second part of the analysis will be concerned with civil society, this model will not be applied, for the reasons mentioned above. However, the third and final analytical part will be purely concerned with the question whether the EU was able to contribute to political stability in Kosovo and what these results can contribute to the existing transformation debate. The findings in the model together with the findings from the civil society aspect will be analysed in order to decide whether Kosovo can be regarded as politically stable.



## Research Design & Methodology

The research design for this thesis is a **single case study**. For Gerring a case study is unique to other research methods, since on the one hand it focuses on data and evidence acquired from a single case, while on the other hand attempting to identify features that can be transferred and applied to a broader set of cases (Gerring, 2007). However, before one can define a case study, it is unavoidable to identify the term case more carefully. For Gerring, as case „connotes a spatially delimited phenomenon (a unit) observed at a single point in time or over some period of time. It comprises the type of phenomenon that an inference attempts to explain“ (ibid, p. 19). Thus, for political science students, this case or unit is most likely a state. However, it is possible that smaller units or sub-units such as regions, cities, villages, communities, social groups, families or specific institutions such as political parties, interest groups or businesses are being investigated. As Gerring puts it „A case may be created out of any phenomenon so long as it has identifiable boundaries and comprises the primary object of an inference“ (ibid).

A case study can thus be defined as „the intensive study of a single case where the purpose of that study is – at least in part – to shed light on a larger class of cases“ (ibid, p. 20). As Gerring notes: „Traditionally, the case study has been identified with qualitative methods and cross-case analysis with quantitative methods“ (Gerring, 2007, p. 29). However, today it is common practice to apply and combine both, qualitative and quantitative methods for the acquiring and analysis of data. Various existing single case research approaches, with various tools such as quantitative and qualitative are features of single case studies which enable the researcher to „provide a nuanced, empirically-rich, holistic account of specific phenomena“ (Willis, 2014). Furthermore, single case studies are capable of including idiographic and „sui generis“ cases, as well as nomothetic case studies able of testing or generating hypotheses (ibid). Idiographic case studies are concerned with particularisation and thus to a major extent of interpretivist nature (Willis, 2014). Nomothetic case studies predominately focus on generalization and are in the majority of cases of positivist nature (ibid).

Yet, there are also a number of potential limitation of single case studies. The three most common limitations of single case study analysis are can be summarised as „methodological rigour, researcher subjectivity, and external validity“ (Willis, 2014). Methodological rigour refers to lacking and/or flawed methodological considerations, which can lead to the notion that in single case study analysis everything is possible. According to Yin, the relative absence of methodological guidelines is one of the biggest problems for single case study research (2009, p. 14-15). The second point, is concerned with the researchers subjectivity. However, one strategy to avoid or minimize the influence of researchers subjectivity is the incorporation of different analytical methods. Thus, the influence of the EU in Kosovo can be analysed from a realist, liberal and constructivist perspective. Although this can not guarantee and prevent the researcher from focusing on a preferred method or theory, the application of different methods or theories decreases the potential risk of research subjectivity (Verschuren, 2003). However, it should be mentioned that the problematic of research subjectivity is

not unique to single case study research. Rather it can be regarded as a general problem in other methods of inquiry.

The third and last point is concerned with „external validity or generalisability“ (Willis, 2014). Many single case studies do not provide a valid model that can be used for other cases. In other words a case study method or model which is able to explain a particular case, „require rare antecedent conditions and therefore actually have little explanatory range“ (ibid). However, many case studies explicitly mention the need for particularisation and hence do not attempt or require a generalisable method. However, the approach applied in this thesis is the qualitative research approach. Thus, qualitative research is "any kind of research that produces findings [that are] not arrived at by means of statistical procedures or other means of quantification" (Golafshani, 2003, p. 601). However, Single case study research remains one of the most beneficial methods, because it is based on reality and can thus provide new and first hand insights and data. Regarding the limitations of single case studies it can be summarised that "The goal for many proponents of case studies [...] is to overcome dichotomies between generalizing and particularizing, quantitative and qualitative, deductive and inductive techniques" (May, 2011, p. 226). The following graph outlines the various research method of case studies:

<b>Research Design</b>
Single Case Study
<b>Method of data collection</b>
Questionnaire
Interview (structured or loosely structured)
Observation
Analysis of documents
Unobtrusive methods

Source: Own creation

This methods of data collection for this research have been predominantly the **analysis of documents** and in order to underline the findings of these documents two **structured interviews**. The selection of the qualitative research material investigated in this thesis follows the idea of purposeful sampling, which describes the process when a "researcher intentionally selects specific data sources [textual] that are information rich in order to learn or understand the central phenomenon [object] under study" (Creswell, 2013, p. 206). Sources used in order to empirically answer the research question are primary sources from the EU, OSCE, UN and Kosovo government. Secondary sources investigated in this research are journal articles, books, and online articles.

In order to underline the findings of this qualitative study, *purposeful sampling* will be supplemented with two self-conducted interviews. These interviews have been conducted with two highly experienced individuals from the non-governmental sector. The interlocutors will be introduced in more detail at a later stage. However, the interlocutors have been selected for this interview, since they provide expertise, experience and opinion which is not biased by party political considerations.

Furthermore they did not work and are not working for any EU institutions. The interview is a *non-experimental* design and “is used widely to supplement and extend our knowledge about individual(s) thoughts, feelings and behaviours, meanings, interpretations, etc.” (Woods, 2011). Data gathered by interviews can be of quantitative or qualitative character. Disadvantages of the analysis of qualitative data is that analysis of quantitative interview data is more manageable than that of qualitative interviews. Furthermore, it is argued that “qualitative data is less structured, more difficult to analyse but the results are as valid as those in quantitative research” (Woods, 2011). Nevertheless, qualitative data is capable of gathering insights and answers that can hardly be acquired with quantitative data, which “are gathered with means of statistical procedures or other means of quantification” (Golafshani, 2003, p. 601). The conducted interviews are “structured interviews” (Woods, 2011). Structured Interviews are characterised by five key features: **(1)** Pre-planning of questions, **(2)** exact replication with other interlocutors, **(3)** the possibility of generalisation from the interview findings, **(4)** can be conducted in various way such as: face-to-face, video-call (Skype) etc. (ibid).

Although the developed questionnaire contains seven questions in total, the questions marked in yellow are the ones that have been developed in order to support the findings from desk research in the proposed model. Thus these four questions underline the analysis of the four democracy criteria as outlined above. The findings from question three support the results from the analysis the democratic consolidation of civil society in Kosovo. The remaining questions merely serve as further sources of general information and support the final attempt to answer the main research question and sub-research question.

The research questions can be found on the following page:

### Skype-Interview questions:

1. Do you think the unresolved question of statehood has impeded the democratic consolidation efforts of the EU in Kosovo. Please state how and why?
2. How would you judge the role of the EU as a mediator in the ongoing statehood conflict between Serbia and Kosovo?
3. Following the definition that civil society is an autonomous and capable society of political active citizens. Can you see development in this areas since the end of the war in 1999? Can you see a relationship between this effect and EU democratization efforts?

#### Democratic consolidation of the political system of Kosovo:

The following indicators are used in my thesis to investigate whether Kosovo can be regarded as a consolidated liberal democracy. Please estimate if you see these criteria as fulfilled and to what extent the EU has contributed to the following areas:

1. An electoral regime (A)
2. Political rights (B)
3. Division of Power and Horizontal Accountability (D)
4. The Effective Power to Govern (E)

Interviews have been conducted with two employees of established political NGOs in Kosovo. The first interview was conducted with the Programme Coordinator Valmir Ismaili from the Kosova Democratic Institute which was initiated in 2005. The second with Mrs. Ariana Qosaj-Mustafa from the Kosovo Institute for Research and Development which was founded in 2002 as a non-profit, independent, impartial non-governmental organization. Mrs. Ariana Qosaj-Mustafa, was among others a UNDP Legal Adviser to Kosovo's President Jahjaga, of the Anti-Corruption Council and Presidents Political Adviser on Legal Affairs. These two interview partner can be regarded as highly qualified, since they can offer broad experience in the field of democratization and the role of the EU in Kosovo. As part of the team of the Kosovo Institute for Research and Development, Mrs. Qosaj-Mustafa has contributed to several OSCE Kosovo Reports.

Due to a lack of time Mrs. Ariana Qosaj-Mustafa was to answer questions three of the questionnaire. Since, the focus of the interviews was on the four democracy criteria, negative implications of this lacking answer remains limited.

### (A) ELECTORAL REGIME

#### Current status quo:

According to this criteria elections have to be equal, general, regular, free and fair. Furthermore, the electoral regime has to be competitive and transparent and allow for the unrestricted access of prospective candidates into public power positions. The following section will investigate the electoral regime since 1999 until 2014 and attempt to illustrate whether the a competitive democratic electoral regime has been established. “The European Union has been an integral part of the international effort to build a new future for Kosovo since 1999” (European Commission, 2015). Under UN Resolution 1244 in 1999, it was responsible for economic reconstruction under Pillar IV of the UNMIK structure (Ajeti & Kurbogaj-Ajeti, 2013). Since 1999 parliamentary elections in Kosovo take place every three years with the first election in 2001 and the last in July 2014 (Central Election Commission of Republic of Kosovo, 2015). However, it is crucial to mention that due the EU's initial role of economic reconstruction under Pillar IV its influence limited at best.

The first two assembly elections in 2001 and 2004 were prepared, executed and monitored by the Organization for Security and Co-operation in Europe (OSCE) and the following elections until 2014 where observed by the international community with the general result by observers as the OSCE and EU that these election have been except expectations fair and free (Bertelmann Transformationsindex, 2014, p. 7; Baliqi, 2013). However despite these positive developments, systematic fraud at 712 polling stations and numerous irregularities induced the Central Election Commission to organize multiple re-votes in January 2011, which the electorate largely boycotted” (ibid). Following the re-election “parliament elected former prime minister Thaçi to his second term as Prime Minister despite a 2010 report by Council of Europe rapporteur, Dick Marty, which linked him and other high-level Kosovo officials to an organized crime network that had been active during and after the 1998–1999 conflict with Serbia” (freedomhouse.org, 2014). The resulting lacking investigations and prosecutions of the election perpetrators resulted in a confidence loss (ibid).

In terms of equal participation and representation, the constitution and electoral legislation guarantee minimum shares of seats in the Kosovo Assembly as well as in local self-government bodies, to minority communities, among which are Serbian, Roma, Ashkali/Egyptian, Bosniak, Turkish and Gorani minorities living in Kosovo (ibid). However, there is a worrying trend of decreasing participation since the first assembly election in 2001 with a turnout of just 64,3. per cent (OSCE, 2011). In the following elections in 2004 and 2007, turnout decreased from only 53.57 to 40.10 per cent in 2004 (OSCE, 2004, 2007). In the 2010 elections the voters participation increased to 64 per cent (OSEC, 2010). The parliamentary elections in June 2014 can be regarded as a considerable success, since this was the first time that parliamentary elections included the northern municipalities of Kosovo, in

which the majority of the population has a Kosovo-Serbian background (EU Progress Report, 2014, p.7; Hajrullahu, 2007, p. 223). Despite this progresses several violent incidents have been reported during the mayoral and municipal election in Mitrovicë/Mitrovica after ballot boxes were found to have been destroyed (EU Progress Report, 2014).

However, parliamentary elections of 2014 can be described as transparent, well-organised and voters were able to vote freely without any kind of intimidation, which can be seen as the continuation of a positive trend established during the 2013 municipal elections (ibid). Shortcomings in the 2014 election which have to be addressed in the future include “the delineation of primary and secondary legislation on elections, adequate time lines for complaints and appeals, and accuracy of voters’ lists, remain to be addressed to better reflect best practice and international standards” (ibid). However, the EU Kosovo Progress Report 2014 concluded that Kosovo “held successful general and local elections. The electoral process in both cases improved compared to previous elections” (ibid). The following graph illustrates the assembly election since 1999, their result and to what extent these elections can be seen as free and fair:

Year	Election type	Total Turnout (%)	Free & Fair
2001	Assembly elections	64,3	Generally yes
2004	Assembly elections	53,57	Generally yes
2007	Assembly elections	40,1	Generally yes
2010	Assembly elections	47,8	Major Fraud /re-election in 2011
2014	Assembly elections	42,63	Generally yes / including northern serbian municipalities

*Data sources: OSCE (2001-2007); EU Election Expert Mission to Kosovo Final Report (2010); CEC 2014*

**EU INVOLVEMENT & BRIEF HISTORY OF EU-KOSOVO RELATIONS BWTEEN 1999 AND 2014**

In order to provide a brief history of the EU's political involvement in Kosovo, the following will briefly outline the major developments in EU-Kosovo relations between 1999 and 2014. At the same time it attempt outline the EU's influence on the electoral regime in Kosovo. However, as has been outlined above the role of EU in the electoral was limited at best. Therefore this section will primarily focus on the history of EU-Kosovo relations.

As a result of approximately 10 year long governance by Serbia over Kosovo public administration and independent state institutions were de facto non-existent in the immediate aftermath of the war in 1999 (Schoch, 2012). During that period the Serbian regime de facto “cleansed” institutions from Kosovo Albanians resulting in the dismissal of 70.000 doctors, teachers, police officers, judges and public officials (ibid). Another factor, that should be considered in order to grasp the starting point of EU involvement, is that Kosovo never had democratic traditions before the international involvement (ibid). As mentioned above the first two assembly elections in 2001 and 2004 were administered by the

Organization for Security and Co-operation in Europe (OSCE), which was responsible for the preparation, execution and monitoring (Baliqi, 2013, p. 57). Thus, the EU was not directly involved in the election process. At this point in time the EU was under pillar IV of UNMIK and primarily concerned with reconstruction efforts (Ajeti & Kurbogaj-Ajeti, 2015, p. 108). The EU framework for its involvement in Kosovo, and the whole Balkan area in general, was the initiation of the *Stability Pact for South Eastern Europe* during the European Council Meeting in Cologne in June 1999 (ibid, p.114). One of the main tasks of the Stability Pact was the fostering of democracy and human rights, including aspects such as: minority rights, freedom of media and speech, refugee issues, gender equality, parliamentary cooperation (ibid). Furthermore it aimed to support the cooperation between the Balkan states and to foster stability in Kosovo in particular (ibid). Hence, this can be seen as one of the first major involvements in terms of political rights. However, there are disputable opinions on the success of the Stability Pact. For instance, critiques argue that “the regional approach of the European Union and also of the so-called Stability Pact has yet to make difference. The initiatives are still structured in such a way that security issues are more important than development” (Gligorov, 2000, p. 100). Proponents argue that the Stability Pact has increased security as well as economic and democratization processes (Ajeti & Kurbogaj-Ajeti, 2015). However, it should be mentioned that although the EU was the initiator of the Stability Pact, it consisted of several other international organisations and states (ibid). Nevertheless, it can be regarded as a milestone in political and economic integration efforts of the EU (ibid). In May 2007 it was decided that the responsibilities of the Stability Pact should be transferred into a new framework, which was initiated in 2008 under the name South-East European Cooperation Process (SEECP) (ibid, p. 117).

Another major development was the creation of the Stability and Association Programme (henceforth SAP), which was created as a result of the Kosovo crisis in 1999 (ibid, p. 118). However, whereas the Stability Pact aimed at the whole Balkan area and consisted of other IOs, SAP was initiated as an EU integration instrument for the Balkan states which aimed at EU membership (Fagan, 2010). This was also the first formal Programme that managed the relationship between the EU and the Balkan states (ibid). The core of the SAP form the Stability and Association Agreements (henceforth SAA). Although the SAP consists of various economic elements, it can be regarded as a predominately political tool, because future EU member state are obliged to implement the *acquis communautaire* and undertake structural reforms (Kleibrink, 2013). The primary goal of SAAs is the establishment of a free trade area between the EU and the partner state in a period of six years (ibid). Kleibrink identified two main advantages of regional agreements. On the one hand they can contribute to the economy development. On the other hand they can result in an increase political dialogue which can be beneficial for the peaceful settlement of economic and political conflicts (ibid). Although the SAA initially did not offer full membership, during the Thessaaloniki Summit 2008 it was clarified that “the SAAs were to be the first and final contractual agreement between association and membership” (ibid). In theory the accession process begins once an SAA has been successfully implemented (ibid). Hence, the recent completion of the SAA with Kosovo on February 2015, can be seen as a major milestone in the EU-Kosovo relations and a further commitment for Kosovos long-term membership

perspective (Europe.eu, 2015). Another firm signal towards a “long term commitment of the EU for Kosovo” was conveyed during the Thessaloniki European Council in 2003, mentioning stability as the main priority (ibid).

The direct EU involvement in Kosovo after the war started in 1999 with the EU Taskforce Kosovo which responsibilities were transferred to the European Agency for Reconstruction (EAR) in 2004 and the EU Humanitarian Aid and Civil Protection Department (ECO) and focused on humanitarian aid and reconstruction. The second oldest EU agency in Kosovo, the EU Monitoring Mission (EUMM), was established in 2000 and remained for years the “EU’s only channel of information with regards to security-sensitive matters on the ground (Papadimitiou & Petrov, 2013, p. 127). Although it can be argued that these early financial assistance and state building efforts which continued until 2007 had a possible impact on the political democratization process, economic reconstruction efforts cannot be investigated here, since this would require further in depth analysis (ibid; European Agency for Reconstruction 2015). However, the limited presence and strategy towards Kosovo was exposed with considerable riots, in 2004, which were a result of the frustration of the ongoing bad economic situation of the Albanian population. Due to the extend of these riots and the potential to destabilize the region, the EU increased its commitment with the establishment of a new Common Foreign and Security Policy office by the High Representative Javier Solana (ibid, p. 128). The role of this office should not be underestimated, because it “assumed an energetic mediating role between feudal political forces, and remained in close contact with Kosovo’s Provisional Institutions (ibid). Another crucial step and a result of the Thessaloniki Agenda of 2003, was the set up of a Commission Liaison Office in Pristina in September 2004, which primary focused on “assisting capacity-building in the Provisional Institutions (particularly the Agency of European Integration in the Office of the Prime Minister), as well as on implementing various EU policy instruments in the area, including the Stabilisation and Association Process Tracking Mechanism (STM) and Kosovo’s European Partnership Plan” (ibid). The STM which was active between 2003 and 2009 consisted of UNMIK staff and personal from the European Commission and was responsible for technical questions and reforms concerning the harmonisation of all political areas with the EU standards (Kleibrink, 2013).

Between 1999 and 2008 the EU was responsible for economic reconstruction under pillar IV, which included responsibilities such as the “supervision of Kosovo’s monetary authorities and banking system, the management of UNMIK’s Customs Service, the administering of the privatization process through the Kosovo Trust Agency (KTA) and the integration of Kosovo’s economy into the regional and European economic system” (Papadimitriou & Petrov, 2013). Although the role of the EU was of utmost significance, it had no direct influence on elections since this fell under the competencies of pillar III and was hence the responsibility of the OSCE as can be seen in the following illustration.



<b>United Nations Interim Administration Mission in Kosovo (UNMIK)</b>			
Pillar I Police & Justice	Pillar II Civil administration	Pillar III Democratization & Institution building	Pillar IV Reconstruction & Economic development
<b>United Nations</b>	<b>United Nations</b>	<b>OSCE</b>	<b>European Union</b>

Source: Own creation

It can be argued that in the immediate aftermath of the Kosovo crisis in 1999, the EU did not belong to the major political players and was sidelined by the UN, NATO and the US (Fendrich, 2011). However, the unilateral declaration of independence of Kosovo in 2008 changed the international governing structure, which resulted in the closure of Pillar IV and the initiation of the European Security and Defence Policy Mission EULEX in the same year (ibid). At the time of the establishment of EULEX, the Council of the European Union on February 2008 decided to appoint a European Special Representative for Kosovo (EUSR) (ibid). These two decisions can be seen as major milestone for the EU involvement in Kosovo and made the EU the “central institutional actor” in Kosovo. The establishment of EULEX “implicitly announces the replacement of UNMIK” (ibid, p. 154). These two EU initiative have considerably contributed to Kosovo's decision to unilaterally declare independence on February 17, 2008 (ibid). However, EULEX and the EUSR which was also head of the International Civilian Office (ICO) can be criticised on the grounds that its role and legitimacy was controversial, because of five EU member states neglecting to recognize Kosovo's independence. However, the double-hatted mission of EUSR and ICO ceased to exist in May 2011 (ibid, p. 157). Yet, despite the successes of the EU, one of the major impeding factors remain that the EU “emerges as dispersed across various institutions with differing mandates (ibid, p. 158).

“The December 2007 European Council conclusions and the two complementary joint action adopted on 4 February 2008 define the key objectives of the EU. While these documents restate the willingness of the EU “to play a leading role in strengthening the stability of the region and in implementing a settlement defining Kosovo's future status”, they also stipulated the aim of establishing a “stable, viable, peaceful, democratic and multi-ethnic Kosovo, contributing to regional cooperation and stability [...]; a Kosovo, that is committed to the rule of law and the protection of minorities, and of cultural and religious heritage.” (ibid, 159). Another crucial step and reassertion of the EU commitment for Kosovo was conceived with the European Partnership 2008, which stipulates the actions to be taken by Kosovo in order to meet the so-called Copenhagen criteria established in 2003 and the conditions outlines by the SAP (ibid). Since the involvement of the EU there have been three European Partnerships one in June 2004, one in January 2006 and another in February 2008.

EU-Kosovo relations further intensified in October 2012 when the European Commission decided to implement a feasibility study for a possible Stabilisation and Association Agreement (SAA) (European Commission, 2012). In December of the following year the Commission and the High Representative of the Union for Foreign Affairs and Security Policy Catherine Ashton announced that Kosovo has met the benchmarks (Nugent, 2013, p. 6). Finally, the recent completion of the SAA with Kosovo on

February 2015, can be seen as a major milestone in the EU-Kosovo relations and a further commitment for Kosovos long-term membership perspective.

## **Interview Results**

Interview: Mr. Valmir Ismaili (Kosova Democratic Institute)

Mr. Ismaili argued that the criteria of an electoral regime are partially fulfilled. According to him, Kosovo has in general an electoral regime that provides for free and fair elections. However, he mentioned “that there has been irregularities in previous elections, especially in 2010, but most of them were avoided in the consequent elections of 2013 and 2014”. He further outline that the OSCE “played a crucial role in the developing election practices in Kosovo by managing elections until 2007 and then supervising election management bodies”.

Interview: Mrs. Ariana Qosaj-Mustafa (Kosovo Institute for Research and Development)

Congruent with the literature she argued that the EU had a very limited impact on the electoral regime, since “The elections and laws and the policies, the mechanisms that have been set up in Kosovo were initially done by the UN”. Afterwards it was managed by the OSCE. However, in “2010 the Central Election Commission overtook the responsibility of the OSCE [...] the OSCE then played more a role of monitoring”. The role of the EU on the electoral regime was described as “limited”. According to her the EU has provided monitors in the past, but the number were low.

## **Summary**

Research has shown that the EU has a marginal or no impact on the electoral regime. The findings attained from desk research are congruent with the findings from the interview. The reasons for the limited influence of the EU in the electoral regime can be found in the former structure of UNMIK, under which the OSCE was responsible for Democratization and Institutions building and the EU for Economic Reconstruction and Development. Nevertheless, the findings show that overall the criteria of functioning electoral regime, can be regarded as fulfilled in Kosovo today.

## **POLITICAL RIGHTS (B)**

### **Current status quo:**

According to Merkel, Political rights are concerned with enabling elections and the pursuit of collective interest by granting citizens the right to freedom of speech and opinion as well as the right to association and demonstration (Bosold & Achrainer, 2011). Since, the criteria of enabling elections was analysed in the past section, this section will primarily focus on the right to freedom of speech and

opinion as well as the right to association and demonstration.

Freedom of assembly and association has been exercised freely with more than 6000 Non-governmental organisations (NGOs) resident in Kosovo (Bertelsmann Transformationsindex, 2014). Furthermore, the Assembly appointed an NGO liaison officer (EU Kosovo Progress Report, 2014). The majority of NGOs is concerned with municipal policy, corruption and environmental issues (ibid). With the support of these NGOs protest were organized. Although freedom of expression is officially guaranteed by the constitution, the implementation is suffering considerable deficits. The major problem continues to be the lacking enforcement and guarantee for independent media. The most dominant problem is that fact that the state is responsible for the financing of the public Radio and Television of Kosovo (RTK). Further it was lamented that journalist continue to face political pressure, sporadic physical attacks, with pro-government and uncritical coverage being the outcome (Bertelsmann Transformationsindex, 2014).

The 2014 European Union Kosovo Progress Report comes to a similar conclusion. It is recognized that in terms of “freedom of expression, elementary pluralism of the media landscape is provided by independent dailies and several broadcaster” (EU Kosovo Progress Report 2014, p. 17). However, at the same time it criticises “that the legislative and institutional framework in this area remains fragmented and ineffective”(ibid). Issues such as the autonomy of journalists and editors, protection of professional standards in journalism, the right to conscientious objection for journalists, and the right to reply and correction for the public remain unregulated by law (ibid). Moreover, the report lamented that attacks on Journalist, verbal or physical by “police or public officials” persist (ibid). In addition the report outlines the lacking transparency in media ownership and that the government continues to undermine media independence (ibid). This development is illustrated in the World Press Freedom Index 2014, which lists Kosovo at number 80 between Mozambique and Madagascar (rsf.org, 2014). Nevertheless, it should be mentioned that Kosovo went up from place 85 from 2013 to place 80 in 2014, which is a clear indicator for an incremental improvement in terms of freedom of speech (ibid). “The government, EULEX, and NATO peacekeepers generally respect legislative guarantees on freedom of assembly, though demonstrations have occasionally been restricted for security reasons. The constitution includes safeguards for public order and national security” (freedomhouse.org, 2015). In summary, it can be argued that Kosovo has made considerable progress in terms of human rights. However the main challenge continues to put the conditions for freedom of expression and media in place and effectively address persistent threats and attacks on journalists and LGBTI activists (ibid)

### **EU involvement and influence:**

As one of the major and first significant steps taken by the EU in order to support and foster political rights was the initiation of the Stability Pact for South Eastern Europe during the European Council Meeting in Cologne in June 1999 (ibid). One of the main task of the Stability Pact was the fostering of democracy and Human Rights, which included aspects as: minority rights, freedom of media and

speech, refugee issues, gender equality, parliamentary cooperation (ibid). In addition, it aimed to support the cooperation between the Balkan states and to foster stability in Kosovo in particular (ibid).

Furthermore it should be mentioned that Kosovo, currently holding the status of a potential member state, has to comply with the Copenhagen Criteria if it wants to join the European Union in the long term. The EU commitment for Kosovo gained momentum with the European Partnership 2008, which stipulates the actions to be taken by Kosovo in order to meet the so-called Copenhagen criteria established in 2003 and the conditions outlines by the SAP (ibid). However one major problem of the 2008 European Partnership remains the lacking unanimous recognition of Kosovo's declaration of independence by five EU member states. "If independence cannot be formally included as a "reward", it is however clear that Pristina expects its European counterpart not to take any measure that would jeopardize it" (Fendrich, 2011, p. 165). Furthermore, *Freedomhouse* mentioned in their 2014 report that "in 2013, Kosovo began implementing a 2012 agreement with Serbia within the EU-led dialogue to create a special multi-ethnic police force to better protect religious and cultural sites" (2014). Moreover, it was noticed that "in its October 2013 progress report, the European Commission (EC) urged authorities to step up efforts to investigate and prosecute attacks on journalists" (ibid).

## **Interview Results**

### Interview: Mr. Valmir Ismaili (Kosova Democratic Institute)

Mr. Ismaili regarded the criteria of political rights as "partially fulfilled". Yet he mentioned that "there is legislation in place for all of these but the implementation in practice is not always coherent with international practices".

### Interview: Mrs. Ariana Qosaj-Mustafa (Kosovo Institute for Research and Development)

According to Mrs. Qosaj-Mustafa, the media is "dominated by particular business groups and particular business people [...] under the patronage of particular politicians". One of the main reasons for this development is the fact that "journalists are very low paid". The average salary amounts to "approximately 250 €". Thus, if particular individuals "offer 500 € they will print and then publish whatever they want". In terms of the right to protest, she positively mentioned that "we have been able to create a more functional law enforcement", which she regards as "one of the most professional in terms of public peace and order in the region". In terms of EU involvement she argued that the EU should be "more pushy" in terms of the implementation of certain reforms.

## Summary

It can be summarised that the criteria of political rights have improved since the EU involvement. However, a variety of problems, such as the continuing influence of business groups and politicians on the media remain. Furthermore the interviews have shown that “there is legislation in place for all of these but the implementation in practice is not always coherent with international practices”. Although the direct impact on political rights can be hardly measures, it can be argued that the EU passively influenced laws in Kosovo via political commitments such as the Stability Pact for South Eastern Europe, which included aspects as: minority rights, freedom of media and speech, Refugee issues, gender equality, parliamentary cooperation. Furthermore the Copenhagen Criteria require reassertion of the EU commitment for Kosovo was conceived with the European Partnership 2008, which stipulates the action to be taken by Kosovo in order to meet the so-called Copenhagen criteria established in 2003 and the conditions outlines by the SAP.

## DIVISION OF POWER AND HORIZONTAL ACCOUNTABILITY (D)

### Current status quo:

The division of power and horizontal accountability “manifests itself in the autonomy and not necessarily full separation of the three branches of power; i.e. the state's executive, legislative and judiciary bodies” (Bosold & Achrainer, 2011, p. 12). Accordingly, this section will investigate the extent of accountability and to what extent these three branches of power work autonomous from each other. The executive, legislative and judicial institutions in Kosovo are the Assembly, the government, local-self government the president and the Supreme Court (Mehmeti & Demi, 2013). The following analysis will focus on the three most significant institutions, which are the Assembly, the Government and the Supreme Court.

Although the separation of powers and the establishment of a system of checks and balances are defined by Kosovo's constitution, compliance remains problematic. As mentioned in the 2014 Bertelsmann Transformationsindex of Kosovo, “the executive branch repeatedly interfered in the work of the legislature and judiciary”. Furthermore it is lamented that the “Kosovo Assembly has been repeatedly criticized for not exercising its constitutional mandate of controlling the government” and that the “Parliamentary committees in the Assembly have been ignored by the executive branch, in essence diminishing their parliamentary oversight role” (Bertelsmann Transformationsindex 2014, p. 8).

Although the budgets for judicial independence have been increased in 2014 to € 20.8 million for the judicial council and € 6.8 million for the Prosecutorial Council, verbal attacks on judges and prosecutors remain problematic and are not adequately addressed by the relevant institutions (EU Kosovo Progress Report, 2014). Problematic remains the fact that the government is responsible for

the stipulation of the courts budget, which creates high dependency (ibid). Moreover, it is mentioned that the judiciary continues to be influenced by politicians, which poses a threat to the autonomy and accountability (Bertelsmann Transformationsindex, 2014). Thus on 6 December 2014, the Council urged Kosovo in lines with the negotiations of the Stabilization and Association Agreement that “steps to ensure greater independence of the judiciary” must be taken (UN Security Council, 2015, p. 2).

Regarding accountability it is noted that “the Assembly made progress on oversight of the executive and consultation with civil society. The number of monitoring activities and level of oversight of implementation of legislation increased” (EU Kosovo Progress Report, 2014, p. 8-9). However, “the Assembly needs to further develop standards for public consultation and its committees need to apply them consistently when conducting hearings” (ibid). Furthermore it is lamented that “very limited progress has been made to further improve accountability and service delivery” (ibid). The laws on administrative procedures and normative acts are still to be adopted. Implementation of the law on access to public documents remains unsatisfactory. Kosovo also needs to review the organisation of public administration at municipal level, notably delegated competences and the appointments of directors (ibid). Moreover, it is lamented that the transparency of party financing remains unsatisfactory (Baliqi, 2013). According to the perceived levels of public sector corruption in 175 countries/territories, Kosovo is listed at 110 in the 2014 Corruption Perceptions Index 2014 by Transparency International (transparency.org, 2014).

#### **EU involvement and influence:**

Kosovo’s Constitution stipulates the clear separation of powers among the executive, legislative and judiciary (Mehmeti & Demi, 2013). Since 2009 the EU deploys The European Union Rule of Law Mission in Kosovo (EULEX) which “shall assist the Kosovo institutions, judicial authorities and law enforcement agencies in their progress towards sustainability and accountability and in further developing and strengthening an independent multi-ethnic justice system and multi-ethnic police and customs services, ensuring these institutions are free from political interference and adhering to internationally recognized standards and European best practices” (European Council, 2008). Yet, the initial mandate and structure of EULEX has changed significantly several times, in 2012 and the latest in 2014. The mandate of June 2012, for instance, extended the mission for two years and re-organized the operational structure of the mission, abandoning the components Police, Judiciary and Customs, while creating the sectors “Executive” and “Strengthening” (Gesellmann & Roth, 2013, p. 229). Today EULEX implements its mandate through four operational objectives. First, through its Monitoring, Mentoring and Advising (MMA) objective, under which EULEX “focuses on providing support to Kosovo’s rule of law institutions at the strategic level” (eulex-kosovo.eu, 2015). Second, through its “Executive” objective, under which EULEX “ensures that rule of law services are delivered until the progress of local authorities allows complete transition of executive functions to local level authorities” (ibid). Third, through its “North” objective, which “aims to restore the rule of law throughout the north of Kosovo (ibid). Fourth, through its “Support to Dialogue Implementation” objective, which

“provides technical support to the implementation of the rule-of-law-related agreements reached in the EU-facilitated dialogue” (ibid).

After the unilateral declaration of independence of Kosovo, UNMIK competencies in the judiciary were transferred to EULEX. It should be mentioned that the EU took over a hard task, as the judiciary was described by European Commission as “weak at all levels” at the time of the declaration of independence (Kosovo Progress Report, 2008, p. 15). However in regard of the judiciary system the EU had considerable influence on the domestic political system in Kosovo. With the support of EULEX the Kosovo Judicial Council (KJC), which monitors the adherence of constitutional standards and the Kosovo Prosecutorial Council (KPC), which can be compared with public prosecutors office, were successfully established (Gesellmann & Roth, 2013). This can be seen as a remarkable success of the EU, since in 2009 the KJC was not yet capable to execute its mandate (ibid). However one major problem remains that the government is active in the legislative process and that the parliament is unable to execute its *Raison d’Être*, which ultimately results in a weak division of powers (ibid).

In his summary Gesellmann and Roth argued that EULEX has indeed been successful in establishing and reforming constitutional institutions (2013). On the other hand, they identified major obstacles which are a result of political conflicts and failure in the implementation of the mandate (ibid). Thus, it is lamented that the European Union Planning Team Mission (EUPT) required too much time and preparation, which could have been prevented by thoroughly planning beforehand (ibid). In regard of EULEX personnel, failings by the UNMIK administration have been repeated by implementing one year contracts for officials and not preparing them adequately for the culture and language in Kosovo (ibid). Furthermore, EULEX was unable to acquire sufficient qualified personal, which was too a large extend the result of the lacking willingness of EU member states (ibid).

One of the predominant impeding effects on the work of EULEX remains the conflict concerning the status of Kosovo. Due to five EU member states refusing to acknowledge Kosovo’s independence, EULEX which started as a pro Kosovo state-building mission, became a technocratic, status-neutral mission, which is in stark contrast with the aim of creating a working sovereign constitutional democracy (ibid). However, despite these difficulties the EU was able to improve its influence as an external actor since 2011, when the position of the EU-Special Representative (EUSR) and of the EU High Representative of Catherine Ashton was combined in the EU Office (ibid). This can be regarded as a milestone because the establishment of the EU Office de facto terminated the double mandate of the ICR and EUSR, with the ICR working for a gradual implementation of Kosovo’s independence on the one hand, and the EUSR legally obligated to status-neutrality (ibid). This double-mandate with two controversial aims impeded on the EU as an external actor in the democratic consolidation process, because of the multilateral character and the influence of single member states through the mandate (ibid). On the domestic side, ongoing corruption and criminal motivated political influence on the judiciary remain a major obstacle and can be identified as a domestic factor which has an impeding effect on the influence of the EU as an external actor (ibid, p. 250).

## Interview Results

### Interview: Mr. Valmir Ismaili (Kosova Democratic Institute)

Mr. Ismaili regards the criteria of *Division of Power and Horizontal Accountability* as partially fulfilled. According to him, “in theory there is a clear division of power between legislative, executive and judicial branches, however there are a lot of cases when there is interference on each others field”. Furthermore he argued that “In most of the cases it is the executive who interferes in the legislative agenda but there are also cases when legislative tends to interfere in judicial issues”.

### Interview: Mrs. Ariana Qosaj-Mustafa (Kosovo Institute for Research and Development)

Mrs. Qosaj-Mustafa argued that in practice Kosovo does not possess a working separation of powers and that the executive “holds everything together”. As one example she mentioned that “The judiciary pretty much follows through what the government says. The government is the main motor of drafting, enacting policies, legislation, everything”. In terms of accountability she mentioned that the judiciary continues to be lacking behind. Thus, “when it comes to the election of the members of the Kosovo Judicial Council, which is the highest judicial body in Kosova [...] it still has difficulties in guaranteeing independence of its members the way how they are elected. This problem is aggravated by “not appropriate provision of budgets and resources [...] that would be needed for a strong judiciary that would oversee the government and make other accountable”.

## Summary

It can be summarised that the criteria of *Division of Power and Horizontal Accountability (D)* cannot be regarded as fulfilled. Although the division of power is manifested in the constitution the enforcement remains problematic. The findings acquired from desk research and interviews are to a large extent congruent. Thus, it is argued that the executive continues to influence the government and the judiciary. In terms of *Horizontal Accountability* it was mentioned that “very limited progress has been made to further improve accountability and service delivery. The laws on administrative procedures and normative acts are still to be adopted. Implementation of the law on access to public documents remains unsatisfactory. Lacking accountability in party financing continues to be a problem. Thus, the impact of the EU can be described as mixed. On the one hand it can be argued that EULEX was to some extent successful in institutions building. By strengthening the judiciary it had a positive impact on the division of power and improved the accountability. On the other hand five EU member states continue to refuse the recognition of Kosovo.



### Current status quo:

This section will investigate whether the effective power to govern is currently guaranteed in Kosovo. By the effective power to govern this paper applies the definition of “the ability of representatives to govern without restrictions. This refers to so-called “reserved policy domains” that are influenced by unelected groups such as the military (Bosold & Achraimer, 2011, p.13).

Crucially, it should be mentioned that despite Kosovo's unilateral declaration of Independence, it remains obliged to cooperation with international actors. The EU rule of law mission EULEX for instance, continues to be responsible for “executive (authoritative) powers with regard to investigating, prosecuting, adjudicating and enforcing cases of war crimes, terrorism, organized crime, corruption, inter-ethnic crimes, financial/economic crimes and other serious crimes” (Bertelsmann Transformationsindex, 2014, p. 5). Thus, the governments ability to govern without restriction is not guaranteed due to the remaining involvement of international authorities. This situation is related to problematic of status question of Kosovo, since it has not yet been accepted by Serbia as independent. Furthermore it is outlines that the effective power to govern is undermined by two factors. “First, Serbian Provinces in Northern Kosovo refuse to be subjected to the centre’s political decisions. Second, Kosovo Albanian veterans’ organizations put considerable pressure on the political decision-making process, accusing the political elite of too readily giving in to the international community’s demands” (ibid). For example, the self-determination movement organized demonstrations when suspected Kosovo Albanian war criminals were about to be extradited to the International Criminal Tribunal for the Former Yugoslavia (ICTY) (ibid). The NGO Freedomhouse lamented in a 2014 report that “Corruption remains a serious problem. A legislative framework to combat corruption is in place, including a new four-year anti-corruption strategy and action plan adopted in February 2013, but implementation is mixed”. “Kosovo was ranked 111 out of 177 countries and territories surveyed in Transparency International 2013 Corruption Perceptions Index” (ibid). However, it is also acknowledged that “democratic institutions are accepted by the majority of the relevant actors” (ibid, p. 11). The EU 2014 Kosovo Progress Report concludes that, “the Kosovo government gave clear proof of its ability to coordinate the European integration agenda, notably with regard to negotiations on the SAA. The government also improved guidance to municipalities on implementation of legislation” (EU Kosovo Progress Report, 2014, p. 9). Furthermore, it argues that despite these improvements, the government needs to “turn its focus to ensuring that legislation and policies are implemented in practice” (ibid).

## **EU involvement and influence:**

Regarding the role of the EU on *The Effective Power to Govern* it can be concluded that EULEX had and has an impact on domestic developments in Kosovo. Yet, various international organisations lament that judicial officers continue to face threat from various organised crime groups as well as individual offenders (Gesellmann & Roth, 2013). The reasons are twofold. In the past the local police was incapable and unwilling to protect judicial officers. On the other hand, EULEX only protected international judges, which led to a “preemptive abstention of local judges and prosecutors to deal with sensitive cases” (ibid). Thus, organized crime can be identified as a factor which impedes on the on EU efforts to establish constitutional standards. However, EULEX itself was “accused of corruption and gross mishandling of its mandate. Whistleblowers reported bribery affecting prosecutorial decision making in 2014. Moreover, an analysis of the mission’s progress over its six years of operation revealed that it routinely failed to vigorously pursue high-ranking Kosovar officials, frequently “scapegoating lower-level offenders while leaving systemic issues unaddressed” (freedomhouse.org, 2015).

## **Interview Results**

### Interview: Mr. Valmir Ismaili (Kosova Democratic Institute)

Mr. Ismaili regards the criteria of *The Effective Power to Govern* as partially fulfilled. According to him “representatives can govern without restrictions, however there are cases when Kosovo institutions, particularly when relating to the Serb community, cannot fully exercise their powers in the northern Kosovo for example due to illegal groups operating there that are not under the control of Kosovo institutions”. On the positive site he outlined that “these parallel groups are expected to have a smaller role and slowly diminish with their integration in Kosovo security forces and police.”

### Interview: Mrs. Ariana Qosaj-Mustafa (Kosovo Institute for Research and Development)

Mrs. Qosaj-Mustafa argued that *The Effective Power to Govern* is predominantly effected by two forms of corruption. The first form of corruption is public procurement corruption and the second clientelism which she described as “interest groups which are connected with politics”. Thus particular politicians and government members “favour particular businesses and groups and leave out over business people”.

## **Summary**

In summary it can be argued that *The Effective Power to Govern*, remains highly restricted. Major problems are corruption in forms of clientelism and public procurement. Organised crime continues to have an impeding effect and it remains hard to prosecute involved individuals. The influence of the EU

can best be measured through investigating the successes and failures of EULEX, which since its initiation in 2008 can be summarised as mixed. On the positive side EULEX was indeed able to support Kosovo with institutions building, in particular in regard of the judiciary system in Kosovo. However, as has been illustrated by *freedomhouse.org* EULEX itself has been “accused of corruption and gross mishandling of its mandate” (2015).

### **Conclusion: Five dimensions of an ideal type liberal democracy**

Although Kosovo cannot yet be regarded as a liberal democracy after Merkel's definition, it has made considerable progress, between 1999 and 2014. The five democracy criteria have been investigated through desk research from primary and secondary sources as well as two self-conducted skype-interviews with two NGOs employees. Each criteria has been investigated on three levels. First, this chapter has briefly outlined the *status quo* of each criteria and investigated to what extent it can be regarded as fulfilled or not fulfilled. In order to provide an unbiased overview, several sources from international organisations such as the *EU*, *OSCE*, *Bertelsmann Stiftung*, and sources from NGOs such as *Freedomhouse*, *Transparency International* and *Journalist Without Borders*, as well as self-conducted interviews have been scrutinized. In the following step, this chapter attempted to analyse to what extent the European Union has had an impact on these criteria. Furthermore, this chapter has primarily analysed secondary sources such as books and journal articles and to a lesser extent primary sources from official publications and websites. This has been difficult at times because a direct EU influence on domestic developments in Kosovo is hard to manifest and measure. Furthermore, it should be mentioned that the EU was and remains only one actor involved in Kosovo. Thus, certain developments are more likely a result of a number of measures taken by other external actors such as the UN, the OSCE, as well as single states. In the third and last step, this chapter attempted to provide new and unbiased insights through self-conducted interviews with NGOs. Despite over 7000 NGOs registered in Kosovo only a small number are active in the field of politics and democracy promotion. From seven contacted NGOs, two were willing to support my research. However, these two NGOs can be considered as professional and offered several years of experience with highly qualified personal. The findings attained in these interviews are to a large extent congruent with the findings from primary and secondary sources while providing a number of new insights. The interviews are a crucial part of this research, because they underline and confirm certain arguments identified in secondary sources. Finally, this chapter concludes that Kosovo can be described as a “defective democracy”. Following the concept of Merkel which argues that “If one or more of these regimes are dysfunctional one talks of a defective democracy” (Bosold & Achraimer, 2011, p. 13). As identified in the following model, external democratization processes are threatened, among others, by corrupt Elites, Organised Crime and ethnic conflict between the Serbian and Albanian population in Kosovo. However, the influence of the EU is depends on functional statehood, which implies territory sovereignty and the power to implement and enforce laws in that given territory (Trappmann, 2015).

### Defining civil society

The second level of analysis will be concerned with Kosovo's civil society. The definition used by Frantz describes civil society as an autonomous and capable society of political active citizens (Frantz, 2000). This definition of civil society stems among others from Charles Taylor and Arpad Sölter. Moreover, it is of utmost significance to mention that a free market economy, a liberal constitutional state, and a qualified civil society are necessary factors in order to guarantee a stable democratic order (ibid). Civil society "constitutes the sphere of autonomy from which political forces representing constellations of interests in society have contested state power. Civil society is a necessary condition for the existence of representative forms of government, including democracy" (Bernhard, 1993, p.1). In other words civil society is necessary for the protection of the private sphere from the state (Kean & Merkel, 2015). Linz and Stephan argued that "a robust civil society, with the capacity to generate political alternatives and to monitor government and state, can help start transitions, help resist reversals, help push transitions to their completion, and help consolidate and deepen democracy" (1996).

The definition used for this research is based on Tocqueville's understanding of civil society. He defined so-called "free associations" as the cornerstone of a free community (Keane & Merkel, 2015, p. 447). Putnam, who's ideas are based on Tocqueville's thoughts, argued that without the accumulation of social capital, democracies cannot emerge nor consolidate in the long term (ibid). However, there is no "single theory of society, but rather competing approaches to describe civil society from different perspectives" (Hahn-Fuhr & Worschech, 2014, p. 15). Yet, it is acknowledged that on the one hand "civil society is seen as an intermediate sphere. This perspective follows the question where civil society is located within society. On the other hand, civil society is recognized as an actor on its own, following the question what civil society is supposed to do in society" (ibid, p. 16). Frantz asked how civil society transformation towards a democratic political culture can be verified (Frantz, 2000). Thus, she argued that the criteria that have been proposed in order to analyse the state of democratic consolidation, can be used in order to determine the level of democratic consolidation in civil society. Finally, she argues that the civil society aspect of democratic consolidation remains problematic and hence can at best provide significant ideas and subjective opinions, rather than valid empirical data. This problem remains until today. As a consequence, the second part of the analysis will use the civil society dimension as a significant supplement to the empirical analysis of the democratic consolidation process in the first part. The focus of investigation lies on the NGO landscape in Kosovo. In order to gain insights in the democratic state of civil society, questionnaires with two NGOs in Kosovo will be combined with primary and secondary sources.

## Status Quo

Although external democracy supporters like the European Union continue to argue that promoting democracy via civil society can be regarded as a successful tool, empirical evidence tells a different story. One problem, is the image of organized civil society, which is often understood as an “elitist sphere of Western-funded Non-Governmental Organizations (NGOs) (Hahn-Fuhr & Susann Worschech, 2014, p. 12). In the last decade various empirical studies have illustrated that “civil society in post-socialist countries has developed somewhat differently from what Western donors and political observers has expected” (ibid). Mendelson and Glenn criticized western support of domestic NGOs in post-socialist countries on the grounds that they have created civil society elites which stand in no relationship to other groups in society (2002). Another difficulty is that a considerable amount of NGOs are seen as a mere business, because they receive governmental and international funding (Henderson, 2002). This problem has also been described as “donor-oriented NGOs” or passive NGOs, which activate their work depending on the availability of funds (kscfoundation.org, 2015). This phenomenon was predominant in the immediate aftermath of the war in 1999 during which period most international funding was available (Radeljic, 2013). As estimated in 2013, from approximately 7000 registered NGOs in Kosovo, only 10 per cent can be considered as active or partially active (ibid). On the positive side, Civil society in form of NGOs and a generally broad and free Media have been able to contribute to the development of the party system in Kosovo (Baliqi, 2013, p. 59). Despite the difficulties with the NGO sector in Kosovo, a number of established NGOs play a significant and active role. By monitoring and advising domestic as well as international actors in Kosovo, they were able to “investigate corruption charges concerning different officials in the government at all levels, as well as about different officials of UNMIK and EULEX” (ibid).

### **EU influence on democratic consolidation in Kosovos civil society**

The European Union acknowledges that civil society organisations play a crucial role in reforms in candidate and potential candidate countries (europa.eu, 2015). Furthermore, the EU outlines that “Responsibility for strengthening the role and influence of civil society in the enlargement countries lies primarily with the countries themselves. However, the European Commission is also willing to step up its own support for civil society development in these countries” (ibid). The EU provides financial assistance to various civil society organisations under the Instrument for Pre-accession Assistance (IPA) and the European Instrument for Democracy and Human Rights (EIDHR) (ibid). Yet, IPA I which was replaced by IPA II for the period of 2014-2020, did not “require consultations with citizens on the implementation of particular projects” (Hoogenboom, 2011, p. 10). However, considering the political focus of this research this financial assistance will not be investigate any further here. On the mere political level, the EU decided during the conference *Civil society Development in Southeast Europe: Building Europe Together* April 2008 that a “permanent dialogue between the Commission and Civil Society Organisations (henceforth CSOs) from the enlargement countries should be established through regular meetings, whose format and periodicity is to be decided in future” (ibid). “In addition to

these meetings, it is envisaged to establish a virtual platform for Civil Society Organisations from the candidates and potential candidates and the EU, to enhance dialogue, exchange good practices, search for partners and eventually develop specific projects” (ibid). In Kosovo in particular, the European Liaison Office plays a significant role since it “engages in a regular dialogue with civil society organisations in Kosovo during the Progress Report drafting process and after. Each year, the EC Liaison Office invites Civil Society Organisations to provide input for the annual reporting exercise, and to discuss the findings of the report after its publication.” (ibid). However, it is lamented that “the continuous increase of European Union portion in civil society funds, bureaucratic procedures for application and the rather large minimum amounts of EU grants exempt a large number of organizations from gaining these funds, since the majority of organizations are too small to execute or absorb such amounts, thus increasing the division between the ‘large’ and ‘small’ CSOs“ (kcsfoundation.org, 2015).

## **Interview Results**

### *Interview: Mr. Valmir Ismaili (Kosova Democratic Institute)*

Mr. Ismaili argued that “he EU has played a crucial role in this regard by both providing funds and capacity building for civil society organizations”. Yet, he criticises that “Civil Society in Kosovo does largely depend on international funds that are drastically shrinking. There are many cases when representatives of CSO have joined political parties, harming the sector and creating negative perception of the sector to wide public as a “catapult” to politics.

### *Interview: Mrs. Ariana Qosaj-Mustafa (Kosovo Institute for Research and Development)*

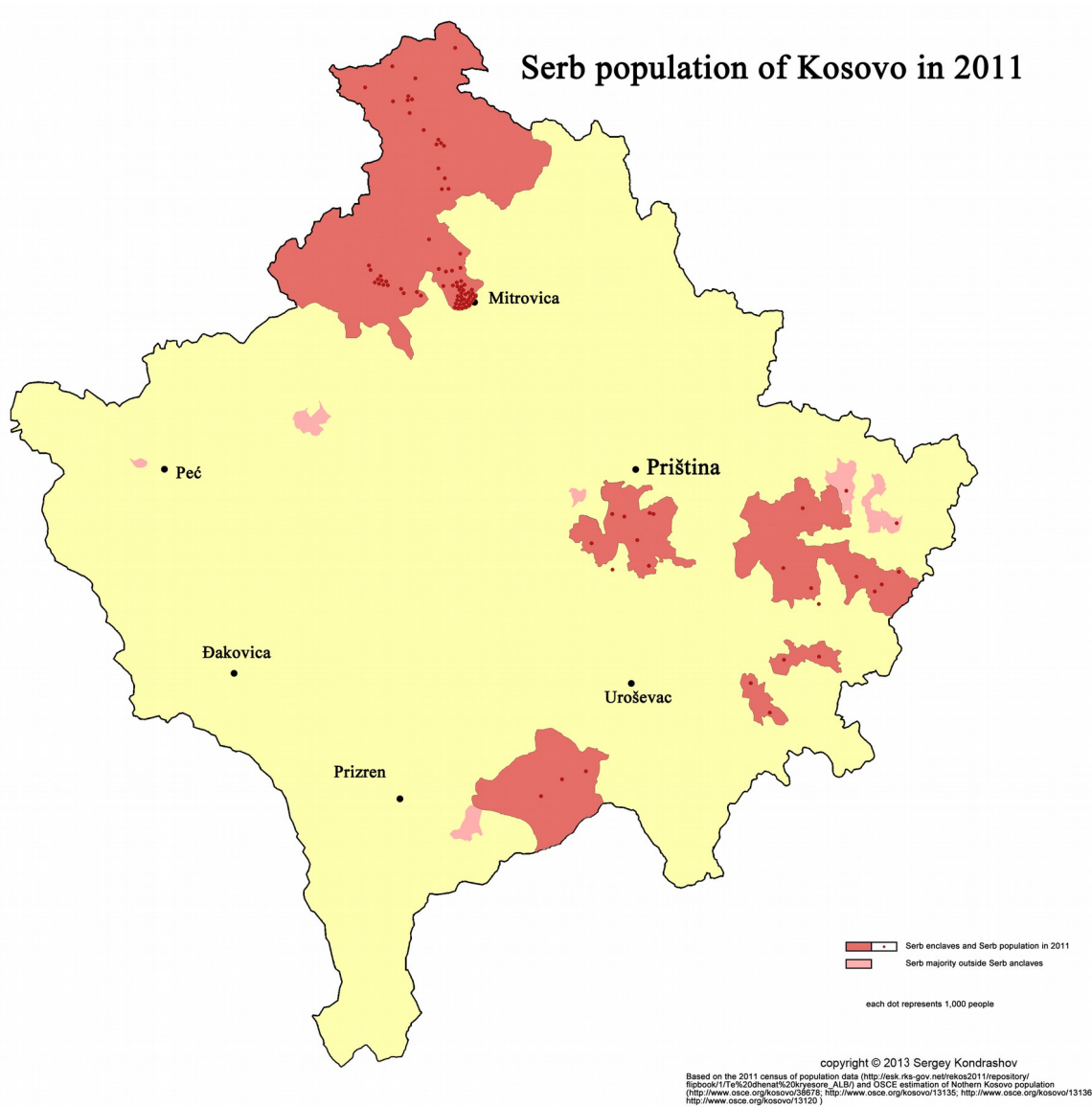
Unfortunately the time for this interview did not allow Mrs. Qosaj-Mustafa to answer this question.

## **Summary**

In summary it can be argued that civil society has considerably developed since 1999. The EU has contributed to this positive development via financial support under the Instrument for Pre-accession Assistance (IPA) and the European Instrument for Democracy and Human Rights (EIDHR). On the political level, the European Liaison Office plays a significant role since it “engages in a regular dialogue with civil society organisations in Kosovo during the Progress Report drafting process and after. However, various NGO reports and the interview partners lamented the shrinking amount of international support for CSOs in Kosovo. Furthermore, EU civil society funds result in increasing the division between the ‘large’ and ‘small’ CSOs. The extent of EU impact on Kosovo’s civil society can thus only be estimated. Nevertheless, as the investigated literature and the interview have illustrated the EU had and continues to have an impact civil society development in Kosovo.

### The theoretical debate

The state-building process strives for the acquiring of for basic monopolies: the state monopoly of the use of force; the state law-making and law enforcing monopoly and the state taxation monopoly (van Aaken, 2015). Although the state church monopoly is named as one of these monopolies, it is not seen a crucial for this research and will thus be neglected in this thesis. Hence, the main focus will be on the first two monopolies. Under international law statehood traditionally requires the following attributes: territory; population; and recognition by other states (Brownlie, 1998) According to Linz and Stephan “a modern democracy [...] needs a functioning state and a state bureaucracy considered usable by the new democratic government” (Beichelt, 2015, p. 709). They differentiate between six distinct variations types of statehood within a given territory: **(A)** singular nations with marginal cultural and ethical differences; **(B)** singular nations with high cultural diversity. Furthermore, they differentiate between states in which next to the titular nation other nation exist: **(c)** nations that have not been “awakened” yet; **(d)** which are awakened already; **(e)** which are awakened and are of a militant character. Finally they identify states in which no groups with sufficient coherence and identity exist in order to build a nation (Beichelt, 2015). They conclude that the more homogeneous a nation is, the higher are the chances for a successful democratic consolidation and the other way round (ibid). Thus, a militant behaviour of a non-titular nation impedes the democratic consolidation process (ibid). Furthermore, it is argued that a democratic consolidation is highly unlikely if the militant non-titular nation is resident on an explicit own territory (ibid). If we look at Kosovo, the situation is even more problematic. On the one hand Kosovo is a militant non-titular nation within another state, which is Serbia. On the other hand, if we consider Kosovo as an independent state, it can be identified itself as an (e) nation, since the Serbian in northern Mitrovoca can be identified as an awakened non-titular nation with a militant character. Thus it becomes clear that Kosovo is a *sui generis* case. However, this chapter should be seen as an extra to the primary research question and necessary because of the unique character of Kosovo. A more comprehensive investigation of the variable statehood must be conducted to gather reliable and representative insight.



However, the main argument of Linz and Stephan is that unsettled questions on nation state affiliations poses a threat to the democratic consolidation process (ibid). However, what is lacking in this hypothesis, is how lacking statehood or unsettled questions on nation state affiliations have an affect of external actors such as the European Union in the democratisation process. Another problematic can be identified in the so-called “*circulus vitiosus*”, which describes the dilemma between state-building and nation-building (Schoch, 2012, p. 97). In essence it is argued that without functioning state institutions the development of a mutual sense of national cohesion remains problematic, while at the same time the development of national cohesion requires functional state institutions (ibid). This chapter will attempt to illustrate to what extent the variable statehood affects the influence of the EU as an external actor in the democratic consolidation process. However, the investigation the factor of statehood, can only be very limited, since a comprehensive qualitative data set would be required to provide reliable data. This would be out of the realm of this thesis.



## **Statehood as a variable**

The hypothesis for the following chapter argues that: *The degree of influence of external actors such as the EU in political stabilisation processes is highly dependent on the status of statehood.*

“All hypothesis involve at least one independent variable (X) and one dependent variable (Y)” (Gerring, 2007, p. 71). Hence, this chapter will investigate a cause relationship and thus be described as X1/Y centred, because it connects a particular case with a particular outcome (ibid). Thus, X1 (statehood) is the independent variable and Y (EU external influence) is the dependent variable. The purpose of this chapter is of confirmatory character and aims to test an existing hypothesis. However, it should be mentioned that X1 (statehood) may only explain a small amount of variation in Y. “The X1/Y relationship may be problematic” (ibid).

## **A brief history of statehood in Kosovo**

This research will not go into detail about the history of the status question of Kosovo. Yet, a brief overview of the main characteristics of this problematic are crucial for the understanding of this complex conflict. First it should be mentioned that the understanding of the conflict around Kosovo and the status question in particular is approached differently in Serbia and Kosovo. However, this section will attempt to provide a brief and unbiased overview of the conflict concerning the status question. First of all, it should be mentioned that Kosovo has never enjoyed the status of an independent state (Baliqi, 2013). Historically, the region today known as Kosovo was part of the Roman Empire and later of the Ottoman Empire. After World War One it was integrated in the Kingdom of the Serbs, Croats and Slovenes and later in the Socialist Federal Republic of Yugoslavia under which it received the status as an autonomous province (ibid). During the 1990s the strategy by Kosovo-Albanians for independence consisted predominantly of three peaceful strategies: to continue their stance on independence, to internationalise Kosovo struggle for independence by involving an impartial third party for a mediation role, and a refusal of Serbian election boycott and the development of institutional structure for an independent Kosovo (ibid). In the 1990s the political interest of the EU towards Kosovo was rather low. This changed in 1997/98 when the Serbian Army responded to attacks by the Kosovo Liberation Army (Ushtria Çlirimtare e Kosovës – UÇK), which resulted in a civil war and an escalation of the conflict (Basic, 2013). Despite the escalating conflict the EU was not able to speak with one voice and thus was unable to end the conflict, which finally led to NATO's military intervention under Security Council Resolution 1244. Under Resolution 1244 Kosovo officially became a protectorate under international administration known as United Nations Interim Administration Mission in Kosovo (UNMIK) (Basic, 2013). Today “UNMIK continues to implement its mandate in a status neutral manner and operate under Security Council resolution 1244” (unmikonline.org, 2015). Until today, the international policy force Kfor remains active in Kosovo to guarantee for security, with the UN Security Council holding decision power over the future of this mission (Basic, 2013). However,

because Russia and China's stance towards Kosovo is unlikely to change in the near future, the final settlement of the status questions remains bleak.

### **Lacking statehood and the impact on EU's political stabilization efforts**

The EU (then EC) involvement regarding the status question can be traced back to the creation of the Badinter Arbitration Committee in 1991/92 (Basic, 2013, p. 159). The committee was created to organize the recognition of new states and stipulated that Kosovo, due to its status as an autonomous region would not have the right of secession (ibid). Despite its unilateral declaration of independence in 2008, which was declared by the International Criminal Court in an advisory opinion as not violating international law, it is still seen by the Serb government and by a majority of the Serbian population as part of Serbia (ICJ, 2010). Serbian Prime Minister Aleksandar Vucic, recently reconfirmed that "We will always confer with ethnic Albanians from Kosovo, but we will never recognize Kosovo's independence" (inNews, 2015). The unilateral declaration of independence in 2008 contributed to the division and disunity of Albanian and Serbian communities in Kosovo (Fendrich, 2011). However, as an opinion poll from 2013 illustrates, "63 per cent of Serbian citizens accept that Kosovo is in practice an independent state" (BalkanInsight, 2013). The attitude of the Serbian government regarding the independence of Kosovo is manifested in the ongoing building and support of parallel government structures in the Serbian dominated parts in northern Kosovo. Serbian politicians in northern Mitrovica, continue to boycott participation in the Parliament and other government institutions. This continuing boycott is supported the Serbian government, which is openly "encouraging them not to participate in institutional life in Kosovo and to boycott cooperation with UNMIK and now with the EU-led Rule of Law mission (EULEX)" (Mehmeti, 2013, p. 198). However, on a positive side, it should be noticed that EU-led talks in Brussels between Serbia and Kosovo in April 2013 known under the name Brussels Agreement, resulted in Kosovo granting its Serbian minority increased autonomy. Serbia agreed to recognize Pristina's authority in Serbian dominated areas, in which Serbia supported parallel government structures (freedomhouse.org, 2014). "However, northern Kosovo Serb authorities do not recognize Priština's legitimacy, rejected the EU-backed deal reached in April, and created their own legislature. Northern Kosovo also saw a strong boycott movement in the November 3 local elections, and turnout was low" (ibid).

This situation poses considerable obstacles to a successful and swift transformation, since the state-building process is constantly impeded by the Serbian Government through their strong influence in the Serbian dominated provinces of Kosovo. One of the earliest examples of the effect of unresolved status question was the unwillingness of the Serbian government to accept the handing over of authority from UNMIK to the EU mission EULEX under, which should be implemented within 120 days (Basic, 2013. This refusal resulted in a reconfiguration of UNMIK in 2008 under the so-called Six Point Plan, under which the areas Police, Judiciary, Telecommunication, Transport, Customs and the religious and cultural heritage in the Serbian dominated provinces remained under UNMIK administration (ibid). This compromise allowed the execution of the EU mission EULEX under UNMIK

in the Serbian dominated areas with exception of the mentioned areas (ibid). It can be argued that this compromise, which is a de facto result of the “status question” has directly impeded the potential of EULEX, since it was not able to fulfil its mandate in all provinces in Kosovo. As mentioned by Dijana Basic, the refusal of the EU-Mission by Serbs and the refusal of the Kosovo government to accept the Six Points Plan under UN leadership, resulted in the division of Kosovo, which had an impeding effect on the institutions building efforts after the unilateral declaration of independence in 2008 (ibid, p. 167). Today, EULEX operates on the whole territory of Kosovo, while remaining under the legal foundation of UN Resolution 1244 (ibid, p. 169).

Problematic remains the fact that EULEX remains status-neutral under UNMIK the EU-Mission (ibid). This legal dilemma in combination with the EU inability to unanimously accept Kosovo's independence affects the reputation and credibility of the EU as a whole. However, in 2013 EU initiated talks that resulted in the Brussels Agreement which “yielded a landmark agreement under which Kosovo granted its Serb minority increased autonomy, and Serbia recognized Priština's authority in predominantly Serb areas where Belgrade had long funded shadow government structures. The two parties also agreed not to block each other's EU accession bids” (freedomhouse, 2014, p. 6). However, as mentioned above the implementation of the Brussels Plan remains bleak and continues to be violated on both sides, with a particular emphasis on North Kosovo.

## CONCLUSION AND OUTLOOK

### CONCLUSION: HYPOTHESIS 1 (MAIN HYPOTHESIS)

***“The EU can be regarded as an influential external actor in the political stabilisation process in Kosovo, because it has fundamentally contributed to the democratic consolidation process”***

This research was inspired by the doctoral thesis of Mrs. Frantz, proposed a model that is able to manifest and illustrate the causal relationship between external political action by external actors such as the EU and its impact in the domestic political system. However, since the scope of this thesis did not allow an investigation of detailed domestic transformations of the political system in Kosovo, it focused on the further development of the model as proposed by Frantz. This research has investigated whether **the EU can be regarded as an influential external actor in the political stabilisation process in Kosovo**. The extent of democratic consolidation has been measured by analysing five democracy criteria as proposed by Merkel and by briefly investigating to what extent civil society can be regarded as democratic consolidated. As demonstrated at the end of this chapter, Kosovo cannot be regarded as a liberal democracy yet, because several of the five criteria have not been fulfilled. At the same time this research has shown that the developments towards a consolidated liberal democracy have increased significantly between 1999 and 2014, which can be to some extent attributed to the democratisation efforts of the EU. Although the EU had direct and indirect impacts on these processes, the involvement of other external actors such as the UN, OSCE and ICO should not be underestimated. Thus the successes and the failures in the democratic consolidation process in Kosovo cannot merely be allocated to the EU. However, the model which illustrated the five democracy criteria illustrated that although Kosovo cannot yet be regarded as a liberal consolidated democracy, it has made considerable progress. Yet, Kosovo's institutions such as the judiciary continue to lack autonomy and transparency. Civil society has experienced a considerable development since 1999 and the EU had and has a direct impact via the EU Liaison Office which engages in a regular dialogue with civil society organisations in Kosovo during the Progress Report drafting process and after. Yet, here again, the impact can hardly be measured.

The theoretical construct of this research was based on the work by Frantz. Due to the scope of this master thesis I have developed a model that has the capacity to test whether a state can be regarded as a liberal democracy, while at the same time illustrating the influence of external actors (direct and indirect) as well as impeding factors (domestic and external). The methods of data collection for this research have been predominantly the **analysis of documents** and in order to underline the findings of these documents two **structured interviews**. The selection of the qualitative research material investigated in this thesis followed the idea of purposeful sampling, which describes the process when the researcher intentionally selects specific data sources [textual] that are information rich in order to learn or understand the central phenomenon [object] under study” (Creswell, 2013, p. 206). Sources used in order to empirically answer the research question are primary sources from the EU, OSCE,

UN and Kosovo government. Secondary sources investigated in this research are journal articles, books, and online articles.

Data from the analysis of the documents from primary as well as secondary source have been analysed with the help of the four democratic criteria with the results are illustrated in the following graph. The data acquired through the structured interviews confirmed the findings from desk research and added some new insight. Since, the result of desk research and interview are congruent the model does not separate between data gained from desk research and data gained from the two structured interviews. However, for case studies in which the result of desk research and interviews or questionnaire differ, further columns which illustrate the source of the result can be added to the model.

<b>Four criteria of a liberal democracy</b>			
<i>electoral regime (A)</i>	<i>Political rights (B)</i>	<i>Division of Power and Horizontal Accountability (D)</i>	<i>The Effective Power to Govern (E)</i>
<b>Satisfactory</b>	<b>Partially fulfilled</b>	<b>Not fulfilled</b>	<b>Not fulfilled</b>
<b>DIRECT Influence of the EU as an external actor</b>			
No or limited influence of the EU. It was the responsibility of the OSCE later Kosovo institutions overtook responsibilities	European Partnerships, Stability Tracking Mechanism, EULEX, Commission Liaison Office, STM, EUSR, SAA	European Partnerships, Stability Tracking Mechanism, EULEX, Commission Liaison Office, STM, EUSR, SAA	European Partnerships, Stability Tracking Mechanism, EULEX, Commission Liaison Office, STM, EUSR, SAA
<b>INDIRECT Influence of the EU as an external actor</b>			
Stability Pact for South Eastern Europe; Copenhagen Criteria, Membership perspective			
<b>DOMESTIC Impeding actors, issues and events</b>			
Fraud and clientilism, particular during the elections in 2010, Serbian dominated provinces boycott of elections	Business groups and politicals influencing and managing media coverage; critical journalist are threatened; ineffective legislative and institutional framework	Government influences the judiciary, lacking enforment capacity of the judiciary, weak parliament, unwillingness and weak enforment of implemented laws	Predominantly two forms of corruption: clientilism and public procurement corruption.
<b>EXTERNAL Impeding actors, issues and events</b>			
Serbian support of parallel government structures in northern Kosovo.	Five EU member states refuse to recognize Kosovos independence	EULEX did not hire enough qualified stuff, Corruption Aaffairs in EULEX, EULEX former double mandate	Serbian support for pallel government structure in northern serbian provinces in Kosovo

Data from the investigation of the four democracy criteria, from desk research as well as from the structured interviews leads to the conclusino that Kosovo cannot be regarded as a liberal democracy. Yet as mentioned before, the model serves as a tool to summarise and illustrate the findings. Since, in the realm of this research and generally it remains hard if not impossible to determine the level of influence of the EU, the analysis of the findings are a matter of interpretation of the researcher. The colum **DIRECT influence of the EU as an external actor** has summarised political instruments which

had a direct influence on the democratic consolidation process in Kosovo. Only one the democracy criteria **electoral regime (A)** can be regarded as satisfactory. However, at the same time the model illustrates that the EU had no or very limited impact on this criterion. The criterion **political rights (B)** has been partly fulfilled and this research argues that EU has influences the development of political right with support of the instruments outlined in the model. The remaining two criterions **division of power and horizontal accountability (C)** and **the effective power to govern (D)** have not been fulfilled, although the research has shown that various EU-instruments, as illustrated in model, in particularly or among others aimed to strengthen these two criterions. These instruments are: European Partnerships, Stability Tracking Mechanism, EULEX, Commission Liaison Office, STM, EUSR, SAA. The EU measures and instruments which potentially had an indirect impact are the Stability Pact for South Eastern Europe; Copenhagen Criteria, Membership perspective. Yet, as the literature has shown the indirect impact of the Copenhagen Criteria and the prospect of EU Membership remain the strongest instrument in the EU toolbox.

The influence of the EU has been and continues to be impeded by **DOMESTIC** and **EXTERNAL** factors. The results are categorized under the four democracy criterions. In regard of domestic impeding factors, it can be summarised that the most dominant impeding factors are: clientism and ineffective institutions such as the judiciary. In terms of **EXTERNAL** impeding factors the two major impeding factors are the ongoing Serbian support of parallel government structures in northern Kosovo and the inability of the EU to unilaterally recognize an independent Kosovo. In terms of the impact of EU policies on the democratic consolidation of Kosovos civil society, which has not been investigated with the support of this model, it can be concluded that the EU had potential influence. Yet the degree of influence can hardly be measured. Thus, the analysis of the civil society should be regarded as complementary to the investigation of the four democracy criterions.

However, the testing of the democracy criteria leads to the conclusion that Kosovo **cannot be regarded as politically stable** at this point in time and that the influence of the EU has been limited between 1999 and 2014. The role of the EU is impeded by several external and domestic factors and the final judgement of its role has to be postponed in the future. Considering the continuing international involvement and the ethnic conflict between Serbia and Kosovo, it required political decisions between Serbia and Kosovo to change this status quo. Furthermore, this research has shown that the question of statehood is of utmost significance for political stabilisation effort by external actors and that unresolved questions of statehood have an impeding effect on external stabilisation efforts. However these findings should be considered by external actors such as the EU. If the EU aims to be an influential actor on democratic consolidation processes, political stabilisation effort and state building, as it can be argued in the case of Kosovo, it will have to find ways to unilaterally recognize Kosovo as an independent state. If the EU will not be able to convince the reluctant five member states to accept Kosovos independence, its influence, legitimacy and credibility will decrease in the future. This research has also contributed to the transformation debate, since it proposed a model which can be applied for other case studies aiming to investigate the influence of

external actors in terms of political stability. However, the measurement of the level of influence remains problematic and possibly a matter of interpretation of the researcher. Thus, further research should be done to find ways to measure the level of influence of political instruments of external actors.

## BIBLIOGRAPHY

- Azpuru, D. (2011) The Promotion of Democracy: Actors and Methods. In: Malone F.T.M. (2011) *Achieving Democracy. Democratization in Theory and Practice*. New York: The Continuum International Publishing Group.
- Beichelt, T (2015) Staatlichkeit. In: Kollmorgen, R. et al. (2015) *Handbuch Transformationsforschung*. Wiesbaden: Springer Fachmedien.
- Bieri, M. (2014) Kosovo: "Wo bleibst die Erfolgsstory?" Internationale Politik und Gesellschaft. Viewed 1 December 2014. <http://www.ipg-journal.de/kommentar/artikel/kosovo-wo-bleibt-die-erfolgsstory-350/>.
- Bieri, M. (2014) Kosovo zwischen Stagnation und Umbruch. Center for Security Studies, ETC Zürich. Viewed 1 December 2014. <http://www.css.ethz.ch/publications/pdfs/CSSAnalyse150-DE.pdf>.
- Brückner, J. (2015) Transitionsansätze. In: Kollmorgen, R. et al. (2015) *Handbuch Transformationsforschung*. Wiesbaden: Springer Fachmedien.
- Despot, A. et al. (2012) Zehn Jahre Einsamkeit. SWP-Aktuell 23. Viewed 1 December 2014. [http://www.swp-berlin.org/fileadmin/contents/products/comments/2012C16\\_despot\\_ri\\_c\\_srt.pdf](http://www.swp-berlin.org/fileadmin/contents/products/comments/2012C16_despot_ri_c_srt.pdf).
- Elbasani, A. (ed.) (2013) *European Integration and Transformation in the Western Balkans. Europeanization or business as usual?* London: Routledge.
- Fagan, A. (2010) *Europe's Balkan Dilemma: Paths to Civil Society or State-building?* London: I.B.Tauris & Co Ltd.
- Gerring, J. (2006) 'Single-Outcome Studies: A Methodological Primer', *International Sociology*, 21, 5, 707-734.
- Gerring, J, 2007. *Case Study Research*. 1st ed. New York: Cambridge University Press.
- Hajrullahu, A. (2007) *Langfristiger Frieden am Westbalkan durch EU-Integration. Der EUIntegrationsprozess als Chance für die Überwindung des serbisch-kosovarischen Konfliktes*. Baden-Baden: Normos Verlagsgesellschaft.
- <http://ec.europa.eu>. 2015. *European Neighbourhood and Enlargement Negotiations*. [ONLINE] Available at: [http://ec.europa.eu/enlargement/countries/detailed-country-information/kosovo/index\\_en.htm](http://ec.europa.eu/enlargement/countries/detailed-country-information/kosovo/index_en.htm). [Accessed 10 May 15].
- International Society for the Systems Sciences. 2015. *Ludwig von Bertalanffy*. [ONLINE] Available at: <http://www.iss.org/quotelvb.htm>. [Accessed 30 June 15].
- Reljic, D. (2013) EU-Erweiterungspolitik im Westbalkan: Missliche Zeiten für schwierige Kandidaten. SWP Berlin. Viewed 1 December 2014. [http://www.swpberlin.org/fileadmin/contents/products/studien/2013\\_S09\\_kmp\\_ovs.pdf#page=11](http://www.swpberlin.org/fileadmin/contents/products/studien/2013_S09_kmp_ovs.pdf#page=11).
- Rupnik, J. (2009) The Challenges of EU Enlargement in the Balkans. European Union Institute for Security Studies. Viewed 1 December 2014. <http://www.iss.europa.eu/de/publikationen/detail/article/the-challenges-of-eu-enlargement-in-the-balkans/>.
- Stratulat, C. (2013) EU Enlargement to the Balkans: shaken, not stirred. European Policy Centre. Viewed 1 December 2014. [http://www.epc.eu/pub\\_details.php?pub\\_id=3892&cat\\_id=3](http://www.epc.eu/pub_details.php?pub_id=3892&cat_id=3).
- Talani, L. S. (eds.) (2008) *EU and the Balkans: Policies of Integration and Disintegration*. Newcastle upon Tyne: Cambridge Scholars Publishing.
- Baliqi, B. (2013) Innenpolitik und Parteiensystem im Kosovo. In: Leiß, O. et al. (2013), *Die Republik Kosovo -Der jüngste Staat Europas. Eine politische Bestandsaufnahme seit der*



Unabhängigkeitserklärung. Baden-Baden: Nomos.

balkaninsight. 2013. *Most Serbs Acknowledge Independent Kosovo, Poll*. [ONLINE] Available at: <http://www.balkaninsight.com/en/article/serbians-acknowledge-kosovo-independence>. [Accessed 10 May 15].

Basic, Dijana. (2013) UNMIK, OSZE, EULEX, NATO, ICO – Struktur und Interaktion internationaler Organisationen im Kosovo seit der Unabhängigkeitserklärung. In: Leiß, O. et al. (2013), *Die Republik Kosovo -Der jüngste Staat Europas. Eine politische Bestandsaufnahme seit der Unabhängigkeitserklärung*. Baden-Baden: Nomos.

Bohle, D. (2002) *Europas neue Peripherie. Polens Transformation und transnationale Integration*. Münster: Verlag Westfälisches Dampfboot.

Bosold, D. and Achraimer C. (2011) Introduction. In: Bosold et al. *Democratization and Security in Central Eastern Europe and the Post-Soviet States*. Berlin: NOMOS.

Braniff, M. (2011) *Integrating the Balkans: Conflict Resolution and the Impact of EU Expansion*. New York: I.B Tauris & Ltd.

Brownlie, I. (1998) *Principles of Public International Law*. 5th ed., Oxford: Oxford University Press  
Diamond, L.J (2010) *Debate on democratization*. Baltimore: Johns Hopkins Univ. Press.

Creswell, J. W. (2013). *Research design: Qualitative, quantitative, and mixed methods approaches*. Lincoln. SAGE Publications, Inc.

European Agency for Reconstruction. 2013. *Kosovo*. [ONLINE] Available at: <http://ec.europa.eu/enlargement/archives/ear/kosovo/kosovo.htm>. [Accessed 10 May 15].

European Union Office in Kosovo / European Union Special Representative in Kosovo. 2015. *European Commission presents 2012 Kosovo Feasibility Study: "LARGELY READY" (10/10/2012)*. [ONLINE] Available at: [http://eeas.europa.eu/delegations/kosovo/press\\_corner/all\\_news/news/2012/10102012\\_01\\_en.htm](http://eeas.europa.eu/delegations/kosovo/press_corner/all_news/news/2012/10102012_01_en.htm). [Accessed 10 May 15].

European Union Office in Kosovo / European Union Special Representative in Kosovo. 2015. *Kosovo*. [ONLINE] Available at: [http://eeas.europa.eu/delegations/kosovo/eu\\_kosovo/civil\\_society\\_dialogue/index\\_en.htm](http://eeas.europa.eu/delegations/kosovo/eu_kosovo/civil_society_dialogue/index_en.htm). [Accessed 10 May 15].

European Union Office in Kosovo / European Union Special Representative in Kosovo. 2015. *Political & economic relations*. [ONLINE] Available at: [http://eeas.europa.eu/delegations/kosovo/eu\\_kosovo/political\\_relations/index\\_en.htm](http://eeas.europa.eu/delegations/kosovo/eu_kosovo/political_relations/index_en.htm). [Accessed 10 May 15].

Fendrich, P. (2011) Kosovo, Three Years After. In: Bosold et al. *Democratization and Security in Central Eastern Europe and the Post-Soviet States*. Berlin: NOMOS

Frankfurter Allgemeine Zeitung. 2007. *UN-Resolution 1244*. [ONLINE] Available at: <http://www.faz.net/aktuell/politik/un-resolution-1244-1492867.html>. [Accessed 10 May 15].

Frantz, C. (2000) *EU- Integration als Transformationsrahmen*. Opladen: Leske + Budrich.

Gesellmann, C. and Roth, M. (2013) Die Bilanz der EULEX-Mission im Kosovo 2008-2012. In: Leiß, O. et al. (2013), *Die Republik Kosovo -Der jüngste Staat Europas. Eine politische Bestandsaufnahme seit der Unabhängigkeitserklärung*. Baden-Baden: Nomos.

Golafshani, N. (2003). Understanding reliability and validity in qualitative research. *The qualitative report*, 8(4), 597-607.

Habdank-Kończakowska, S., 2014. Nations in Transit 2014: Eurasia's Rupture with Democracy.

*Nations in Transit 2014*, [Online]. 2014, 1-24. Available at: <https://freedomhouse.org/report/nations-transit/nations-transit-2014#.VVIIIE5N8XX4> [Accessed 12 May 2015].

Hahn-Fuhr, I. And Worschech, S. (2014) External Democracy Promotion and Divided Civil Society – The Missing Link. In: Beichelt, T. (2014) *Civil society and democracy promotion*. Hampshire: Palgrave Macmillan.

Henderson, S.L. (2002) Selling Civil Society. *Comparative Political Studies*. 35. pp. 139-67.

<http://www.eulex-kosovo.eu>. 2015. ABOUT EULEX. [ONLINE] Available at: <http://www.eulex-kosovo.eu/?page=2.44>. [Accessed 09 May 15].

in News. 2015. *Vucic: Serbia will never recognize independence of Kosovo*. [ONLINE] Available at: <http://inserbia.info/today/2015/04/vucic-serbia-will-never-recognize-independence-of-kosovo/>. [Accessed 10 May 15].

Keane, J. and Merkel, W. (2015) Zivilgesellschaft. In: Kollmorgen, R. et al. (2015) *Handbuch Transformationsforschung*. Wiesbaden: Springer Fachmedien.

kcsfoundation. 2015. *Civil Society Background*. [ONLINE] Available at: <http://www.kcsfoundation.org/?page=2.106>. [Accessed 10 May 15].

Kleibrink, A. (2013) Kosovos Entwicklung und der Stabilisierungs- und Assoziierungsprozess: Auf dem Weg in die Europäische Union? In: Leiß, O. et al. (2013), *Die Republik Kosovo -Der jüngste Staat Europas. Eine politische Bestandsaufnahme seit der Unabhängigkeitserklärung*. Baden-Baden: Nomos.

Kollmorgen, R. (2015) Postsozialistische Transformationen des 20. und 21. Jahrhunderts. In: Kollmorgen, R. et al. (2015) *Handbuch Transformationsforschung*. Wiesbaden: Springer Fachmedien.

Kollmorgen, R. (2015) Transformation und Transformationsforschung: Zur Einführung. In: Kollmorgen, R. et al. (2015) *Handbuch Transformationsforschung*. Wiesbaden: Springer Fachmedien.

Kollmorgen, R. (2011) Transformationstheorie auf neuen Pfaden? Die Entwicklung der theoretisch-konzeptionellen Debatte über die postsozialistischen Umbrüche nach 1998/1999. *Berliner Journal für Soziologie*. 21. pp. 295-319.

Linz, J. J. and Stepan, A. (1996) Toward consolidated democracies. *Journal of Democracy*. 7 (2), pp.: 14-33.

May, T. (2011) *Social Research: Issues, Methods and Process*. Open University Press: Maidenhead.

Mehmeti, J. and Demi, A. (2013) Institutions and political structures – how far is Kosovar. In: Leiß, O. et al. (2013), *Die Republik Kosovo -Der jüngste Staat Europas. Eine politische Bestandsaufnahme seit der Unabhängigkeitserklärung*. Baden-Baden: Nomos.

Mehmeti, L.I. (2013) Democratization in Kosovo: The Role of International Institutions. In: Radeljic, B. (ed.) (2013) *Europe and the Post-Yugoslav Space*. London: Ashgate.

Mendelson, S.E. and Glenn, J.K. (2002) *The Power and Limits of Ngos: A critical Look at Building Democracy in Eastern Europe and Eurasia*. New York: Columbia University Press.

Merkel, W. (2010) *Systemtransformation. Eine Einführung in die Theorie und Empirie der Transformationsforschung*. Wiesbaden: Verlag für Sozialwissenschaften.

- Nugent, N, 2013. Policy Report 03/2013 The EU-Kosovo Relationship in the Context of EU Enlargement Policy. *Group for Legal and Political Studies*, 3, 1-19.
- Reporter without Borders. 2014. *World Press Freedom Index 2014*. [ONLINE] Available at: <https://rsf.org/index2014/en-eu.php>. [Accessed 14 May 15].
- Republic of Kosovo Central Election Commission. 2015. *Parliamentary*. [ONLINE] Available at: <http://www.kqz-ks.org/en/parliamentary>. [Accessed 10 May 15].
- Schimmelfennig, F. et al. (2005) *The Europeanization of Central and Eastern Europe*. Ithaca: Cornell Uni. Press.
- Schmädeke, P.C. (2011) *Der Demokratiebegriff in der Transformationsforschung. Ideengeschichtliche Ursprünge, Modellierung und konzeptionelle Konsequenzen*. Hamburg: Kovac.
- Schoch, B. (2012) Kosovo. In: Gromes, T. (2012) *Ohne Staat und Nation ist keine Demokratie zu machen. Bosnien und Herzegowina, Kosovo und Makedonien nach den Bürgerkriegen*. Baden-Baden: Nomos Verlagsgesellschaft.
- Schreus, M.A. and Tiberghien, Y. ( 2007) Multi-level Reinforcement: Explaining European Union Leadership in Climate Change Mitigation. *Global Environmental Politics*. 7 (4). pp. 19-42. [Accessed 05.02.2013].
- The Hague Justice Portal. 2010. *ICJ rules on Kosovo's Declaration of Independence* . [ONLINE] Available at: <http://www.haguejusticeportal.net/index.php?id=11906>. [Accessed 10 May 15].
- Transparency International. 2014. *Corruption Perceptions Index 2014: Results*. [ONLINE] Available at: <https://www.transparency.org/cpi2014/results>. [Accessed 10 May 15].
- Trappmann, V. (2015) Externe Transformationsanker. In: Kollmorgen, R. et al. (2015) *Handbuch Transformationsforschung*. Wiesbaden: Springer Fachmedien.
- UNMIK. 2015. *UNMIK: Mandate and Structure*. [ONLINE] Available at: <http://www.unmikonline.org/Pages/about.aspx>. [Accessed 10 May 15].
- van Aaken, A. (2015) Staatlichkeit und Rechtsstaatlichkeit. In: Kollmorgen, R. et al. (2015) *Handbuch Transformationsforschung*. Wiesbaden: Springer Fachmedien.
- Woods, M (2011). Interviewing for research and analysing qualitative data: An overview. *School of Health & Social Science. Massey University*.
- www.europa.eu. 2014. *EUR-lex Access to European Union Law*. [ONLINE] Available at: <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32014D0349>. [Accessed 09 May 15].

**Interview transcription: Mrs. Qosaj-Mustafa (Kosovo Institute for Research and Development)**

**1. Do you think the unresolved question of statehood has impeded the democratic consolidation efforts of the EU in Kosovo. Please state how and why?**

Of course it has impeded the position of the five EU member states, which have not recognized Kosovo and I think that had a sort of direct effect on the ongoing statehood process in Kosovo. Of course there are issues that are not always interlinked with the position of bigger players such as China and Russia, but I will not go into that discussion....(Connection problems)....Nevertheless the EU has moved a bit basically beyond a status quo, which has been guaranteed for many years, with the EU offering a visa liberation roadmap as I told you and recently the Commission approving the opening of the Stability and Association Agreement. We have reached a modality, which is guaranteeing a contractual relationship. A modality which is quite innovative in its approach I have to say. Nevertheless, it has provided good substantia.....finally the government counts, you know. We used to have this carrot and stick approach, but we were more getting the stick, not the carrot. So there is some moving in this regard.....finally the government knows what to do, except from empty patriotism and empty words. They have to keep to the conditions and I think this is also easier for the civil society and citizens to follow through processes and to sort of observe on the ground what is happening and to be more requesting and requiring from the government to deliver (Connection problems for about 5 seconds)...Nevertheless I would say this is finally something that has moved in a more positive manner. Of course, this should not be the end and should not be prolonged for many years, because we need to move quicker.(Connection problems for 2 seconds).. .

**2. How would you judge the role of the EU as a mediator in the ongoing statehood conflict between Serbia and Kosovo?**

That is an interesting question. I am not sure if you have been able to check KIPRED website with a couple of research on this topic. It is not that we are against the dialog or against the process. We think it is very important, because having to develop and engaged in a constructive dialog with your neighbours is of course one of the main policies. If we want to become members of the EU we should take this more seriously. However, to be a bit of critique first of all, because the approach was pretty much Top-Down. I think the problem was that an appropriate level of representation of citizens in this process were not reflected to that extent. For examples, there are many issues from the past. They could also help in dealing with the relationship with our neighbours, especially a very problematic relationship with Serbia, because they still have questions which are pending such as, the number of people who have been murdered or disappeared or still remain unidentified. The Serbian government has not provided any such information. There are still some indications that there are mass graves in Serbia. (Connection problems 3 seconds).. . I'm giving that example, because that was not one of the issues that were discussed by our government. It has not been out in front of the Serbian feelings. Of course the role of the EU here was important, because they did not just facilitate but also oversee and guarantee the implementation of particular agreements that have been reached. And I think the EU has played a vague role, because they do say ...(connection problems 2 seconds)... this affects also the position of statehood of Kosovo, because of the five non recognizers. So they cannot say this is the dialog between two states, but they have to play more...(connection problems 4 seconds).. .And then another point I have heard, which is critical is that we thought that the government in 2010 that was... (connection problems 2 seconds).. .did not have full legitimacy, because we know there were a lot of indicators that showed that the election was quite manipulated... (connection problems 2 seconds). And second, would be the point that there are a couple of indications that people in that government and current government were involved in corruption affairs. You know they had affairs that lingered over their legitimacy to conduct such dialog. We thought they will enter into deals with Serbia and into agreements in Serbia on behalf of stability and supported by the EU. But then on the other hand plays...(connection problems 3 seconds).. .So we have really seen a lot of responsibility on our government which has really gone beyond the Ashtari Plan. We think that they have given up much more than that was expected from the EU and they have done basically to guarantee immunity from any possible prosecution in order to guarantee continuation in the government....(connection problems 2 seconds)... . So these are a couple of reasons that the .....(connection interrupted 10 seconds)... . So, we had to check the website of the EU what is basically going on here. Even the government was

supposed to, to feed back and to report to the assembly. There was a resolution that gave the power to negotiate, nevertheless they never provided information on all of the aspects that were on the paper. They notified the citizen through the media.

### **Democratic consolidation of the political system of Kosovo:**

The following indicators are used in my thesis to investigate whether Kosovo can be regarded as a consolidated liberal democracy. Please estimate if you see these criteria as fulfilled and to what extent the EU has contributed to the following areas:

#### **1. An electoral regime (A) that is competitive and transparent and allows for the unrestricted access of prospective candidates into public power positions. Elections have to be equal, general, regular, free and fair**

The elections and laws and the policies the mechanism that have been set up in Kosovo were initially done by the UN. ... (connection problems 3 seconds)... they did sort of the overall electoral reform... (connection problems 2 seconds)... afterwards we did have sort of a detachment of the OSCE from the processes... (connection problems 3 seconds)... In time by 2010, if I am not mistaken, The Kosovo institutions overtook, the Central Election Commission overtook the responsibility of the OSCE. The OSCE played more of a role of monitoring. In term of the EU itself it has quite a limited role. I think they were able to provide some monitors, which I think in number were a bit low. We were expecting to get bigger numbers of monitors... (connection problems 2 seconds)... And then second, was maybe also... (connection problems 6 seconds)... I don't think Kosovo had problem with the electoral package and laws and policies I think it was the will to implement this laws and I think the push would have been more completely there. Nevertheless, EU and US as well, though there should be a reform.... (connection problems 15 seconds)...

#### **2. Political rights (B) enabling elections and the pursuit of collective interest by granting citizens the right to freedom of speech and opinion as well as the right to association and demonstration**

First of all I would say media is quite managed by particular groups... (connection problems 3 seconds)... Journalists are very low paid... I think they get 250 €. You can imagine that someone offer 500 € they will print and then publish what ever they want for particular individuals... (connection problems 10 seconds)... I would say the same is with the media, they are still pretty much dominated by particular business groups and particular business people connected to, you know under the patronage of particular politicians... (connection problems 5 seconds). In terms of rights to protest, we have been able to create a more functional law enforcement. I think of police, is one of the most professional in terms of public peace and order in the region. It has been evaluated successfully by international organisations... (connections problems 2 mins)... I think this is the problematic, they will have to strengthen the management of the police, because they need to be a bit more independent when taking their decision, because they are pretty much influenced by particular minister of particular parties. So I think the police is doing some sort of an investigation for that monitoring but let's see what will be proven by this. There is a case in court, where there is a claim by one political party that political member of the party... (connection problems 20 seconds)... But I think the problem at the end with enforcement and I think the EU should be more pushy to ask for, you know to set these conditions.

#### **3. Division of Power and Horizontal Accountability (D) which manifests itself in the autonomy and not necessarily full separation of the three branches of power; i.e. the state's executive, legislative and judiciary bodies**

No, definitely we still not have a separation of powers and the executive hold everything together. I think there is some sort of dependency that our institutions have .... (connection problems 20 seconds)... our legislative have been pretty much dependent on what the government said... (connection problems 10 seconds). The judiciary pretty much follows through what the government said the government is the main motor of drafting, enacting policies, legislation, everything. I think

maybe there we problems with the electoral system, because we do not have presentation based on regions and we do not have conversations of MPs with the constituents. Kosovo is one complete zone elected....(connection problems 5 seconds)... The MP are more accountable to the party than to the citizen and this is a problem. Second I would say the judiciary has major problems.. everything in Kosovo we say this is the particular responsibility of the particular institution...(connction problems 30 seconds)...When it come to the election of the member of the Kosovo Judicial Council, which is the highests judical body in Kosova....it still has dificulties in guaranteeing independence of its member, the way how they are elected...(connection problems 5 seconds)....This independence is affected by not appropriate provision of budgets and resources I think that would be needed for a strong judiciary that would oversee the government and make other accountable. Just to give you an example, our government had priorities...they jutified with economic development all the investment...over 40 per cent is invested in major infrastrcture projects and capital investment.....(connection problems 5 seconfds)....These are deals that were made not only to...you knowit has the capacity for Kosovo t have better infrastructure, but it there are also a lot of cases of corruption....(connection problems 20 seconds)...

**4. The Effective Powens. Tr to Govern (E), that is the ability of representatives to govern without restrictionhis refers to so-called “reserved policy domains” that are influenced by unelected groups such as the military**

I would say Kosovo is a more of a two scenario case of corruption. We usually have it in public procurement....(connection problems 15 seconds)....and seconds I would say its also clientism, that we have interest groups which are connected with politics.....(connection problems 5 seconds)....But to say that there are organized crime groups which are linked to the government I think that will be a bit dificult to say at this current stage...(connection problems 5 seconds)....now for the moment is more of a public procurement corruption and and second its also the clientism, where they come to favour particular businesses and groups and leave out over business people....(connection interrupted 30 seconds, after the reconnection the interlocutor had to leave to another appointment)

**Interview: Mr. Valmir Ismaili (Kosova Democratic Institute)**

**Do you think the unresolved question of statehood has impeded the democratic consolidation efforts of the EU in Kosovo. Please state how and why?**

It is true that the non-recognition of Kosovo by a certain number of states has had an impact in the democratic consolidation of Kosovo. When it comes to the EU, there are five countries that still have not recognized the independence of Kosovo which makes the situation much more difficult. Acquiring recognition from other countries has taken a lot of energy from the Kosovo's institutions, but in the same time they have used it as an excuse for many failures in the domestic context. The status issue has also had a negative impact in the integration of the minorities in Kosovo, especially of the Serb minority who, for most of the time, have boycotted Kosovo's institutions by hoping that they will gain more while negotiating with Kosovo's institutions.

**How would you judge the role of the EU as a mediator in the ongoing statehood conflict between Serbia and Kosovo?**

EU has played the key role in the negotiation process between Kosovo and Serbia. All the agreements reached so far between the two countries are as result of the EU facilitation of the process. However, due to the lack of a single EU policy towards Kosovo (since five EU countries do not recognize independence of Kosovo), the process did not go as fast as Kosovans would like it to go. Also internal political developments in both Kosovo and Serbia have had an impact in slowing down the process of negotiations. This including elections in both countries, changing of negotiation teams and political parties in power etc.

**Following the definition that civil society is an autonomous and capable society of political active citizens. Can you see development in this areas since the end of the war in 1999? Can you see a relationship between this effect and EU democratization efforts?**

The development of Civil Society in Kosovo is evident. International donors have invested a lot of money and energy in building a vibrant civil society in Kosovo. The EU has played a crucial role in this regard by both providing funds and capacity building for civil society organizations. However, while a lot of progress has been achieved, many challenges still remain. Civil Society in Kosovo does largely depend on international funds that are drastically shrinking. There are many cases when representatives of CSO have joined political parties, harming the sector and creating negative perception of the sector to wide public as a "catapult" to politics.

**Democratic consolidation of the political system of Kosovo:**

**The following indicators are used in my thesis to investigate whether Kosovo can be regarded as a consolidated liberal democracy. Please estimate if you see these criteria as fulfilled and to what extent the EU has contributed to the following areas:**

**An electoral regime (A)** that is competitive and transparent and allows for the unrestricted access of prospective candidates into public power positions. Elections have to be equal, general, regular, free and fair.

**Partially fulfilled.** In general, Kosovo has an electoral regime that provides for free and fair elections. There were irregularities in previous elections, especially in 2010, but most of them were avoided in the consequent elections of 2013 and 2014. The local elections of 2010 were considered as a step backwards in the democratic transition, as the electoral fraud encountered was considered "industrial". Minority and gender representation is guaranteed by the Constitution. Kosovo uses a proportional election system with a single district. OSCE, has played an crucial role in the developing election practices in Kosovo by managing elections until 2007 and then supervising election management bodies.

**Political rights (B)** enabling elections and the pursuit of collective interest by granting citizens the right to freedom of speech and opinion as well as the right to association and demonstration

**Partially fulfilled.** There is legislation in place for all of these but the implementation in practice is not always coherent with international practices.

**Division of Power and Horizontal Accountability (D)** which manifests itself in the autonomy and not necessarily full separation of the three branches of power; i.e. the state's executive, legislative and judiciary bodies

**Partially Fulfilled.** The same is here, in theory there is a clear division of power between legislative, executive and judicial branches, however there are a lot of cases when there is interference on each others field. In most of the cases it is the executive who interferes in the legislative agenda but there are also cases when legislative tends to interfere in judicial issues.

**The Effective Power to Govern (E)**, that is the ability of representatives to govern without restrictions. This refers to so-called “reserved policy domains” that are influenced by unelected groups such as the military.

**Partially fulfilled.** In principle representatives can govern without restrictions, however there are cases when Kosovo institutions particularly when relating to the Serb community cannot fully exercise their powers in the northern Kosovo for example due to illegal groups operating there that are not under the control of Kosovo institutions. However, these parallel groups are expected to have a smaller role and slowly diminish with their integration in Kosovo security forces and police.