

COMPLICIT IN DYSFUNCTION



Analysis of the National Council for European Integration's performance in Kosovo

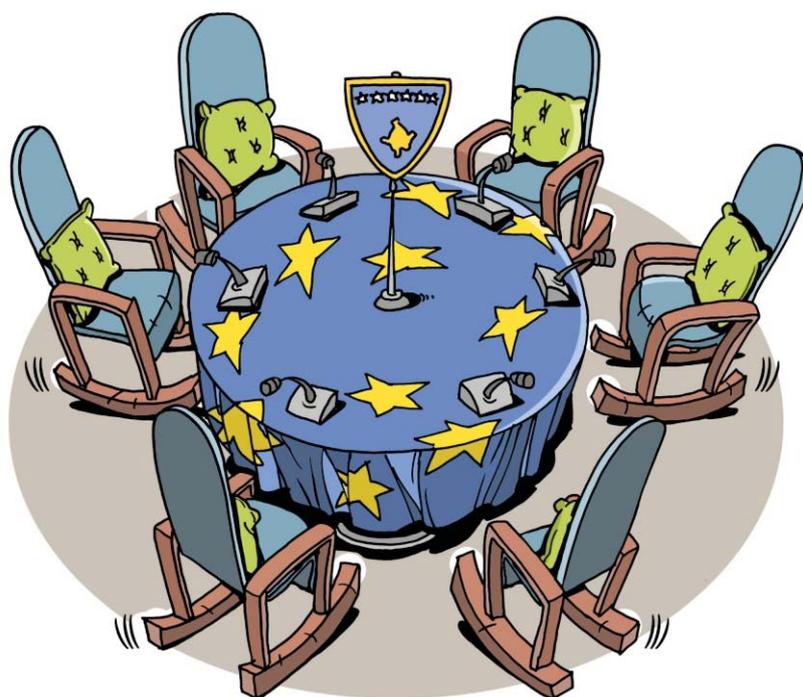


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This paper has been prepared as per the Memorandum of Cooperation “*Analysis of the functioning and performance of EU integration structures in Kosovo*” signed between Friedrich Ebert Stiftung (FES) Prishtina and the Kosovar Civil Society Foundation (KCSF). The contents of this report are the sole responsibility of KCSF and should under no circumstances reflect the position or views of FES Prishtina or its affiliated organizations.

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Acronyms

ACEI	Assembly Committee for European Integration
AKK	Association of Kosovo Municipalities
AoK	Assembly of Kosovo
APNSAA	Action Plan for Negotiation of Stabilization and Association Agreement
APVL	Action Plan for Visa Liberalization
CSO	Civil Society Organization
EC	European Commission
EI	European Integration
EPAP	European Partnership Action Plan
EU	European Union
EUOK	European Union Office in Kosovo
FES	Friedrich Ebert Stiftung
IPA	Instrument for Pre-Accession Assistance
KCSF	Kosovar Civil Society Foundation
MEI	Ministry of European Integration
NCEI	National Council for European Integration
NSEI	National Strategy on European Integration
OeK/KCHC	Kosovo Chamber of Commerce
OPM	Office of the Prime Minister
PR	Public Relations
RoP	Rules of Procedure
SAA	Stabilization and Association Agreement
SAP	Stabilization and Association Process
SAPD	Stabilization and Association Process Dialogue
TFEI	Task Force for European Integration

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Executive Summary

Kosovo's National Council for European Integration was established in 2012 to guide the country through the elaborate reforms required of it to move closer to EU. After one year of operations, however, the Council is singularly failing to fulfil its mission.

European integration retains the overwhelming support of the Kosovo populace, and is supported rhetorically by the entire Kosovar political spectrum. Yet KCSF's research revealed that the Council set up to lead this process is divided, sidetracked by political exigencies, managed ineffectually, and opaque in its operations and communications. It is not held accountable for its shortcomings. And it operates largely out of the public eye.

This paper—derived from months of research and interviews with key stakeholders—lays out relatively simple-to-enact recommendations aimed at transforming the Council from a hollow “talking-shop” into the competent, transparent and effective body that it was meant to be. It also offers key suggestions to civil society organizations, the media and EU bodies to help bring about these changes.

Foremost, KCSF calls upon the Council to focus on setting strategic directions and then building consensus around that vision. It insists that a system for monitoring the work of the Council be enacted to gauge whether it follows through on its own proclamations and promises. It demands that the Council respect its own Rules of Procedures when formulating meetings, distributing minutes and conclusions, and communicating with the public. And that the Council open the entirety of its meetings to the media so that the Kosovar public can be kept informed of the Council's work and hold it more accountable.

The Council has already squandered its first year. If it is ever to play a meaningful role in furthering Kosovo's EU integration agenda it must take immediate steps to improve its operations. It is now up to the Government, opposition parties, civil society and the media to pressure the Council into rising to this challenge.

1. Introduction

The National Council for European Integration (hereinafter – the Council) has not delivered on its expectations during its first year of operation. Despite being charged as the institution responsible for uniting political forces to advance European integration—a broadly popular goal across Kosovar society—the Council has been divided, and its work has been non-transparent and ineffectual.

KCSF’s research and analysis has led it to the conclusion that the Council should continue to exist if, and only if, it takes serious measures to improve its performance. If it continues to operate as it has done to date, it runs the risk of diluting the pace of needed reforms, as politicians use the Council for “political runway.”¹

This paper highlights an array of problems with the Council and proposes ways to improve its functioning. This inquiry tries to answer the following three questions:

- 1) Has the Council succeeded in building national consensus over the European integration agenda?
- 2) Has the Council succeeded at what it was established to do?
- 3) Has the Council been transparent in its communication with the public?

“The paper intends to spotlight the deficiencies of the Council so that interested parties can fashion oversight and advocacy responses to improve the overall performance of the Council.”

Finally, the paper also considers whether civil society has been able to contribute effectively to the Council’s operations.

This paper has been articulated to speak to those audiences that have a decided interest in and leverage over Kosovo’s European integration process, including members of the Council itself, the Government of Kosovo, the Kosovo Assembly, the European Commission, EU affairs experts in Kosovo, and those civic groups interested in Kosovo’s EU-integration process.

At the same time, KCSF aims to share these findings with the media and wider public with the aim of creating as broad a platform as possible to hold the Council more accountable, and to put pressure on those responsible for its shortcomings.

This report contains a set of clear recommendations to improve how the Council functions. These recommendations seek to help the council transform its political rhetoric about European integration into tangible reforms. It is high time the Council start playing a meaningful role in this process. Otherwise, it must be held accountable for its failures.

¹ Interview with Luan Shllaku, July 26, 2013

2. Overview of the aims and functions of the Council

The National Council for European Integration is Kosovo's highest-level political coordination body dedicated to European Integration. Established in March 2012, it is chaired by the President of Kosovo and brings together the highest ranking representatives of the Government, the National Assembly, those political parties represented in the Assembly, the Judiciary, the Association of municipalities, civil society, trade unions and academia. The Council is mandated to ensure Kosovo's clear and consistent course towards EU membership, irrespective of the potential changes in party politics within the Government and the Assembly.

The Council, as per its Rules of Procedure², should meet twice a year and provide strategic direction for the European integration process. To date, the Council has met four times.³ The Council is entrusted with coordinating the positions of multiple institutions and recommending actions to advance the European integration process. Specifically, it is mandated to:

- Define the strategic orientation of the European integration process for the Republic of Kosovo;
- Coordinate and harmonize the positions of institutions, political parties and civil society in the European integration process, with the aim of securing institutional, political and social support for the implementation of reforms;
- Monitor Kosovo's progress towards integration into the European Union; and
- Provide recommendations for European integration process including also for negotiations with European Commission and EU member states.

In practice, one of the Council's crucial failures has been to focus on the overall strategic orientation of Kosovo's EU path. The Council mandated the Ministry of European Integration to establish a Task Force for European Integration (TFEI)⁴ to produce the National Strategy for European Integration.⁵ This Strategy was expected to be discussed and approved by the Council. However, that discussion never took place; instead the Council focused predominantly on "topics-of-the-day", failing to define any strategic orientation for Kosovo's EU perspective.

² Rules of Procedure establishing the Council <http://www.president-ksgov.net/?page=1,129>

³ See Table 1

⁴ The Task Force is co-chaired by Vlora Çitaku, Minister of European Integration, and Lutfi Haziri, Head of the Assembly Committee on European Integration. Participatory discussions were organised in seven Thematic Round Tables mirroring the thematic division of the Stabilisation and Association Process Dialogue. The overall objective of the Task Force was to develop a draft National Strategy for European Integration while further developing consensus among major stakeholders and setting out recommendations for the Government of Kosovo.

⁵ The draft strategy was presented to the President of Kosovo on June 22, 2013.

2.1 Consensus Building

In Kosovo, party politics and political interests trump the overall political commitment to join the European Union. Representatives of the EU are therefore particularly keen for the Council to function effectively so as to keep EU aspirations high on the political agenda. For this reason, EU representatives frequently use the Council as a forum to convey their message that daily politics should not subvert the EU integration process. For this to be viable, consensus-building on the issues surrounding European integration is vital.

The creation of the Council in Kosovo, as in the other countries in the region with EU aspirations⁶, is intended to do exactly that: To determine the strategic direction for the European integration process and to coordinate and harmonize the positions of institutions, political parties and civil society in the process of European integration in order to muster the institutional support necessary to implement the required political and social reforms. The Council is expected to be the highest political level body that builds consensus when vis-à-vis the EU agenda.

Political struggles outside of the Council resulted in the failure to bring on board all opposition leaders.

In Kosovo there is broad political and social consensus on Kosovo's EU future. Yet political struggles outside of the Council affected the Council's ability to bring on board all opposition leaders.⁷

Opposition movement Vetëvendosje has always declared itself in support of Kosovo's future in the EU; nevertheless it has refused to take part in the Council, arguing that its creation was unnecessary when national consensus on the EU integration process already existed in the Kosovo Assembly. Vetëvendosje has generally been against the creation of new governmental bodies and institutions. It contends that existing institutions should perform better rather than new ones being created. For that reason the leader of Vetëvendosje has thus far refused to participate in the Council. At its inaugural meeting the Rules of Procedure were changed precisely for this reason. The invitation was re-formulated to invite Vetëvendosje's leader in his capacity as head of the Committee for Foreign Affairs and not as a leader of the political movement within the Assembly.⁸ Even so, the leader of Vetëvendosje never participated in Council meetings, undermining the Council's ability to successfully unite all of Kosovo's political parties in the Assembly. Furthermore, due to political struggles within the office of the President, the LDK party boycotted the first Council meeting and only re-joined after its second meeting.

Despite doubts from some of the opposition parties, the Government contends that the creation of the Council was necessary and does not duplicate the work of the Assembly or the

⁶ These examples are taken from respective Councils in Serbia, Montenegro, Croatia and Macedonia.

⁷ Not all opposition parties are represented in the Council. These opposition leaders already have consensus in other institutions on the topic of EU integration, namely VV and LDK.

⁸ The Head of the Committee for Foreign Affairs is Albin Kurti, leader of Vetëvendosje.

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Government. In its opinion, the Council should serve as a group of ‘wise-men’⁹ where irrespective of which party is in power, the European agenda would be kept at the highest level and that gaps in information surrounding EU reforms and between institutions and public opinion would decrease.

Conversely, the opposition is convinced that the creation of the Council is useless and unnecessary. It argues that rhetorical consensus for EU integration already exists and that the Council has no executive power to seek accountability if its members are themselves responsible for the reforms. If responsible institutions deliver on their reforms, the Assembly of Kosovo is sufficient to ensure accountability, thus obviating the need for the Council. Safet Gerxhaliu, a member of the Council even went as far as saying, “Every country intending to evade serious work and problem solving establishes trade unions and Councils”.¹⁰

“There is great enthusiasm for the European Union, but a lack of understanding about what the EU-integration process actually entails”

Civil society representatives are of the opinion that the non participation reflects the Council’s lack of efficacy. If the Council functioned well and proved its utility, it would attract a greater following and consensus.¹¹ The opposition hesitates to cooperate in the Council, fearing that the body is perceived to serve the sole interests of the Government as opposed to the views of all political and societal layers of the country regarding EU affairs.¹²

Given its current composition, achieving consensus within the Council is straightforward. Lack of informed and substantive discussions make it even easier to agree on broad lines of support for the European integration process.¹³ In this context there is always great enthusiasm for the European Union, but a lack of understanding about what the integration process actually entails.

There is also confusion as to the roles and expectations of the Council. The Government representatives are of the opinion that the Council should offer broad guidelines and promulgate recommendations whereas the opposition parties and members of civil society argue that Council should be more active in spearheading specific reforms, seeking accountability and giving clear strategic orientations in the process.

The Council should set strategic directions as it is the practice in other countries of the region. In Serbia and Macedonia, for instance, the Council closely monitors the implementation of the EU Integration strategies as well as proposes concrete guidelines for improving the EU accession process. In Serbia the Council is led by the Prime Minister/Government, and in Macedonia the Parliament leads the Council. Kosovo is the only country in the region where the Council is led by the President. Government officials suggested the role of the President here makes sense, given that the President should symbolize national unity in the EU process.

⁹ Interview with Besnik Vasolli, June 4, 2013

¹⁰ Interview with Safet Gerxhaliu, June 7, 2013

¹¹ Interview with Valdete Idrizi, June 4, 2013

¹² Ibid

¹³ Interview with Demush Shasha, June 7, 2013

However, the weak political position of the President is reflected in the performance and work of the Council. Hence this body has been used to support the political marketing of the President, while the agenda is very much driven by the government. The majority of interviewees argued that the Council was established to increase the relevance and performance of the Office of the President as well as to push forward the Government’s EU agenda under a different header. The officials at the Presidency point out that the President is very active in promoting EU integration agenda for Kosovo.¹⁴

“The agenda is very much driven by the Government.”

The Council has not proven inclusive or effective. This missed opportunity results in a lack of interest among members to participate as they believe nothing can be achieved through the Council apart from routine exchanges of information. They believe the Council has amounted to little more than a political talk-shop and that other bodies and institutions can more effectively address the tasks of the Council. Mimoza Gojani stressed that, “If used to its full potential, it

“The Council has resulted in a political talk-shop.”

can make a meaningful contribution to Kosovo’s European integration efforts”.¹⁵ Yet the Council can easily become useless if its work is diluted and results in hollow political statements.

Ultimately, all parties agree that actions need to be taken in order to improve the work of the Council and to achieve all-inclusive participation and consensus.

¹⁴ Interview with Adrian Prenkaj, June 5, 2013

¹⁵ Interview with Mimoza Gojani, June 7, 2013

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2.2 Consistency and Content

National Council meetings lack sufficient preparation and consistent agenda. Meetings are scheduled on short notice or cancelled/postponed several times, they lack consistence, they are poorly prepared in terms of their content and they have the tendency to serve daily politics. All of the respondents—apart from the Council secretariat staff¹⁶—agreed that poorly prepared meetings, weak content and a lack of consistency undermine the Council’s functioning.

Instead of setting strategic priorities, Council meetings tend to deal with other topics that Government prioritizes at the time of each meeting. The Government representatives KCSF interviewed stated that this was an inevitable reality, as it often had to react to the main issues being discussed with the EU at any given moment.

“National Council meetings lack sufficient preparations and consistent agenda.”

The Council is supposed to meet twice a year and provide strategic directions for the European integration process. Instead, as depicted in the table below, it met every 4 months and addressed ad-hoc issues responding to political impetus and developments.

NATIONAL COUNCIL FOR EUROPEAN INTEGRATION				
No of Meeting	Invitations Sent	Date of Meeting	Agenda	Meeting Minutes/ Conclusions
I.	22 March, 2013 (2 working days before)	27 March, 2012	Inauguration, RoP Adopted Feasibility Study Structure Presented	Not Available Only conclusions posted online
II.	22 June, 2012 (5 working days before)	3 July, 2012	Visa Liberalization Process	Meeting Minutes distributed after two months
III.	Twice postponed Last invitation sent one day before the meeting	12 December, 2012	Feasibility Study for Kosovo	Draft Meeting Minutes shared on 26 December, 2013. Final meeting minutes never shared.
IV	13 March, 2013 (3 working days before)	19 March, 2013	European Agenda in general – consensus building	Draft Meeting Minutes shared on 26 April, 2013. Final Meeting minutes never shared.

Table 1: Council Meetings

¹⁶ Interview with Adrian Prenkaj, June 5, 2013

Invitations: The Council's Rules of Procedure mandate that Council meetings be announced at least 10 working days prior to taking place. At that point Council members should be invited to propose agenda items. In reality, however, Council meetings have been announced only 2-5 days before taking place (see Table 1). In the case of the third meeting, due to cancellations and postponements, the last invitation for civil society members arrived only one day before the meeting. This causes difficulties for members to prepare for the Council meetings, in particular those representing larger platforms. For example, Valdete Idrizi participates on behalf of the CIVIKOS Platform¹⁷ which represents more than 140 organizations. In order to properly inform the members of her platform and garner their feedback and input the invitation should have reached her at least 10 working days prior to the meeting, as per the Council's Rules of Procedure. The interviews also revealed that the distribution of Council documents was not uniform: Representatives from some opposition parties received their dockets on time while civil society members received them with significant delay.¹⁸

This above-described work practices, deliberate or not, undermine the morale of the Council's members. Moreover, members have insufficient time to prepare or propose agenda items. It is no surprise the Council meetings are devoid of much substance.

Council meetings are also convened to accommodate requests from senior EU officials, namely the EU Commissioner for Neighbourhood and Enlargement, Stefan Füle. During his visit to Kosovo in March 2013 Commissioner Füle asked to be present at the Council meeting to jointly address everyone on the progress of Kosovo's EU integration agenda.¹⁹ For this reason the Fourth Council meeting convened hastily. With only three day's notice, the meeting was not attended by civil society representatives.

Agenda Setting: Another practice of the Council is to set agendas which react to burning political issues in EU-Kosovo relations. The introduction of the Visa Roadmap and an EC Feasibility Study occupied agenda items almost at every meeting. This approach runs contrary to the Council's mission, which should be to propose concrete guidelines for improving the EU accession process and to review commitments made in previous meetings and assess progress in their implementation.

However, this study has found that there is no strategic vision on the EU integration process offered by the Council. Moreover, the Council lacks linkage between its own commitments i.e. Council Recommendations and its subsequent Council Agenda topics. For instance, at the Council's second meeting it requested all responsible institutions to design action plans concerning the requirements for the Visa Liberalization roadmap. These plans were never prepared or presented to Council members for review or to indeed verify they had been drafted. Instead, the third meeting agenda was replaced with another subject, the EC Feasibility Study and its short-term requirements. In the meantime, the Ministry of European Integration (MEI) prepared the Action Plan for Visa Liberalization but this document never reached the

¹⁷ For more visit www.civikos.net

¹⁸ Interview with Burim Ramadani, June 20, 2013 and Valdete Idrizi, June 4, 2013.

¹⁹ Interview with Adrian Prenkaj, June 5, 2013

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Council—neither for comment nor for informational purposes.²⁰ Later, this document was posted on the MEI’s website.

Council Recommendations from the second meeting held 3 July, 2012, requested authorities to focus on visa roadmap requirements on public order and security, namely fighting organized crime and corruption. Secondly, they recommended the coordination of institutions on the rule of law for appropriate implementation and budgeting. They urged the rule of law to be supported with appropriate administrative and human resources. Follow-up on these recommendations has never taken place. This total disconnection between Council meetings and Council Recommendations relegates Council meetings and outcomes to mere political rhetoric.

Meeting Minutes and Conclusions: Another poor practice in the way the Council functions is how it handles meeting minutes and conclusions. As noted in Table 1, the minutes from the inaugural meeting have never been made public. The Conclusions of that meeting were only posted online after KCSF, through its member, lobbied for them to be made public. The meeting minutes and conclusions for the 3 July, 2012 meeting were only distributed in mid September—after a delay of more than two months! Such delays undermine everyone’s ability to monitor whether the Council’s Conclusions have been respected. After the third meeting this matter was raised by civil society representatives. They submitted a formal letter²¹ to the Council secretariat but the impact was minimal. After the third and fourth meetings it still took five weeks for the Council to share the minutes with its members.

“Technical deficiencies undermine the reputation of the Council, while meetings end up being little more than photo ops.”

After civil society’s letter of complaint to the Council secretariat, the secretariat distributed draft minutes offering the possibility for members to provide comments. Jointly with the CIVIKOS platform KCSF submitted comments and revisions to the minutes of the third meeting but never got an official response as to whether its suggestions were taken into consideration. Finally, subsequent to the last two meetings the members received only draft minutes and conclusions. Indeed, the National Council never sent final minutes and conclusions to its members.²²

Several members of the Council agree that these unprofessional practices undermine the reputation and credibility of the Council. They are also convinced that the meetings amount to little more than photo ops. To buttress this claim, they note that after the media cameras exit, more than half of the Council members exit as well. As a result, discussion topics are treated superficially, as motivation in the Council dips once its members trickle out.

The Council lacks mechanisms and structures to monitor the implementation of its decisions and to seek accountability. For example in its inaugural meeting the Council mandated a Task Force on European Integration to prepare a diagnostic report on the National Strategy for

²⁰ Interview with Burim Ramadani, June 20, 2013

²¹ Letter sent to National Council for European Integration by its Civil Society members Fatmir Curri (KCSF) and Valdete Idrizi (CIVIKOS) dated December 17, 2012

²² Interview with Adrian Prenkaj, June 5, 2013

European Integration. It was intended that this report would be discussed at the autumn 2012 Council meeting. However, the report was never tabled, nor have the Council members ever seen it. Paradoxically, the draft version of the Strategy was shared in late June 2013 along with the invitation to fifth meeting. That invitation arrived one working day before the meeting was set to take place.²³ Aside from being 9 days late, it was utterly impossible for Council members to digest the attached Strategy— a voluminous document covering a wide range of sectors and themes. For unknown reasons, this meeting was ultimately postponed.

2.3 Transparency and Communication

The National Council for European Integration is not transparent in its actions and fails to effectively keep Kosovo’s public informed. Several considerations support this argument, including: the composition and format of the meetings, the lack of timely and public conclusions and minutes, the absence of press releases after each meeting, the paucity of information on the Council’s website, the unavailability of a public list of Council members, and the absence of contact information for the Council Secretariat itself.

“The National Council for European Integration is deficient in its transparency and communication with the Kosovo public.”

Meeting composition and format: The composition of the Council does not cover the entire spectrum of Kosovo society. In other countries in the region, i.e. Macedonia and Serbia, similar forums include participants from academia, media associations, trade unions, religious leaders of all denominations, as well as renowned individuals whose contribution is valuable to the EU process. In neither case does the National Council in neighbouring countries invite the Head of the EU Office to the National Council meetings, nor other ambassadors from EU Members or other countries. The reason for this is simple: the Councils were established to serve as “National” Councils on European Integration. The Head of the European Union Office in Kosovo (EUOK) is perfectly well-intentioned in wanting to contribute to these meetings. However, his presence should be curtailed, to ensure the Council remains a national institution fully accountable to national actors.

Council gatherings are divided into two parts: the first part is open to the media, while the second part is held behind closed doors. Council conclusions are posted online whereas meeting minutes are only available to members. Hence, many issues of major public interest are kept away from wider audiences. Some government officials’ stress that opening the second part to the media would be counterproductive since members will hesitate to openly discuss their ideas in front of cameras. On this point, KCSF believes that opening the Council meetings to the public would improve public trust in the work of the Council and increase the accountability of its members.

²³ Invitations were sent by the Council on June 20, (Thursday) for the 5th Council meeting planned for June 22, 2012 (Saturday).

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The Council has failed to present a balanced picture to the public by dint of excluding the media from the second portion of the meetings where civic groups, trade unions and other non-governmental actors finally have the opportunity to weigh in on the discussions (the first portion of the meeting only features remarks from political actors). One member of the Council lamented that, “it is useless to listen to the same speeches over and over confirming the political will for European integration. There is huge need for real reforms to be discussed such as rule of law, the quality of laws and their implementation, and their impact on economic development.”²⁴

Communication with the public is non-existent. Except for airing the first part of Council meetings live on TV and posting the politicians’ prepared remarks online, the public is not kept informed about Council proceedings, activities, decisions and performance. The Council documents are not made available to the public and sometimes are not even made available to its members.²⁵ On this matter a civil society representative notes that even for him, “as an avid

“Issues of major public interest have been kept out of public debate and closed for the media.”

follower of politics and European integration matters, the work of the Council is unclear. One can only imagine what an ordinary citizen would know about the Council”.²⁶ Another member of the Council, Burim Ramadani from AAK, stated that “We expected an exchange of information about the work of the

Task Force for European Integration. We as an opposition party wanted to be informed about the progress of this task force. We wanted to know what the diagnosis is and what strategic orientations we are setting. None of this was reported to us as members of the Council. We needed to gather this information on our own through various channels, including the Assembly of Kosovo”. Valdete Idrizi, a civil society representative on the Council commented: “I didn’t expect miracles from the Council, I didn’t have high expectations, but at least I expected that the Council would share its documents and be more open with its members and the audience”.²⁷

The Council also lacks administrative capacity to properly handle communications. For instance:

The Council only makes public its Conclusions while meeting minutes are not made public.²⁸ KCSF helped to prepare the initial draft of Rules of Procedure for the Council and proposed that meeting minutes should be fully available to the public. This is the norm with similar Councils in the region. Unfortunately, this proposal was changed when the final Rules of Procedure were approved. Making the minutes public would increase confidence in the public and improve the accountability of Council members. Additionally, it would provide a useful platform for civic groups to monitor the work of the Council against the decisions it takes.

²⁴ Interview with Safet Gërxhalii, June 7, 2013

²⁵ Interview with Burim Ramadani, June 20, 2013

²⁶ Observation from the focus group with CSOs, June 19, 2013

²⁷ Interview with Valdete Idrizi, June 4, 2013

²⁸ Article 8.2 of the Rules of Procedure available at <http://www.president-ksgov.net/?page=1.129>

The Council’s website fails to provide information about the names of its members and their contact details. It even omits the contact information of its own Secretariat.²⁹ An awkward situation arose when media prepared a story about the Council and its cooperation with civil society and none of the current Council members were interviewed. Making matters worse, people with little or nothing to do with the Council were interviewed for this subject. The media’s justification was that they were unaware of who sat on the Council. Indeed, the Council’s website³⁰ doesn’t provide the names, responsibilities or contact information of its own secretariat³¹ making it especially difficult for anyone³¹ to contact it to request information. Having a transparent Council is a vital prerequisite for an open, effective and well-considered European integration process. Therefore, this Council needs to take urgent steps to improve its transparency and communications.

3. Cooperation with civil society

Civil society has not offered its finest contribution to the Council. Thus it is important to analyze civil society’s role and input in the Council. Cooperation between government and civil society is important in pushing forward the EU agenda. As such, the Council should be commended for including civil society in its composition from the beginning of the process. This practice could serve as a benchmark to foster structured cooperation between civil society and government in other spheres.

The proactive participation of civil society in the Council is not a choice but a must if we are striving towards democratic, all-inclusive and transparent EU processes. Once civil society is brought in as a constituent member of the Council it should engage with government and other stakeholders constructively.

“Civil society did not give its finest contribution to the Council.”

The Council’s Rules of Procedure provide an avenue for CSO representatives to be regular/equal members in the Council. The rules do not specify a limitation in numbers, though currently the Council has five members representing civil society.³²

Initially KCSF supported the Council to design the Rules of Procedure, including the documents regulating civil society participation in the Council.³³ KCSF recommended that four participants from civil society and two from the media become members of the Council. These four would cover the European integration process in general and each of the Copenhagen criteria. However, the final version of these provisions excluded the media and did not cap the number of CSO representatives.

²⁹ The link <http://www.president-ksgov.net/?page=1,129> provides only categories of institutions.

³⁰ <http://www.president-ksgov.net/?page=1,129>

³¹ As of September 18, 2013 the contact details are still missing from Council’s website.

³² The regular members are representative of the CIVIKOS Platform Valdete Idrizi – Executive Director and Kosovar Civil Society Foundation (KCSF) representative Fatmir Curri – Director of European integration programme whereas representative of Kosovo Foundation for Open Society (KFOS) Luan Shllaku – Executive Director has never participated. The Council also has members from Kosovo Chamber of Commerce (OEK)³² and the Association of Kosovo Municipalities (AKK)³².

³³ KCSF has prepared first drafts of the: Call for Nominations, Selection Criteria, and Application Form.

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“One cannot expect to have a strong Council without the strong voice of civil society actors in the Council.”

Although the Call for Nominations was available for CSOs to nominate their representatives for the Council, only a limited number of applications were received. The Council had to re-launch the call and directly encourage various representatives to join.

When asked why the CSO representatives did not actively seek membership on the Council they pointed out the limited impact such bodies tend to have in Kosovo and the perceived legitimacy they would lend to the Government by taking part in this process. Others pointed out that they critically monitor the work of the institutions in the EU process so playing a formal role within these bodies would inherently limit their independence.³⁴

All of the above-mentioned arguments point to a deeply sceptical civil society that has lost faith in its own capacity to bring about changes in the strategic orientation of Kosovo. If this trend of non-interest in participation persists it undercuts the ability for civil society to complain about the functioning of Councils, bodies and other institutions where the government has invited it to participate but it declined. Membership of civil society in the Council should be taken as a serious responsibility by all members from this sector.

A dedicated and empowered civil society can play an important role in ensuring that EU principles are upheld in practice by the Council. It is also in itself a crucial component of any democracy. By articulating citizens' concerns, civil society organisations are active in the public arena and engage in initiatives which foster pluralism and participatory democracy.³⁵ To be sure, the EU has regularly criticized the lack of civil society inclusion in policy planning in Kosovo.³⁶ The culture of inclusion and cooperation between public institutions and civil society needs to be improved. The Council provides a reasonable structure for this to take place. Hence, neither the Council nor civil society should waste this opportunity.

“An empowered civil society can play an important role in ensuring that EU principles are upheld in practice.”

On the other hand civil society should not expect its inclusion in the Council to be an end in itself. Civil society has challenged the Council on procedural improvements related to timely invitations, and its distribution of minutes and conclusions. However, it should also demonstrate a proactive approach when it comes to defying the lack of substance in Councils' meetings. Otherwise it risks serving as yet another complacent actor in the Council's weak output and performance. This should change immediately. One cannot expect to have a strong Council without the engaged voice of civil society within the Council. After all, it is easy to criticize and complain from the outside but once CSO are part of the formal mechanism they need to demonstrate serious dedication and commitment.

³⁴ Observation from the focus group with CSOs, June 19, 2013

³⁵ Guidelines for EU support to civil society in enlargement countries, 2014-2020. DG Enlargement

³⁶ EC Progress reports for Kosovo 2009, 2010 and 2011.

4. Conclusions and recommendations

The National Council has failed to bring on board all opposition leaders. The Council meetings lack sufficient preparations. Meetings are scheduled on short notice, lack consistence, are weak in content and have a tendency to serve daily politics rather than a strategic vision. Most of this has been kept out of the public eye by being closed off to media.

These factors have reduced the interest and enthusiasm of the Council members, many of whom are not convinced that strategic direction can be spearheaded by the Council. This reality does not provide fodder for civil society's contribution, involvement and monitoring of the European integration process in Kosovo.

The Council should build consensus and be a generator of reforms. It should set priorities and monitor the implementation of interventions to address those priorities. Failure to address the above-mentioned problems will ensure the Council remains a forum for covering up delays and justifying inaction.

KCSF will continue to monitor the work of the Council with a determination as to whether the Council has improved or not and what steps should be taken further. In the meantime, in order to break this cycle of ineptitude and dysfunction, KCSF has constructed the below list of recommendations that all Council stakeholders should react to.

To the National Council for European Integration:

- Set strategic directions for Kosovo within the European integration agenda and build consensus around that vision.
- Establish a system for monitoring the work of the Council, in particular against its own stated conclusions/recommendations.
- Revise the Rules of Procedure to make Council meetings fully public by opening the second part of Council meetings to the media.
- Respect the Rules of Procedure when preparing meetings, especially with regards to the timely dissemination of invitations and agenda setting.
- Strengthen administrative and human resources handling the work of the Council. In particular, the PR and communications of the Council need to be overhauled so that Press Releases and other germane information is made public after each meeting and so that the Council's website includes, among other things, the names, functions and contact information of all those on and affiliated with the Council.

To the Government:

- Focus on implementing strategic directions set by the Council.
- Bring to discussion and adopt the National Strategy on European Integration as a key strategic document to guide Kosovo on its EU path.

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- Treat the Council as highest institutional body where consensus and positions are built to support the EU integration path of Kosovo.
- Prepare and share relevant reports with all Council members in order to improve the Council's output and performance.

To the European Commission/EU Office in Kosovo:

- Participate more selectively in Council meetings. Its representative it need not participate in every meeting of the Council. This is a National Council and not an arena for legitimizing every statement made by high political elites in Kosovo.
- Closely monitor the work of the Council against the specific commitments it makes.
- Advocate for all Council meetings, minutes and recommendations to be made fully public.

To opposition parties:

- Act as a constructive opposition: lay out your views as to how the EU integration process should be conducted.
- Demand accountability and transparency with regards to the reforms. Demand that Council Conclusions be reviewed regularly to take stock of progress and hold accountable those who do not perform against the decisions taken by the Council.
- Offer constructive alternatives and propose solutions for key reforms being discussed.

To civil society:

- Proactively prod the Council to function as it was intended to. Regularly offer constructive advice and suggestions to the Council to improve its operations.
- Bring public concerns about the European integration process and/or the functioning of the Council to the attention of the full Council membership. Consult and gather inputs from a wide spectrum of civil society organizations.
- Work to ensure that Council discussions are substantive and that consensus for reforms is built. Use the media to transmit developments in the EU agenda to keep the public informed.

To media:

- Seek access to Council meetings and conclusions and follow up with stories – especially those that put pressure on officials to be held accountable to their promises and responsibilities.
- Analyze key documents concerning the EU agenda to get informed about the Council meetings and its proceedings.
- Contact Council members for input and feedback prior to airing stories about the work of the Council.
- Keep the public abreast of all developments—positive and negative—related to the EU integration process so as to galvanize general support for the upcoming phases of reforms.

ANNEXES

Annex I –Methodology

This study was formulated by conducting:

- 1) Desk research, with a particular focus on the documents produced by the Council itself i.e., Rules of Procedure, composition, invitations, agendas, meeting minutes and conclusions/recommendations.³⁷
- 2) Qualitative, semi-structured interviews with Council members and key stakeholders (representing Government, EU Embassies, opposition parties, the European Commission Liaison Office in Kosovo, municipality representatives, and trade unions and civil society. See Annex II for a complete list of those interviewed
- 3) Focus group sessions, organized with civil society representatives to review their assessment on the work of the Council and to better understand the relationship between the Council and civic groups. Focus groups were also used to assess and confirm the validity of the main findings of the interviews.

³⁷ The terms “Conclusions” and “Recommendations” are both used here because the Council secretariat initially called them Conclusions. After the second Council meeting they began to be written as Proposals and by the third Council meeting they were called draft Recommendations.

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Annex II – List of Interviewees

No	Name and Surname	Organization/Position	Date
1	Sazan Ibrahim	NCEI member Association of Kosovo Municipalities, Executive Director	May 27, 2013
2	Besnik Vasolli	Ministry of European Integration, Adviser to the Minister	June 4, 2013
3	Valdete Idrizi	NCEI Member CIVIKOS Platform, Executive Director	June 4, 2013
4	Alma Lama	Assembly of Kosova, Member of Committee on European Integration, Independent Member	June 4, 2013
5	Adrian Prenkaj	Office of the President of Kosovo, adviser to the President, NCEI Secretariat	June 5, 2013
6	Lutfi Haziri	NCEI Member Assembly of Kosova, Head of Committee on European Integration, LDK	June 6, 2013
7	Mimoza Gojani	UK Embassy, EU Officer	June 7, 2013
8	Safet Gërxhaliu	NCEI Member Kosovo Chamber of Commerce	June 7, 2013
9	Demush Shasha	Ministry of European Integration, Secretary General	June 7, 2013
10	Patrick SCHMELZER	EU Office in Kosovo, Policy Officer	June 19, 2013
11	Burim Ramadani	NCEI Member Assembly of Kosova, AAK	June 20, 2013
12	Luan Shllaku	NCEI Member KFOS, Executive Director	July 26, 2013
13 - 16	Focus Group 1. Driton Selmanaj, KDI 2. Shpend Emini, D4D 3. Fisnik Korenica, GLPS 4. Albana Merja, GLPS	CSO representatives	June 19, 2013

Annex III – Questionnaire

Key Questions:

- 1) What are the NCEI expectations?
- 2) Do you think there is a national consensus within NCEI and how can the council move forward the EI agenda?
- 3) Based on your opinion was the establishment of NCEI really necessary?
- 4) How much has NCEI achieved to communicate with the public?
- 5) How transparent was the council with stakeholders?
- 6) Do you believe that the work of the Council had:
 - a. content,
 - b. consistence,
 - c. fulfilment of its own commitments and
 - d. Respect of recommendations?

A. Rules of procedure and establishment

- 1) Do you have knowledge of similar bodies in the region? Where best practices taken into consideration?
- 2) Was it necessary to establish a unit/secretariat within NCEI presidency? Was it required to establish units in other institutions to comply with NCEI work?
- 3) Is there sufficient administrative capacity within NCEI to treat work load from the NCEI meeting? What are the qualifications of the staff?
- 4) Who sets the agenda of the NCEI?
- 5) Is there adequate staff for PR work?
- 6) Is there delegated staff from MEI/other ministries to assist the work of NCEI?

B. Functioning and Performance of NCEI

- 1) Has the consensus been achieved from the perspective of membership, content and positions to get to a joint national agenda for EI? If not, why?
- 2) Are you satisfied with the rules of procedures? If not, why?
- 3) Are RoP respected in practice? Specifically are articles such as composition, calling of meetings, preparations, meeting minutes, recommendations respected?
- 4) Were you consulted on drafting and preparation for next Council meetings?
- 5) Are meeting materials and reports being sent prior to meetings to members? How long before the meeting you receive the agenda, invitation and materials?
- 6) Does the council as reporting from commitments/recommendation of previous meetings?
- 7) Is there a link between recommendations from previous meeting and agenda of the next meeting?
- 8) Are documents of the Council circulated to members? Are NCEI meetings open for media/public? Are NCEI documents open for media/public?

C. Cooperation with Civil Society

- 1) What is the role of CS in this process and in particular within this Council?
- 2) Is there a process of consultations and inclusion of CS in the work of the NCEI? Are you satisfied with inclusiveness, representation and contribution from CS members?
- 3) Are concerns and positions of civil society public?
- 4) Are recommendations and issues raised from civil society members taken into consideration for next meetings?

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List of References:

1. Action Plan for implementation of Visa Liberalisation Roadmap, Republic of Kosovo, 2013
2. Action Plan to negotiate an SAA, 2012
3. EC Feasibility Study for Kosovo 2012
4. EC Progress Report for Kosovo 2009
5. EC Progress Report for Kosovo 2010
6. EC Progress Report for Kosovo 2011
7. Guidelines for EU support to civil society in enlargement countries, 2014 - 2020. DG Enlargement
8. Invitations and Agenda's from the Council meetings
9. Joint report to the European Parliament and the Council on Kosovo's progress in addressing issues set out in the Council Conclusions of December 2012 in view of a possible decision on the opening of negotiations on the SAA, 2013
10. Meeting minutes and Council Conclusions
11. National Strategy for European Integration: Kosovo 2020 an inclusive approach
12. Report from the Commission to the European Parliament and the Council on progress by Kosovo in fulfilling the requirements of the visa liberalisation roadmap, 2013
13. Rules of Procedure establishing the National Council for European Integration