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Civil Society Organisations



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INTRODUCTION

This study is one of eight country assessments of civil society capacities conducted as a preliminary activity within the EC-funded project Technical Assistance to Civil Society (TACSO) in IPA Countries (EuropeAid/127427/C/SER/Multi/5), implemented by SIPU International, during the period August 2009 – July 2011. The aim of the study is to provide a comprehensive assessment of civil society in Kosovo and the environment that it works in, including its strengths and weaknesses, and its impacts to date and the challenges it faces to its further development. The study is based upon a combination of desk research embracing all relevant documentation, including legal and financial legislation applicable to civil society, previous civil society mappings and evaluations, situation analyses, policy documents and country-specific academic literature, and a consultative stakeholder analysis carried out by means of focus groups, interviews and questionnaire surveys with civil society organisations (CSOs), government actors, donor organisations and other institutional players. The study is an integral part of the project inception and it provides the premise for the majority of other project activities by serving as the basis of the development of regional as well as national work plans to be implemented during the project's duration.

In line with the project's Terms of Reference and SIPU's technical proposal, the study understands civil society in the following two complementary ways:

1. All organisational structures whose members have objectives and responsibilities that are of general interest and who also act as mediators between the public authorities and citizens. This definition clearly emphasises the associational character of civil society, while also accentuating its representational role. Civil society would include a variety of organisational types, including, NGOs, mass movements, cooperatives, professional associations, cultural and religious groups, trades unions and grassroots community groups (CBOs), etc.
2. A space for views, policies and action supportive of alternatives to those promoted by government and the private sector. This definition places the emphasis on social inclusion, social and political pluralism and the rights of expression in developing a participatory democracy.

The paper is composed of four sections:

- Section one provides an analysis of the civil society environment, including the legal framework governing CSOs and their work, the current donor opportunities and other sources of civil society funding, the government mechanisms for cooperation with and support of civil society and the policy framework determining government-civil society relations and public perceptions and support for civil society and its activities.
- Section two gives an overview of the main features of civil society: the types of organisation represented and their key organisational characteristics, the types of activity they carry out and their main sectoral interests, their geographical distribution and way they are structured within an overall civil society architecture. CSOs are assessed according to their

technical, organisational and institutional capacities, including human resources and technical skills, strategic strengths, analytical capabilities, external relations with other actors including other CSOs, government and the community, and material and financial stability and resilience.

- Section three summarises the main achievements of civil society to date, noting key milestone achievements and broader social impacts, and also identifies shortfalls in civil society performance in need of strengthening and further development.
- Section four sums up the most important institutional and organisational capacity needs of civil society in the country and identifies key strategic issues for the implementation of the project. By way of conclusion, recommendations are made for both the project's regional work plan and country-specific work plan.

1. THE CIVIL SOCIETY ENVIRONMENT

1.1 Legal framework – an analysis of relevant law and financial regulations

Following the declaration of independence on 17 February 2008, the Republic of Kosovo has embarked on a programme of reform and renewal of much of the legislation established by UNMIK (UN Mission in Kosovo) during its time as international overlord in the country. While a number of regulations of relevance to CSOs have yet to be adopted, new legal and financial regulations governing civil society are largely in place. This revised framework is in line with best international practice and provides, in theory at least, an enabling environment for CSO operations. The financial framework on paper is better elaborated and more encouraging than those in neighbouring countries, and it also contains important safeguards against money laundering and other corrupt practices. However, lack of harmonisation between tax laws and the NGO Law on certain points raises concerns that rights-based CSOs might not in practice be eligible for the full range of potential financial benefits provided for.

The new legislation also marks a considerable improvement in terms of clarity and practicality from the previous UNMIK regulation (1999/22) which had been in force since its hasty conception and adoption in November 1999. However, there remain significant concerns regarding the full implementation of the law and the proper oversight of CSOs, particularly with regard to ensuring that the sector is free of corruption and financial malpractice.

Law on Freedom of Association in Non-governmental Organisations

On February 12, 2009 the Assembly of Kosovo adopted the Law on Freedom of Association in Non-governmental Organisations (NGO Law), which was drafted after wide and detailed consultation with of civil society. This new law applies to two categories of CSOs: associations and foundations. Other associational forms which might be considered to fall within civil society, such as political parties, trade unions and their federations, as well as religious centres and communities, are subject to other laws.

Associations. The NGO Law defines an association as a not-for-profit membership organisation established by three or more natural or legal persons, domestic or foreign (one of whom must be a resident in Kosovo), formed to carry out activities for public benefit or mutual interest.

Foundations. The NGO Law defines a foundation as a not-for-profit organisation without members, established by three or more Persons (one of whom must be a resident of Kosovo) formed to manage property and assets, for public benefit or mutual interest.

Responsibility for CSO registration lies with a small NGO Registration Office, situated in the Ministry of Public Administration. Its restricted capacities in practice limit its role to that of maintaining the CSO registry,¹ but the new law does imply that the Office should play some part in monitoring CSOs, particularly with regard to ensuring that CSOs with public benefit status (see below) carry out the necessary financial reporting and continue to fulfil the status' requirements (articles 19.3). In general, however, there is no system in place for ensuring that CSOs do what they say they do and also are not exploiting the charitable conditions of the NGO Law for unlawful personal gain.²

An ECNL study of the legal environment governing CSOs in Kosovo (ECNL 2009) also identified a “a substantive problem” in the new NGO Law “in the fact that there are mistaken references and – at least in the English translation – confusion in terminology regarding the involuntary termination of NGOs.”

Public Benefit Status

The new NGO Law provides for a broad range of CSOs to apply for Public Benefit Status, which enables the qualifying CSO to take advantage of tax exemptions on earned income and tax incentives to charitable giving offered to individuals and businesses. Public benefit status is decided upon by the NGO Registration Office and is granted to organisations which are deemed to focus on the implementation of one or more of the following activities: humanitarian assistance and relief, support for persons with disabilities, charity activities, education, health, culture, environmental conservation or protection, economic reconstruction and development, the promotion of human rights, the promotion of democratic practices and civil society, or any other activity that serves the public beneficiary. In addition, CSO activities are considered to be

¹ Before, under UNMIK regulation 1999/22 the Office fulfilled a more extensive monitoring and arbitration role in cases which were brought to their attention. It had developed a poor reputation for what was perceived as its inability to operate objectively, without prejudice and to apply rulings which were completely consistent with the law. During the drafting of the new NGO Law, a draft provision for monitoring of civil society was taken out owing to objections by CSOs, partly because of lack of trust in the Registration Office and its often partisan interference with CSO operations (ECNL 2009).

² This lack of implementation and monitoring mechanisms considering the continuing concerns of the Kosovan government under pressure from the International Community surrounding corruption in all areas of public life and also the possible (although highly improbable in reality) infiltration of CSOs by terrorist groups (ECNL 2009).

of public benefit only if significant benefits are provided free of charge or at less than a fair market value to disadvantaged individuals or groups.

Economic activities and taxation

CSOs are free to engage in economic activities as long as the income realised through economic activities is used solely to accomplish the purposes specified in the CSOs' statute. In the case of organisations with public benefit status, CSOs are exempt from corporate income tax. Any income generated from contracts with a non-local contractor for the supply of goods or services to the United Nations or any of its specialised agencies (including UNMIK) is also exempt from the profit tax. All other legal entities, including CSOs without public benefit status are liable to corporate income tax at the rate of 20%.

Deductions against tax for donations

Donations from both legal entities (businesses) and individuals made to CSOs with public benefit status for "charitable" purposes may be deducted against tax up to a limit of 5% gross (pre-tax) income. However, the definition of "charitable" purposes applied in the laws regulating personal income tax and corporate income tax is not consistent with the definition of public benefit status employed in the NGO Law.³ In particular, "economic reconstruction and development, the promotion of human rights, the protection of democratic practices and civil society" are not included in the two tax laws. So far it remains unclear whether this formal distinction makes a significant difference *in practice*, but the lack of harmonisation between the NGO and Tax Laws clearly opens the door to discriminatory provision of tax deductions to the detriment of a broad swath of advocacy-centred rights-based organisations.

Under the aegis of the Ministry of Culture, Youth and Sports, the Government is preparing a **draft Sponsorship Law**, which will impact on the opportunities available to CSOs to raise philanthropic income. While the conditions governing charitable giving, including the 5% limit for tax deductions, would remain broadly untouched, the proposed Law would establish special incentives for giving to culture, youth and, in particular, sport, which would make support of other CSO activities relatively less attractive. The process behind this new initiative is obscure and is being carried out without meaningful public consultation. Thus, the nature of the proposed measures, their relationship to the conditions of public benefit status and their implications for philanthropy in Kosovo remain unclear (ECNL 2009).

Under anti-corruption legislation enacted previously by UNMIK,⁴ a CSO is prohibited from accepting more than 1,000 EUR from a single source in a day unless it receives a written authorisation from the Tax Authority. A CSO is also required to disclose in its annual report all

³ Charitable activities here are defined as humanitarian, health, educational, religious, scientific, cultural, environmental protection, and sports purposes

⁴ UNMIK Regulation 2004/2 on the Deterrence of Money Laundering and Related Criminal Offences, sections 4.1, 4.3, and 4.6.

monetary contributions, if contributions from a single source exceed 5,000 EUR in that financial year.

Value-Added Tax

Under the current Law on Value-Added Tax (VAT), adopted in December 2008, CSOs must pay VAT on goods and services received, payable at the standard rate of 16%, like any other taxable person. CSOs, in common with all profitable business, must register for VAT (upon which they must charge VAT on services they provide) once their annual turnover reaches the VAT threshold of 50,000 EUR.

VAT is not payable on imports or supplies funded from grants made to CSOs “in support of humanitarian and reconstruction programs and projects in Kosovo”. Other than that CSOs benefit from the application of a zero-rating to the export and import of goods, the supply of goods and services related to international transport of goods and passengers and irrigation, and other enumerated goods. Imports of medicines, medical services, and medical instruments are also VAT exempt, so too is the provision of these medical goods and services within the territory, as well as public education services.

A new VAT Law comes into force in January 2010, which is intended to bring Kosovo VAT regulations further into line with those operating in the EU. There are few changes from the existing law which are relevant to CSOs. A further exemption is expected to be granted to the supply of services and of goods “closely linked” to welfare and social work (including elderly homes), and to child protection, respectively. In both of these cases, the draft law makes available the exemption to “competent bodies of Kosovo or other bodies (organisations) recognized by the competent Authority of Kosovo as being devoted to social wellbeing (ECNL 2009). In addition, it is expected that the exemption to educational activities at all levels will be extended to all bodies governed by Kosovo law, having such as their aim or by other organisations recognized by the competent Authority as having similar objectives. This would presumably include CSOs dedicated to both formal education and training activities, in line with VAT laws in the European Union.

1.2 Donors and funding opportunities

Civil society in Kosovo is dependent on international donor organisations for finance to an excessive degree. To a large extent, this is due to the scarcity of domestic funding opportunities and the lack of development of potential future financial resources in Kosovo, such as the community and business. Despite civil society's heavy donor-dependence, international finance to civil society in Kosovo has been in steady decline for some time, since the high point of international post-conflict humanitarian and reconstruction intervention was reached in 2001. The total amount of financial resources available to civil society at the present time is insufficient to support the activities of those CSOs currently active in Kosovo.

In the past, USAID has been by far the single biggest investor in civil society, but it has scaled down its support somewhat to a single, admittedly major, capacity-building programme. Almost all European bilateral donors have ceased supporting CSOs, leaving the field to the EC which promotes civil society within the framework of Kosovo's early steps as a single entity (de facto independent state) towards European integration.

EU IPA and other funds

- 1. IPA 2008 – Support to Civil Society in Kosovo.** Action grants to CSO partnerships or coalitions to a total of 1.7 million EUR to carry out and promote policy planning in four areas:

Component 1: Support to CSO engagement with environmental protection and education; grants of 50-150,000 EUR (total 300,000 EUR). Duration: 12-30 months.

Component 2: Support to CSOs that promote the rights to equal treatment and to a life free of discrimination; grants of 100-200,000 EUR (Total 400,000). 12-30 months.

Component 3: Provision of social services for children with disabilities and for abandoned and neglected children; grants of 300 – 600,000 EUR (total 600,000), 24 months

Component 4: Organisation of Kids festivals in Kosovo; grants of 300 – 400,000 EUR (total 400,000 EUR), 24 months.

- 2. IPA 2008 Civil Society Facility Horizontal Activities** – partnership actions in the IPA region according to tender. 2009:

- a. "Fight against Corruption, Organised Crime and Trafficking." Total 1.7 million EUR for projects addressing the alignment of legislation and enforcement of law with the EU *acquis*. Grants of 50,000 – 200,000 EUR for actions of up to 24 months.

- b. "Environment, Energy Efficiency, Health and Safety at Work." Total 2.5 million EUR for implementation of a wide range of actions contributing to the above in the framework of CSO regional networks. Grants of 100,000 – 300,000 EUR for actions of up to 24 months.

3. **IPA 2009 EC-Community Stabilisation Programme.** Tender currently open for one grant only of up to 2 million EUR for EU or IPA country NGOs and partnerships, in the field of economic and rural development, as well as social and community development with ethnic minorities as the main target group. Project to last 18-24 months.
4. **IPA Civil Society Facility.** Tender currently open for action grants of between 50,000 – 500,000 EUR for partnerships of at least one EU NGO and at least 3 national CSOs from any IPA countries, with the overall objective: to develop strong regional partnerships among CSOs concerned with socio-economic issues from the region itself and with their EU counterparts and public authorities as well as to improve the transparency and the accountability of CSOs. Actions in a wide range of possible fields and with various target groups to last 30 months.
5. **EIDHR 2009-2010.** In February 2010, the ECLO launched the EIDHR 2009-2010 Kosovo scheme, targeting local CSOs and those that have headquarters in Albania, Bosnia and Herzegovina, Croatia, FYROM, Montenegro, Serbia, Kosovo or Turkey. This call will combine funds available for two years, to a total of around 1.7 millions EUR. The call aims to assist CSO actions aiming to develop greater cohesion in working on human rights, political pluralism and democratic political participation and representation: peaceful conciliation of group interests, combating discrimination, and gender equality.

Other International Donors

USAID - Kosovo Civil Society Strengthening Programme: A 3-year programme with a total budget of US\$4.5 million implemented by the Institute for Sustainable Communities (ISC) provides support in four areas: developing the legal framework, capacity building with individual CSOs and coalitions for advocacy, minority outreach, and advocacy grants. Programme due to end October 2011.

Three types of grant are provided.

1. National Advocacy Partner grants for tackling issues of national significance. There are currently 7 National Advocacy Partners and the programme is now advertising for applications for grants to join the National Advocacy Partner scheme.
2. Small-to-mid-size grants awarded through two Local Advocacy Grant makers for advocacy campaigns at the regional or municipal levels (and possibly a national level issue);
3. A flexible Special Initiatives Fund for emerging opportunities.

SIDA (Swedish Agency for International Development) provides support to Kosovo civil society in the areas of the Environment, education and democracy via Swedish framework organisations operating in Kosovo with their local CSO partners. Framework organisations include: Kvinna till Kvinna, works with 6 long-term partners promoting gender research, feminism and women's rights. Olof Palme Centre, supports to CSOs working to strengthen democratisation and support human rights. Civil Rights Defenders (formerly Swedish Helsinki

Committee) openly advertises approaches from prospective partners promoting human rights and democratisation.

Rockefeller Brothers Fund is a private US foundation running a regional Western Balkans programme in which Kosovo remains a focus. A large proportion of its grants are intended to provide institutional support (44%). The Fund identifies prospective CSO and media organisations as grantees in the fields of democratic practice, sustainable development, peace and security, and environmental protection. The average grant size to Balkan organisations is a little under US\$82,000 for an average 1.2 years. In 2009, apart from funding US NGOs and other foreign organisations active in Kosovo, the fund supported 5 Kosovan CSOs with grants of between US\$35,000 and 300,000, for periods of 12-24 months, to a total of US\$695,000.⁵

World Bank - The World Bank Office in Pristina disburses small grants to CSOs from its Civil Society Fund up to a maximum of US\$10,000 (but usually in the range of \$3,000 to \$7,000) in an annual competition for actions which aim to promote an enabling environment for good governance, including anti-corruption measure, government monitoring and rights-based advocacy.

Government funding

Government financing of CSOs, either at the central or local levels remains a relative rarity and total funds available to CSOs are probably relatively unimportant. There are no institutional mechanisms for facilitating government support to CSOs, such as grant schemes or open tenders for service provision. Line ministries include CSOs in specific, one-off projects and very occasionally outsource limited services or activities to CSOs. Within central government, this last has been practiced most by the Ministry of Culture, Youth and Sports, while it is becoming more common within municipalities. By and large, public administrations do not publicise details concerning any financial support they may provide CSOs; this is an area where government is conspicuously non-transparent.

Corporate philanthropy

Corporate giving to civil society remains insignificant. The economy, though growing, is still relatively cash-poor and the continuing influence of traditional culture, which in the past determined that social support was provided through the extended family, militates against the idea of giving to the wider community. The concept of corporate social responsibility, therefore, is not widely recognised. In addition, very few potential givers are aware of the tax benefits of supporting public benefit organisations. Those that do make private donations

⁵ CSOs in Kosovo supported by Rockefeller Brothers Fund in 2009 were: KDI – US\$ 55,000 for 2 years; Dokufest \$US 35,000 for 1 year; Centre for Civil Society Development - US\$ 25,000 for 1 year; BIRN - US\$ 300,000 for 1 year; Forum for Civic Initiatives – US\$ 280,000 for 2 years.

(businesses and individuals) tend to support humanitarian aid (hand-outs to the vulnerable in the community), health services and social welfare.

1.3 Government mechanisms for civil society-government cooperation and the policy framework determining government-civil society relations.

The Government of Kosovo has so far established neither institutional mechanisms nor a policy framework for developing relations with civil society in order to facilitate the inclusion of CSOs in the policy and legislative process, as well as promote the development of the civil sector. Although there are no restrictions in law on CSOs participating in the decision-making process, there is no comprehensive legal provision defining and regulating government-civil society cooperation and the institutional forms this might take. A small number of laws and regulations encourage CSOs to participate in specific and narrowly defined fields of public life, but do not establish the responsibility of the government to cooperate with civil society.⁶

Memorandum of Cooperation

In 2007, after a summer-long process of unprecedented consultation and negotiation between government and civil society, the latter represented by CiviKos, a network of over 130 CSOs, and facilitated by KFOS (Kosovo Foundation for Open Society), an agreement was reached which established the rights of civil society to work in partnership with government, gave political support and credibility to this idea, and most importantly set out an agenda for establishing institutional mechanisms to support government-civil society interaction, as well as civil society development itself. A Memorandum of Cooperation between the Government of Kosovo and Representatives of CiviKos was signed on November 9th 2007. The Memorandum addressed itself broadly to four issues: the general position of civil society, the responsibilities of government towards civil society, the responsibilities of CSOs to implementing their organisational missions, and cooperation between government and civil society. Specific points, amongst others, included the injunction on the Government

- To establish effective partnership with civil society to enable its participation in policy development and to promote effective dialogue on issues of concern for both parties.
- To support civil society projects by means of properly developed and transparently managed grant schemes, which are to be open to scrutiny.

⁶ E.g. Article 44.4 of the Rules of the Kosovan Assembly state: "A committee may invite other persons or representatives of institutions and of civil society to attend the meetings of committee." The Law on Social and Family Services deals with the "Role of the non-Government Sector" (Article 8), in which – amongst others – "voluntary organisations and associations, faith based organisations, self-help groups" are "encouraged" to provide social services "on their own initiative or, under contract, on behalf of the municipal Directorate" or the central government.

- To set up a joint government-civil society committee or other mechanism that will be responsible for **developing a government strategy for cooperation with civil society**.
- To establish a committee for monitoring government performance in cooperating with and supporting civil society.

The Memorandum was signed by an outgoing administration on the eve of parliamentary elections, but, more importantly, only a short time before the momentous and ongoing political and institutional change brought about by Kosovo's declaration of independence in February 2008. Consequently, and in the absence of sustained pressure from Civikos (which appears to have subsided into inertia), the Memorandum has fallen from the Government's agenda and no steps have been taken to implement it.

NGO Registration Office

The NGO Registration Office is the only state body established solely to work in cooperation with CSOs. It maintains a limited mandate – confined mainly to registration – and has a low level of capacities, including staff numbers, civil society knowledge and technical skills. Not only does the Office consistently show its inability to process CSO registrations and documentation within the prescribed 60 day period, its central location has made it all but inaccessible to a large number of CSOs representing the minority Serb community living in numerous isolated enclaves around the country and in the northern areas north of the Ibar river (USAID 2009).

It is sometimes suggested that the Registration Office could be expanded to carry out a coordination role between government and civil society. However, over its ten years in operation it has failed conspicuously to establish productive relations with CSOs, or to fulfil any kind of liaison role between government and civil society.⁷ It has often been perceived by CSOs as providing the Government with a means of exerting illegitimate control over civil society by interfering arbitrarily in the activities of CSOs considered by government as politically undesirable. In 2008, the Registration Office attempted to inspect the financial documents of several CSOs that were critical of government policies, even though the authority to audit NGOs' financial documents is reserved for the Kosovo tax authorities (USAID 2009). Because of this kind of interference, the development of a coordination role for the Registration Office would be met with resistance from certain quarters of civil society.

Agency for Coordination of Development and European Integration

The importance of civil society to the establishment of democratic governance and as a means of ensuring that citizens' interests are represented in the policy and reform process of Kosovo's path towards European integration is highlighted in the current EC Multi-annual Indicative

⁷ When it was originally established by UNMIK its wider coordination role was implicit in its name, the "NGO Liaison and Registration Unit"

Planning Document (MIPD) for Kosovo, 2009-2011,⁸ continuing the approach set out in the previous MIPD for 2007-2009. Despite this, the government body charged with managing Kosovo's activities towards achieving integration and for coordinating the EU support to Kosovo, the Agency for Coordination of Development and European Integration,⁹ has so far made no formal provision for cooperating with civil society and has consulted CSOs on only the rare occasion. The Agency had intended to adopt a MoU with civil society establishing conditions of cooperation (as above), but this initiative was held up indefinitely at the Legal Services Department.

CSOs are dissatisfied by the lack of substantive cooperation between civil society and the EC Liaison Office (ECLO) in Kosovo, complaining that EC consultations on strategic documents, such as the 2009 Progress Report, or the 2009 Enlargement Strategy and programming documents, such as the MIPD, have been unstructured and carried out in a cursory manner. Having said this, Kosovan CSOs recognise both that the ECLO is committed to serious consultation with civil society in the design, preparation and implementation of key strategies and documents and that CSOs themselves are as yet insufficiently proactive in pushing to contribute to the EC partnership and also remain poorly equipped to represent and advocate community interests (KCSF 2009).

1.4 Government (local and national) institutional capacities for engaging civil society

Central level

Communication between government and CSOs remains weak and, in the absence of institutional mechanisms and regulated procedures, much depends on individuals and their personal connections. Ad hoc cooperation takes place between government and CSOs relatively regularly within line ministries and government institutions, as a result of initiatives from either party, but in most cases this cooperation is superficial and of a purely formal nature and is not developed into longer-lasting processes which enable CSOs to contribute to decision making in any meaningful way. Although line ministries are seen to routinely consult with relevant CSOs in

⁸ "Civil society (...) plays a major role in transition societies. Ensuring that those groups' concerns are taken into account in the European development agenda and enhancing their policy dialogue with the administration and Kosovo's institutions will be mainstreamed within the EC assistance programmes." Specifically, the MIPD goes on: concerning the MIPD's political criteria (sector 1), it will be essential to achieve the "mainstreaming [of] civil society issues in all programmes and complementing support from other EC assistance instruments (i.e. EIDHR) with a clear message that solid social dialogue constitutes a condition for an effective partnership and good governance" and that "[i]ncreased participation by civil society representatives in policy formulation and social consultation" are necessary. Concerning the establishment of European Standards (sector 2), the MIPD identifies a need for "improved sector analysis and strengthened civil society organisations in the area of agriculture and rural development."

⁹ The Agency is a cross-sector body situated in the Prime Minister's Office. It was announced in December 2009 that in due course the Agency will be transformed or replaced by a full Ministry for European Integration.

the development of sector strategies, the above perception that this is carried out in a cursory manner (often to fulfil conditions of support from international donors) holds true.

A particular weakness is the poor understanding of the concept of public participation and its facilitation by civil society, within government circles and the civil service. Consequently, government officials consistently cooperate with a very restricted range of known and trusted civil society leaders and recognised CSOs, rather than engage in the more unpredictable and politically challenging process of communicating with wider civil society.

Within the Office of the Prime Minister the advisory Office of Good Governance is accessible to civil society representation and plays a role in coordinating cross-sector cooperation between government and civil society on issues relating to human rights, minority issues and gender. This includes consultation with CSOs in drafting the national Strategy for Human Rights and the Strategy for Integration of Roma, Ashkali and Egyptian Communities (see below).

Other attempts at the central government level to institutionalise a substantive role for civic participation in policy dialogue appear to run up against insurmountable obstacles when attempting to convert good intentions into practical activity. In 2008, the Ministry of Environment signed a MoU with environmental CSOs with the goal of initiating practical cooperation on policy, but the document appears to amount to little more than a wish-list of joint activities, none of which have so far been acted upon.

In a different way, an Independent Media Commission, involving CSO participation, was established in August 2006 and continues to function. To date, both the chair and vice-chair of the Commission have been civil society representatives.¹⁰

In 2009, the Economic and Social Committee, a multi-stakeholder policy advisory body, was eventually launched after a number of years of formal existence only on paper. In this case, the law provides only for representation of employers and employees, thus excluding the majority of relevant CSOs from the forum.

In December 2009 the government took steps to reactivate and reorganise the Council for Persons with Disabilities, a cross-sector policy-making body that includes significant CSO representation. Originally established in 2006, it lacks the necessary support from government to function effectively.

However, civil society can claim to have enjoyed greater access to government in recent times, in particular since the 2008 Declaration of Independence established almost complete domestic autonomy in areas of social policy, and has made important contributions to the drafting of the following legislation and government policy documents:

¹⁰ Chairs have been Isuf Berisha (August 2006- August 2007) and Argjentina Grazhdani (March 2008- March 2010), assisted by vice-chairs Milena Deric (ethnic minority representative) and Daut Demaku

- The Kosovo Human Rights Strategy (2007), drafted by the Prime Minister's Office for Good Governance. This sets out priorities and an action plan till 2011, but unfortunately fails to fully address the government's legal obligations in the field of human rights (OSCE 2008);
- The Law on Access to Official documents was developed in close cooperation with civil society;
- Women's CSOs were involved in drafting the National Action Plan for the Achievement of Gender Equality (2004), building upon international legal tools for the advancement of women's human rights and upon connections with trans-national advocacy networks;
- The Strategy for the Integration of Roma, Ashkali and Egyptian Communities in the Republic of Kosovo 2009 - 2015 (December 2008) included RAE CSOs in its consultative stage and KFOS was involved at the drafting stage.
- The Action Plan for People with Disabilities 2009-2011 (April 2009) was the result of a consultative and inclusive process with the participation of many CSOs.

Local level

The Law on Local Self-Government not only recognises the right of citizens "to participate in the activities of the municipality," it also prescribes a number of mechanisms through which citizens and their organisations may participate in the policy-making process at the local level. Apart from an obligation to hold public information and consultation meetings on the local budget and municipal planning at least twice a year, the Law states that the municipality "shall establish consultative committees within sectors," at which CSO representatives will be invited. The purpose of these committees is to enable civic participation in the decision-making process by means of submitting proposals, conducting research and providing opinions. However, in reality, civil society participation remains low and committees are reported in places to either not exist or be non-functional (ECNL 2009).

Although municipal authorities are clearly less than enthusiastic to promote wider participation in consultative committees, the ECNL Assessment of the Legal Environment of Civil Society in Kosovo (2009) concludes that the evidence suggests that lack of input into local-level policy making is "more often than not [...] due to the inaction of [CSOs] rather than resistance from the municipalities." Rather than it being an issue of resources, it appears to be one of lack of awareness and organisational capacity on the part of grassroots civil society.

1.5 Public perceptions and support of civil society and its various segments

According to the results of a survey published in the Kosovo Human Development Report for 2008 (UNDP 2008), which is dedicated to Civil Society, there is widespread recognition of civil society and CSOs in Kosovo and for many the term is associated with the values of human rights, voluntarism and service provision.¹¹ While public approval of CSOs has grown to some extent in recent years, the full survey confirms the view of other commentators that, in general, civil society is not held in high regard by the public. In particular, there is a perceived gulf between civil society and the public with regard to communication, interests, and expectations, which contributes to low levels of public support for and participation in civil society.

Almost half of those surveyed see civil society as totally unrepresentative of public interests, while only 3% believed that civil society represents their personal interests and opinions “a lot.” An interesting further point is that large professional Kosovan NGOs are consistently viewed as more representative of public interests than community-based grassroots organisations.¹²

A commonly held view is that CSOs are driven purely by the agendas of foreign donors and are thus not only out of touch with the people, but are also promoters of foreign interests which are often at variance with those in the community. Consequently, civil society continues to “face an uphill struggle to legitimise itself with the Kosovar public (ATRC 2009). Particular resentment of CSOs is engendered by the fact that successful professional CSOs – which by dint of their very success tend to obscure the greater number of more-or-less voluntary organisations – pay very high salaries, considerably in excess of the average wage. Although CSOs are to some extent forced to offer over-inflated pay through the need to compete for skilled employees with the large number of international organisations operating in Kosovo, many interpret this as a mark of civil society’s inherent elitism and the staff privileges which it strives above all to preserve.

In keeping with this jaundiced view, Kosovo’s National Human Development Report (NHDR) survey records that only 5% of Kosovars consider CSOs to be accountable, with 23% conceding that some CSOs are accountable. Lack of perceived accountability to beneficiaries and the community was also a notable finding, as only 6% of those surveyed believed that CSOs answer to the public or the community, while a majority (53%) would like CSOs to do so.

Voluntary participation in CSOs, and also other forms of community support for civil society is low (although 19% of respondents in the UNDP survey said that they had participated in some

¹¹ Somewhat in contradiction to this the survey found that very few people associated “democracy” and “support for vulnerable groups” with civil society.

¹² It should be pointed out that a number of well-established CSO service providers, such as Handikos (people with disability) and Mother Theresa (Health), have branch offices in every or nearly every one of Kosovo’s 31 municipalities. As they are a daily presence in the lives of many citizens in their neighbourhoods and as they frequently have greater resources for carrying out activities than local CSOs do, it is easy to see why national CSOs are compared so favourably with local organisations on the criterion of representation.

sort of civic activity). Low levels of public support for CSOs are confirmed by the survey finding that only 10% of the population is a member of a CSO. In general, CSOs in Kosovo are supported by very weak or non-existent constituencies, owing to their general failure to build community relations, communicate with stakeholders and use the Media¹³ and networks to promote their organisations and activities.

Fewer than one third of Kosovars think that CSOs are open to public participation, and a low number (20%) of those surveyed indicated that they would be willing to work voluntarily in a CSO.

Within Kosovo's various ethnic minority communities broadly speaking public perceptions of civil society are in keeping with those of the Kosovan Albanian majority. Within the Serbian enclaves and the predominantly Serbian northern region, which remain to all extents and purposes cut off from the majority community and the Kosovan state institutions, and excluded from broader civil society in Kosovo, community approval of CSOs is markedly lower and civic participation and voluntarism weaker than in other parts. The 2008 USAID NGO Sustainability Index (USAID 2009) asserted that here [CSO] activists are perceived as collaborators of foreign governments or even as traitors. Although this oversimplifies attitudes to a particularly complex area of civic activity cut through with competing political influences, it illustrates the more general point that Kosovan Serbs, owing to their social and political marginalisation within embattled communities, are more sceptical towards civil society, less socially trusting and less likely to volunteer or otherwise participate in civil society.

¹³ Relations with the Media and the attitudes of media outlets towards CSOs are complex. CSOs from outside the capital, Pristina, struggle to gain coverage in the national Media, owing to limited human resources in the Media and its orientation to Pristina. Editorial policies are often highly politicised, leading to selective exclusion of certain organisations or types of activity from reports.

Local broadcast media dedicates significant space to covering CSO activities and events, and poor coverage of civil society is more directly attributable to poor PR capacities on the part of CSOs.

2. CSO ORGANISATIONAL CAPACITIES

2.1 Overview of the civil society community in Kosovo

Structure of civil society

Officially there are just under 5,000 CSOs registered in Kosovo, but it is estimated that fewer than 10% of these are truly active.¹⁴ There are also around 300 international NGOs that have registered their branches in Kosovo. The reduction of international funding for CSOs over recent years has resulted in the closure of many inefficient and poorly managed NGOs and a concomitant consolidation of the sector. Overall, civil society remains weak and under-developed. Despite the considerable amount of training and technical support that has been provided to CSOs, organisational capacities remain limited (ATRC 2008).

The average CSO is a small organisation, with limited staff numbers and skills, supported by a single donor and carrying out short-term project activities. Consequently, many CSOs are unable to both maintain a regular programme of work and achieve organisational resilience and sustainability. A significant number of CSOs are more-or-less sleeping organisations which re-awaken if the opportunity to obtain scarce donor funding for projects presents itself. Unsurprisingly, the sector's impact is consequently perceived as being low.

In a recent strategy paper for civil society in Kosovo, the Advocacy Training & Resource Centre noted that civil society "is still unable to exert any influence over public policy" (ATRC 2009). The paper goes on to note that the sector "is still struggling to become a representative and vocal sector as is one the requirement of modern and democratic countries."

A conspicuous feature of the civil society in Kosovo, originating in its almost total dependence on foreign donors and their short-term priorities, is the lack of real linkages to those whom it represents. CSOs invariably have small and largely inactive memberships, do not communicate effectively with community stakeholders and are otherwise poorly supported by their constituencies.

An additional result of excessive reliance on the donor community is poor cooperation between CSOs and intense competition for resources, as well as an absence of shared goals, or a notion of a civil society "community" or "movement."

Civil society is represented across the whole country, including the Serb-dominated north and Serbian enclaves, but the greater majority of organisations, including the most active and well developed are concentrated in the capital Pristina and other major towns, such as Peja, Prizren and Mitrovica. At the centre, mainly in Pristina, an identifiable elite of compact, but sophisticated professional NGOs has emerged which include a number of prominent think

¹⁴ Current estimates of the number of active CSOs range from 300 – 500.

tanks, watchdogs and advocacy organisations that are oriented toward influencing the Kosovo government and the international community, including the EC Liaison Office.

Reflecting the social and geo-political divisions of Kosovo along ethnic lines, CSOs are predominantly ethnically exclusive. In general, CSOs representing minority communities are less developed and their restricted access to donors and government means they wield less influence with both municipal and central authorities (Sterland 2006). The continuing political impasse between the minority Kosovan Serb community and majority Kosovan Albanian community, as well as their geographical separation, makes meaningful civil society work across ethnic lines almost impossible (ATRC 2009).¹⁵

Resources for strengthening civil society and supporting CSO development are scant. For some time the Advocacy and Training Resource Centre, in Pristina has been the only dedicated CSO support organisation in Kosovo, providing training, consultancy and access to small grants. In addition, a commercial consultancy firm, MDA (Management Development Associates), whose main clients are public sector companies, also provides a range of advanced trainings in management and development practice at more commercial rates.

Field of operation / activities

Service provision, composed primarily of education, information campaigns and skills training courses, probably comprise the mainstay of CSO activity. Provision of social services and also humanitarian help is carried out in all municipalities by CSOs, in many cases by the branch offices of large Pristina-based CSOs.¹⁶ Many organisations also carry out advocacy activities alongside their project activities. Current donor priorities of support to policy dialogue, government monitoring, watchdog activities and the fight against corruption are spawning both new organisations in this field and the increasing uptake of these activities by established CSOs. Despite this, there is also the sense that many organisations claim an interest and also proficiency in these activities purely as a means of securing financial resources. USAID's evaluation of its Kosovo Civil Society Programme (Mitchell et al 2008) observed: "Advocacy and anti-corruption [...] seem to be popular terms in the CSO vocabulary, but in many cases

¹⁵ Inter-community work is carried out by international NGOs operating in Kosovo, particularly areas of return or in and around the Serb enclaves to attempt some kind of reintegration. Local CSOs representing minorities are employed to facilitate contacts with the local community. Inter-community activities are usually only possible at a remove at some neutral location.

CBM (Community Building Mitrovica), which grew out of a Dutch project after the 1998-9 conflict, is possibly the only functioning multi-ethnic CSO (with equal numbers of K-Albanian and K-Serbian staff) with a mandate for peace building and reconciliation between the K-Serbian and K-Albanian communities. A very limited number of K-Albanian CSOs have been active in this field. E.g. Syri i Vizionit from Peja.

¹⁶ Most notably Handikos and Mother Theresa Society, both of which are survivors from the pre-war parallel system of CSO-run social services established by the Kosovo-Albanian community during the years of repression under Milosevic.

organisations do not display clear awareness of what these terms mean or what types of CSO activities they may refer to.”

A CSO capacity assessment carried out by ATRC in 2008, shows that Kosovo CSOs focus on a wide range of field of activities. Somewhat confusingly, “transparency” (whose meaning in this context remains unexplained) is listed as an activity and this is observed to be the single most common CSO activity in Kosovo. The report goes on to suggest that “transparency” be treated as a cross-cutting activity (or possible issue?) which impacts on many other civil society fields, such as women, youth, people with disability and environment. Apart from these themes, community development is observed to be the most common area of CSO activity.¹⁷

Earlier reports have remarked on the very high number of women’s and youth groups operating in Kosovo, reflecting the young age of the population on the one hand and the large investment made by donors over the last ten years into promoting gender equality and women’s rights.¹⁸

2.2 Human resources and technical skills

In light of the high unemployment and low pay in the public sector in Kosovo, work in civil society is an attractive option for many, particularly those with high educational qualifications. Civil society, particularly in the big towns, is blessed with sufficient numbers of suitably qualified potential staff. However, financial constraints and the need to pay competitive salaries limit the ability of all CSOs in Kosovo to retain permanent full-time staff. If a CSO has the resources to employ staff, it is most likely to have between three and five employees at any one time. In most cases, staff members are engaged on a part-time basis and on short-term contracts for the duration of specific projects. Only a very few CSOs have more than 10 full-time employees. At the community level, the “one-person show,” or CSO dependent on a single committed activist (and usually founder member) for routine administrative activities, is a common occurrence.

Although voluntarism is weak generally, youth groups, in particular and women’s CSOs, to a lesser extent, have some success in recruiting volunteers.

Most of Kosovan CSOs still lag behind in applying best principles of management, both in human resources and financial management. For example, few organisations have clear procedures in place for the recruitment of new staff and tend to operate instead according to standards required by individual donors. CSOs also face difficulties in financial management; many still operate with cash accounts which are not properly maintained and there is limited knowledge of the tax laws and government policies that affect their operations.

¹⁷ See Annex 3 for ATRC’s findings on CSO mission and scope of work.

¹⁸ In 2006, Sterland estimated that together youth and women’s groups accounted for between 40% - 50% of all CSOs in Kosovo.

A high rate of staff turnover, an inevitable consequence of over-dependence on project funding, impedes the development of professional skills and also makes planned organisational development extremely difficult. Staff turnover with a consequent loss of individual capacity to the organisation may also provide the answer to the question as to why so little has been achieved by CSO capacity building programmes over the last decade. There is general agreement that CSOs have received a surfeit of technical trainings in subjects such as project development, financial management, strategic planning, advocacy, and monitoring and evaluation.

ATRC (2008) notes that even now, the average CSO staff member attends two training sessions every year. While CSOs are calling out for training on topics which have largely been overlooked, such as social responsibility, CSO coordination and networking and governance, they are still falling short in the execution of the basic technical skills. The evident and repeated failures of capacity building efforts to date indicate that assistance in these areas is still necessary (for smaller, less developed organisations), but that more of the same will not work and will not be acceptable. In place of the individual skills training which is provided as a stand alone event and to which an organisation usually sends one or two participants, a more individually tailored and planned approach to capacity building must take place within and with whole organisations. Training should be backed up with further consultancy or carried out as process facilitation, but most importantly each session should be oriented to identifiable changes of practice and objectives to be achieved within a wider plan of organisational change to be managed by the CSO itself.

Specific shortfalls in CSO capacity noted in the literature and confirmed by consultations undertaken for this study include:

- Strategic planning (including understanding of organisational mission and vision);
- Fundraising skills, including the development of alternatives to foreign donor finance and understanding EC application procedures;
- Constituency building and community needs analysis;
- Partnerships and networking;
- Human resource management;
- CSO law and financial regulations relevant to the sector;
- Advocacy;
- Policy dialogue;
- Public relations and managing relations with the Media.

2.3 Strategic strengths of CSOs in Kosovo

With very few exceptions, CSOs in Kosovo do not engage in strategic planning. Clearly, the orientation of the sector towards scarce short-term project funding militates against long-term objective-oriented planning. Regardless of their stated organisational objectives included in their Statutes, the majority of CSOs either has no effective mission or routinely carries out activities beyond their mission, as a result of impromptu positioning around changing donor priorities.

Two earlier capacity assessments of civil society in Kosovo (KCSF 2005 & Sterland 2006) highlighted that many CSOs lack both a social vision of what they are trying to achieve in the long term which, combined with poor cooperation with, and understanding of primary stakeholders, renders the very idea of organisational strategic planning, let alone its practice, redundant.

In the vast majority of CSOs the governing body, which should provide a leadership role in determining and overseeing strategic direction, does not function and exists only on paper. Even when assemblies and boards of directors¹⁹ do meet, they tend to perform the role of rubber stamping decisions taken by the executive director and staff members. A further consequence of weak organisational governance, prevalent in the sector, is low levels of organisational transparency and accountability, undermining the public trust civil society and reducing constituency support for civil society activities and undermining the legitimacy in the community of CSOs.

2.4 Analytical capacities

Analytical capacities of civil society sector in Kosovo remain weak. To a certain extent this is a corollary of the lack of CSO specialisation (and mission creep) and low levels of strategic planning. Most of all, it goes hand-in-hand with CSOs' limited communication with their constituencies: few organisations undertake research to identify community needs or to provide the basis for programme and project identification and development.

Shortfalls in analysis, and lack of experience in using both academic and participatory research techniques (such as PRA or PAR), inevitably impact negatively on CSOs' efforts to conduct advocacy and engage government institutions in policy dialogue.

In Pristina, a number of capable think-tanks and other CSO advocates working mainly in the field of good governance and democratisation have emerged. These organisations have

¹⁹ Associations are required by law to have an assembly of members, which must meet at least two times a year. Functions such as monitoring of staff performance, financial management or strategic leadership may be delegated to an elected board of directors, which may meet as often as required. Foundations have no members and are governed by a board of directors.

managed to create a credible public profile, and are quite active in providing government institutions with policy proposals, and publishing research and policy briefs for wider consumption.

2.5 Relationships with other actors –networking and partnerships

CSO – CSO relationships

Kosovan civil society is fragmented, uncoordinated, and deficient in leadership. Lack of cooperation and solidarity between CSOs and even the sense of a shared sectoral identity gained through recognition of mutual values and a shared understanding of the broader role civil society plays within the institutional socio-political context seriously undermine the potential of civil society in Kosovo to contribute to the processes of development and democratic change.

Apart from the CiviKos Platform, no attempts have been made to establish networks or other forms of cooperation with the aim of representing the interests of the whole sector. Aside from the training organisation ATRC, there is no recognised CSO dedicated to promoting civil society development and acting as an interlocutor with government and national institutions.

Over the years, many attempts have been made, mainly at the behest of international donors and international NGOs, to form sub-sector and issue-based coalitions, as well as locally based networks at the community or municipal levels. In the greater majority of cases, these have proved short-lived and ineffective in harnessing collective capacities, owing to poor or contested leadership and an inability to identify common interests and establish shared objectives.

Exceptions to the rule have been the Kosovo Women’s Network (KWN), a vehicle for advocacy for women’s rights and gender equality established in 2000 and the Kosovo Youth Network (KYN), founded by IRC and UNDP in 2001 and the. The KWN, which includes over 80 organisations from the whole of Kosovo, including those representing Serbian women, has proved itself as one of the very few effective forms of wider CSO coordination. KWN’s recent work includes policy research with UNDP to assist the government prepare a Law on Protection against Domestic Violence and the National Strategy and Action Plan against Domestic Violence (KWN 2009), but has led many high-profile campaigns promoting women’s rights over issues such as electoral reform, the establishment of institutional mechanisms for gender equality, greater political participation by women and the inclusion of women’s interests in the Kosovo status negotiations in 2006-2007.

The KYN now represents over 130 youth organisations and has established itself as the civil society representative with a central role in the continuing process of defining youth policy in Kosovo. From 2005 to 2007, along with the Ministry of Culture, Sport and Youth, other government institutions and a phalanx of international agencies (including OSCE, GTZ, UNICEF, UNDP, UNFPA, the World Bank and others) in drafting the Kosovo Youth Action Plan. It

subsequently was a major contributor to the drafting of a Law on Empowerment (dealing broadly with youth voluntarism) and the designing of a National Youth Action Council, both of whose implementation has unfortunately been stalled within government machinery for nearly two years now.

GTZ and OSCE respectively invested heavily in forming youth councils and NGO forums in many municipalities in the early 2000s. As with the greater majority of other networks in Kosovo, these are more or less inactive, except for the Youth Network in the western regional centre of Peja, which established local ownership early on under the tutelage of major NGO Syri i Vizionit and continues today to coordinate the town's many youth groups and centres.

More effective CSO cooperation has been established through short-lived, single-issue advocacy or monitoring campaigns, including:

- "Reform 2004", a broad citizen coalition of more than 250 CSOs (the largest citizen's initiative to date), which advocated for open electoral lists and the reconfiguring of electoral boundaries in place of one-district, closed-list proportional representation. Owing to the unresponsiveness and unaccountability of Kosovo's international administration (UNMIK), the coalition was unsuccessful in its aims.²⁰
- A Pensioners Coalition which succeeded in providing input into the draft law on pension reform.
- A 15-member anti-corruption coalition, under the leadership of COHU,
- The coalition "Civil Society For a Clean Parliament" brought together 15 NGOs during the campaign period for the November 2007 parliamentary elections, to apply pressure for parliament to rid itself of corruption, and elements linked to organised crime. Since these elections the coalition has been more or less inactive.
- "Democracy in Action" was established to monitor the conduct of the February 2007 local elections, but was recently reactivated to monitor the November 2009 local elections.

Unsurprisingly, CSOs representing ethnic minority communities, particularly those of the Serb community, are least likely to enter into networks and coalitions with organisations from the majority Kosovo-Albanian community. More interesting is the observation that CSOs from the ethnic minorities are also reluctant to form partnerships and coalitions within their own community and across enclaves and even with professional CSOs from the Republic of Serbia.

On a more optimistic note, ATRC (2009) has observed that there is a growing trend in Kosovo for CSOs to cooperate with each other, both in the form of individual bi-lateral partnerships and in broader-based coalitions, particularly for the implementation of advocacy and watchdog projects.

²⁰ The advocated reforms were in fact implemented at a much later date.

CSO – state and government relationships

This area is described in detail in sections 1.3 and 1.4

2.6 Material and financial stability and resilience

Except for a very small number of better developed and more professionally run CSOs (most of which have benefited from hard-won institutional funding from international donors), the vast majority of CSOs in Kosovo face serious difficulties in financing their everyday activities and achieving longer-term sustainability. Poor technical capacities, inferior fundraising skills, lack of organisational specialisation with vaguely conceived missions, weak community support and inadequate strategic thinking all militate against CSOs exploring effectively ways to diversify their funding sources and increase their income. According to the preliminary results of the CIVICUS Civil Society Index survey,²¹ around 50% of Kosovan CSOs are financed solely from foreign donors which provide 69 % of the total civil society revenues.

As outlined above in section 1.2, at the current time, alternatives to international funding sources are as yet under-developed and their potential for expansion in order to increase civil society's funding base limited. Now that the administration of Kosovo is completely in local hands (under close oversight from the EU's International Civilian Office), Government must (and will eventually) take on greater responsibility for supporting civil society and providing finance through grant assistance and service contracts. However, not only is the idea of partnership with civil society a relatively new concept to government and the political classes, the Government's budget continues to be inadequate for fulfilling its existing obligations. Continued funding from the international community is made conditional of tight fiscal control which allows for little or no expansion at the current time (IMF 2009). Therefore, a greatly expanded role for government in supporting civil society cannot be expected in the near future at least.

Similarly, philanthropy will begin to play an increasingly important role, as the economy grows, although here too, this will be slow to develop at first as businesses and individuals become accustomed to new ideas of corporate social responsibility. Kosovo's larger and more mature CSO service providers, such as Mother Theresa Society also show the way forward for many community-based organisations, by consistently providing services to the grassroots on the basis of subscriptions from their large membership, volunteer labour and individual contributions from the community.

A recent CSO capacity assessment asserts that there is "very limited potential, in the short- to mid-term, for [CSOs] to become financially sustainable outside international donor support"

²¹ The CSI Index survey and report is being carried out by the KCSF – Kosovo Civil Society Foundation.

(ATRC 2008). More encouragingly, however, USAID's 2008 Kosovo NGO Sustainability Index however perceives the beginning of a trend among CSOs to improved fundraising practice and diversification of sources. According to the report, financial viability of the sector improved *significantly* (author's emphasis) during 2008, as CSOs became increasingly aware of the importance of fundraising. Fewer CSOs than in the past are dependent on a single donor and increasing numbers of CSOs are seeking funding from international donors that do not have a physical presence in Kosovo.

Consultations for this study highlighted two continuing challenges to improved fundraising practice, especially from international sources. Of general relevance is difficulty faced by very many CSOs in gaining a sufficiently good mastery of the English language for approaching foreign donors, while a more specific challenge is that of understanding the complicated EC application procedures and also accessing resources to fulfil the EC's requirements for co-funding.

3. CIVIL SOCIETY MILESTONE ACHIEVEMENTS, IMPACTS AND CHALLENGES

3.1 Milestone achievements and impacts in the country

Think tank capability

Aided by generous support from foreign donors, a number of sophisticated research and policy think tanks emerged soon after the 1998-1999 conflict, contributing to dialogue on democratic reform, the development of a market economy and future political and administrative options for Kosovo (which was then a de facto full international protectorate). There have been fluctuations in the fortunes of some of the early think tanks, with some early opinion-makers falling by the wayside. However, new organisations have continued to appear in the last few years, often fulfilling a remit tuned to the new and changing international political and development realities concerning Kosovo's declared independence and the inclusion of the country in the process of European integration in its own right (rather than as a part of Serbia under UNSCR 1244).²²

Emerging watchdog capability

The last two or three years have seen the proliferation of watchdog organisations dedicated to fighting Kosovo's endemic corruption and to holding democratically elected representatives to account. In the main, these organisations are operating at the municipal level, even if in many cases they are based in Pristina. While owing much to the original stimulation and the continuing support of the international community (in particular, USAID which has championed watchdog and advocacy campaigning since 2001 when it started the implementation of its KNAP programme), the watchdog organisations which are currently active are locally driven in their commitment to the values of democracy and probity in public life.²³

²² Examples of current think tanks operating in Kosovo: ECK - European Centre Kosovo (European integration and sister organisation to European Centre in Tirana, Albanian); Foreign Policy Club; Forum 2015 (think tank coalition, formed originally by KFOS and Riinvest – special focus Kosovo's Euro-Atlantic aspirations. Also general policy); GAP – Institute for Advanced Studies (Political, social and economic policy); IKS – Kosovo Stability Initiative (governance, economic development, environment and Kosovo's image problem); IPOL - Balkan Policy Institute (governance, European integration, economic development); KIPRED – Kosovo Institute for Policy Research and Development (democracy, governance, civil society); Riinvest Institute (economic development – the oldest think tank, formed before the armed conflict).

²³ Current watchdog CSOs include: KDI – Kosovo Democratic Institute: the largest Kosovo watchdog and original protégé of USAID. KDI is the Kosovo representative of Transparency International and works at both the national and municipal level. FOL Movement: Formed in 2008 as a youth initiative to provide a check and critical voice on government during the first year of Independence. It has grown into an organisationally well developed watchdog and advocate for citizens rights, mainly at the central level. INPO – Initiative for Progress, working in and around the municipality of Ferizaj; COHU - Organisation for Democracy, Anti-Corruption and Dignity; KCIC – Kosovo Centre for International Cooperation: despite its name, is dedicated mainly to advocacy activities in the municipality of Gnjilan. BIRN – Balkan Investigative Reporting Network – a major alternative media outlet throughout the Balkans, which grew out of IWPR (International War and Peace Reporting), which in Kosovo is the most publicly recognised watchdog owing to its weekly national TV show covering all things political.

Women's literacy

International funding of adult education projects and literacy centres run by local CSOs in the first years after the 1998-1999 conflict are assessed to have had a major impact in raising the levels of literacy among rural women and their children. Historically, gender inequality owing to a traditionally patriarchal society, and general under-development had resulted in disproportionate levels of female illiteracy in Kosovo. Incomplete inclusion of rural children, especially girls, in the parallel system of education established the Kosovo Albanian community during the years of ethnically-based repression under the Milosevic regime after 1989 exacerbated the situation. During this time, feminist organisations (such as Motrat Qiriazi, Elena, Legjenda and Norma) providing literacy education to women in the most traditional areas of Kosovo, were among the forerunners of a domestic (Kosovo Albanian) civil society in Kosovo in the 1990s. In 2004, USAID was supporting 25 literacy centres in 10 municipalities, while UNICEF supported 130 centres in 19 municipalities in cooperation with the Ministry for Education, Science and Technology.

3.2 Shortfalls in CSO performance

Integration of Civil Society

CSOs in Kosovo have so far failed to develop a sense of solidarity based upon the recognition of common values and a shared understanding of civil society. Apart from CiviKos Platform, civil society has so far not managed to mobilise itself within a sector-wide network; there is no single CSO recognised as a leader or representative of the sector and indeed it is not clear whether any organisation aspires to take on this responsibility. Consequently, civil society is fragmented and uncoordinated. This is a serious capacity shortfall, as it weakens any and all CSO efforts to advocate, negotiate or cooperate in any other way with government and donors alike.

In addition, few moves have been made by CSOs to build solidarity within an ethnically inclusive framework which embraces Kosovo-Albanian and Kosovo-Serbian organisations. Regardless of the seemingly intransigent hegemony of the politics of division within both communities, the social and economic development of Kosovo will be dependent on some form of accommodation and integration of the country's different ethnic interests. Civil society has a vital role to play in negotiating and facilitating this process, including addressing itself to issues of establishing confidence and security through inter-community dialogue, greater economic cooperation and integration, as well as eventual reconciliation.

Mobilising public support

Civil society in Kosovo is poorly supported by the public and few CSOs have established strong membership bases or identifiable constituencies. There is a general failure within CSOs to communicate with community stakeholders, build grassroots relations and encourage community participation in their work, especially in the identification and planning of activities and programmes. This is a serious impediment to efforts to influence government, at either local or central level, via advocacy and policy dialogue, as well as a missed opportunity for developing organisational sustainability.

Greater efforts should also be made in building supportive relations with the business sector, whose importance as a key stakeholder in social and economic policy is generally overlooked by CSOs.

Effective policy dialogue

Despite the growing orientation of the sector towards engaging the Government in policy dialogue, particularly since the Declaration of Independence in February 2008 simplified the issue of where and with whom to direct such efforts, civil society is unable to exert significant influence over public policy. On the one hand this is a result of the continuing lack of preparedness of government to enter into substantive dialogue with civil society and cooperate with CSOs, but on the other, it is the inevitable outcome the sector's lack of integration, poor public support and low levels of organisational, analytical and technical expertise.

4. CONCLUSIONS

4.1 Summary of strategic issues of relevance to the project

- The declaration of independence by Kosovo in February 2008 heralded the taking on by the Kosovan authorities of full responsibility for governance and marked the downgrading of UNMIK's role in the direct administration of Kosovo's affairs and their monitoring.²⁴ This act has been accompanied by an ongoing flurry of legislation and policy making by the central authorities, as well as a commitment to implement a plan for decentralisation of powers to the municipalities within a revised territorial framework designed to provide Serbian communities with a degree of autonomy and greater safeguards to their basic human rights.²⁵ These events represent a unique opportunity for civil society to play a role in

²⁴ Although UNMIK remains in Kosovo, as the UNSC and UN general assembly have not officially recognised Kosovo as an independent country (and UNSCR 1244 officially remains in force), in practice the EU in the guise of the its International Civilian Office and European Union Special Representative has taken over the role of international guarantor with a much reduced supervisory mandate.

²⁵ This is "The Comprehensive Proposal for a Status Settlement for Kosovo," presented by the Secretary-General of the United Nations to the UN Security Council members on 26 March 2007. It was drafted by a team headed by

determining the parameters and quality of governance and social policy in Kosovo, particularly at the central level. The project should therefore pay particular attention to the capacity building and assistance of CSO networks and coalitions which address themselves to carrying out advocacy and policy dialogue at the central level on priority issues.

- Any future cooperation between the Kosovo Government and civil society will be weakened (or complicated) by the absence of an overall institutional structure and policy framework for mediating relations between the two parties. A provisional, but official, agreement has been reached on developing the necessary structures and promoting a government strategy to assist civil society's development by the signing of the Memorandum of Cooperation between the Government and CiviKos. The project should promote the Memorandum with both civil society and government circles to ensure that it is re-established as a policy priority and it should explore ways of facilitating a rejuvenation of CiviKos or similar CSO coalition or movement in favour of leading civil society representation on this issue.
- Political and social divisions between Kosovo Albanian and Kosovo Serb communities – including the *de facto* lack of freedom of movement for Serbs within Kosovo²⁶ - determine that Kosovo-wide and ethically inclusive civil society activity is virtually absent and extremely difficult to promote. This presents the project with a major challenge, as it is designed on the premise that increasing the frequency and quality of intra-sector cooperation (CSO-CSO cooperation) through dialogue, networks and other forms of partnership, is key to achieving the objective of strengthening civil society's overall capacities. Activity in this area is particularly problematic in the fields of social policy and service provision which in the Serb communities continue to be administered directly from the Serbian Government in Belgrade, rather than the Kosovan Government in Pristina. These include education, pensions and welfare payments, and health. However, a number of other social policy concerns and areas of civil society activity appear less politically determined and are, in principle, more accessible to a cross-community, multi-ethnic approach to capacity building and networking. These include disability, women's and gender rights, youth empowerment and economic development activities. The project should focus efforts to integrate civil society capacity building at the country level on these and any other issues which are identified as being less politically contentious.

President Martti Ahtisaari, Special Envoy of the Secretary-General, after the effective failure of over a year's negotiations between the Kosovo Albanian Government and the Government of the Republic of Serbia. In particular it sets out extensive provisions for non majority communities including new arrangements for local self-government, the protection of religious and cultural heritage and democratic representation.

²⁶ Lack of freedom of movement for Kosovo Serbs is contingent on locally specific perceptions of security (of lack of it) and political pressures felt within the Kosovo Serb locality and also the majority community in the immediate surroundings. A further factor influences cross-community initiatives is the degree of security or insecurity felt by Kosovo Albanians wishing to enter Kosovo areas and enclaves.

- There is clear need for organisational capacity building of all types of CSO across the country. While service provision continues to be a primary focus for many CSOs, policy dialogue has taken on increased importance in newly independent Kosovo and is a priority for most donors, including the EC. In order to ensure coherent and more efficient use of limited project resources (including time and personnel, as well as money), TACSO in Kosovo should target its organisational capacity inputs at CSOs engaging in policy dialogue in partnership or coalition with other CSOs at the local level.

4.2 Needs assessment conclusions

Civil society environment

- Recently revised legal and financial regulations governing civil society are in line with international best practice. Lack of harmonisation of tax laws with CSO legislation opens the door to discriminatory provision of tax deductions to the detriment of a broad swath of advocacy-oriented rights-based organisations.
- Civil society remains overly dependent on international donors for financial resources, which have been in decline since 2001. Domestic sources of CSO finance of all kinds are poorly developed. Overall, the total financial resources available to civil society are insufficient to sustain the programmes of the CSOs currently active in Kosovo.
- The Government of Kosovo has so far established neither institutional mechanisms nor a strategy for developing relations with civil society in order to enable participation of CSOs in policy dialogue and the legislative process, or to support the development of the civil sector. A Memorandum of Cooperation, establishing the basis for a future architecture for cooperation and state support of CSOs, was signed between the last government and a short-lived CSO network, CiviKos.
- Communication between government and CSOs at all levels remains weak. There is little understanding of the concept of public participation and its facilitation by civil society in government circles. Superficial cooperation between CSOs and government does take place on a relatively regular basis, but it is usually unplanned and is mediated through personal connections, rather than a transparent and accountable institutional process.
- The Law on Local Self-Government prescribes a number of mechanisms through which CSOs may participate in local-level policy making. Mechanisms for public participation often remain inactive or have not been established owing to inaction on the part of CSOs as well as the reluctance of local government.
- CSOs are dissatisfied by the lack of substantive cooperation between civil society and the EC Liaison Office on EC policy and programming in Kosovo. The government Agency for Coordination of Development and European Integration has also established no formal provision for cooperation with civil society and consults CSOs infrequently.

- Civil society is poorly supported by the general public, almost 50% of which view civil society as unrepresentative of public interests. In addition, CSOs are often perceived as existing only to promote the financial interests of a narrow middle class elite and as being unaccountable to the people and closed to wider community participation.

CSO organisational capacities

- Civil society in Kosovo is weak and under-developed. CSOs have received considerable training and technical support, but continue to lack organisational strength and resilience. The average CSO is financially unstable, supported by a single donor and carrying out short-term project activities.
- At the centre, a number of prominent professional think tanks, watchdog organisations and rights-based advocates have emerged. Generally, however, CSOs in Kosovo are unable to exert significant influence over policy.
- Reflecting social and geo-political divisions in Kosovo along ethnic lines, CSOs are predominantly ethnically exclusive. CSOs representing minority communities, especially the Serb community, are less developed and wield less influence. The impasse between Kosovo Albanian and Kosovo Serb communities makes meaningful civil society work across ethnic lines extremely challenging.
- Very few CSOs have permanent professional staff, owing to the general limitations on funding. Dependence on short-term project funding leads to a high rate of staff turnover in many CSOs, weakening organisational development and longer-term planning.
- Strategic direction is particularly weak among Kosovan CSOs. Lack of social vision and donor-oriented missions are common CSO characteristics. Financial insecurity militates against long-term programme planning. Functioning governance structures are the exception, and low levels of organisational transparency and accountability undermine public trust in CSOs.
- Kosovan civil society is fragmented, uncoordinated and deficient in leadership. CSO networks generally prove short-lived and ineffective in harnessing collective capacities, owing to poor leadership, inter-CSO competition and lack of shared vision.
- CSOs are poorly oriented towards their direct stakeholders and are rarely supported by strong constituencies. Communication with stakeholders is of a low order, as too is needs analysis and social research for project identification.
- While considerable numbers of CSOs engage in advocacy, research, analysis and campaigning skills are in short supply. At the grassroots, CSOs often have an incomplete understanding of what advocacy is.

4.3 Recommendations for the regional project work plan

- Establish a regional pool of experts to provide capacity building for CSOs and civil society in areas of common need (within the project countries) identified by the project needs assessments. This pool would be available to CSOs in all project countries.
- Organise regional dialogue events at which CSOs from all project countries would meet, discuss common problems and concerns, share experiences and best practice, learn from each other, create partnerships and plan future joined activities and projects.
- Organise study visits within the project region for the exchange of best practice, especially concerning the CSOs cooperation with the government.
- Involve existing regional CSOs networks in project activities and further build their capacities to be able to undertake and provide sustainability of the regional aspects of the project when it ends.
- Provide a balance of national and local level focus in the region, with bigger emphasis on local level participatory democracy development
- Strengthen capacities of selected leading professional CSOs and individuals from all IPA countries on policy development and research activities
- Strengthen capacities of selected CSOs from all IPA countries for watch dog /monitoring of government on national level through joint regional activities
- Initiate a regional dialogue regarding elements of a unified platform for CSO activities within the framework of the EU Accession Process.
- Strengthen regional networks for CSO development.

4.4 Recommendations for country specific work plan

Civil society environment

- In cooperation with the NGO Registration Office, supply CSOs with up-to-date and comprehensible information on the legal and financial framework governing civil society, including an explanation of public benefit status, its advantages and responsibilities and how to apply for it. Information should be provided in pending legislation, such as the Law of Sponsorships and amendments to the Law on VAT.
- The project, through its Advisory Group, and also the TA, should coordinate with the donor community – including international donors, government and locally managed funds – and advocate for greater consultation with CSOs when setting objectives and designing.
- Facilitate and support the establishment (or re-animation) and capacity building of a national CSO coalition, network or forum whose aim would be to mediate the various CSO

interests and voices, represent civil society in public and with the government and donor organisations, as well as develop strategy for the further development of the strategy.

- Establish partnership with central government and facilitate a “space” for regular communication between government and civil society. In addition, and through the above communication, provide support for and promote the implementation of the measures predicted in the Memorandum of Cooperation; in particular, a joint government-civil society committee responsible for developing a government strategy for support to civil society development and government support to civil society activities through transparent grant schemes with clear objective-based application criteria.
- Develop an online database of CSOs active in Kosovo, building on existing directories and databases, incorporating sufficient information fields for the database to be used as a networking and a research tool.
- Establish working relations with the Agency for Development Coordination and European Integration and facilitate regular communication and consultation on government policy with regard to European integration between CSOs and the Agency, as well as with the ECLO.

CSO organisational capacities

- With a focus on CSOs working at the local (municipal) level, especially those with a mission to act as a catalyst of change by undertaking advocacy activities or seeking to raise public participation and representation in local-level policy making, the TACSO project should offer a range of tailored capacity building activities to enhance CSO performance and strengthen organisational development and sustainability. In order to ensure coherent and rational use of project resources and to maximise project effect, capacity building should concentrate on CSOs working on selected issues or in fields of activity identified by communities and the TA office as priorities.
- Identify viable locally based CSO advocacy networks and supply capacity building according to need. Areas to be covered might include: establishing network objectives and developing a programme of activities, research and analytical capacities, advocacy and campaigning, constituency building and mobilising community support.
- Supply CSOs with training on civil society, its meaning, roles and responsibilities. This should include consideration of development and theories of social change, and civil society’s importance as an agent of change.
- Provide consultancy support to CSOs to assist them to communicate better with direct stakeholders and to respond more effectively to community interests. Assist CSOs to develop their membership base and to facilitate community participation in the identification and planning of CSO activities.
- Assist CSOs to undertake public relations activities to promote themselves and their services in the Media and to the general public, drawing attention to civil society activities, its

values, its role in democratic governance at both the national and local levels, and highlighting achievements and best practice.

- Design and supply training courses on policy research and policy dialogue tailored to the needs of CSOs working at the local level. Training should include understanding of the legal provisions and institutional arrangements allowed for public participation, as well as approaches to establishing partnerships and cooperation with local administrations.
- Supply CSOs with comprehensive practical training on fundraising and approaches to diversifying donor sources. This should be combined with facilitation of mid-term business planning, based upon programme design within an organisational strategic framework. In addition, assistance should be provided, where appropriate, with proposal writing and mastering donor applications.

Annex 1 Acronyms and abbreviations used in the text

CCSD	Centre for Civil Society Development
COHU	Organisation for Democracy, Anti-Corruption and Dignity
CRP	Civil Rights Programme
CSO	Civil Society Organisation
EC	European Commission
ECLO	European Commission Liaison Office in Kosovo
ECNL	European Centre for Non-for-profit Law
ECK	European Centre Kosovo
EU	European Union
GAP	Institute for Advanced Studies
GTZ	Deutsche Gesellschaft für Technische Zusammenarbeit
ICO	International Civilian Office
IKS	Kosovo Stability Initiative
IPOL	Balkan Policy Institute
ISC	Institute for Sustainable Communities
KDI	Kosovo Democratic Institute
KFOS	Kosovo Foundation for Open Society
KIPRED	Kosovo Institute for Policy Research and Development
KNAP	Kosovo NGO Advocacy Programme
KWN	Kosovo Women's Network
KYN	Kosovo Youth Network
MDA	Management Development Associates)
MIPD	Multi-annual Indicative Planning Document
NGO	Non-Governmental Organisation
OSCE	Organisation for Security and Cooperation in Europe
RAE	Roma, Ashkali and Egyptians
SIDA	Swedish Agency for International Development
SIPU	Swedish Institute for Public Administration
TACSO	Technical Assistance to Civil Society Organisations
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNMIK	United Nations Mission to Kosovo
UNICEF	United Nations Children's Fund
USAID	United States Agency for International

Annex 2 Research methodology

The Needs Assessment exercise was implemented through a methodology which combined desk research and face-to-face consultation with CSO representatives and other stakeholders by means of focus groups backed up by individual interviews.

Desk research was used to provide an analysis of the context in which civil society operates based on information collected from a variety of sources, including previous civil society mappings and assessments, evaluations of major civil society-run development programmes, situation analyses, policy documents, and country-specific academic literature.

Four focus groups, using a semi-structured format whose format was developed in advance, were organised, at which a total of 27 stakeholder representatives participated. The first focus group discussions covered the following four sets of stakeholders: NGOs operating at the national level; local CSOs and representatives of municipal authorities; representatives of central government; and international NGOs and donor organisations.

8 interviews were also conducted with individuals from all of the above stakeholder groups.

Annex 3 CSO Mission and scope of activities

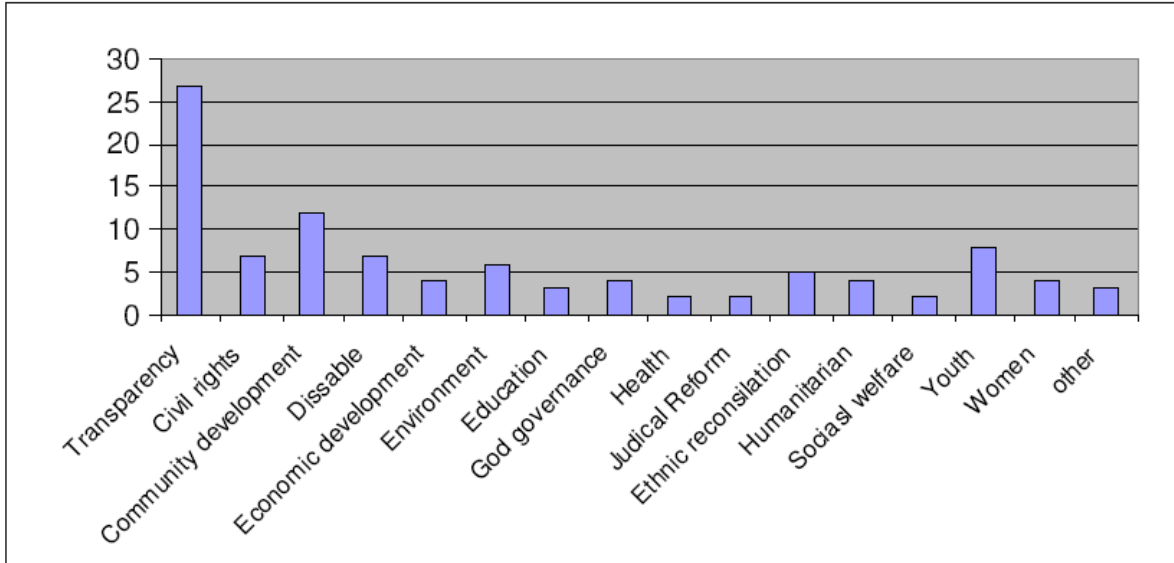


Chart 2: Distribution of NGOs based on their mission and scope of activities

Source. ATRC (2008)

Annex 4 List of persons consulted

Focus groups

Focus Group session with NGOs operating at the local level:

Shaqir Mala - Head of the Collegium of EU Integration Officials in Kosovo Municipalities

Samir Hoxha - EU Integration Office - Prizren Municipality

Shpend Voca - Kosovo Nansen Dialogue

Isa Gacaferri - Balkan Investigative Research Network

Enver Kqiku - Kosovo Center for International Cooperation

Liridon Selmani - Kosovo Democratic Institute

Dren Puka - Kosovo Youth Council

Blerina Hoxha - Regional Environmental Center

Ilirijana Kacaniku - Kosovo Foundation for Open Society

Taulant Hoxha - Kosovar Civil Society Foundation

Focus Group session with active NGOs

Kosovo Stability Initiative – Anjeza Hoxhallari

Kosovar Civil Society Foundation – Besnike Koqani

Community Development Fund – Bekim Kllokoqi

Developing Together – Driton Tafallari

Forum 2015 – Ardian Arifaj

Fol 08 – Ramadan Ilazi dani

Regional Environment Center - Firdeze Bekteshi

Youth Initiative for Human Rights – Besart Lumi

EC Ma Ndryshe – Valon Xhabali

Kosovo Democratic Institute – Ramadan Klisurica

Individuals interviewed

Bajram Kosumi, Director of the Department for Registration and Liaison with NGOs, Ministry of Public Administration, Contact : Bajram.E.Kosumi@ks-gov.net

Elmaze (Eli) Gashi, Executive Director, East West Management Institute; 25.09.2009, Prishtina. Contact: elmaze.gashi@gmail.com

Bari Zenelaj, Executive Director, Academy for Training and Technical Assistance; 23.09.2009, Prizren. Contact: bari@atta-ks.org

Armend Bekaj, Program Manager, Institute for Sustainable Communities; 29.09.2009, Prishtina. Contact: Armend.bekaj@gmail.com

Aliriza Arenliu, Executive Director, Foundation Together and Dokufest Film Festival; 20.09.2009, Prishtina. Contact: aliriza@dokufest.com

Feride Rushiti, Executive Director, Kosova Rehabilitation Centre for Torture Victims; 28.09.2009, Prishtina. Contact: krct_org@yahoo.com

Mytaher Haskuka, Program Manager, UNDP Kosova; 01.10.2009, Prishtina. Contact: mytaher.haskuka@undp.org

Edis Agani, Program Coordinator, European Commission Local Office to Kosova; 01.10.2009, Prishtina. Contact: edis.agani@ec.europa.eu

Fortuna Haxhikadrija, External consultant, Ministry of Economy and Finance; 29.09.2009, Prishtina. Contact: fortuna.haxhikadrija@gmail.com

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New Kosovo Report <http://www.newkosovareport.com>

Kosovo Women's Network <http://www.womensnetwork.org/>

Rockefeller Brothers Fund <http://www.rbf.org>

USAID Kosovo <http://www.usaid.gov/kosovo/eng/>