Jorge Luis Borges, the famous Argentine writer, said in an interview in the Paris Review, in the late fifties of the last century, that he writes because he is unhappy. Happiness, says he, is a point which moves you to do nothing, except enjoy it, enjoy happiness.

If we invite Borges into our debate today it is for an easy conclusion. We are discussing among ourselves on how to get to sustainable governance, in Borges’ unhappiness, for the simple reason of not having seen such a governance in all of these past years in the transition towards freedom and statehood. In his analogy, we wouldn’t be discussing sustainable governance if we were happy, if we had such a governance we would be enjoying it.

The ramifications of this analogy, beyond the probably comical equation between happiness and sustainable governance (I am quite sure sustainable governance is not very high on the individual’s list of happiness) would conduce us, logically, to describe Kosovo as an entity that has had, depending on the point of view, over a considerable period of time, lack of sustainable governance, insufficiency of or lack of governance.

Whatever the nuance, the negation of state of governance is of utmost importance to understand the past, almost two decades.

And, to further our understanding let us use an illustration that could be literary if it were not true.

On March 24, 1998 our then leader, later president, dr. Rugova went to his usual weekly press conference to tell the people of Kosovo three things.

First, the Kosovo presidential and Parliamentary elections held two days ago went well; he was elected President and the Parliament would convene as soon as possible.

Two, the Serbian regime has continued its policy of massacres, which he condemns and asks to stop.

And three, the Republic of Kosovo had just been recognized by the Dominion of Melchizedek. He had in his hands the fax message saying so.

Journalists asked many questions about the post-elections and the Serbian violence and at the end was one question on the recognition by the Dominion with the complicated name.
What will be the next step, asked the journalist and dr. Rugova in a tone that was supposed to state the obvious said:

-We will establish diplomatic relations with them and exchange ambassadors.

2.

Kosovo at the moment of Rugova’s press conference was heavily occupied by Serbia; its police and military controlled life in the territory and it would be fairly difficult to imagine how we could establish diplomatic relations with another country. Furthermore, it would be even more difficult since the Dominion of Melchizedek, unknown in geography, became known only to law enforcement agencies in the US and France (after president Chirac received a declaration of war from the Dominion on his fax machine) as a group of fraudsters who, among other things, sold Dominion passports to Filipinos and others wanting to emigrate and painted a racing horse in order to cheat in horse races in Australia. Nevertheless, there was a continuous collective belief not only in Rugova, but also in the eventuality that press conference after press conference, Kosovo would be an independent country, establishing diplomatic relations firstly with the Dominions of this world and then with other countries, of which the main was the USA. And this despite suffering the obvious consequences of the Serbian brutal occupation.

This is a classic case of cognitive dissonance, in which two parallel cognitions clash; on the one hand Kosovo being occupied, subjected to heavy repression and on the other establishing diplomatic relations as an independent country. On the one hand being subjected to Serbian state terror and on the other believing that after every Friday’s press conference Kosovo was liberated.

The author of the concept cognitive dissonance, the American social psychologist Leon Festinger published a book together with two other authors in 1957, “When prophecy fails”. There is a worthy analysis there, for the kosovars also, to see how deeply they were involved in profetic beliefs, but for this occasion it is important to stress two points. One, the end of dissonance in profecies is both necessary and brutal for the believers and it was so for Kosovars. It was brutal in finding out that the last option for liberation is war, with its terrible price in lives and property. It was necessary because it is the way out, the way to create a consonance of realities and beliefs.

Two, the new consonance of beliefs ultimately did not happen by internal action, but by outside force. Kosovars could have spent many more years reaching a unified point of
beliefs that a liberation war was the solution, but the liberation was possible only by a NATO intervention that did not have liberation of Kosovo as its proclaimed war aim.

3.

Let’s apply now the Melchizedek lessons to the initial Borges aim of this conference.

First, we are here to discuss governance in Kosovo because there is a dramatic lack of it. The lack of governance is a product of cognitive dissonance. As a society, our public discourse contains exactly the right things that the West want to hear: Kosovo is a democracy, with a functioning economy, should be in the EU, NATO, at peace with its neighbors etc. But the state is described either as partially authoritarian, a hybrid state of formal democracy or as a captured state, a state ruled by not by law but by an organized crime group and its capacity to control the institutions of the state.

For the past 17 years kosovars and the international community involved have believed that if they do what they have been doing the result will somehow come, Kosovo will become a European functioning democracy. And Kosovo is consistently behaving in a way to prove that it is not a European functioning democracy.

Second, it is a basic conclusion that, as in the case of liberation of Kosovo, nothing happens or can be achieved without external action. And since 1999 there was a continuous external action in Kosovo, from UNMIK to EULEX to day to day micromanagement from embassies, or rather the Embassy, then the question arises of what is the quality and direction of the "external action".

There is a need therefore to reduce the dissonance between the two beliefs: that Kosovo, with the international communities help is or has become a democracy en route to the EU and the reality of a territory without sustainable governance, a captured state.

Leon Festinger wrote that dissonance reduction can be achieved by changing behavior, changing cognition, or selectively acquiring new information or opinions. He gave the example of a smoker who has knowledge that smoking is bad for his health. He may reduce dissonance by choosing to quit smoking, by changing his thoughts about the effects of smoking (e.g., smoking is not as bad for your health as others claim), or by acquiring knowledge pointing to the positive effects of smoking (e.g., smoking prevents weight gain).
Kosovo has in the past 17 years used number two and three. As in smoking is not as bad as others claim, it has been said that Kosovo may have moved slowly (it is criminalized, dysfunctional and has the largest unemployment in Europe) but it is more or less going in the right direction. Or, as in smoking that prevents weight gain, if things in Kosovo had not been done the way they were done since liberation, the situation would have been much worse.

What is evident is that we need to get to number one, stop smoking altogether.

4.

What is a “cold turkey” therapy for Kosovo?

Recognizing the brutality of the realities. As in 1998, when we could not be an occupied territory and an independent state at the same time we need to discard the notions of normalcy that are so dissonant with our lives.

The first and foremost assessment is that Kosovo is an incomplete state.

It is incomplete in its capacity to administer its territory; the Kosovo authorities have shared for the past 17 years the territory with the authorities of Serbia, and still do.

It is incomplete in its European and international identity and legitimacy. It is unrecognized by five members of the EU and it is not a member of the UN.

It has still the need for quasi-colonial caretaking in rule of law (EULEX, Special court).

These are all, if you will, “hardware problems”, and without a solution to them it is hardly imaginable discussing sustainable governance.

These “hardware problems” have been further aggravated by the half-baked attempts to find a solution to them. Since 2010 the EU has mediated the “Brussels process” of negotiations between Kosovo and Serbia in which the Kosovo representatives accepted as their own the Serbian position that the status of Kosovo is still in dispute and that as part of resolving that dispute Kosovo would create an ethnically based territorial autonomy for the Kosovo Serbs.

So, number one problem is being defined at all as a state, and as always a problem that quickly gets more attention than the ones of governance, corruption, public services.
Number two: the character of the state. In the Cold War years, Samuel Huntington in “Political order in changing societies” started off by making a basic distinction between governed and ungoverned countries, and by concluding that there is far less difference between the US, UK and the Soviet Union, despite their ideologies then there is with countries in the developing world that may be nominally democracies but with lack of governance.

Kosovo is geographically a European country, but the measuring stick for it is not its capacity to integrate into the EU. The measuring stick for its statehood is its capacity to move out of the Third World. Despite being in Europe, Kosovo’s unemployment is higher than that of Palestine, a non-country. Actually, Kosovo has an equal or higher unemployment rate than the Gaza strip (41.6 per cent according to the Palestine Central Bureau of Statistics). The West Bank at 16.3 per cent is a European country compared to Kosovo.

And Kosovo’s priorities in economic decision making are closer to the Third World jokes. Since independence the bulk of investment of public resources has gone to the highway to the Albanian border, and now the one to the Macedonian border. Almost a billion Euros have been paid for the highway to the Albanian border. That money has made it possible that a truck full of bell-peppers from Rahovec or scrap-metal from Ferizaj arrive half an hour earlier to the Albanian port of Durrës, something that the bell peppers and scrap metal could do without. Understandably, the highway did not change the way business is conducted. Kosovo has not increased its employment or exports with the highway.

So then, why such a decision? As in the old Third World Jokes, the question lies in the money spent on asphalt. A kilometer of highway in Denmark costs 6.7 million euros, in Croatia 7.3 million. In Kosovo, it went to 11 million per kilometer. If the government was acting irresponsibly, shouldn’t the chaperones of our independence have said something about it? Well, one of the main supporters (lobbyists would probably more appropriate) for this highway of the way it was contracted and not disclosed to the public (the contract is still secret, although the money is public) was the US ambassador to Kosovo. After the end of his mandate, the ambassador became an employee of the American construction giant Bechtel, which had received the contract in Kosovo.

His present job is in subequatorial Africa, in Mozambique, which other than to illustrate the natural sequencing of Third World cliches serves to introduce professor Christopher Clapham from SOAS who analyzed the nature of post-colonial states in Africa and wrote quite many books about it, including “The Nature of the Third World”. He took a longer look at the moment when the colonial flag goes down and the new state goes up: the moment when the state institutions left by the old masters together with whatever resources are up for grabs for the new governments. He called it neopatrimonialism, that is a "form of
organisation in which relationships of a broadly patrimonial type pervade a political and administrative system which is formally constructed on rational-legal lines." It is a system in which an office of power is used for personal uses and gains, as opposed to a strict division of the private and public spheres.

5.

Kosovo did not have that “midnight” moment when the old flag goes down and the other goes up, (it was much more chaotic than that, and indeed, there is still the UN flag around here to remind us that the story is not over) but the narrative of institutions up for grabs is all too familiar. It started, actually, by kicking out Serbs and Roma - any Serb and any Roma would do, without discrimination - and taking initially or buying out later their property under violent conditions. It continued with killing Albanians who happened to be of a different political opinion. From 14th of June 1999 until 31 December 1999, an average of six persons was killed every day. One was Roma, identified by his skin. One was Albanian, identified by his political beliefs. The others were Serbs, identified by their language, a sign of otherness. This wave continued with occupying any segment of public sphere (from names of streets to members of Faculty in the University) – anything that was public became fair game. These first months of a liberated Kosovo were important because they would show the way forward. And the way forward was state capture, by physically occupying the public space left behind by the departed occupying authorities, impossible to be filled by the UN mission.

State capture meant taking over nascent institutions, the public broadcaster for example, or the Customs service. Or the Police. Or the Constitutional court. Or, at the end, create massive electoral fraud.

In this process, one political group in particular, with its leader, the present president of Kosovo, Hashim Thaci, were identified as the ones to have lead it, profited from and defined Kosovo with. In the analysis of the Special prosecutor of what is going to be the Special court for Kosovo (based on the Marty report), there is evidence to take to court an organized group of people led by Thaci for the continuous criminal activity that has led to state capture.
State capture is probably the most extraordinary and visible form of what Francis Fukuyama (using Weber) would describe as patrimonial state. With a political recruitment based on the principles of kin selection (all members of political clan, that may be also territorial) and “reciprocal altruism” (you are selected to do something for me because I will reward you or have rewarded you for it), Thaci’s Kosovo is a model of a premodern state. His political, regional and family clan among other things, has successfully controlled:

- the way public money is spent, without bidding procedures
- the public University
- the utilities (PTK and KEK)
- police, courts
- public television and a number of non-publicly owned media
- a parallel secret service (SHIK)
- the Privatization agency
- the ability of private companies to independently operate (you can make a profit if you are close to the authorities, and share it with them, vice versa, you will not be able to sustain your independence)
- the Constitutional court
- the culture of impunity: you can get away with whatever you do as a mayor, MP or minister of government if you are part of the clan

And there lies the challenge: how to move Kosovo to modern statehood, therefore to sustainable governance? How to make Kosovo’s governance impersonal, one that does not favor close to kin, family or political family or clan or criminal gang (the lines between these categories significantly blurred)?

In Fukuyama’s analysis, from his two books on political order, modern democratic statehood needs the 3 pillars: state institutions (state building), rule of law and accountability.
For patrimonial Kosovo achieving progress on any of the three pillars is extraordinarily challenging.

Statebuilding has been endangered since the beginning, by state capture from the inside and a policy of disputing its possibility as a state altogether (by Serbia and in wider geopolitics, Russia).

Rule of law has not been strengthened. It spent years in the vacillation of what would the laws be (of UNMIK, ex.Yugoslavia, new Kosovo). Police and the courts have been under intense pressure by the forces of state capture. UN and later EULEX have proven not to be a match for the challenges from organized crime and their political mentors.

Accountability, as in Parliament oversight has been a joke. In a patrimonial state, the Parliament is part of the clan divisions. Furthermore, the patrimonial state has been controlling the public broadcasting and successfully corrupting a good part of the civil society scene.

To aggravate the challenges, the “Brussels dialogue” has the potential to further disrupt the system by introducing a new legal and non-constitutional category of territorial autonomy, while at the same time not bringing to closure the relationship of Serbia and Kosovo.

The situation is hopeless? So many factors in state capture that will prevent moving from one issue to the other?

It may look so, and there is no prescription of sequencing. Time will not stop so that an enlightened community suddenly establishes impersonal state institutions. Or that everything waits out till Kosovo becomes a UN member. Or, that we have credible institutions of rule of law. Or those of democratic oversight.

To make matters worse, it is not that the international environment is an inspiring one. This is not the Europe of 1989 when as a 28 year old I got engaged in the leadership of a nonviolent movement for democracy and freedom. This is the Europe of Brexit, of “illiberal democracy” in Hungary, of political Islam getting into the bowels of our society. It is the world of the authoritarians like Putin and Erdogan. It is the world in which a considerable part of America thinks it should elect as its president a bigot, populist or charlatan (whatever description, it not all, fit Mr. Trump).
Rationally, the chances are not very big for Kosovo to make the significant step forward. There is not a critical mass that will move it in that direction. The supposed enlightened debate in this society is hiding in the comfort of Facebook.

The initial stage of change may be in the external action. Kosovo needs proof that there is a possibility for the rule of law and if the Special court becomes a serious institution with a credible procedure it can show, in Fukuyama's words that “the rule of law limits the power of government by establishing accepted rules of justice, which are higher than any individual who currently holds political power”. The Special court can show this if it can deal with the criminal proceedings of state capture, at the highest levels. EULEX, has a new breath of life to try to do the same thing, now from the inside. But, although a big chance, even this will not be sufficient. Actually it will not be conducive unless there is leadership, within our society, that will create and demonstrate in practice a platform of moving from an “extractive” state (one that serves politicians and their environment) to an “inclusive” statehood, one that cares for the needs of its citizens. And here, we, although being a Third World country need to return to an ethos demonstrated before. In 1989 and 1990, despite all forces to the contrary, we developed a policy of integrating into the movement of European democracies. And, despite what is happening today in Europe and beyond, Kosovo needs the model of a European functioning democracy for its own sake. It needs it in order to bring about the respect for public institutions, be they in health, education or administration; it needs it in order to mimic the procedures of respect for public money and to consider the normalcy of rule of law. The European agenda of Kosovo should not be one of irresponsible promises of visa liberalization, and therefore a prospect of becoming a European by voting with our feet. The European agenda of Kosovo should be the model of statehood, if not "achieving Denmark" as has become popular to say in political sciences, trying to imitate what can be imitated.

In the end, Kosovo has actually no existential choice but to move ahead. A stagnant society such as ours has already become a target for political Islam, directed against our ethnic and political identity. A stagnant society such as ours has become part of Russian games: the Mitrovica bridge is actually the division line between the Western and Russian influence in Europe.

And a stagnant society such as ours has, with the help of the international community tested much more of “illiberal democracy” than our poor pockets can afford. Kosovo simply doesn’t have the money to pay for state capture any more.