

Remarks by the International Civilian Representative, Pieter Feith, at the
American University of Kosovo
27 April, 2010

“Kosovo’s future belongs to you”

ICR Pieter Feith:

“Thank you very much for your kind introductory words and also for reminding the audience about my two hats. [...] But you said exactly the right thing: that certainly the ICO office will draw down as soon as possible. I think it is a great compliment to the government and to the citizens of Kosovo that we can already start thinking about the end state of the ICO in perhaps two years, three years. I don’t want to put a horizon on that but we are certainly not going to stay here for nine years and maybe that is something that you will see as a positive development.

“Ladies and gentlemen, I did not only come here to explain the future of the ICO, but I want to discuss with you the future of your country, and also to say a few words on what I think you can contribute to Kosovo, to make it a prosperous, stable country, and a future aspirant member of the European Union.

“I am delighted to be back here today with another opportunity to share my thoughts on Kosovo and its future. It is particularly gratifying to have a chance to speak to you, the students of AUK, and you, the future decision makers and leaders of Kosovo. You are indeed privileged to receive a quality of education here that encourages critical thinking and enables you to form your own vision of the Kosovo that you wish to see develop in the future. Indeed I would say, the future of Kosovo is in your hands.

“It’s my job to ponder Kosovo’s future on a daily basis. I am the one to check that every citizen is getting the new benefits promised by President Ahtisaari’s Comprehensive Settlement Plan. As EU Special Representative, I have to check that Kosovo’s every step is moving it closer to its European future. There are a lot of people in Kosovo whose job it is to make sure than nothing happens. My job is to make sure that something will happen. The long-term sustainability of Kosovo depends on a different economic reality and a different regional reality. The long-term sustainability of Kosovo depends in my view on your generation creating a new environment for business, and a new atmosphere in regional relations. This future Kosovo is your Kosovo, and I share what I hope is your desire for Kosovo to fulfill its proper potential and take its proper place in the world.

“Let me highlight therefore three core areas of endeavour that I consider vital for Kosovo’s continued growth and development: the rule of law, economic development and regional engagement.

“As we know well, the rule of law is the bedrock upon which democratic states rest. For without the rule of law, legitimate progress can never see the light of day. In fact, the litmus test for an effectively governed state is the presence of a vital and well-functioning rule of law system.

“Ladies and Gentlemen, the centrality of rule of law can be traced back in common law tradition to the time of Magna Carta and the Bill of Rights, where, as the quote goes, “even kings were subject to the law.” The rule of law permeates every single area of life be it the conduct of business and trade and attracting foreign investments, establishing an effective administration, forging personal and commercial bonds and the list goes on. Dr. Thomas Fuller warned in 1773 and I quote: “Be you never so high, the law is above you.” In his seminal book on the rule of law, Lord Tom Bingham outlines eight essential principles that define effective rule of law: legal provisions to be available to all citizens, these must be clear and intelligible, equality of all before the law, fair exercise of power by the executive, right to a fair trial, fair application of the law, right to education and protection of all fundamental and human rights.

“Recent years have shown that the rule of law no longer remains within the realms of legal or political life but has permeated into the area of finance and economics and beyond. As the world grapples with increased globalization and consequences that derive from it, the rule of law proportionately comes under examination in areas such as judicial review, habeas corpus, due process, access to justice and accountability of elected leaders to their electorate.

“Several challenges remain in an effort at establishing a firm rule of law system in Kosovo. This is particularly so in the fight against corruption and organized crime, in Kosovo, but also in the region. Recent months have seen examples of challenges to the rule of law and with positive outcomes. One example is the recent controversial court decision regarding property in the Viti/Vitina Municipality. I note another healthy development where the Constitutional Court is fulfilling its responsibilities in its decision that the Prizren Municipality logo breached minority representation rights, and I look forward to action by Prizren to bring the logo into conformity.

“It is encouraging for us to see the establishment of new judicial institutions, new entities that have recently handed down legally sound, well reasoned opinions. In the fight against corruption and fraud, this judicial independence becomes even more of an imperative. As you ponder over the Kosovo that you wish to inherit from your parents’ generation, be assured that it must be a Kosovo that has established effective rule of law in all areas of civic and political life, and that you can be proud of a truly democratic state of which you will be full citizens. One final point on the rule of law is to point out its inextricable link to security, both at home and abroad. As nations around the world grapple with new threats, be they man-made or induced by nature, it is with sound rule of law systems that they are able to keep their citizens safe and well, while engaging with international partners to address particular challenges. In Kosovo, the collective EU presences are working closely with the government to continue reform on rule of law matters in every sector.

“Ladies and Gentlemen, while proper, functioning institutions are essential to rule of law, living within a society governed by the rule of law is as much as anything a habit of mind--and this is where each of you, individually, has a role to play. The rule of law is not just about the “big issues” like oversight of the government’s actions by the Assembly. It is also about daily choices—to respect traffic laws, or to throw garbage in the right place. By respecting the law ourselves, we are able to make a legitimate claim on others in society to respect it as well.

“A sound economic system is yet another pillar which ushers growth in a state and ensures strong linkages across the region and the globe. The new EU High Representative Lady Ashton stressed this point after a recent meeting with Prime Minister Thaci where she stressed the EU’s support to Kosovo, and I quote, “through trade, through projects, through economic growth,” She further added that: “Kosovo belongs in Europe. The region is a great priority for me.” Kosovo has taken some rapid and important steps in the right direction. It has acquired membership to the World Bank and the International Monetary Fund recently.

“In order to kick-start growth, Kosovo should rapidly adopt farsighted economic policies to stimulate sustainable growth and job creation, and to increase the inflow of Foreign Direct Investment (FDI). It is high time to ensure that, in a few years from now, Kosovo will have a healthy and dynamic private sector. Part of that is making the mental shift from seeking to control private enterprise to seeking to regulate it.

“The Kosovo authorities, ladies and gentlemen, have decided to open the three largest Publicly Owned Enterprises (POEs) to private investment and have already taken important steps in that direction. The privatization of the Postal and Telecommunication Company of Kosovo (PTK), of Kosovo’s energy company (KEK) and of the “Pristina International Airport” will be among the largest transactions ever done in this country. The privatization process must be competitive, transparent and well designed. A successful privatization process will also send the signal that Kosovo can be an attractive destination for large-scale investment and is a reliable partner.

“As a small based economy Kosovo is heavily dependent on exports for its well-being. Kosovo’s current export performance remains disappointingly low and import coverage remains at about 12 percent. Therefore, regional cooperation is crucial for Kosovo’s economic situation as sustainable economic development is not possible without access to international markets and good neighbourly relations. Also, through active participation Kosovo can demonstrate its political maturity and attract goodwill, in particular with regards to Kosovo’s European perspective. Staying outside of regional mechanisms would not only have important negative political repercussions but also risk economic isolation.

“Ladies and Gentlemen, faster, sustainable economic development also depends on the expansion of the private sector and the improvement of its productivity and competitiveness. There is an urgent need of improving the business environment, which is still inadequate, and stimulating private investment.

“The 2010 “Doing Business” survey of the World Bank revealed disappointing developments: out of a total of 10 business climate indicators, nine have declined compared to the past year and one has remained constant. In other words, Kosovo has only made limited progress in undertaking necessary economic reforms according to this World Bank report.

“Yet, ladies and gentlemen, the external factors are bound to change with the ongoing transition to a functioning market economy in line with European criteria. As in other economies heading for membership of the European Union, the private sector should become the main engine of growth. Dealing with Kosovo’s economic current situation will require the formulation and consistent implementation of adequate economic policies to address acute shortcomings.

“Finally, ladies and gentlemen, I wish to address regional cooperation as the third point of focus for Kosovo, especially as its engagement with its neighbours deepens. Kosovo continues to participate in regional initiatives cognizant of the fact that regional cooperation is indeed the path toward eventual European integration. It is important that Pristina and Belgrade also begin cooperating closely on resolving outstanding issues which have long-term implications for both sides. The census scheduled for May next year is another matter where cooperation between Pristina and Belgrade will be critical. Both Serbia and Kosovo have a European perspective as part of the region. The EU is already playing a facilitation role in the preservation of Serbia’s religious and cultural heritage in Kosovo. Additionally, as Kosovo develops and develops ever closer ties, ever closer trade and business links with the rest of Europe, its own relationship with Serbia as well as other neighbours in the Western Balkans region must be solidified so that all the actors read the script from the same page. In the end, this cooperation involves issues of governance which may not always find consensus, but which are nevertheless necessary for progress.

“To date, ladies and gentlemen, 66 countries have recognized Kosovo’s independence and as the International Civilian Representative that gives me great ground for optimism for Kosovo’s future. State and institution-building is progressing and you will be the eventual custodians of our collective efforts today. The EU is the consistent and increasingly closest partner of Kosovo. Support for Kosovo’s social and economic development comes from Brussels and will continue to come from Brussels, and on a daily basis from us on the ground as we support Kosovo’s EU perspective.

“In conclusion, ladies and gentlemen, a word about you. I have no doubt that you are closely studying our work here in support of your government. We need your vision, your talents and your commitment to make this joint effort of an EU-Kosovo partnership a success. Please, find the avenues where you can express yourselves, by the written words, through the arts, humanitarian work—whatever drives you to make your contribution. At the end of the day, you will be the torch bearers that will take Kosovo on its onward journey. Much hope will be vested in you and you must give your very best to Kosovo and to yourselves.

“Mr. President, ladies and gentlemen, thank you very much.” Ends