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A peace too vague

UN administration in Kosovo

Chris van der Borgh | May 29, 2007

Eight years of UN administration in Kosovo have brought stability, but not reconciliation or consensus on the country's status. The international administration had sufficient manpower, money and time, but has suffered from the lack of international agreement on Kosovo.

In late March 2007, UN special envoy Martti Ahtisaari submitted a plan for settling the political status of Kosovo to the UN Security Council in New York.¹ It included a proposal to grant Kosovo conditional independence. Thus, the Security Council was faced with the same thorny issue it had pushed aside nearly eight years ago. Following the NATO bombardments of Serbia in 1999, the UN took over the administration of Kosovo indefinitely, without knowing what the final goal of the political process was to be.

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NATO's 'humanitarian intervention' in Kosovo stirred up much debate. The Security Council had not given its approval, and even then there were doubts about whether the ideal of a multi-ethnic society was something that could be enforced by violent means.²

UN resolution 1244, which was adopted after the bombing, denied Serbia sovereignty over Kosovo, and turned the area into an international protectorate under the civilian administration of the



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UN Interim Administration Mission in Kosovo (UNMIK),³ which was to be supported by NATO's military presence, the Kosovo Force (KFOR).⁴

However, the resolution described the political status of Kosovo in rather vague terms. On the one hand, Kosovo would remain part of the Federal Republic of Yugoslavia, while on the other it was to be granted 'substantial autonomy' – a situation described by Timothy Garton Ash of the University of Oxford as 'virginity and motherhood combined'.⁵ It showed that both internationally and in Kosovo itself no consensus had been reached about the ultimate goal of the mission. The hope was that UNMIK would contribute to forging that consensus during its administration. UNMIK was different from most other peace operations launched in the 1990s in that it followed a military intervention, and because UNMIK itself took over the administration of Kosovo in its entirety and for an indefinite period of time.

The experience of UNMIK has been discussed extensively in the academic literature. Assessments differ widely, ranging from moderately positive to negative. In this discussion several themes keep cropping up – the lack of consensus about the goal of the mission and the vaguely formulated mandate of UNMIK, the coordination between UNMIK and KFOR, and the methods used by UNMIK on the ground.

Flimsy

The vagueness of resolution 1244 is often put forward as one of the reasons explaining the uphill struggle that the mission in Kosovo proved to be. Yet such vagueness need not be a stumbling block, according to Stephen J. Stedman, professor of political science at Stanford University. Nearly all peace agreements contain vague passages, ambiguities or gaps in the text. What is at issue here is that 'a flimsy agreement signed under duress will likely demand much more forceful implementation than if the agreement is the product of lengthy, gradual relationship-building among adversaries'.⁶ In Kosovo, however, there was no basic consensus on which the UN could build. The military intervention was in fact a response to the Serbs' refusal to sign the Rambouillet Agreement, and to the continuing violations of human rights perpetrated by the Serbs in Kosovo.⁷ What is more, in an analysis of the first six years of UN administration, journalists Iain King and Whit Mason, who worked for UNMIK, concluded that the NATO intervention caused a change in the power relations and allowed the Kosovo Liberation Army (KLA) to start its campaign of 'reverse ethnic cleansing'.⁸ This process resulted in widespread insecurity among the minorities in Kosovo (particularly the Serbs and Roma), and in fact signalled the beginning of the far-reaching segregation in Kosovo that continues to this day.

In describing the chaotic situation in Kosovo in the aftermath of the NATO bombardment, various authors have highlighted the importance of the first 6–12 weeks of any UN peace-keeping operation.⁹ This is the period in which order must be restored and maintained. This may require imposing a curfew if needed, arresting ringleaders and troublemakers, and showing teeth if that is what the situation demands. In other words, a mission must restore order and try to make a start with establishing authority. The fact that none of this happened in Kosovo cannot be blamed on the lack of powers and competencies assigned to UNMIK and KFOR. UNMIK held all legislative and executive powers. KFOR – which did not report to, but had to coordinate its activities with UNMIK – had also been granted far-reaching powers to restore order and security for the 2 million Kosovars. Besides, the mission was very large in scale and at its height included around 50,000 personnel. In that sense it had at its disposal sufficient manpower, money and time. These are, according to James Dobbins of the RAND Corporation, the most significant 'controllable factors' that determine the success or failure of a mission.¹⁰ Kosovo, however, has shown that means alone do not suffice.

Reverse

Why is it that a mission of nearly 50,000 soldiers, who arrived on site very soon, was unable to stop the violence? Richard Caplan, professor of international relations at the University of Oxford,¹¹ notes that KFOR devoted itself to the task of restoring peace and order, and that it did achieve some positive results. But most of the troops were insufficiently prepared to prevent the reverse ethnic cleansing. The UN civilian police force units, which were to assume certain tasks temporarily, were deployed too slowly. The delays, combined with the fact that the legal system had collapsed, gave ample space and opportunity for local political forces to take over local administration. In most of Kosovo, fighters from the Kosovo Liberation Army (KLA) or members of the Democratic League of Kosovo (LDK), the non-violent opposition movement, were able to build up local power positions, which included a mix of political and criminal interests.¹² In the Serb-dominated north of Kosovo, the Serbs created their own political structures, supported by Belgrade.¹³ To prevent such situations, the Brahimi report to the Security Council concluded,

¹⁴ requires a well trained standby civilian police force that can be rapidly deployed, and well prepared impartial courts.

According to Simon Chesterman, director of the New York University School of Law, however, it is unlikely that the UN will have these at its disposal any time soon. ¹⁵

A complicating factor in Kosovo was the fact that the decision to establish UNMIK was taken only at a very late stage. When the bombardment of Serbia had already been going on for nearly two months, the G8 foreign ministers decided that the mission would be led not by the Organization for Security and Cooperation in Europe (OSCE) but by the UN, which had relatively little experience in Kosovo. ¹⁶ During the bombing, it had not been possible for the UN and the OSCE to start planning a political mission that did not have a UN mandate. During the first few months after the bombing, UNMIK was still very much in the process of establishing itself, and so was unable to assert its full authority, which substantially complicated its activities. The shared wisdom that being well prepared is half the battle, was, in this case, politically unfeasible.

Despite this slow start, UNMIK did have all executive and legislative powers at its disposal and as such had wide authority. According to Roland Paris of the University of Ottawa, based on a study of 15 UN peace operations in the 1990s, UNMIK's firm mandate was a positive point. Paris argues in favour of a substantial role for the international community in nation building, and claims that 'democratization and marketization are inherently tumultuous and conflict-promoting processes, and that post-conflict states are poorly equipped to manage these disruptions' ¹⁷. Especially in societies where the state is extremely weak, such as Kosovo, it is not sufficient for the UN to play a merely supportive role, and a temporary take-over of administration is the path to take. ¹⁸

Too soft

However, such international administrations are confronted with many problems and dilemmas. They are not only tasked with building an effective administration, but are also supposed to work towards handing it over to local actors. The process can be extremely difficult and carries numerous risks. Can international administrations become too powerful? Can they be controlled and monitored? Are they likely to silence local actors and thus create dependency? ¹⁹

In his gripping study of the experiences of transitional UN administrations since the Second World War, Simon Chesterman claims that local ownership must definitely be the goal of such missions, ²⁰ although this need not be the aim at first. At the start, the international administration (very undemocratically) is the master – a 'benevolent autocracy'. Chesterman observes a certain reluctance among international organizations today to acknowledge this. Rather, they hide behind a discourse of 'local ownership' in order to emphasize that their presence is for the sake of the local population: 'Who are we to tell them how to organize their society?' ²¹ Put differently, international organizations are afraid to take the upper hand and show who is boss.

King and Mason agree that this is indeed what was lacking in UNMIK's case. ²² They believe the organization's policies were too soft. UNMIK could and should have intervened on numerous occasions, but it refused to use its powers, demanding too little of the Albanian leaders. ²³ The authors state that UNMIK used to hide too much behind the notion of local ownership: 'Who are we to tell them how to organize their society?' ²⁴

Coordination

King and Mason also point to UNMIK's failed attempts to coordinate the activities of the various international organizations, and the fact that UNMIK was serving too many masters, thereby causing a lack of unity. ²⁵ With the chaotic organization of the international community in Bosnia still fresh in everyone's mind, attempts were made to bring more structure into the civil and administrative mission in Kosovo. It was therefore decided to opt for a 'pillar model', with the European Union and the OSCE reporting to UNMIK. While this was generally regarded as a step forward, it did not prevent 'turf wars' between and within these organizations. Indeed, in a recent study, *Networks of Democracy*, Ann Holohan of Trinity College Dublin ²⁶ has shown that while cooperation and coordination can be given shape at the local level, in this respect there were substantial differences among the international organizations operating in Kosovo.

Based on a study of two similar municipalities, Banskik and Thezren, Holohan describes how the process of democratization and institution building passed off smoothly in Banskik, while in Thezren the process stagnated. Holohan notes that 'the crucial difference was in the ability of the international organizations in Banskik to cooperate as if part of one organization, as what is known as a "network organization"'. ²⁷ This network organization was in a pre-eminent position to involve local leaders and organizations in the process. Given that at the local level the issue of Kosovo's status stirred up many feelings, this was not easy. The Albanian majority in Banskik, for instance, wanted the Albanian flag to be flown at the town hall, next to the UN flag,

and did not accept that the Serbian flag should be flown as well. The local UN administration solved this issue by organizing a competition for local schools to design a new flag. The winning design pictured the old Turkish bridge in the village, and this became the new municipal flag. In Thezren, meanwhile, the UN administration lost the battle and eventually had to permit the raising of the Albanian flag.²⁸

Holohan's study also shows that the reconstruction of society involves a political struggle, which requires that authority be exercised at the right moments, while at the same time the type of relationship with and participation by local actors are crucial factors. What really matters is that work begins on the eventual transfer of authority at an early stage. UNMIK put a great deal of effort into this and learned from its earlier experiences. For instance, it did not immediately proceed to organizing elections. It was recognized that this could create new tensions and should not take place prematurely. Successful elections are no longer considered the key moment at which an international presence can be cut back. In Bosnia, for example, elections were held in 1996, less than a year after the signing of the Dayton Agreements, and the nationalist parties won a large victory. Based on that experience, it was decided first to organize local government elections in Kosovo (in 2000). This is now generally seen to have been a wise strategy.²⁹ Nevertheless, almost all decisions taken by UNMIK in terms of handing over authority remain highly political, since both the Albanians and the Serbs continue to look at them from the point of view whether or not they would contribute to the possible independence of Kosovo.

Assessments of the role and the success of UNMIK differ widely. Some authors, like King and Mason, are of the opinion that 'the world failed Kosovo' and that UNMIK should have played a much more active role. Others, like Richard Caplan, believe that the mission in Kosovo 'made a positive contribution to the mitigation of conflict'. Caplan also takes issue with the view that 'these initiatives are fundamentally flawed, misguided, or ill-conceived'.³⁰ Is the glass half empty or half full? It is true that the situation in Kosovo has stabilized, but at the same time Kosovo is now a highly segregated society – a reality for which especially the Serbs and other minorities have paid a high price.

Perhaps UNMIK could have achieved more, but it must be said that it had to operate within a highly complex regional and international power arena. Within the boundaries of that arena, UNMIK has managed to make a modest contribution to stability and democratization. The Kosovo case has shown that, as Fen Osler Hampson and David Mendeloff put it, the international community 'is much better at ending wars and stopping killing, [and] less effective at the long-term institution building that will make states viable and peace self-sustaining'.³¹

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Footnotes

- 1. For the text of the status proposal, see [this website](#).
- 2. See, for example, Hans Achterhuis (1999) *Politiek van goede bedoelingen*. Amsterdam: Boom.
Michael Ignatieff (2001) *Virtual War: Kosovo and Beyond*. New York: Picador.
Dick Leurdijk and Dick Zandzee (2001) *Kosovo: From Crisis to Crisis*. Burlington, VT: Aldershot.
- 3. [The UN Interim Administration Mission in Kosovo](#).
- 4. [The Kosovo Force](#).
- 5. Timothy Garton Ash (2000) [Anarchy and madness](#), *New York Review of Books*, 47, 2, p.48.
- 6. See Stephen J. Stedman, Donald Rothchild and Elizabeth M. Cousens, eds (2002) *Ending Civil Wars: The Implementation of Peace Agreements*. Boulder: Lynne Rienner, p.11. Richard Caplan believes that in East Slavonia, East Timor and Kosovo such vague mandates were in fact a positive point, because they gave international actors space for manoeuvre. See Richard Caplan (2005) *International Governance of War-Torn Territories*, Oxford: Oxford University Press.
- 7. On 29 January, the Contact Group (an ad hoc group consisting of France, Germany, Italy, Russia and the UK) summoned the governments of Yugoslavia and the Kosovo Albanians to Rambouillet, France, where they were presented with a settlement and an ultimatum. Both parties had substantial objections, but the Kosovo Albanians

signed because the agreement explicitly mentioned that the status of Kosovo would be determined by 'the will of the people' (in large majority ethnic Albanians) at a later stage. The refusal of the Yugoslavian delegation to sign the agreement provided the go-ahead for the bombardments.

- 8. King and Mason state that the NATO indisputably saved a lot of lives, but that it misjudged the nature of the conflict. NATO meant to fight the Serbian oppression, but did not understand well enough that for the UCK the struggle against the Serbs would continue unabated (pp.4, 243–4). Iain King and Whit Mason (2006) *Peace at Any Price: How the World Failed Kosovo*. London: Hurst and Co.
- 9. Based on the [Report of the Panel on United Nations Peace Operations](#), chaired by Lakhdar Brahimi (the 'Brahimi rapport') to the UN General Assembly and Security Council. A/55/305–S/2000/809, 21 August 2000.
- 10. Researchers at the RAND Corporation have looked at the 'controllable factors' –manpower, money and time – although several authors have labelled this approach too simplistic. Stedman (2000), for example, believes that a proper strategy and a clear end goal are equally or even more important. See James Dobbins et al. (2003) [America's Role in Nation-Building: From Germany to Iraq](#). Santa Monica: RAND.
- 11. Richard Caplan (2005) *International Governance of War-Torn Territories: Rule and Reconstruction*. Oxford: Oxford University Press.
- 12. King and Mason (2006), p.244. See also Alexandros Yannis (2003) *The political economy of conflict and peace building*, in Karen Ballentine and Jake Sherman (2003) *The Political Economy of Armed Conflict: Beyond Greed and Grievance*. Boulder: Lynne Rienner.
- 13. See the reports on Kosovo by the International Crisis Group, especially those about Mitrovica: International Crisis Group (2000) *Kosovo's Linchpin: Overcoming Division in Mitrovica*, Pristina/Washington/Brussels: ICG Balkans Report 96; International Crisis Group (2002) *UNMIK's Kosovo Albatross: Tackling Division in Mitrovica*, Pristina/ Washington/ Brussels: ICG Balkans Report 131; International Crisis Group (2005) [Bridging Kosovo's Mitrovica Divide](#), Pristina/ Belgrade/ Brussels: Europe Report 165.
- 14. [Report of the Panel on United Nations Peace Operations](#), chaired by Lakhdar Brahimi, to the UN General Assembly and Security Council. A/55/305–S/2000/809, 21 August 2000.
- 15. See Simon Chesterman (2004) *You, the People: The United Nations, Transitional Administration, and State-Building*. Oxford: Oxford University Press, p.123.
- 16. See Caplan (2005), pp.163-164.
- 17. See Roland Paris (2004) *At War's End: Building Peace after Civil Conflict*. New York: Cambridge University Press, p.235.
- 18. Paris (2004), p.206. Paris' theory has generated some criticism. For interesting contributions to the discussion, see the [working papers](#).
- 19. The international mission in Bosnia and Herzegovina has led to similar discussions. For criticism of the far-reaching mandate of this kind of mission, see David Chandler (2000) *Faking Democracy after Dayton*. London: Pluto Press.
- 20. Chesterman (2004).
- 21. King and Mason (2006).
- 22. King and Mason (2006), p.264.
- 23. King and Mason (2006), p.255.
- 24. King and Mason (2006), p.246.
- 25. For other critical judgements of the process in Kosovo, see the [report by the Norwegian diplomat Kai Eide to the UN Secretary General](#), S/2005/635, 7 October 2005. See also Steve Baldwin (2006) [Minority Rights in Kosovo under International Rule](#). London: Minority Rights Group International.
- 26. Ann Holohan (2005) *Networks of Democracy: Lessons from Kosovo for Afghanistan, Iraq and Beyond*. Stanford: Stanford University Press.
- 27. Holohan (2005), p.5.
- 28. Holohan (2005), p.15. In Banskia a small Albanian flag was placed next to the town hall after all.
- 29. Regarding the role of elections, see Terence Lyons (2002) *The role of post-settlement elections*, in S.J. Stedman et al., eds. (2002) *Ending Civil Wars: The Implementation of Peace Agreements*, Boulder: Lynne Rienner, pp.215–235.
- 30. Caplan (2005), p.13.
- 31. Fen Osler Hampson and David Mendeloff (2007) *Intervention and the nation-building debate*, in Chester A.

Crocker et al., eds, *Leashing the Dogs of War: Conflict Management in a Divided World*. Washington: US Institute of Peace Press, p.696.

- **Dick Leurdijk** - The article clearly portrays the difficulties and dilemmas involved in the process of nation-building in Kosovo in the context of post-conflict peace building. The problems start in the early stages of international involvement, in the decision-making process of the UN Security Council, in formulating the mandates of both the civil and military components (UNMIK and KFOR, respectively) and the ultimate objectives regarding Kosovo's future political status. The next stage involves putting in place the administrative framework agreed by the Security Council, including the relationship between UNMIK and KFOR, and how UNMIK is to work on the ground on a day-to-day basis, with specific attention to the position of the Serb minority and the issue of reverse ethnic cleansing. One interesting comment from the author is that, with the submission of Ahtisaari's proposal regarding provisional independence, the Security Council finds itself once more having to deal with this contentious issue, with which it was first confronted in 1994.

The article is based on a literature study covering a large number of authors. That has the advantage that the reader is presented with a wide range of opinions on the effectiveness of the efforts of the international community. It is, however, a pity that the author does not express his own opinion more forcefully, especially given his position as assistant professor of peacebuilding who has discussed many reconstruction missions with his students in recent years. The question is to what extent Kosovo remains an exceptional case in the series of post-conflict peace-building exercises that have taken place since the end of the Cold War.

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Chris van der Borgh analyzes the factors commonly put forward to explain why, according to the scholarly literature, the UN operation UNMIK in Kosovo is viewed as a mixed success at best. This is a very relevant question as policy makers are still struggling to improve peacekeeping operations, and there is a great demand for research into the factors that determine success and failure.

For van der Borgh, those factors are the following: 1) clarity of the mandate; 2) rapid deployment; 3) sufficient resources and means; 4) a broader approach than military alone; 5) sufficient preparation; 6) a robust mandate, which is also robustly implemented; 7) an approach of working towards 'local ownership', but not necessarily 'local ownership' from the start; 8) sufficient internal coordination; and 9) a long-term approach. These are roughly the same factors for success and failure described in the literature on peacekeeping operations. Van der Borgh's findings either confirm the importance of these factors in the general literature for the case of Kosovo, or have been implicitly based upon this body of literature.

Van der Borgh's analysis of the extent of UNMIK's success and failure shows some of the factors for success and failure that have received sufficient attention. For example, UNMIK did not lack means and funds. Other factors, however, such as the robust implementation of the mandate, internal coordination and rapid deployment, need more attention. Next to the factors described by van der Borgh, part of the explanation as to why UNMIK's achievements are not optimal may also be sought in other endogenous factors, such as the external coordination of the operation with other international institutions, organizations and missions, and its ability to provide security to the parties, as well as exogenous factors, such as the willingness of the parties to cooperate and the ripeness of the conflict.

On a more critical note, there is still room for improving the article. At present the structure of the argument is more or less: a) intro: UNMIK is a mixed success at best; b) the factors that explain the less successful outcome; c) conclusion: UNMIK is a mixed success at best. The clarity of the article would certainly be improved if van der Borgh were to make his research question and the structure of his argument more explicit. That would also allow him to make his conclusions a bit more profound and directed towards which factors were most important in the case of Kosovo.

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