

UN administration in Kosovo

A peace too vague

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.

By **Chris van der Borgh**

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. 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.

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

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'.¹ 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.

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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'.² 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. 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'. 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.³ 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.¹⁴ 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, 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. In the Serb-dominated north of Kosovo, the Serbs created their own political structures, supported by Belgrade. To prevent such situations, the Brahimi report to the Security Council concluded,¹⁵ 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.

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. 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’. 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.

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?

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, 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?’ 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. 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. 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?’¹⁶

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. 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 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, Banshik and Thezren, Holohan describes how the process of democratization and institution building passed off smoothly in Banshik, while in Thezren the process stagnated. Holohan notes that ‘the crucial difference was in the ability of the international organizations in Banshik to cooperate as if part of one organization, as what is known as a “network organization”’. 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



Photo: HH

For some Kosovo Albanians UN resolution 1244 is already history.

Albanian majority in Banshik, 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.

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. 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'.¹⁶ 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'. ■

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¹⁶ A longer version of this article, with notes and links, can be found at www.thebrokeronline.eu.