

THE UNITED NATIONS IN STATEBUILDING:
A HISTORICAL INSTITUTIONALIST PERSPECTIVE TO THE CASE OF
KOSOVO

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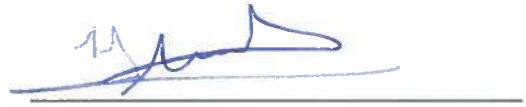
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This is to certify that we have read this thesis and that in our opinion it is fully adequate, in scope and quality, as a thesis for the degree of Master of Arts in Political Science and International Relations.

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ABSTRACT

THE UNITED NATIONS IN STATEBUILDING: A HISTORICAL INSTITUTIONALIST PERSPECTIVE TO THE CASE OF KOSOVO

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This thesis examines the role of United Nations (UN) in the peacebuilding process. This study argues the UN has success potential in peacebuilding, statebuilding in particular, rather than conflict prevention and peacemaking. The empirical base of the study is the Kosovo statebuilding process from 1999 to 2008. An in-depth analysis of institution building of Kosovo political institutions indicates the UN has the ability to create a new path for sustainable institutions that lead to sustainable peace in post-war countries. The UN should cooperate with local actors in order to construct the new path and continuously support them until they become mature. Once cooperation of the UN and locals sets the path for new institutions, they will continue on their established path more with each down on that path. Kosovo institutions illustrate maturity and development in their success level based on Huntington's criteria for successful institutions.

Keywords: United Nations, Peacebuilding, Statebuilding, Kosovo, Path Dependency

ÖZ

DEVLET İNŞASINDA BİRLEŞMİŞ MİLLETLER: KOSOVA'YA BİR TARİHSEL KURUMSALCI YAKLAŞIM

Kaya, Sümeyye

YL, Siyaset Bilimi ve Uluslararası İlişkiler Bölümü

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Bu çalışma, Birleşmiş Milletlerin barış inşası sürecindeki rolünü incelemektedir. Çalışma ile Birleşmiş Milletlerin çatışma önleme ve barış getirme aşamalarından ziyade barış inşası ve özellikle de devlet inşasında başarı potansiyeli taşıdığı ortaya koyulmuştur. Kosova savaşı sonrası 1999-2008 yılları arasında Birleşmiş Milletlerin Kosova'daki devlet inşası projesi derinlemesine incelenmiştir.

Kosova devlet kurumlarının inşa süreci ele alınarak, Birleşmiş Milletlerin yerel aktörler ile işbirliği içerisinde kalarak yeni kurumları başarılı ve sürdürülebilir yeni bir yola koyabildiği gözlemlenmiştir. Bir kere yeni yol inşa edildikten sonra yola bağlılık varsayımından yararlanılarak başarılı bir devlet inşa etmenin mümkün olabileceği vurgulanmıştır. Kurumların başarı analizinde Huntington'ın kurumsal başarı ölçütlerinden yararlanılmıştır.

Anahtar Kelimeler: Birleşmiş Milletler, Barış İnşası, Devlet İnşası, Kosova, Yola Bağlılık

PREFACE

Peace and war studies have been dominating the literature on international relations and they will do so in the future due to many different reasons. There exist various theories on the cause of war and building peace. My utmost desire for world peace has taken me on this path of peace studies in my graduate research and this thesis is about the construction of peace at best.

I owe a huge debt to many people for the current form of this research. First and foremost, I sincerely thank my thesis advisor, Hüseyin Alptekin, who has been a great help in contacting my research as well as a great example in my academic journey. He was so generous, patient, and open hearted towards me all the time. It would not be possible to finish this study without his encouragement and motivation.

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July, 2016

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LIST OF ABBREVIATIONS

AAK	: Alliance for the Future of Kosovo
ACD	: Armed Conflict Date Set
ASI	: Assembly Support Initiative
CRDP	: Centre for Research, Documentation and Publication =
LDK	: Democratic League of Kosovo
EULEX	: European Union Rule of Law Mission
ICG	: International Crisis Group
IOs	: International Organizations
JIAS	: Joint Interim Administrative Structure
KLA	: Kosovo Liberation Army
KPS	: Kosovo Police Service
KP	: Kosovo Serb Coalition Return
KTC	: Kosovo Transitional Council
KFOR	: NATO-led Kosovo Force
OSCE	: Organization for Security and Co-operation in Europe
OMIK	: OSCE Mission in Kosovo
PISG	: Provisional Institutions of Self Government
SFRY	: Socialist Federal Republic of Yugoslavia
SC	: Serbian Coalition Return Party
UN	: United Nations
UNMIK	: United Nations Interim Administration in Kosovo
USIP	: United States Institute of Peace
UNSC	: United Nations Security Council
UNHCR	: United Nations High Commissioner for Refugees
UNDP	: United Nations Development Program

CHAPTER 1

INTRODUCTION

Since the end of the Cold War, there is an increase in the intra-state conflicts and duration of these conflicts around the world. Scholars and practitioners of conflict resolution field in line with this rise developed different theories on how to deal with the new face of war. On the contrary of Luttwak's suggestion to "give war a chance" (1999), it became obvious that the post-Cold war conflicts did not burn down themselves (Mason, Weingarten & Fett, 1999; DeRouen & Sobek, 2004; Fearon, 2004). The longer intrastate wars last, the less likely wars end with victory, therefore, there is a greater necessity for international organizations (IOs) to intervene in the conflicts to stop the cycle of violence. Otherwise, we end up with "steady accumulation of unresolved wars" (Fearon, 2004:275). However, ending violent conflicts does not necessarily mean to achieve sustainable peace in the aftermath of wars.

In this thesis, I will analyze the role of the United Nations (UN) in post-war peacebuilding process. The following question will shed light in the context of my research: What makes the UN more effective in peacebuilding to achieve sustainable peace? Using Kosovo as a case study, this thesis identifies the large-room potential for the UN involvement in the post-war reconstruction during and in the aftermath of state-building through creating capable domestic political institutions that function peacefully and maintaining them until they can function independently in their own path dependent trajectories. It aims to promote an alternative approach to understanding peacebuilding efforts of the UN and in so doing to allow for the formulation of policy recommendations. This research analyzes the UN peacebuilding project in Kosovo from 1999 to 2008. This time period is chosen because although the UN is still legally present in Kosovo, it is not active as it was in pre-independence era. Therefore, it is an opportunity to investigate the UN's peacebuilding project over nine years in Kosovo with an historical institutional perspective. Special emphasis is given to institution-building which is one of the subsets of statebuilding in this study. Historical institutionalism is an approach to the study of institutional change and continuity with a key concept of *path dependency*. Path dependency is an assumption to understand how institutions are resistant to change and when they are changed due

to a critical juncture. In order to use this concept in institution-building project of the UN, an assessment of the original development of domestic political institutions of Kosovo is necessary to explain the resistant nature of institutions for subsequent institutional development and change. In order to analyze institution-building with a historical institutionalist approach, a process tracing of institutional development is essential to observe the construction of a path and the impacts of that path over different actors affected by the institutions. Actions taken in the name of institution-building, therefore, requires us to explain the evolution of political institutions of Kosovo - that is the assessment of institutional development. Therefore, this study takes the importance of historical institutional development, its origin and evolution over time, based on a path dependence assumption from the historical institutionalist perspective.

Kosovo remains an important case study in international relations. The UN civilian administration in Kosovo has challenged existing norms such as state sovereignty and even quoted as “a new paradigm of international relations” (Weller, 2009: 259). At the UN level Kosovo mission was “a new departure” in terms of its objectives and unprecedented scope of operational powers given to achieve those objectives (Matheson, 2001:76). Kosovo mission is considered as the most ambitious statebuilding project of the UN to date (Franks, 2009: 114). In comparison to the small size and population of Kosovo, the number of IOs involved, the amount of funds given, and the number of NATO troops deployed were impressive. Another recent UN involvement as a state-builder in post-war country is East Timor. Therefore, this study could be a comparative case study of Kosovo and East Timor, however, the East Timor case was rather easier than Kosovo because it was an ethnically more homogenous country without an internal conflict and the ultimate aim there was to prepare East Timor for independence. In Kosovo, in contrast, the future status was ambiguous in the resolution 1244 and the UN aimed to build a multi-ethnic state there without mentioning independence for Kosovo (Chesterman, 2005).

1.1. Background of the Problem

The failures in Somalia, Rwanda and Bosnia in the 1990s brought about the evolvement of the UN peacebuilding efforts from single ceasefire maintenance to multilateral, multidimensional and multinational peacebuilding missions. Nevertheless, the hands of the UN are still tied by its structural mechanism. It has a composite structure with 193 member states pursuing their own individual interests

and its decision making mechanism to issue a resolution in conflict prevention, peacemaking, and peacekeeping processes lays down in the Security Council. The UN remains slow to react in emergent cases due to veto power of its five permanent UNSC members under the article 27 of the UN Charter. It takes long for the UNSC to persuade its permanent members, especially Russia in the case of the Balkans, to act against aggressive behavior. NATO takes the responsibility to stop the violent conflicts and prepares the ground for the UN post-war peacebuilding missions since NATO is smaller and faster than the UN and has an effective coercive power. It seems unlikely to change the decision making mechanism of the UN in the foreseeable future, but the UN, despite a number of flaws, performs better in the long-run to create self-sustaining peace in post-war societies. What is left for the UN after NATO stops the wars is a valid question as discussed above that sustainable peace requires deep engagement with post-war countries apart from ending the wars since wars demolish economic, social, and political systems. The UN has more opportunities in the long-run in post-war societies because almost all of the states in the world are its members, it is the only international forum where states discuss about the threat to international peace and security, and it has the necessary resources such as budget and personnel to engage with post-conflict peacebuilding. Moreover, thanks to its large number of members the UN has good ties to cooperate with NGOs, ROs, other IOs, and local conflicting parties. The members of regional organizations are also members of the UN that makes easy to work with them. Although the UN was neither able to prevent the war in Kosovo nor to stop it in 1999, it achieved to prevent a recurrence of war in Kosovo since the establishment of its open-ended civilian mission in 1999 and Kosovo declared independence in 2008 and recognized as a sovereign state by 108 UN members today. After NATO started its air campaign over then Yugoslav forces for 78 days on March 1999, the war was stopped. Then, the UNSC Resolution 1244 mandated the establishment of United Nations Interim Administration in Kosovo (UNMIK) with the task of establishing a democratic and autonomous self-government, “pending a final settlement”, in Kosovo (S/RES/1244, 1999: 3). This mandate gave the UN a long-term to succeed in its sustainable peace objective. How the UN has proceed in this mission of establishing a self-government is the core research area of this thesis.

1.2. Methods and Data

This study is both descriptive and normative in the sense that I first analyze how the UN has been performing statebuilding in the Kosovo case and then I work on how the UN can/could do better in Kosovo. My study is a qualitative case analysis. I will use the process tracing method to analyze the linkages between the series of steps taken by the UN and the causes and outcomes of these steps. Process tracing method helps us to analyze trajectories of change and causation within-case studies (George and Bennett, 2005). The first step of gathering information is based on the secondary literature, archival analysis of existing documents of international institutions such as the UN, OSCE, ICG, and NGOs locally working in Kosovo, and semi-structured elite interviews. I made interviews with officials from the UN, OSCE, and some local NGOs in Kosovo in August, 2015. I will analyze the data using content analysis of the acquired archives and interview transcripts in order to locate the actors' interests, identities, and strategies to evaluate the institution-building project and its effects on peace in Kosovo.

I take the speed of the UN's reaction to the case (slow reaction with enduring length and long-term goals vs rapid reaction with short term goals), which is itself caused by the UN's decision making structure, as my independent variable. My dependent variable is the degree of effectiveness in the post-war peacebuilding process of Kosovo. As the UN is not able to take decisions in a short span of time, which is a crucial requirement for peacemaking (war stopping) missions, it can do better after the war is stopped, particularly in the realm of peacebuilding, thanks to its organizational structure suitable for long-term missions.

I believe the post-war state-building process of the UN has not successfully met historical institutionalist insights in the conflict resolution field. I will apply "path dependency" assumption of historical institutionalism to the case of Kosovo. Ruane and Todd (2007) uses path dependency assumption of historical institutionalist school only to explain how conflicting parties came to a settlement in Northern Ireland. They explain how it was possible to settle this conflict through historical process training. Since my study is about post-settlement process, it will enrich the analytical perspective of this field.

1.3. Theory in a Nutshell

According to historical institutionalists, institutional change is difficult and state institutions remain stable. Radical changes in institutions occur during the critical

junctures as a result of exogenous shocks such as economic crises and wars. Such critical junctures are not easily identifiable in advance but they demolish the old state systems and create a situation in indeterminate flux in those states (Thelen, 1999). In such a situation, the new system has many possible directions to go. In Kosovo after the 1999 war, there occurred a flux situation where the UN could give the direction for a new path. I ask the questions of how the UN gave the direction for a new path in Kosovo with an in-depth examination of the history of the political institution-building in Kosovo from 1999 to 2008 and whether its attempt was sufficient to institutionalize the political institutions of Kosovo to create a sustainable peace.

This study supports the UN administrative role at the beginning of institution-building processes. As Paris (2004) outlines in his book that since post-war societies lack necessary means to create functioning state institutions, the UN can take the administrative role at the beginning and it can gradually transfer its power to local actors. “It is not a democratic option, but it can end conflict immediately and it can perhaps restore stability and eliminate the threat of a new breakdown in the long run” (Ottoway, 2002: 1021). Institution-building, however, does not finish when state organizations are established. The UN needs to enforce the rulers to keep their commitments until political institutions reach to a state of maturity and then a new path will be created that will bring self-sustaining peace due to path dependency that institutions are foreshadowed by original design, therefore, initial steps in institution creation are influential for the future of these institutions (Collier & Collier, 1991). But why do institutions promote and sustain peace? And why are they path dependent?

Institutions shape human interaction and form their behavior in a society (North, 1990). Uncertainty arising from collective choice situations in everyday life can be overcome by institutions. Formal political institutions have legal constraints that once these institutions are constructed both those who support and oppose their creation will be bound by them. Since political institutions have coercive power through laws such as punishment to those who disobey, they become “guide to human interaction” in terms of what has to be done and cannot be done (Rose, 1990).

According to the historical institutionalist school, once state institutions are constructed it is hard to change their path due to reasons such as increasing returns (Pierson, 2000, 2004), high learning cost, normative power of institutions, and institutional complementarities (North, 1990; Hall, 1989; Hall & Soskice, 2001; Thelen, 2003; Mahoney, 2000; Steinmo, 2008). It is easier to proceed along the same

path because once people learn about the system, a radical change becomes costly in terms of time and budget. Norms, habits and repertoire in the society are also shaped around the existing path. And if a change will be made in one part of the system, it needs to be complementary to the existing ones. After the UN plants the seeds of state institutions together with the local actors and enforces the rulers until they reach to a stage of maturity, peace in the country becomes less costly, more genuine, and long-lasting. Therefore, sustainable peace depends on the success of state institutions.

The identification of institution-building with success or failure is possible through Huntington's two criteria for successful institutions: "the scope of support and the level of institutionalization" (1973:12). He also gives four criteria for institutionalization, namely: **adaptability, complexity, autonomy and coherence** of established institutions (1973: 12-24). If the success or failure in institutions affects the degree of peace as this study argues, how is it possible to estimate peace in a post-conflict country? In order to assess the degree of peace, Galtung's triangle model for conflict as well for peace will be used (1996: 72). According to Galtung, the main reason of conflict is contradiction or incompatibility which is located at the top of the conflict triangle. Contradiction occurs due to the incompatibility of goals between conflicting parties. Violent attitude and behavior are at the base of the triangle. Whereas attitude refers to the conflicting parties' perceptions of each other and themselves, behavior includes visible elements such as hostile threats and attacks. Galtung argues all three elements have to exist for a full conflict (Galtung, 1996: 72-73). Based on its identification of conflict elements, he proposed a triangle of violence, namely structural violence, cultural violence, and direct violence which are related to the triangle of elements; contradiction, attitude, and behavior respectively. He then argues in order to achieve sustainable peace, all three types of violence must be addressed. His criteria for sustainable peace helps us to identify the degree of peace in Kosovo (Galtung, 1996).

Conflict resolution literature uses international relations and social psychological theories to analyze the causes and possible solutions of internal war, however, "historical institutionalist" school of comparative politics is not used sufficiently in the literature to offer an alternative way of analyzing post-conflict peacebuilding processes and to obtain sustainable peace.

1.4. Plan of the thesis

In Chapter Two I explain my theoretical framework and offer an alternative analysis perspective for the UN statebuilding project. Covering existing debate on statebuilding, I support the UN's quasi-top-down institutional design, which should be suitable to local conditions and acceptable by the local actors though, at the very beginning of statebuilding. This chapter reads the statebuilding process from a historical institutionalist perspective and explains the UN success or failure in building political institutions. Why institutionalization should be prioritized by the UN in statebuilding process and how my research analyzes institutionalization of formal state institutions will be explained. I define mostly used terms such as conflict prevention, peacemaking, peacebuilding, statebuilding. The assessment of peace will also be examined in this chapter based on Galtung's conflict triangle.

Chapter Three is the application of my theory to the case of Kosovo. After giving a brief historical background of the conflict in Kosovo and the process leading to the UN involvement in 1999, I analyze the political institution building of Kosovo by the UN in its initial presence in 1999-2001. How the UN has attempted to build political institutions is analyzed in chapter three and whether its attempts were failure or success will be analyzed in Chapter Four. Alongside with Huntington's criteria for successful institutions, I make an in-depth analysis of Kosovo institutions from 1999-2008. The degree of peace in Kosovo will also be examined in Chapter Four. In the conclusion chapter, the contribution of this study is summarized as well as its limitations.

CHAPTER 2
THE PREREQUISITES OF SUCCESSFUL UN PEACEBUILDING: A
THEORETICAL APPLICATION OF HISTORICAL INSTITUTIONALISM
ON PEACEBUILDING RESEARCH

2.1. Introduction

Why does the UN often fail in intervening in crises that require immediate action despite its abundant resources, large number of personnel with great expertise, and greater legitimacy than other international organizations? Yet why do most of us still hope the UN to bring about peace? The UN is often too late to prevent the outbreak of conflict but is still needed anywhere we see conflict? What is the magic trick of the UN to keep our hopes high? Why is it this slow and ineffective to take immediate action for emerging conflicts but at the same time the most important international actor for peacebuilding? This chapter develops a theoretical framework to answer these questions and analyze the UN role in conflict resolution and its role in the peacebuilding phase in particular. I argue that the UN is most effective on the peacebuilding stage of conflict resolution rather than the conflict prevention, peacekeeping, and peacemaking phases primarily due to its decision making and policy implementation mechanisms. The UN is a composite structure. It needs anonymous decision-making of actors with too diverse interests and aspirations. This takes time and the UN cannot be as effective as, for instance, NATO which can act faster due to its freedom from the UN's mentioned deficiencies. The UN is better at peacebuilding a process that does not require momentary action and momentary results. Rather, peacebuilding is spread over time. Peacebuilding requires legitimacy and long-term commitment, both of which the UN satisfies.

I analyze the arguments of realist, Marxist, liberal institutionalist, and critical theorists on the UN role in conflict resolution in my literature review section to show that path dependency is not sufficiently incorporated to the literature. I then conceptualize the key terms used in this study: conflict prevention, peacemaking, and peacebuilding. In conflict resolution literature, these terms are used with ambiguous conceptual boundaries and in order to avoid it I use Lund's (2002) curve to show my argument better. Finally, I create my theoretical framework. In a nutshell, I argue the UN can successfully work in post-conflict societies by setting the path of political

institutions in cooperation with the locals in the first place, and then enforcing these institutions until becoming mature enough to function on their own without the UN's interference, and in the meanwhile transferring authority to the locals.

2.2. Literature Review

International relations theories differ in their perception of IOs in conflict resolution field. The UN in particular is their main target as the aim of its foundation was to protect international peace and security. While neo-realists like Bobbitt, Gray, and Waltz and Marxists like Harvey do not give any credit to the UN in terms of efficiency, liberal institutionalists, as Keohane and Nye, write a success story for it in the conflict resolution field. The debate on the legitimacy of international interventions by the UN in sovereign states continues to surge for an appropriate conflict resolution system and at the same time, contemporary liberal peacebuilding is not left without critics.

While not using the conflict resolution language at all, realists see the involvement of the UN in conflicts as ineffective and inappropriate. For realists, conflict is inevitable in the post-Cold War world due to the existence of an anarchic system and therefore the UN must only wait for the wars burning themselves out (Luttwak, 1999:36). In the aftermath of Cold War, the Balkan wars broke out in spite of the presence of the UN, therefore, the UN is not capable of preventing violence in such an anarchic system (Mearsheimer, 1990, 1995; Bobbitt, 2002; Gray, 2002; Waltz, 2002; Downs, Rocke & Barsoom, 1996). Bobbitt describes the UN as one of the "discredited multinational institutions of the nation-state" (Bobbitt, 2002: 821). IOs, in general, are involved in conflicts only when the interests of great powers are in danger. The great powers benefit from the existing system and they may use IOs to make adjustments within the existing system. Neo-realists suggest "stabilization forces", which refers to "military support for stability, security, transition and reconstruction operations" in cases where failing states become potential home for terrorism or the regimes threatening international peace and security have been overthrown (US Department of Defense, 2005). Therefore, the room for peacemaking should be left to the cooperation of willing and capable states not to the UN. However, since the end of the Cold War a "quick military fix" was beneficial only to open the space for the soft power of the UN. Military operations over Iraq and Afghanistan proved the limits of military operations and necessity for post-military reconstruction (Woodhouse, 1999). I agree the UN is not effective in peacemaking but not because

the system is anarchic but because the structure of the UN does not allow it to take rapid action. While I support the realist claim of states' reactions to conflict situations based on their interests, I do not call the UN ineffective in peacebuilding as I will explain in my theory section in detail.

Apart from the ineffectiveness in peacemaking for the realist school, Marxists do not give any room to the UN in post-conflict cases as well. For Marxists post-conflict peacebuilding efforts are just one of the examples of new imperialism and pointless attempts to save an unequal system, when an attempt to change it is needed (Harvey, 2005). Harvey focuses on the US intervention in the Middle East, especially in Iraq. With or without the UN's approval, the US tries to maintain its global role in economics and politics realms through controlling the Middle East. The US's peacemaking and peacebuilding efforts are "all about oil" in the Middle East (Harvey, 2005: 1-26).

From the perspective of institutionalist liberal theory, the UN plays a critical role in conflict resolution, especially in the post-conflict peacebuilding phase. The UN carries the liberal package with it consisting of democracy, human rights, the rule of law, and free-market economy, and the UN applies this package to conflicts with the help of other IOs and NGOs. Keohane and Nye (1989) argue liberal democracy started a new era in the international system and this liberal package is tested over time and proved its success in benefiting states, citizens, and unprivileged people in the world (Alvarez, 2005). The UN as the biggest forum of states can increase the likelihood of cooperation among states even in this anarchic system. Cooperation under an international organization umbrella reduces the transaction costs by institutionalizing cooperation and future agreements (Oye 1986; Stein 1983). If IOs work in line with the common interests of states, they can be successful even in security issues. IOs play the role of third party in conflicts with their conflict resolution tools that could be used to prevent conflict or after conflict already occurs (Keohane 1984; Yarbrough & Yarbrough 1992; Garrett & Weingast 1993). IOs, "international regimes" as Keohane calls them, reduce the uncertainty of reaching agreements for states to persuade their self-interested purposes through information-providing mechanisms (1984: 246-247). For Nye, the UN becomes ineffective in peacebuilding process due to a key problem which is the lack of clarity in UN mandates. He argues the huge differences in the scope of peace enforcements, for example in Bosnia and Congo where limited force was allowed in the former and more robust military force was ready in the later one,

make peacebuilding process ambiguous to the UN staff operating inside (2008). Two other problems in the UN peacebuilding measures in creating peaceful societies in the aftermath of civil wars are resources and commitment of participant states for enough span of time in post-war societies. I support that resources and commitment are essential in successful peacebuilding missions, since it takes long-time for the UN to construct war-torn societies.

Liberal institutionalists are criticized most by the critical theorists. From critical theoretical approach existing conflict resolution tactics of the UN recreate power imbalances, inequalities, domination, and exclusion in conflicting zones. Powerful states, since the IOs as they are controlled by a state-centric system, judge the non-Western societies with liberal norms, thus they identify them as the “other”. The powerful member states of the UN perceive the outbreak of post-cold war internal wars as the local failures of non-liberal countries but they are actually the result of adaptation process of the “other” with the global economy from critical perspective. The UN in post-conflict societies try to change the social, political, and economic structures so that they become in line with liberal norms, however, the change must occur in the global economic and political structures of the existing world system (Duffield, 2001; 2007). Contemporary conflict resolution mechanisms of the UN are identified with liberal peacebuilding in critical approach. As MacGinty puts it: “Liberalism had become a kind of magic dust that, if spread within states and economies, would produce harmony and prosperity at the international level” (2015: 318). The liberal peacebuilding efforts of IOs are criticized as benefitting only the power-holders not the public in general. Liberal peacebuilding contradicts in itself for the critical theorists. The UN with the cooperation of other IOs such as IMF, WB, and OSCE uses illiberal and undemocratic means in their pursuit of liberal peacebuilding. Liberal norms of the West are imposed to non-Western societies from top to down without necessary local ownership of the process (Narten, 2008; Fortna, 2004). Peacebuilding processes are not transparent and answerable to the intervened. IOs produce dependent countries to the richest ones and they pave the way for domination and exclusion of the local people in the “other” (MacGinty, 2015; Jabri, 2007; Hoffman, 2009; Richmond, 2008; Paris, 2004; Pugh, Cooper & Turner, 2008). The top-down nature of UN peacebuilding efforts combined with fixed-Western-liberal package is the core factor of UN’s inability in creating sustainable peace for the critical theorists. Although scholars and practitioners of conflict resolution benefited a great

deal from the critics of critical theory, critical theorists lack the suggestions for practical future alternatives (Ramsbotham, Woodhouse & Miall, 2012). As Paris outlines (2010) “nothing in the recent critical literature provides a convincing rationale for abandoning liberal peacebuilding or replacing it with a non-liberal or ‘post-liberal’ alternative” (2010: 4). I support his assumption of “institutionalization-before-liberalization” in peacebuilding efforts of the UN. According to this assumption, the UN can be better in post-conflict societies if it prioritizes institutionalization of state institutions in the first place and then it gradually transfers full administrative power to the locals (2004).

I agree with the liberal call for IOs engagement with conflicts, but I do not see the UN successful in pre-war stages of conflicts based on my analysis in Kosovo. I do not mean to say here that the pre-war stages should be left for NATO’s military power as realists suggest, rather, I aim to develop an analytical framework for post-conflict reconstruction where the UN is already actively involved for sustainable peace via adopting historical institutionalist assumption of path dependency in the process of statebuilding. Rather than defining the UN as failing in statebuilding mission, this study takes an optimistic way of analysis and defines the UN successful in statebuilding.

2.3. Conceptualizing Conflict Prevention, Peacemaking, and Peacebuilding

In my conceptualization of conflict prevention, peacemaking, and peacebuilding I use Lund’s curve of conflict in the Figure 1, below, and take insights from his definition of these terms. In order to escape from overlapping of these three terms, conflict prevention excludes measures taken after the war ends to prevent the renewal of it. War stopping refers to peacemaking and peace efforts after the cessation of violence refer to peacebuilding.

2.3.1. Conflict Prevention

Conflict prevention means to prevent conflict from emerging and once a latent conflict emerges, to prevent the conflict to reach to the stage of violence. As Boutros-Ghali, former Secretary General of the UN from 1992 to 1996, pointed out in 1992, conflict prevention does not only mean that the UN only contains regional conflicts not to escalate and spread to other regions as proposed by UN former Secretary-General Dag Hammarskjöld (1953-1961). But it would also prevent the start of conflict in the first place (UN, 1992). In this study conflict prevention refers to “any structural

or intercessory means to keep intrastate or interstate tensions and disputes from escalating into significant violence and use of armed forces, to strengthen the capabilities of potential parties to violent conflict for resolving such disputes peacefully and to progressively reduce the underlying problems that produce these issues and disputes” (Lund, 2002b: 117, n. 6). The UN Charter in Chapter VI and Chapter VII authorize the Security Council, the General Assembly, and the Secretary-General to settle disputes to prevent them to escalate to war through different mechanisms such as “negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means”. If peaceful means are not effective in dispute resolution, the UNSC can take military enforcement actions. During the Cold War era, the UNSC was not effective in terms of taking necessary decisions in conflict areas to prevent or stop the conflicts. The veto power of five permanent members, the UK, the US, the Soviet Union, China, and France, in issuing internationally binding resolutions blocked the decision making process of the UN in such a bipolar international system where great powers responded conflicts according to their own political interests (Bobbitt, 2002; Gray, 2002; Waltz, 2002; Shweller & Preiss, 1997; Downs, Roche & Barsoom, 1996). Conflict prevention mechanism of the UN is still not very efficient because there is no particular agency in the Secretariat to institutionalize the process of conflict prevention and it is perceived as great power interference by the developing states. Its legality and viability are also problematic for member states (Ackermann, 2003: 344).

2.3.2 Peacemaking

A war is defined as an organized military action which causes 1,000 battle related deaths in a given year by the Armed Conflict Date Set (ACD). And a civil war occurs within an internationally recognized state’s boundaries among the state and one or more armed opposition groups and “the rebels must recruit mostly locally, controlling some part of the country’s territory” (Doyle & Sambanis, 2006: 31). A war ends with military victory, peace agreements, and ceasefires with or without peace agreements (Collier, 2011), if twenty-five battle-related deaths does not occur in the following year (ACD). Peacemaking refers to the termination of war once it occurs. In the post-Cold War era, although war ending with peace agreements increased in number, the number of wars ending with the cessation of violence without a peace agreement is larger than other categories of war endings (Ramsbotham, Woodhouse & Miall, 2012: 172). Doyle and Sambanis classify the

war termination based on the way of its termination. If the war ends with a peace treaty or a military victory, then if an armed conflict does not reoccur within six months, the war ends. If it ends with a ceasefire or truce without a peace agreement, as the intention of conflicting parties are not clear in a peace agreement, no armed conflict within two years is necessary to call the war termination (2006: 135). I do not include post-war peace efforts in my definition of peacemaking. What I mean by the UN’s ineffectiveness in peacemaking is its inability to stop intra-state armed conflicts in a short time period where civilians suffer the most and fast reaction is crucial.¹

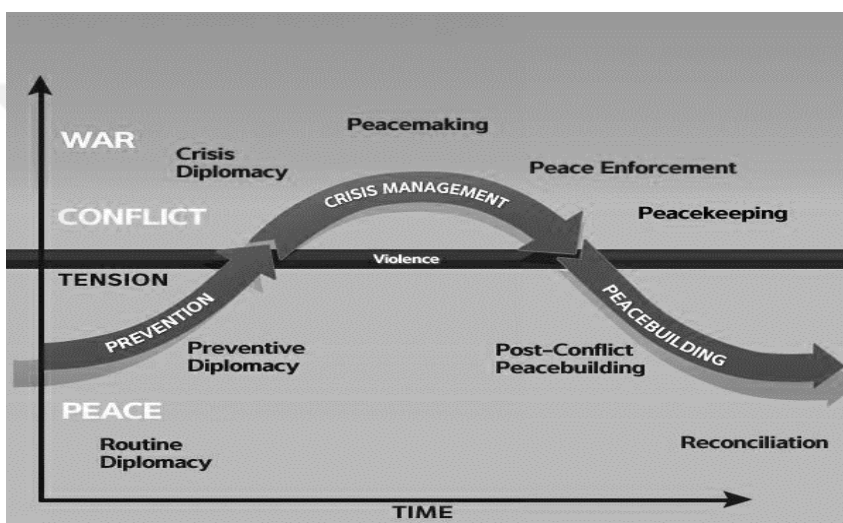


Figure 2.1. Lund’s Curve of Conflict Source: United States Institute of Peace (USIP)

2.3.3. Peacebuilding

Peacebuilding in this study refers to peace establishment efforts taken after an armed conflict is terminated. In 1992, UN Secretary-General Boutros-Ghali defined post-conflict peacebuilding as an attempt to prevent a recurrence of violence after the war ends. Therefore, peacebuilding is a post-conflict reconstruction attempts that may include social, political, and military objectives to prevent a recurrence of violence and obtain sustainable peace. A subset of peacebuilding, statebuilding, in this study is defined as construction or reconstruction of state institutions in the process of

¹ According to Article 33 of the UN Charter peacemaking measures include: “negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice”. If peaceful means do not cease violence, the UN can take military measures.

peacebuilding. “Statebuilding is a specific approach to peacebuilding that sees improvements in government capacities to deliver on security and development aims as long-term linchpin to consolidating peace and solidifying the institutions and processes of governance to create the conditions for societies to sustainably develop and prosper on their own” (Sisk, 2013: 5-6).

2.4. A theory on the effectiveness of United Nations in peacebuilding

United Nations peace operations have evolved since the foundation of the UN throughout the Cold-War era and its aftermath. This evolution period has shaped its peacebuilding strategy, therefore, in order to examine the UN in peacebuilding the development of this concept is important to mention. In comparing three generations of UN peace efforts, the term “peacekeeping” is used to define general UN peace operations.

2.4.1. Evolution of UN peace operations: the path towards peacebuilding

The reason of the UN’s formation at the end of the WWII was to protect international peace and security in order not to experience such a devastating war again in the world as stated in Article 1 of the UN Charter. The United Nations Security Council (UNSC) was responsible in settling disputes of member states, if they fail to do so through peaceful mechanisms, the decision to take military enforcement actions laid down in the UNSC as well. During the Cold-war era, the UNSC was not effective in terms of taking necessary decisions in conflict areas to prevent or stop the conflicts. This was the case because UNSC decision making process was blocked either by the US or the Soviet Union at that time. Great powers reacted to inter-state conflicts according to their own political interests (Bobbitt, 2002; Gray, 2002; Waltz, 2002). Therefore, the UN peacekeeping operations only involved maintaining ceasefires through unarmed military observations, process monitoring, and reporting. This is called “first-generation peacekeeping operations” of the UN² (Richmond, 2009: 16; Doyle & Sambanis, 2006: 11; Ramsbotham, Woodhouse, & Miall, 2012: 148). Goulding, Under-Secretary General of the UN from 1986 to 1997, defined the first generation peacekeeping as:

Field operations established by the United Nations, with the *consent* of the parties concerned, to help control and resolve conflicts between them, under

² There are some exceptions in these three generations of the UN peace operations. For example, before the end of the Cold-War the UN undertook “third generation” operation in Congo in 1960 to 1964. This classification is based on the general trend in the UN doctrine on peace operations (Doyle & Sambanis, 2006: 10-18).

United Nations command and control, at the expense collectively of the member states, and military and other personnel and equipment provided voluntarily by them, acting *impartially* between parties and using force to the *minimum* extent necessary (1993: 455, [emphasis added]).

First generation peacekeeping therefore required the consent of the parties, impartiality, and minimum use of force as also shown in the table 1 below. The first case where the UNSC authorized to use force until the case of Somalia in 1992 was in Congo in 1960 to end the secession of Katanga (Goulding, 1993: 452). Hence, it is fair to define the first generation peacekeeping as “unarmed” operations in order to distinguish it from the second generation.

First generation peacekeeping was mostly deployed to inter-state wars as in the post-World War II majority of the wars were *among* states not *within* them. The UN tried to help conflicting states to stop fighting and coming to an agreement and if an agreement was reached, it monitored the truce by establishing buffer zones such as in Egypt (1956), Yemen (1963), Cyprus (1974), Lebanon (1978), and Namibia (1989) (Goulding, 1993; Paris, 2004; Ramsbotham, Woodhouse & Miall, 2012). The UN forces had to be impartial, not taking side, and small number of countries contributed to these missions.

The UN assisted conflicting states successfully to reach agreements, especially in the Near East, but it could not resolve the underlying problems due to the Cold-War world order (Goulding, 1993; Doyle & Sambanis, 2006). Right after the period of Cold-War, there occurred a necessity to move beyond the traditional peacekeeping due to the rise of intra-state wars in which more than ceasefire maintenance expected. These wars targeted civilians, social and political institutions of states, therefore, the UN had to tackle with underlying reasons of the civil wars. The UN started to deploy different sources with more than half of member states’ contributions such as humanitarian, security, and political with the consent of parties concerned. This was “second generation peacekeeping operations”. However, the requirement of having the consent of conflicting parties did not work in intra-state conflicts since there were many actors benefitting from the ongoing wars such as warlords and international drug cartels trading resources of state in conflict and there stayed the possibility of withdrawal of consent once given, which was the case in Egypt in 1967³ (Keen, 2008).

³ President Nasser refused to permit the nine-year-present UNEF I to continue in May 1967, available at: <http://www.un.org/en/peacekeeping/missions/past/unef1backgr2.html#three>

In the mid-1990s despite the UN peacekeeping presence, in Rwanda and Bosnia genocide took place and hundreds of Somali people were killed. This showed the inadequacy of UN peacekeeping forces with the mandate of staying neutral, impartial, and using force only in self-defense (Rieff, 1994).

Table 2.1. Generations of UN Peace Operations

FIRST GENERATION UN PEACE OPERATIONS (1948-1988)			
Purpose	Task	Function	Cases
To respond <i>inter-state</i> conflicts with <i>the consent</i> of the parties concerned	Help the parties to stop fighting Maintenance ceasefire Be impartial	Monitoring truce Establishing buffer zones Deploying lightly armed or non-armed national troops	Palestine-Israel (1948) Egypt-Israel (1956) Cyprus-Turkey (1974)

↓

SECOND GENERATION UN PEACE OPERATIONS (1988-1995)			
Purpose	Task	Function	Cases
To respond mostly <i>intra-state</i> conflicts with <i>the consent</i> of the parties concerned and to create self-sustainable peace	Foster economic and social cooperation with the purpose of building confidence Develop the social, political, and economic infrastructure to prevent future violence	First generation tools The destruction of weapons Formation and training of new armed forces Monitoring existing police forces Supervise or control existing administrations	Namibia (1989) El Salvador (1991) Angola (1991) Cambodia (1991) Mozambique (1992)

↓

THIRD GENERATION UN PEACE OPERATIONS (1995-)			
Purpose	Task	Function	Cases
To respond mostly <i>intra-state</i> conflicts with or without the consent of one or more parties concerned to create self-sustainable peace	Second generation tasks Emphasize on re-establishing failing states	Previous tools Using collective force to persuade the parties to settle the conflict by negotiation Using force to protect UN personnel and mandate and groups identified with the mandate	Bosnia (1995) Croatia (1995) Guatemala (1997) East Timor (1999) Kosovo (1999) Sierra Leone (1999)

There were different alternatives among the scholars of political scientists to the second generation peacekeeping. Some scholars suggested the UN have to take side in civil wars (Betts, 1994; Rieff, 1994; Weiss, 1994) or wait for the wars burning themselves out (Luttwak, 1999). Contrary to Luttwak's suggestion to "give war a

chance” (1999), it became obvious that the post-Cold war conflicts did not burn down themselves (Mason, Weingarten & Fett, 1999; DeRouen & Sobek, 2004; Fearon, 2004). The longer intrastate wars last, the less likely wars end with victory; therefore, there is a greater necessity for the UN to intervene in the conflicts to stop the cycle of violence. Otherwise, we end up with “steady accumulation of unresolved wars” (Fearon, 2004: 275).

Expectations for the UN’s quick involvement in intra-state conflicts raised also due to the fact that since 1990s internal wars have been conceived as major threat to international peace and security due a number of factors. They easily spread to neighboring countries and cause regional conflicts such as in the case of Zaire in 1996.⁴ Even if they are contained within their borders, the number of civilians killed in these wars outnumbers the death toll of soldiers, which results in the flow of refugees threatening the political stability of host countries (Chesterman, 2001; Lake & Rothchild, 1998; Brown, 1996). The vacuum of failed states is filled by terrorists, drug traffickers, and human traffickers who are engaged in transnational crimes during and after the civil conflicts.

This new type of war requires peacemaking or war ending as quick as possible because of the number of civilian death, the power vacuums left by “state failure” (Ayoob, 1995: 22) and splashing of conflict across state boundaries and neighboring countries (Vazquez, 1992; Late & Rothchild, 1998). On the other hand, the UN remains slow to react in emergent cases due to veto power of its five permanent UNSC members under the Article 27 of the UN Charter paragraph 3:

Decisions of the Security Council on all other matters (non-procedural matters) shall be made by an affirmative vote of nine members including *the concurring votes of the permanent members*; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting [emphasis added].

The statement of “the concurring votes of the permanent members” means a decision can be taken only unanimously meaning that a veto from one member is enough to prevent the UN to authorize the use of military force. The lack of unanimity among the five permanent members on the issue of intervening intra-state conflicts slow down the process of taking necessary actions. China and Russia support the principle of state sovereignty, therefore, the duration of civil war lengthens causing

⁴ The conflict in Rwanda spread to Zaire and caused a regional conflict that lasted for a decade.

local, regional, and international problems (Roger, 2004). It takes long for the UNSC to persuade its permanent members, especially Russia in the case of the Balkans, to act against aggressive behavior via coercive power. Hence, the argument of “the veto paralyzes the work of the Council” is still valid today (Väyrynen, 1985: 193). Who stops the majority of civil wars and in what way?

The UN has become an organization “confined to mandating UN humanitarian, peacekeeping, and transitional government mop-up operations after US led military interventions” (Malone, 2004a: 2). This is because NATO internalized the new doctrine of “third generation” peace enforcement operations required in intra-state wars of post-Cold War era.⁵ NATO has stopped wars in the post-Cold War with or without the UN authorization in Somalia, Bosnia, Rwanda, Haiti, East Timor, and Kosovo and paved way for the UN peacebuilding missions. NATO is smaller and faster than the UN and has an effective coercive power in peacemaking, however, military enforcement does not bring sustainable peace and after the cessation of violence “taking the next step” lays down on the UN (Annan, 1997: 27-28). Peace settlements without long-term peacebuilding missions often break down (Licklider, 1995; Toft, 2010). Cambodia experienced such a renewed violence in late 1996, Sierra Leone in 2000, and Guatemala had sixteen peace agreements and most of them failed.⁶ Military operations such as in Afghanistan and Iraq also proved the limits of military operations and necessity for post-military reconstruction to prevent a recurrence of violence and establish sustainable peace (Call & Cousens, 2008).

In 1992, UN Secretary-General Boutros-Ghali defined post-conflict peacebuilding as an attempt to prevent a recurrence of violence after the war ends. To do so, he proposed “rebuilding the institutions and infrastructures of nations torn by civil war and strife”. Since then the UN focuses on the construction or strengthening of legitimate governmental institutions or “the creation of structures for the institutionalization of peace” in countries emerging from civil conflict, or what it is called post-war statebuilding in the literature (Sisk, 2013; Paris & Sisk, 2009; Jarstad & Sisk, 2008). The mainstream UN logic in emphasizing the government institutions in creating sustainable peace is derived from the cause of civil war which is “usually

⁵ “The new doctrine (third generation)” aimed to create a peacekeeping force “sufficiently flexible, robust, and combat ready” and NATO internalized this doctrine (Hansen, Ramsbotham & Woodhouse, 2013: 7)

⁶ Available at United Nations Peacemaker website: <http://peacemaker.un.org/>

about failures of legitimate state authority”, therefore, “sustainable peace relies on its successful reconstruction” (Doyle & Sambanis, 2006: 28).

In earlier responses the UN used “myopic” peacebuilding approaches in post-conflict societies (Sisk, 2013). They were about having quick elections right after a peace deal was signed and creating a market-oriented economic structures and then exit as soon as possible before governmental institutions were constructed (Caplan, 2012). Due to the renewals of violence in post-conflict period, statebuilding has become a linchpin priority in the formation of long-lasting peace. Paris, being critical on the issue of quick statebuilding strategies, argued an alternative of “institutionalization before liberalization”. According to his alternative strategy, statebuilding efforts generate sustainable peace if state institutions are successfully functioning. And this can be accomplished through: a) international statebuilders are supplied enough political and economic resources, b) the post-conflict government is staffed with international personnel in the first place, c) locals are trained to be able to take the responsibility in government institutions, d) security and justice are paid particular attention rather than economic liberalization, e) administrative power is transferred to locals gradually, and d) internationals remain as long as it takes to accomplish well-functioning central governmental institutions before they exit (Paris, 2004: 189-207).

2.4.2. Why institutions are important for sustainable peace? A Historical institutionalist perspective on the UN statebuilding

Once a country or region has started down on a track, the costs of reversal are very high. *Margaret Levi, 1997:28*

Historical institutionalists embrace the assumption of “institutions matter” that has its roots in early discussions of political theorists like Plato and Aristotle. Both philosophers aimed to understand how institutions shape political behavior. Historical institutionalists advanced this assumption and created theories on how institutions matter, why they remain resistant on their path and how a change is possible. The basic logic behind most of the historical institutionalist theories is that policy choices taken in the formation of an institution will have lasting influence over the subsequent policies in the future (Huber & Stephens 2001, Pierson, 2000; Hacker 1998; Ertman 1996; Collier & Collier 1991; Shefter 1977). This argument is explained through their key concept, path dependency, which is given special attention within the context of this research.

Path dependence is a process where “outcomes at a ‘critical juncture’ trigger feedback mechanisms that reinforce the recurrence of a particular pattern into the future” (Pierson & Skocpol, 2002: 6). Pierson takes the process of increasing returns from economics and implies it to his explanation of path dependency in political institutions. In economics, W. Brian Arthur’s (1989) example of QWERTY keyboard in typewriter defined what increasing returns meant in path dependent nature of some products. Arthur argued despite the fact that QWERTY keyboard was inefficient in the time of typewriting, in today’s digital age we still use QWERTY keyboard. Although there are other more efficient keyboard setups, the reasons behind our resistance in using QWERTY keyboard are related to the effect of large start-up cost, learning effects, coordination effects and the effect of adaptive expectations. Not all products generate increasing returns as soon as they have these four effects. Start-up cost refers to the cost spent in the formation of a product and in order to avoid a new start-up cost people stick to what they have previously paid for. Constancy in using the product professions people and they develop innovative ideas on the product, that is the learning effect. Coordination effect means the more people use the product the more attractive it becomes and more compatible products are produced as well. Adaptive expectations mean that people will adopt their actions based on their expectations, therefore, the more a product is sold, and the more people will prefer it.

Pierson argues political institutions have intense tendency towards path dependent processes. Path dependence refers to the increase “in the probability of further steps along the same path with each move down that path”. For him, the process of increasing returns refers to the increase of “the relative benefits of the current activity compared with other possible options” over time and steadily falling of the cost per unit with each move (2000: 252). The relative benefits and the fall of cost on the same path rise the cost of exit at the same time. This is due to a number of factors. Formal political institutions have legal constraints that once these institutions are constructed both those who support and oppose their creation will be bound by them. Since political institutions have coercive power through laws such as punishment to those who disobey, they become “guide to human interaction” in terms of what has to be done and cannot be done (Rose, 1990). Creation of institutions has start-up costs such as time and resources and those who have to carry the cost will be resistant for change. Once formed, people learn through institutions and construct their behavior and preferences accordingly. People learn about the rules and make commitments

based on the existing rules and they get used to living in that structure. They develop new ideas complementary to the system. Uncertainty arising from collective choice situations in everyday life can be overcome by institutions. Normative power of institutions is another factor of path dependency. As North pointed out: “Institutions are the rules of the game in a society or, more formally, are the humanly devised constraints that shape human interaction” (North, 1990: 3). Institutions construct rules that shape norms affecting people’s decisions.

If path deviation is difficult, how do institutions change? Critical junctures caused by exogenous shocks such as economic crises and wars may result in radical changes in institutions. Such critical junctures are not easily identifiable in advance but they demolish the old state systems and create a situation in indeterminate flux in those states (Thelen, 1999; Collier & Collier, 1991; Krasner, 1978). In such a situation, the new system has many possible directions to follow to setup a new path and policy choices during the setup process will shape the future of the system. In Kosovo after the 1999 war, there occurred a flux situation where the UN could give the direction for a new path. This study explores two potential roles for the UN in post-conflict Kosovo. The first one occurs at the end of the war: first role is to give direction for a path to new state institutions. The second one occurs after state institutions are created: to sustain these institutions until they are institutionalized and become mature enough to stay on their own feet. I argue that there is a large-room for the UN in peacebuilding because the UN has the experience and lessons learned from its history and also the material capacity to deliver long-term planned missions. Peacebuilding in post-war societies demands long-term, fully committed, and multi-tasked missions, in which the UN has more success and further potential thanks to its legitimacy among conflicting parties as well as its international and regional ties to cooperate with different actors on the ground. The UN has more opportunities in the long-run because almost all of the states in the world are its members, it is the only international forum where all the states discuss about the threat to international peace and security, and it has the necessary resources such as budget and personnel to engage with post-conflict peacebuilding. Moreover, thanks to its large number of members the UN has good ties to cooperate with NGOs, ROs, other IOs, and local conflicting parties. The members of regional organizations are also members of the UN making them easy to work with and dividing the burden of complicated peacebuilding tasks. Once the UN sets the path for state institutions in cooperation with the NGOs and conflicting parties, the rest will

be set as a path dependent process. But the decision on when to leave the country is crucial because local actors should be able to perform state functions by themselves and state institutions should function successfully before the full exit of the UN.

When does the local political institutions become mature enough so that the UN can exit? The answer lies in Huntington's criteria for successful institutions. He argues "the scope of support and the level of institutionalization" are two indicators of whether institutions are successful or not (1973: 12). The scope of support in internationally governed territory is problematic in the sense it is a post-war environment and institutions are challenged by opposing domestic actors. As my case study is Kosovo, the support of elite and population at large are observed in the period of first institutional setup (1999) to the independence of Kosovo (2008). The support of elites can be observed in their compliance with institutions and in their public rhetoric or writings (Diamond, 1999) and the polls of UN Development Program on popular satisfaction with institutions are our sources to measure public support.

The second indicator of successful institutionalization depends on the institution's: (1) adaptability, (2) complexity, (3) autonomy, and (4) coherence (1973: 12-24).

Adaptability refers to sensitivity of institutions to challenges in a changing environment in time and spaces. Huntington proposes three signs of adaptability; age, successful secession of leaders, and functional flexibility. The older an institution, the more the number of successful secession of leaders have taken place, and the more flexible an institution to function, the more adaptable it is.

Complexity presupposes: "The greater the number and variety of subunits the greater the ability of the organization to secure and maintain the loyalties of its members". The more internally differentiated structure brings more efficiency.

Autonomy is ability to perform its duties on its own without the effects of social groupings according to Huntington but in this study, autonomy refers to the functioning of domestic institutions independent of international help. The independence from internationals have come through stages in Kosovo. Based on the reports of the Special Envoys and Secretary-Generals in Kosovo, the administrative authority was gradually transmitted to locals.

Coherence means coordination and discipline within institutions. He argues: "Discipline and development go hand in hand." The functional boundaries of

institutions and problem solving procedures within those boundaries should be agreed. And institutions should be able to take coherent decisions.

This study focuses on the UN institution-building program on three institutions at the central state level in Kosovo: the presidency, the government, and parliament. These three institutions are chosen because the UNSC Resolution 1244 authorized the UN to create a self-government in Kosovo and they are the cornerstones of a government.

If successful state institutions promote peace as this study argues, how is it possible to estimate peace in a post-conflict country? The assessment of the degree of peace is done through Galtung's triangle model for conflict shown in the Figure 3, below (1996: 72).

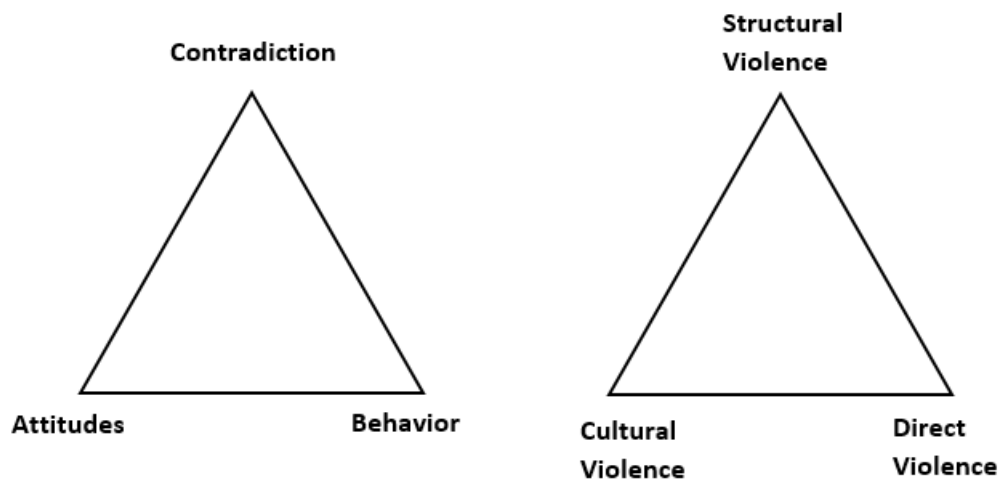


Figure 2.2. Galtung's triangles of conflict and violence

According to Galtung, the main reason of conflict is contradiction or incompatibility which is located at the top of the conflict triangle. Contradiction occurs due to the incompatibility of goals between conflicting parties. Violent attitude and behavior are at the base of the triangle. Whereas attitude refers to the conflicting parties' perceptions of each other and themselves, behavior includes visible elements such as hostile threats and attacks. Galtung argues all three elements have to exist for a full conflict (Galtung, 1996: 72-73). Based on its identification of conflict elements, he proposed a triangle of violence, namely structural violence, cultural violence, and direct violence, which are related to the triangle of elements: contradiction, attitude, and behavior, respectively. He then argues in order to achieve sustainable peace, all three types of violence must be addressed. Peacemaking measures can stop direct

violence therefore behavior of conflicting parties but for sustainable peace removing incompatibilities and changing attitudes are also necessary.

2.5. Conclusion

In this chapter, I discussed the existing literature on the UN's role in conflict resolution and shed light on the gaps and disagreements in it. Then I clarified my key terms: conflict prevention, peacemaking, and peacebuilding. Later, I constructed my argument on the UN involvement in post-conflict peacebuilding. According to this study, the UN is more effective in peacebuilding rather than peacemaking due to the nature of its decision-making structure that I will discuss further in the empirical chapter where I apply my argument to the case of Kosovo. What makes the UN efficient in peacebuilding is its composite structure enabling it to carry the long-term burden of peacebuilding missions. Right after the war in Kosovo, there occurred a flux situation ready to construct state institutions from the beginning. State institutions should be given priority in peacebuilding missions since successful state institutions promote self-sustaining peace in post-war societies.

CHAPTER 3

NEW BORN KOSOVO POLITICAL INSTITUTIONS

3.1. Introduction

In this chapter, I will give a brief background of the Kosovo conflict, which turned out to be a war, in 1998. This background is important to mention in order to trace the attempts of the UN to resolve the conflict and the reasons for its failure to stop it. Why NATO intervened in 1999 in the Kosovo War and what happened right after the war stopped in the name of peacebuilding are covered from 1999 to 2002. This time period is chosen because it is the period when the UN started to plant the seeds of new political institutions of Kosovo. As the UN could not pass a resolution authorizing the use of force against the Yugoslav regime, NATO interfered without a legal ground. However, the military intervention alone does not necessarily prevent recurrence of violence in the aftermath of war since the underlying reasons of the conflict were not yet resolved. The UN presence was possible at this stage to create a sustainable peace in Kosovo through directing the way for sustainable political institutions. This chapter analyses the initial steps of institution building by the UN. How the UN led the initial process of institution building is important to investigate as this research argues the first steps create a path dependency where further developments are affected by the previous ones.

3.2. Towards NATO peacemaking: a brief historical background of the Kosovo war

Under the Yugoslav Constitution of 1974 Kosovo was an autonomous province of the Republic of Serbia in the Socialist Federal Republic of Yugoslavia (SFRY). With the amendment of the constitution by Slobodan Milosevic in 1989, Kosovo lost its autonomy and became only a province of the Republic of Serbia. In response, Kosovo Albanians formed a new party, Democratic League of Kosovo (Lidhja Demokratike te Kosovës, LDK), under the leadership of Ibrahim Rugova. With the independence of other Yugoslav republics, Kosovo Albanians wished the same for Kosovo. The LDK established a parallel government and held a referendum for independence and elections for presidency in subsequent years. Their struggle for independence was through peaceful political means (Mertus, 1999: 270) and it was defined as “passive resistance” in the literature (Mertus, 1999: 307; Economides,

2007:221). With no change in the side of Milosevic government, Rugova hoped to get support from international community under the Dayton Peace Agreement.⁷ However, there was no mention of Kosovo at the Dayton Peace deal and no progress towards independence. In response, an armed resistance erupted under the Kosovo Liberation Army (KLA). The KLA was established in the early 1990s, but remained passive until 1996 due to the lack of support in violent means of struggle against Serbia among majority of Albanians after the brutal wars in Croatia and Bosnia (Judah, 2002:21). The KLA was able to get support from the majority of Kosovo Albanians after Kosovo was left unnamed in the Dayton. The KLA referred to Slovenia, Croatia, and Bosnia as successful cases as they achieved independence not through “passive resistance” but through conflict (Economides, 2007: 222; Mertus, 1999: 307). The situation deteriorated when Serbian military forces responded the KLA (O’Neill, 2001).

The UNSC issued the Resolution 1160 on 31 March 1998 and called for a peaceful settlement. It both condemned the Serbian and KLA forces and emphasized the sovereignty and territorial integrity of the FRY (Para. 3-7). To avoid any occurrence of genocide similar to the Bosnian case, the war had to be stopped, but the UN could not issue a resolution to stop Serbian forces through military means. This was the case due to the lack of unanimity among the permanent five members of the UNSC. Although the UNSC passed the Resolution 1199 on 23 September 1998 that threatened Milosevic by a possible use of force, Russia, also backed by China, continuously refused to approve any resolution related to the sovereignty of Serbia. Both Russia and China kept referring to the non-intervention principle of the UN Charter with regard to domestic issues of sovereign states. In order to protect its traditional ally, Russia also opposed any measures taken out of the UN auspices so that she could secure the right to veto any decisions against Serbia’s interests (Murphy, 2009: 72-74).⁸ Due to the act or threat of using veto power of its permanent members such as Russia and China, peacemaking in a short span of time was not possible from the UN’s side.

⁷ The Dayton Agreement brought about the end of Bosnian War in 1995. Rugova reduced the tensions among Albanian Kosovars towards the Serbs as a barrier in front of their independence by saying that the Kosovo issue would be discussed at the Dayton Agreement.

⁸ Russia also feared of losing its impact on the developments in the Balkans if UNSC would authorize NATO’s military campaign (Wolff, 2005:88).

3.2.1. Rambouillet Accords

The UN called Albanian Kosovars and the Milosevic regime to sign an agreement in Rambouillet under the aegis of six nations, called as the Contact Group.⁹ Albanian Kosovars perceived it as a chance to convince the international community for Kosovo's independence. However, the representatives of the Albanian community kept refusing the draft proposed by the Contact Group as it did not give independence to Kosovo. Meanwhile, the FRY representative supported many political concessions as the process was deadlocked by the Albanians already. After overwhelming pressures from the Contact Group to Albanian Kosovars, they accepted the deal. It was then the side of FRY began to refuse to sign the final draft by arguing that it was against the sovereignty of the FRY. According to the agreement, Kosovo would obtain a high level of autonomy with its own political institutions within the FRY. Serbia was warned by NATO many times for possible military operation if it did not cease its military campaign in Kosovo and sign the Rambouillet agreement. However, Milosevic did not accept the agreement as it would mean a loss of its political power that relied on nationalism (Economides, 2007).

After the failure in Rambouillet talks, NATO intervened in Kosovo on 24 March 1999. Throughout its 11-week air campaign, called as the operation Allied Force, NATO demanded the Yugoslav forces to withdraw from Kosovo and sign an agreement for possible political and military frameworks for an autonomous Kosovo (Fromkin, 1999). Yugoslavia accepted a peace plan on 10 June 1999 and withdrew its forces from Kosovo. It was then, after the war was ceased, the UN was on the ground through UNSC Resolution 1244 (Blitz, 2006).

3.3. The United Nations Interim Administration in Kosovo

UNSC Resolution 1244 on 10 June 1999 brought about the creation of a United Nations Interim Administration in Kosovo (UNMIK). According to the Resolution 1244, UNMIK was responsible for:

- (a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo, taking full account of annex 2 and of the Rambouillet accords (S/1999/648);
- (b) Performing basic civilian administrative functions as long as required;

⁹ The Contact Group is an informal grouping of six nations; the United States, the United Kingdom, France, Italy, Germany and Russia. They first started to work on the Bosnian conflict and later took part in the Kosovo conflict.

(c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peacebuilding activities (UN Security Council, 1999, p. 3-4).

UNMIK had four pillars at the beginning in 1999: Pillar one consisted of humanitarian assistance through the Office of the UN High Commissioner for Refugees (UNHCR), pillar two was about civil administration led by the UN, pillar three included multi-ethnic democracy and institution building led by the Organization for Security and Co-operation in Europe (OSCE), and pillar four composed of economic development with the help of the EU. This divided mission was headed by the Special Representative of the UN Secretary-General (UN Special Representative)¹⁰ and each pillar had a Deputy Special Representative of the Secretary-General as shown in the Figure 4 below (Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo: S/2002/1126: 9).¹¹ In security area NATO-led Kosovo Force (KFOR) was also authorized by the same resolution.¹²

¹⁰ UN Special Representatives appointed to head UNMIK from 1999 to 2008 were as follows: Bernard Kouchner (1999-2001), Hans Haekkerup (2001-2002), Michael Steiner (2002-2003), Harri Holkeri (2003-2004), Sören Jessen—Petersen (2004-2006) and Joachim Ruecker (2006-2008). Available at: <http://www.unmikonline.org/Pages/SRSGs.aspx>

¹¹ After the great number of refugees returned pillar one was closed down in June 2000 and later it was given the responsibility of the rule of law functions in May 2001. Throughout the gradual transfer of authorities to the local institutions pillar 1 and 2 were closed down in 2006 and pillar 4 in 2008. Pillar 3 is still functioning (UNMIK/PR/1606, 15 November 2006; UNMIK Fact Sheet June 2008).

¹² KFOR was composed of 50,000 troops. The number of troops was decreased to around 39,000 by 2002, 26,000 by 2003, and in 2016 around 5,500 troops exist in Kosovo.

Available at NATO KFOR Website:
<http://www.shape.nato.int/kfor/about-us/history>

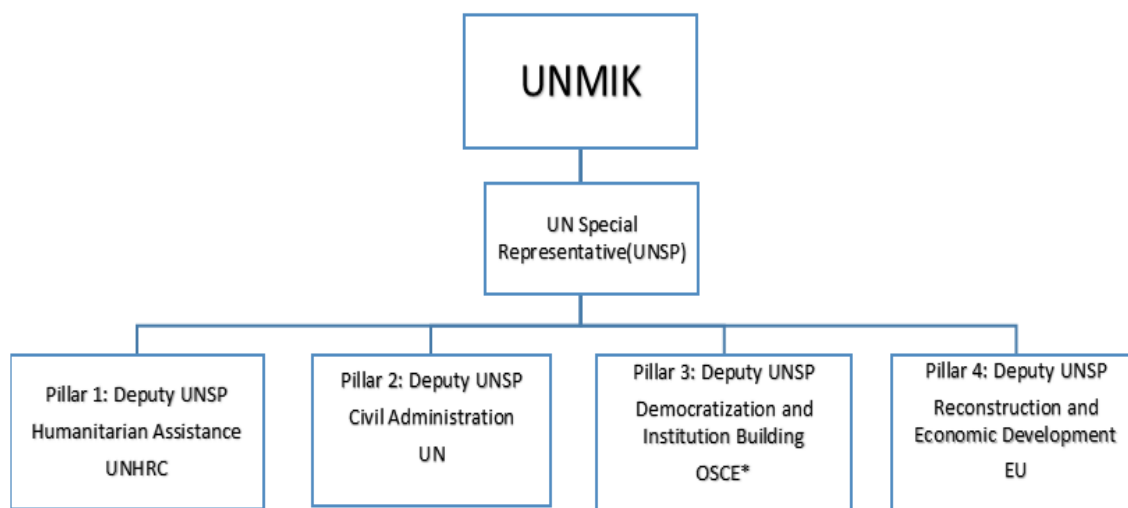


Figure 3.1: UNMIK Four Pillars

* The UN took the leading role in institution building in the beginning of the mission rather than the OSCE. The OSCE supported the institutions after they were established by the UN (F. Mulolli, personal communication, August 5, 2015).

3.3.1. A New Path for Kosovo: How has the UN built up state institutions? The initial steps from 1999 to 2001

After the withdrawal of Serbian troops from Kosovo the UN was faced with three different parallel structures acting independent from each other. These three government structures were headed by the LDK, the KLA, and pre-war Serbian structures. In majority-Serbian-lived municipalities the pre-war regulations of the Republic of Serbia continued to function, whereas in majority-Albanian-lived municipalities the KLA claimed of legitimate governance. The LDK at the same time had its administrations in different areas such as health care and education in Albanian dominated municipalities.

In order to implement its mandate of establishing self-government in Kosovo, UNMIK needed to have an authority throughout Kosovo, however, the parallel structures challenged UNMIK to create integrative government structures. In order to bring different segments of the society to the table, UNMIK created the Kosovo Transitional Council as a forum where they could claim their demands and came up with a consensus. The formation of Kosovo Transitional Council was the first step in

state-building project of UNMIK that was defined as “marking a critical first step towards development of self-government in Kosovo” (UNMIK/PR/12, 16 July 1999).

3.3.2. The Kosovo Transitional Council

Although Resolution 1244 gave a wide range of authority to UNMIK as the only legitimate administrative body of Kosovo, it was not possible to use that authority without the support of local communities. The Kosovo Transitional Council was created in line with this need to bring different local communities together to decide on their future under the chairmanship of the UN Special Representative. According to UNMIK the Kosovo Transitional Council would “offer the main political parties and ethnic communities in Kosovo an opportunity for direct input into the decision-making process” and would “serve as a forum where the parties can work together towards achieving consensus on a broad range of issues relating to civil administration, institution building, reconstruction and essential services” (UNMIK/PR/12, 16 July 1999). The Kosovo Transitional Council was the consultative body to the executive authority of Kosovo, UNMIK. However, the leaders of parallel structures did not dissolve their governments while attending the meetings of the Council until the first UN Special Representative, Bernard Kouchner, called them to join an interim administrative structure together.

3.3.3. Joint Interim Administrative Structure

On 15 December 1999, the Kosovo Transitional Council agreed to establish the Joint Interim Administrative Structure (JIAS). It was aimed local politicians would be integrated more in decision making process and UNMIK would take one step further to “establishing and overseeing the development of provisional democratic self-governing institutions” (UNSCR 1244). The JIAS included the Kosovo Transitional Council, the Interim Administrative Council, and nineteen administrative departments.¹³ The Kosovo Transitional Council was extended to 36 members in order

¹³ The fourteen departments were: (1) Finance and Economic Development, (2) Reconstruction and Donor Co-ordination, (3) Business Administration and Commerce, (4) Education and Science, (5) Culture, (6) Civil Affairs, (7) Justice, (8) Transport, Post, and Telecommunication, (9) Health and Social Welfare, (10) Agriculture and Environmental Protection, (11) Civil Security and Emergency Relief, (12) Democratization and Media Development, (13) Local Administration, and (14) Emigration (Annex to UNMIK Regulation No.2000/1). They were extended to nineteen departments on 5 January 2000 as: (1) Budget and Finance, (2) Reconstruction, (3) Trade and Industry, (4) Education and Science, (5) Culture, (6) Youth and Sport, (7) Public Services, (8) Justice, (9) Transport and Infrastructure, (10) Post and Telecommunications, (11) Utilities, (12) Health and Social Security, (13) Labour, (14) Agriculture, (15) Environment, (16) Civil Security and

to include more different local groups and given the role of a “shadow-assembly” to the Interim Administrative Council (Rexhepi, 2012:130).

The Interim Administrative Council was the highest government-like body in JIAS and it made policy recommendations to the UN Special Representative and formed policy guidelines to other departments within JIAS. The Interim Administrative Council consisted of eight members: four internationals, three Kosovo Albanians, one Kosovo Serb, and two observers from civil society (UNMIK/REG/2000/1). International members were from UNMIK staff, Kosovo Albanians were those who represented Kosovo in the Rambouillet negotiations (Ibrahim Rugova of LDK, Hashim Taçi of Democratic Party of Kosovo¹⁴, and Rexhep Qasja of the United Democratic Movement). The Serbian member was Rada Trajkovic.

As there was no election held at that time, the representatives were chosen based on their electoral strength (King & Mason, 2006). The Serbian community did not send a representative for four months of the creation of JIAS, but later on they decided to have an observer position in the Interim Administrative Council (Covey, 2005). The UN Special Representative kept his position as the head of the mission if the Interim Administrative Council was not able to reach a consensus, he would have the last word. UNMIK was able to convince Albanian Kosovar leaders to dissolve their parallel governments by the time of JIAS formation, except for the Serbian authority. Serbian community formed the Serbian National Council and rejected the authority of JIAS in the first place. However, by April 2000, they also sent two co-heads to administrative departments and one for the Interim Administrative Council, Rada Trajkovic as mentioned above, as an observer (Brand, 2003). Rada Trajkovic protested against the JIAS in response to violence directed at the Serbian Kosovars, however, the UN Special Representative had successful negotiations that resulted in her return to the JIAS. Overall, UNMIK succeeded to convince pre-war leaders to sit with it and recognize its authority throughout Kosovo. Despite the barriers in its decision making process in terms of peacemaking, the UN was on the positive track in peacebuilding through its credibility and legitimacy on the ground in Kosovo. Its accumulated

Emergency Preparedness, (17) Democratization and Civil Society, (18) Local Administration, and (19) Non-residents Affairs (UNMIK/PR/124).

¹⁴ Hashim Taçi first formed the Party for the Democratic Progress of Kosovo (PPDK) and it was renamed as the Democratic Party of Kosovo (PDK)

experiences in war shattered societies shed light on its engagements with warring parties in Kosovo. The UN started its peacebuilding missions with the incorporation of three conflicting parties, the KLA, the LDK, and Serbian political elites.

3.3.4. Process of Formation of a Provisional Self-Government

Although UNMIK tried to include locals more in time in order to establish a self-government, as elections were not still held and the UN Special Representative was the ultimate decision maker in case of a lack of consensus, the political institutions remained highly elite and international level excluding the public at large. Nevertheless, the process of institution building was started with the formation of the Kosovo Transitional Council, which led to the formation of JIAS and later led to the formation of the Provisional Self-Government, as shown in the Figure 5, below. As the Prime Minister Bajram Rexhepi stated in an interview: Our biggest handicap is the lack of experience, but our big advantage is that we have started from zero; we don't have to go back to transform any bureaucratic system.”¹⁵ The path was established towards more functioning and locally owned government institutions from zero point. The executive Director at the Centre for Research, Documentation and Publication (CRDP) in Pristina also said: “If you lived under Milosevic regime, you would welcome anyone. UNMIK laid the ground. It is like giving birth to a baby. We wanted to build our country and we needed help as we did not have experience in governing. UNMIK did its best” (Personal Communication, July 30, 2015).

3.3.4.1. The First Post-War Elections in October 2000 (Municipal Elections)

The first municipal elections in Kosovo paved the way for establishing administrative institutions at the local governmental level. UNMIK formed the conduct of the municipal elections with different regulations on the political party registration and civil registry and the establishment of the Central Election Commission (UNMIK/REG/2000/21). Accordingly, candidates were chosen for a two-year term from open lists by a propositional representation system. In addition, each party list had to include at least thirty percent of female candidates in the first fifteen candidates (UNMIK/REG/2000/39).

¹⁵ The full text is available on <http://www.winne.com/topinterviews/Rexhepi.htm> [last visit 20.04.2016]

Table 3.1. Chronology of Developments in Political Institution building of Kosovo

Chronology of Developments in Political Institution Building of Kosovo
Kosovo Transitional Council, 16 JULY 1999: A forum composed of main political parties and ethnic communities in Kosovo for direct input into the decision-making process, achieving consensus on a broad range of issues relating to civil administration, institution building, reconstruction and essential services
Joint Interim Administration Structures, 14 January 2000: Composed of:
a) Expanded <u>Kosovo Transitional Council</u> : 36 Members, consultative body to the Interim Administrative Council
b) <u>Interim Administrative Council</u> : 8 members (4 International, 3 Albanian Kosovar, 1 Serbian Kosovar)
c) <u>Administrative Departments</u>
Provisional Institutions of Self-Government, 15 May 2001:
a) <u>The Presidency</u> : elected by the assembly for a three year term
b) <u>The Government</u> : executive authority composed of a Prime Minister
c) <u>The Assembly</u> : legislative authority including one chamber with 120 seats (10 seats for Serbian Kosovars, four for the Roma, Askhali, and Egyptian communities, three for the Bosnians, two for the Turkish, one for Goran.
d) <u>Courts</u>

Voter turnout was 79 percent on the first municipal elections¹⁶ and there was no occurrence of incidents. The LDK won the 58 percent of the vote, whereas the PDK received the 27 percent of the vote. There were two surprising results. The first one was about the third party, which had seats in both at the Interim Administrative and Kosovo Transition Councils, the UDM, as it took less than 1 percent. And a new party

¹⁶ There were still Kosovar refugees outside Kosovo, therefore, International Organization for Migration (IOM) organized out of country voting (OCV) program for those residing abroad. Available at: https://www.iom.int/jahia/webdav/shared/shared/mainsite/activities/mepmm/op_support/esu_ocv_080107.pdf

called the Alliance for the Future of Kosovo (AAK) under the leadership of a former KLA guerrilla commander received 8 percent of the vote. The Serbian Kosovars did not recognize the elections and refused to vote. Overall, after the first elections 27 out of 30 municipalities established their municipal assemblies and for the remaining three, where majority Serbian Kosovars lived, the UN Special Representative appointed the assembly members and governors. Although the first municipal elections set the path for further improvement in local administrations, the lack of a legal framework made people of Kosovo suspicious towards the developments in institution building. Since there was no clear legal framework about the governance of Kosovo, and Kosovars were not given prior notification of the decisions taken, UNMIK started to create a constitutional framework which would lead to the formation of a central government through free and fair elections.

3.3.4.2. Constitutional Framework

UN Special Representative called for the creation of a Joint Working Group composed of 13 members, seven Kosovars and six internationals, and a chairman.¹⁷ The Joint Working Group worked on a constitutional framework to define a provisional self-government for Kosovo. After some disputes on the name of the draft, the existence of a presidency, and the necessity of the approval from Belgrade to the new draft “Constitutional Framework for Provisional Self-Government in Kosovo” was completed on 15 May 2001.¹⁸ According to the Constitutional Framework, Kosovo provisional institutions of self-government were the Assembly, the Presidency, the Government and courts. Two levels of government were also established: the municipal level (the basic territorial units of the self-government) and the central level.

The President was elected by the Assembly for three year term and the President appointed the Prime Minister. Having such an institution, the Presidency,

¹⁷ Kosovo members were from the Interim Administration Councils: Fatmir Sejdiu (LDK), Arsim Bajrami (PDK) and Muhammet Kelmendi (AAK). The Kosovo Serb member was Djordje Aleksic and Abedin Ferovic, a Bosniac, represented other communities. Blerim Reka was the representative of civil society and Blerim Shala was appointed in his personal capacity. International members were as follows: Andrew Joscelyne (Pillar III), NN (Pillar II), Roy Dickinson (Pillar IV), Alexander Borg-Olivier (UNMIK Legal Advisor), and Neithardt Hoefler-Wissing (UNMIK, Office of Political Affairs), and an international expert from the Venice Commission (Matthew Russell and Thomas Markert to rotate). The chairman was Mr. Johan Van Lamoen (UNMIK/PR/516).

¹⁸ For the discussion on the disputes over the legal framework see: UNMIK Press Briefing JWG on the Legal Framework Press Briefing: 13 April 2001

was highly debated in the Joint Working Group. As International Crisis Group (ICG) reports: “Provision for a president of Kosovo was of key symbolic importance for Kosovo Albanians, although it was opposed by international representatives on the Joint Working Group and in the Kosovo Serb community. The need for a figurehead, even if the post is largely symbolic, is seen as important by Kosovo Albanians. A president is seen as a head-of-state in waiting, which affirms Albanians’ aspiration to statehood” (Report No 120, 2001:7). The president was indeed given a symbolic role in the Constitutional Framework. He was there to “represent the unity of the people and guarantee the democratic functioning of the Provisional Institutions of Self Government.” He was not even directly elected by the people and he needed to consult with the Assembly to appoint a prime minister (UNMIK/RG/2001/9: Article 9.2.1).

The Assembly was envisaged as “the highest representative and legislative Provisional Institution of Self Government of Kosovo” by the Constitutional Framework (UNMIK/RG/2001/9: Article 9.1.1). It had one chamber with 120 seats. Twenty seats were reserved as follows: ten for the Serbian community, four for the Roma, Ashkali, and Egyptian communities, three for the Bosniak community, two for the Turkish community, and one for the Gorani community. The Assembly was assigned to adopt laws and resolutions, endorse or reject the prime minister and government, and establish committees to check legislation. The Constitutional Framework designed a proportional representation electoral system and made Kosovo a single member district with secret candidate ballots. Multi-district system would be problematic in the initial stage as there was a lack of up-to-date population data. Open-list was used in the municipal elections and voters put women candidates at the bottom of their preferences. With closed-list and a requirement for parties to list a woman in every group of three candidates over the first two-thirds of their list, the place of woman was secured. Moreover, the reserved seats of minorities obliged powerful parties to win 61 out of 100 seats to have an Assembly majority (ICG Report No 120, 2001).

The Government was the executive authority implementing laws and proposing draft laws to the Assembly. The Prime Minister was the head of the government and nominated the ministers who were chosen by the Assembly. These provisional institutions began to function after the first general elections in November 2001. The elections from 2000 to 2007 is shown in the Table 3.1, below.

Table 3.2. Kosovo Elections 1999-2007

Date	Election Type
28 October 2000	Municipal Elections
17 November 2001	Assembly Elections
26 October 2002	Municipal Elections
23 October 2004	Assembly Elections
17 November 2007	Assembly and Municipal Elections

After the first general elections JIAS administrative departments mentioned above began to function under nine ministries: Agriculture; Forestry and Rural Development; Culture, Youth and Sports; Education, Science and Technology; Labor and Social Welfare; Health, Environment and Spatial Planning; Transport and Communications; Public Services; Trade and Industry; and Finance and Economy.

The reserved powers of the UN Special Representative are also important to mention as they are related to the “self-ness” of the first political institutions of Kosovo. By the Constitutional Framework, the UN Special Representative had his authority in “dissolving the assembly and calling for new elections ... setting the financial and policy parameters ... exercising final authority regarding the appointment, removal from office and disciplining of judges and prosecutors ... concluding agreements with states and international organizations” (UNMIK Regulation No. 2001/9). Due to the fact that the final status of Kosovo was not set yet according to UNSCR 1244, the powers given to the new born political institutions were carefully chosen. UNMIK aimed not to cause any prejudice on the mind of both Serbian and Albanian Kosovars about independence of Kosovo. Also, in post-war era security issues were given priority: “While the Constitutional Framework does hand over responsibility to the newly elected government in a broad range of areas, key powers are reserved for the SRSG. In many cases that is only logical under current circumstances. Given the continuing unsatisfactory security situation within Kosovo and on Kosovo's borders, and the continuing need for a heavy KFOR presence, it would clearly be unrealistic at this stage for control over internal or external security to be devolved to local control” (ICG Report No 120, 2001:6-7). UNMIK transferred powers related to local level of administration to the PISG in the initial phase which is discussed Chapter 4 in the institutional autonomy section.

3.3.4.3. First General Elections

Kosovars voted for the first time for their representatives on 17 November 2001. The general election was the second election taken Kosovo wide. Comparing to the first Municipal elections of 2000, ICG defined the general elections as “to have been a clear improvement on the municipal elections of October 2000. Levels of violence were much lower, even though more voters took part” (2001). The Serbian community also mostly attended the vote, but due to the ambiguity in perceptions of different Serbian leaders towards the elections, some Serbian Kosovars hesitated to vote. Three major parties of the Municipal elections took the majority of votes in the general elections as well. The LDK won 45.6 percent of vote, whereas the PDK took 25.7 percent. The AAK received 7.8 percent of the vote. The Serbian Coalition Return Party had 11.3 percent of the overall vote. The voter turnout was a concerning issue as it was stated as 64 percent. It was a decline from 78 percent in the Municipal elections. However, the number of people registered, who were eligible to vote, including the Serbian community, was lower in 2000. In the Municipal elections 913,179 people were eligible to vote and in the general elections the number was 1.25 million. Therefore, it was not a matter of decline in the voter turnout as Serbians also attended the elections that increased the total turnout (OSCE Kosovo Assembly Elections 2001, Certified Results).

The LDK could not win the two-thirds majority seats in the Assembly, hence, it was not able to form a government. In order to get the support of the PDK, the LDK offered it five ministries. However, the PDK held out for the prime ministry to be filled by a PDK member since it won 26 seats. The PDK asked for one of three key positions, especially the prime ministry, because they thought if the prime minister was from the LDK their ministries could be easily dismissed and they could be out of government decision making process (ICG Report No.125, 2002). After three months, the two dominant parties agreed to give the presidency to the LDK (Ibrahim Rugova was chosen as the first President of Kosovo) and the prime ministry to the PDK (Bajram Rexhepi was the first Prime Minister) (UNMIK/PR/698, 28 February 2002).

3.4. Conclusion

The UN’s failure in conflict prevention and peacemaking in Kosovo did not mean it did not pursue peace in peacebuilding process. With its various channels the UN created an umbrella mission in Kosovo under which different organizations shared the duties of peacebuilding. Although Russia and China prevented the UN to take

necessary measures against Milosevic regime at the UNSC, the UN pursued peace in Kosovo after NATO's military campaign. How did the UN lead its endeavor on creating sustainable peace in Kosovo?

The analyses on the initial set up process of institution building in Kosovo by the UN gives us opportunity to process trace further developments in the institution building project. From 1999 to early 2002, as chronologically shown in the Figure 5 above, with its mandate under the UNSC Resolution 1244 UNMIK worked on to set a path for political institutions of Kosovo so that Kosovars would have their self-government in the future. As the status of Kosovo was declared as "pending" in the Resolution 1244, UNMIK tried to establish political institutions carefully in order not to breach any decision taken by the UNSC. Starting with the Kosovo Transitional Council, UNMIK worked with major parties of pre-war era. As there were security concerns and displaced people who were not resettled, UNMIK did not rush for elections. The lack of elections questioned the legitimacy of second institution, the JIAS, since apart from the Kosovo Administrative Council, the JIAS was aimed to give more opportunities to Kosovars to be integrated in decision making process. After the first Municipal elections, UNMIK proved the parties to the Kosovo Administrative Council and later to the JIAS were rightly chosen, as they received the majority of votes, except for including the UDM and excluding the AAK. The need for a legal draft to lay down the ground for political institutions was sustained through a group composed of both internationals and locals. The Constitutional Framework was the cornerstone of the new direction for Kosovo's political institutions. It created the three essential political institutions: the Presidency, the Prime Ministry, and the Government. How they would be elected and how they would function were determined with the Constitutional Framework.

CHAPTER 4

INSTITUTIONALIZATION OF KOSOVO POLITICAL INSTITUTIONS

4.1. Introduction

This chapter analyzes the degree of success in Kosovo's political institutions that were created and have been sustained primarily by the UN. The criteria to judge the institutional success is derived from Huntington's (1968) criteria for successful institutions, which suggests it is possible to measure institutional success through the scope of support and the level of institutionalization an institution has. This chapter starts with the examination of institutionalization in Kosovo with four indicators: (1) adaptability, (2) complexity, (3) autonomy, and (4) coherence. Then it moves to the scope of support. As this thesis argues the most significant and effective role of the UN in conflict resolution is not only constructing war-shattered political institutions but also devising and maintaining new institutions until they become self-sustaining. Societies with well-functioning institutions are more prone to long-lasting peace, therefore, the level of functionality or the success is important to conclude whether established institutions are on the path of self-sustainability or not. The UN in this case is expected to create the path of successful institutions in Kosovo in the aftermath of war through its support in institution building as well as in capacity building. The UN can do better in statebuilding as it can establish institutions and sustain them through its resources, legitimacy and policing. However, as the statebuilding in Kosovo is an ongoing project and not complete yet, this study is not empirically justified with the available evidence. Therefore, the emphasis is given to the degree of institutionalization and the institutional support of the past, present, and its implications for the future. So the primary question of this chapter is: Is there an increasing trend in terms of the criteria for institutional success in the UN's active participation over years? Have the UN been able to support the domestic institutions in capacity building? Did Kosovo declare independence in 2008 thanks to its domestic institutions primarily designed and supported by the UN? After answering these questions, in the conclusion part, I connect the institutionalization debate to the degree of peace in Kosovo based on Galtung's conflict and peace triangles.

4.2. The Level of Institutionalization

Institutionalization is an indicator of success for institutions because it brings “value and stability” to them (Huntington 1965: 394). Institutionalization shows itself in an institution’s level of adaptability, complexity, autonomy, and coherence. Change is the key in institutionalization and the positive or negative trend in the change displays either further institutionalization or de-institutionalization (Eisenstadt 1964). This section applies these four criteria to new-born Kosovo institutions in order to illustrate the trend of change in the institutionalization process.

4.2.1. Institutional Adaptability

Huntington (1968) uses three indicators to evaluate adaptability of an institution in the institutionalization process: (1) age, (2) successful succession of leaders, and (3) functionality. He argues the older an institution is, the more the number of successful succession of leaders have taken place, and the more flexible an institution is to function, the more adaptable it is. If Kosovo’s political institutions are analyzed through these three indicators for their level of institutionalization, the first indicator, the age, starts from 16 July 1999 with the creation of the Kosovo Transitional Council as shown in the chronology table in Chapter Three. Political institutions in Kosovo were new-born after the war of 1999 and they did not inherit institutional structures from the pre-war regimes. As the Kosovo Transitional Council later integrated to the Joint Interim Administrative Structures whose members later became officials in the PISG, it is a good starting time for the chronological age of political institutions.

The second indicator stresses the successful succession of leaders. In Kosovo, there were three general elections as shown in Table 3.1 in Chapter Three. First coalition government was formed after almost four months of the elections in 2001 by the LDK, the PDK, the AAK, and the Kosovo Serb Coalition Return (Koalitija Povratak, KP). This was the case due to the deadlock on the decisions of appointing the prime minister and the president. However, the second coalition government of the LDK and the AAK was formed in less than a month in 2004 and the SRSG commented in its formation as follows: “Immediately after the elections, I urged the political parties to act on the voices of the voters by moving quickly, and they have done so, without international involvement” (UNMIK/PR/1270, 17 November 2004). In 2007, the PDK and the LDK formed a coalition government. In the institution of Presidency, the first president Ibrahim Rugova was elected in 2002 and he was reelected in 2004.

In the third consecutive term, Fatmir Sejdiu came into office in 2006.¹⁹ The president is appointed by the Assembly and apart from the first appointment the rest was successful in terms of duration on the decision making about the president. For example, after the death of Rugova before the third general elections the Assembly was quick in appointing Fatmir Sejdiu as his successor (UNMIK/PR/1787, 10 February 2006). The first Prime Minister was Bajram Rexhepi and he was replaced by Ramush Haradinaj in the second term. However, Haradinaj was charged by the ICTY and he resigned voluntarily. The Assembly elected the new Prime Minister, Bajram Kosumi, and only in three weeks the new government with small changes in the cabinet was ready to continue. After a year of his office Bajram Kosumi also resigned but he was smoothly replaced by Agim Çeku in a short span of time (European Commission Progress Report, 2005).

The third indicator, functionality, implies the ability of institutions to perform their prescribed functions. In functionality analysis, I answer two questions: What duties were assigned by the Constitutional Framework to the Presidency, the Assembly, and the Government and whether they were performed successfully or not from their establishment in 2001 to 2008. In the initial steps fundamental things were missing in all institutions creating deficiencies in their performances such as buildings for ministries and staffing of government officials (ICG, 2006). There observed some lack of functionality in the first terms of institutions but they were more functional in the next terms.

According to the Constitutional Framework, the President had to present a report to the Assembly at least once a year. The first president, Ibrahim Rugova, presented his first report after two years of his office. However, after the first report in 2004, the Presidents continued their annual address to the Assembly. The President was banned of having a political office other than the presidency. Rugova resisted to be the President of his party, the LDK, until the warnings of UNMIK in 2005. On the duty of representing the unity of people according to the Constitutional Framework the Presidency failed to resolve the conflict in the parliament among opposition parties about the rules of procedure in its initial period. It was UNMIK's initiative to create a Political Forum to discuss debated issues (Willigen, 2009: 134). The rules of procedure

¹⁹ Presidents of Kosovo available on <http://www.president-ksgov.net/?page=2,109> [last visit on 24.05.2016]

for the legislation process was created by international experts and adopted by the Kosovo Assembly, but when the Assembly began to function some practical changes on the existing rules were necessary. Although UNMIK did not recognize a new draft proposed by the Assembly, the Assembly functioned with their new rules of procedure. The OSCE in charge of capacity building of the PISG members criticized the Kosovo government of being problematic in the legislative drafting process as well as the implementation process. Implementation processes of new laws remained long due to “the priority given by ministries on preparing new draft laws within their respective fields of activities to be presented to the Assembly, another is the lack of sufficient resources in the legal offices” (OSCE, 2005: 20). Another reason for the slow pace of implementation was the lack of opposition in the first legislature period (Rexhepi, 2012). Kosovo had a grand coalition in the first place including almost all parties but in the next two terms with the change of the composition of the Assembly making the PDK a strong opposition to the governing LDK and experiences of the first term, Kosovo government has matured more.

Overall, the domestic institutions showed clear improvements in terms of adaptability over time. They were too young to talk about the indicator of age, nevertheless in terms of successful succession of leaders and the functionality it was clear that there were set on the path of maturity and they needed support, time, and experience on that path. Their improvements in the level of adaptability is clearly linked to the continuous support of the UN. Under the pillarized mission, the OSCE conducted the elections and monitored, therefore, succession of leaders was in line with democracy. The OSCE also monitored the Assembly and gave them recommendations so that everything would be in accordance with the laws. UNMIK closely observed every decisions of the government and provided technical support when necessary. The growing level of adaptability is a sign of UN’s success in statebuilding.

4.2.2. Institutional Complexity

Huntington argues the more complex structures institutions have the more they are institutionalized. He means by the complexity within institutions that having more subunits, in other words being more departmentalized, will bring stability through division of labor and will reduce the risks of corruption through checks and balances among departments. As mentioned in Chapter Three, the Kosovo Transitional Council (KTC) was a political forum where the seeds of administrative political institutions

have begun to grow. The first departmentalization in Kosovo political institutions appeared with the JIAS. The JIAS included the KTC with expanded number of members, an Interim Administrative Council, and administrative departments. The administrative departments were as follows in the Table 4.1, below, before they were amended in the PISG's structures.

Table 4.1. JIAS Administrative Departments (Brand, 2003: 23)

JIAS Administrative Departments as of 28 July 2000			
Department	Party	DSRSG - Pillar	Date of Regulation
Central Fiscal Authority	LDK	EU-IV	18 Feb 2000
Education & Science	LBD	UN-II	3 Mar 2000
Health & Social Welfare	PDK	UN-II	3 Mar 2000
Local Administration	PDK	UN-II	3 Mar 2000
General Public Services	LDK	UN-II	14 Mar 2000
Justice	LDK	UN-II	21 Mar 2000
Reconstruction	LBD	EU-IV	30 Mar 2000
Transport & Infrastructure	Turk.	UN-II	21 Apr 2000
Post & Telecommunications	PShDK LDK	UN-II	21 Apr 2000
Labor & Employment	Serb.	UN-II	21 Apr 2000
Agriculture, Forestry & Rural Development	Serb.	UN-II	28 Apr 2000
Environment	Bosn.	UN-II	24 May 2000
Democratic Governance & Civil Society Support	Indep.	OSCE-III	10 Jul 2000
Sports	LBD	UN-II	10 Jul 2000
Youth	PDK	UN-II	19 Aug 2000
Utilities	LBD	EU-IV	19 Aug 2000
Non-resident's affairs	LBD	UN-II	19 Oct 2000
Trade & Industry	PDK	EU-IV	7 Dec 2000
Culture	LDK	UN-II	-
Civil Security & Emergency Preparedness	PQLK /PDK	UN-II	9 Nov 2000

There were 20 administrative departments in the JIAS and political institutions emerged as the Presidency, the Assembly, the Government, and courts. As “the highest representative and legislative Provisional Institution of Self-Government of Kosovo” the Assembly is given more attention in this section of complexity. The Assembly had a Presidency composing of seven Assembly members. It also had main and functional committees “to review draft laws and make recommendations as appropriate”. The main committees were the Budget Committee and the Committee on Rights and Interests of Communities. The functional committees would be established by the Assembly when necessary. In its first term the Assembly created 19 committees and the number decreased to 13 in the second term with the fusion of duties in small number of committees as shown on the Table 4.2 below. According to the regular OSCE reports on monitoring the work of Kosovo Assembly, the committees met regularly and the participation of members increased when the numbers of committees were reduced. In 2007, some committees also established sub-committees (European Commission Kosovo Progress Report, 2007: 7).

Table 4.2. Committees of the Assembly of Kosovo (Adopted from Rexhepi, 2012: 181-182; OSCE, 2009)

Committees in the First Legislative Term	Committees in the Second Legislative Term
Budget	Budget and Finance
Rights and Interests of Communities and Return	Rights and Interests of Communities and Return
Finance and Economy	Judicial, Legislative and Constitutional Framework Matters, Gender Equality, Petitions and Public Claims
Trade and Industry	European Integration
Education, Science and Technology	Education, Science and Technology, Culture, Youth and Sports
Culture, Youth and Sports	Economy, Trade, Industry, Energy, Transport and Telecommunication

Table 4.2. Committees of the Assembly of Kosovo (continued)

Health	Agriculture, Forestry, Rural Development, Environment, and Spatial Planning
Environment and Spatial Planning	Health, Labor, and Social Welfare
Labor and Social Welfare	Public Services, Local Administration and Media
Transport and Communications	Mandates, Immunities and Rules of Procedure
Public Services	Internal Affairs and Security
Agriculture, Forestry, Rural Development	Human Rights, Gender Equality, Missing Persons and Public Petitions
International Cooperation	Foreign Affairs
Emergency Preparedness	
Judicial, Legislative and Constitutional Framework	
Public Petitions	
Missing Persons	
Gender Equality	
Media	

The government of Kosovo in its first term had the Ministry of Finance and Economy, the Ministry of Education, Science and Technology, the Minister of Culture, Youth, Sports and Non-Residents' Affairs, the Ministry of Transport and Communications, the Ministry of Trade and Industry, the Ministry of Public Services, the Ministry of Labor and Social Welfare, the Ministry of Environment and Spatial Planning, the Ministry of Health, the Ministry of Agriculture, and Forestry and Rural Development (UNMIK Regulation 2002/5). The number of ministries was enlarged to 13 with the addition the Ministry of Energy and Mining, the Ministry of Returns and Communities, the Ministry of Justice, and the Ministry of Interior by 2006 (UNMIK/PR/1469, 20 December 2005; UNMIK Regulation 2005/53; UNMIK Regulation 2006/26). This extension of ministries is related to the transfer of power

discussed in the institutional autonomy section. By looking the development of more units within the new Kosovo institutions, a positive trend is observable in terms of the complexity. As in the case of adaptability, UNMIK's role in this positive trend is remarkable because new units were established via more autonomy given to the new institutions based on their development.

4.2.3. Institutional Autonomy

Huntington defines autonomy as “*the extent* to which political organizations and procedures exist independently of other social groupings and methods of behavior” (1968:20, emphasis added). Kosovo is a case of international administration, therefore, in this study institutional autonomy refers to two things. The first one is *the extent* to which internal actors took part in institution building process and the second one is *the extent* to which political institutions have become independent from the international administration during the presence of the international administration. The autonomy of Kosovo's political institutions will be analyzed through their degree of independence from UNMIK until its unilateral declaration of independence when UNMIK became a passive formality in 2008. The following questions shed light on this section of this study: How did Kosovars involve in institution building process and has the PISG become more independent in time during UNMIK's active presence? The involvement of local actors is analyzed in the initial set-up process of political institutions and the institutional independence is possible to investigate through the process of official transfer of authority from UNMIK to the PISG. UNMIK aimed to transfer its powers to the PISG in line with the capacity development of the PISG's institutions, which is in line with the argument of this study. During the transfer of authority, the capacities of related institutions are also analyzed to see if they gradually matured to hold more power and function them successfully. Therefore, in this chapter the ability of local institutions in performing their respected duties is also analyzed. At the start of institution building, autonomy was largely absent because domestic institutions were dependent on the international administration. The newly established institutions also lacked of technical as well as practical knowledge. With the support of the OSCE, their capacity increased over time and as well as their autonomy with gradual transfer of power. In 2008, the UNSC did not discharge UNMIK but significantly reduced its power. Although UNMIK was still present in 2008, Kosovo adopted a new constitution and declared independence, which indicate a good level of autonomy.

4.2.3.1. Local Ownership in Institution Building Process

As mentioned in the previous chapter, during the initial process of institution building UNMIK tried to include local actors in the process. However, the first step on the way of creating a self-government, the formation of the KTC, happened without an election. Therefore, public at large was not included in the process. In such a post-war situation, UNMIK prioritized security in Kosovo and in order to implement its mandate, it looked for the way of establishing authority in overall Kosovo through eliminating pre-war parallel structures. After the establishment of the Joint Interim Administrative Structures (JIAS), the leaders of parallel structures accepted to dissolve their administrations. The JIAS was also formed before a general election was held and the pre-war parties were given seats based on the electoral strength. After nine months, Kosovars were able to vote for the first Municipal elections and results proved the assumption of UNMIK in giving seats to political leaders in the JIAS.

The Provisional Constitutional Framework was a joint effort of locals and internationals based on their merit on this issue. But UNMIK power was certain in the UNSC Resolution 1244 where the UN Special Representative was given the final say to accept or refuse the draft prepared. However, the UN Special Representative was using his power *ex ante*, hence, he did not reject the final draft. As the legal document was ready to establish the Provisional Institutions of Self-Government, the first general elections was run. Kosovars chose their representatives and were integrated to the decision making process. After some disputes in forming the government as mentioned in Chapter Three, the Assembly, the Presidency, and the Government began to function. What kind of authorities were given to the PISG over 7 years under UNMIK's auspices? Did the PISG become autonomous of UNMIK in the process?

4.2.3.2. The Transfer of Authority to the PISG

UNMIK announced its decisions as “Regulations” and “Administrative Directions”. Regulations were defined as “legislative acts” and the regulations remained “in force until repealed by UNMIK or superseded by such rules as are subsequently issued by the institutions established under a political settlement, as provided for in United Nations Security Council resolution 1244 (1999)”. Administrative directions were the implementations of regulations but not all regulations needed administrative directions.

UNMIK issued 418 regulations and 206 administrative directions from 25 July 1999 to 17 February 2008 with an overall decreasing trend as shown in the Table 4.3

below. However, the institutional independency cannot be analyzed by this decrease in the number of regulations and administrative directions because even if the PISG was given the right to legislate laws by the Constitutional Framework, the UN Special Representative promulgated every law made by the PISG. Therefore, regulations and administrative directions also include the laws made by the PISG. The institutional independence will be analyzed through the process of transfer of authority.

Table 4.3. UNMIK Administrative Directions and Regulations

Year	Number of Administrative Directions and Regulations
1999	31
2000	98
2001	67
2002	50
2003	73
2004	87
2005	79
2006	79
2007	49
2008	11

The first transfer of authority can be dated back to August 1999 to the formation of the Joint Advisory Council on Legislative Matters. UNMIK aimed to include local experts in the process of drafting UNMIK regulations (Reka, 2003:154). The problem was that since 1989 the local courts were filled by Serbians when the autonomous status of Kosovo was dissolved, and these Serbians also fled the country after NATO bombings. Hence, legal experts in Albanian community were largely jobless for 10 years and their voice in the Joint Advisory Council on Legislative Matters was not always heard (Reka, 2003:154).

The transfer of authority officially started after the Constitutional Framework came into force in 2001. According to the framework following fields with an emphasis to the gradual increase in the authorities transferred to the PISG:

- a) Supporting inter-municipal cooperation;
- b) Promoting the development of a professional municipal civil service;
- c) Assisting the municipalities in the development of their own budgets and financial management systems;
- d)

Monitoring the quality of municipal services; e) Identifying ways and means for training activities for the municipalities; f) Assisting the municipalities in making their activities transparent to the public; g) Providing legal guidance and advice to the municipalities; h) Coordinating the activities of international agencies and non-governmental organizations pertaining to municipalities; and i) Overseeing compliance with responsibilities and powers delegated to municipalities based on the organizational structures that emerged from the municipal elections in October 2000, as well as responsibilities and powers transferred in the meantime. *It is understood that additional powers will be progressively transferred in an orderly manner*” (UNMIK Regulation No. 2001/9 part 5.2, [emphasis added]).

The powers related to the statehood such as foreign affairs, justice, and security sectors largely remained under the control of UNMIK. Further transfer of authority would be in line with the progress made by the PISG. In this context, the efforts of the Organization for Security and Cooperation in Europe (OSCE) is important to mention since it has played a remarkable role in capacity building that promoted more competencies to the local institutions as well as more steps the path of sustainable domestic institutions. The UN through “pillarization” this time in Kosovo did not only create the institutions and left them their own but it observed their development process.

4.2.3.2.1. OSCE: Capacity building on the way of self-sustaining institutions

Under the UN umbrella, the OSCE and UNMIK have carried out joint work in institution building. Whereas UNMIK initiated the institution building process, the OSCE continuously supported established institutions in order to make them self-sustainable (F. Mulolli, personal communication, August 5, 2015). The OSCE was mandated with: “(1) Human resources capacity-building, including the training of a new Kosovo police service within a Kosovo Police School which it will establish and operate, the training of judicial personnel and the training of civil administrators at various levels, in cooperation, inter alia, with the Council of Europe; (2) Democratization and governance, including the development of a civil society, non-governmental organizations, political parties and local media; (3) Organization and supervision of elections; (4) Monitoring, protection and promotion of human rights, including, inter alia, the establishment of an Ombudsman institution, in co-operation, inter alia, with the UNHCHR [...]” (Permanent Council Decision 305, 1999: 1-2).

To that extent, the OSCE Mission in Kosovo (OMIK) organized general and municipal elections, established the Central Election Commission and the Kosovo

Police School. After the general elections OMIK launched its Assembly Support Initiative (ASI) as a forum for the Assembly members to improve their professional skills. ASI provided conferences and training sessions in Kosovo and abroad for the public servants. Some other important domestic institutions created through the assistance of OMIK include: the Ombudsperson Institution, the Kosovo Judicial Institute, the Criminal Defense Resource Centre, Radio Television Kosovo, the Temporary Media Commissioner, the Kosovo Media Institute, the Kosovo Police Service School, and the Police Inspectorate. The OSCE organized and monitored the municipal and general elections in Kosovo and trained the Central Election Commission to run elections independently.²⁰ The OSCE took flexible initiatives when necessary to tackle with institutional problems. It observed all plenary sessions of the Assembly and gave them feedback on their deficiencies and successes and help for further improvements.

The interagency cooperation in Kosovo under the UN auspices in institution building is a positive contribution to the autonomy level of Kosovo institutions since while establishing domestic institutions from zero point, the OSCE conducted its capacity building project so that when the international organizations left them alone they would get back on their feet. The UN through the resolution 1244 “pillarized” the Kosovo peacebuilding mission and UNMIK and OMIK shared the responsibilities for more successful outcomes.

4.2.3.4. Further competences with the Eide Report and the Ahtisaari Plan

After the Assembly elections in 2001, UNMIK set up a Transfer Council to foresee healthy transfer of power process. 19 of non-reserved powers listed in the Constitutional Framework were transferred and 17 of them put on the agenda to be transferred soon and UNMIK aimed to complete the transfer process by the end of 2003 (Report of the Secretary General, S/2003/996). Apart from the non-reserved powers, Provisional Institutions demanded the transfer of reserved powers by UNMIK. The reserved powers were mostly about statehood ranging from the dissolving the assembly and calling for new elections to the final say on budget policy and administrating external affairs. Transferring these kind of powers would necessitate to take a decision on the final status of Kosovo. In line with Provisional Institutions’

²⁰ The OSCE Mission in Kosovo (2002) retrieved from:
<http://www.osce.org/kosovo/37661?download=true>

demand, UNMIK adopted “standards before status” formula which composed of 8 benchmarks. The then SRSG Michael Steiner announced the benchmarks as:

- Existence of effective, representative and functioning institutions;
- Enforcement of the rule of law;
- Freedom of movement;
- Respect for the right of all Kosovans to remain and return;
- Development of a sound basis for a market economy;
- Clarity of property title;
- Normalized dialogue with Belgrade; and
- Reduction and transformation of the Kosovo Protection Corps in line with its mandate (UNMIK/PR/719, 24 April 2002: 3-4).

The benchmarks were set to make Kosovo institutions sustainable even after the international institutions departure as stated by the SRSG Steiner in the same addressing to the UNSC: “Kosovo can only advance towards a fair and just society when these minimum preconditions are met. And when the changes in institutions are sustainable even without an international presence.” (UNMIK/PR/719, 24 April 2002: 4).

In March 2004 some violent events occurred that led to the appointment of a UN special envoy to Kosovo. In March 2004, a Serbian at the age of 18 was killed by the drive-by shooting. News quickly spread that the Albanian community committed the crime. The next day of shooting, three Albanian children drowned in the Ibar River and one child survived. The mass media argued they were chased into the river by Serbs to take revenge of the young boy. In the subsequent days, 50,000 – 60,000 people participated in massive demonstrations, which later became violent. (OSCE, 2004). UNMIK reported these violent events as follows: “A total of 19 persons died in the violence, of whom 11 were Kosovo Albanians and 8 were Kosovo Serbs, and 954 persons were injured in the course of the clashes ... 65 international police officers, 58 Kosovo Police Service (KPS) officers, and 61 personnel of the Kosovo Force (KFOR) suffered injuries. Approximately 730 houses belonging to minorities, mostly Kosovo Serbs, were damaged or destroyed ... 36 Orthodox churches, monasteries and other religious and cultural sites were damaged or destroyed ... sporadic attacks, including attacks against the international security and police presence, continued to occur ... a Ghanaian UNMIK police officer and a Kosovo Albanian KPS officer were killed when a group of Kosovo Albanians fired on their UNMIK police patrol vehicle” (Report No. 348, 2004: 1-2).

After the violent events Kai Eide was appointed as special envoy of the UN to issue a report about the situation on the ground. Finding the time suitable to expand further the competencies and responsibilities of the PISG, he wrote on his report: “An ambitious policy of transferring further competencies should be launched without delay, giving the Provisional Institutions of Self-Government a greater sense of ownership and responsibility as well as accountability. This should include establishing new ministries of energy, of justice and of community matters, human rights and returns” (Report of the Secretary General, S/2004/932: 6). Although he supported the expansion of power on the hand of the PISG, he nevertheless decreased the checks and balances power of UNMIK. He also pointed out in his report: “Further transfer of authority should be accompanied by greater readiness to use sanctions and interventions in order to set aside decisions, overrule policies and remove personnel. An inventory of possible measures of intervention and sanctions, including financial sanctions, nullifying decisions, overruling policies and removing personnel, should urgently be drawn up to guide the new Special Representative of the Secretary-General” (Report of the Secretary General, S/2004/932: 17-18). After the report, the Ministry of Energy and Mining, the Ministry of Returns and Communities, the Ministry of Justice, the Ministry of Interior were established in 2004, 2005, and 2006 respectively (UNMIK/PR/1469, 20 December 2005; UNMIK Regulation 2005/53; UNMIK Regulation 2006/26).

Meanwhile UNMIK started to close down its pillars that signed large scale transfer of authority to the local institutions. As mentioned in Chapter Three after the great number of refugees returned pillar one was already closed down in June 2000 and later it was given the responsibility of the rule of law functions in May 2001. Pillar 1 and 2 were closed down in 2006 and pillar 4 in 2008 (UNMIK/PR/1606, 15 November 2006; UNMIK Fact Sheet June 2008). The phasing out of Pillar 2, the UN Interim Administration, is important to mention as it is related to the overall autonomy of Kosovo institutions. UNMIK’s presence continued under much smaller Department of Civil Administration after 2006 as stated by UNMIK itself in 2006: “Over the seven years since, as Kosovo’s Provisional Institutions of Self Government (PISG) were established and gained capacity to assume more responsibilities, UNMIK has moved back from an executive role to one of monitoring and support to local institutions” (UNMIK/PR/1606, 15 November 2006). UNMIK’s staff also reduced to half comparing to early 2000s (Attachment to the UNMIK/PR/1606).

The UN's special envoy Marti Ahtisaari presented his plan called the Comprehensive Proposal for the Kosovo Status Settlement to the UN in 2007. According to the Comprehensive Proposal, Kosovo would adopt a constitution and govern itself democratically.²¹ UNMIK would transfer all legislative and executive powers to the government of Kosovo, the EU rule of law mission (EULEX) would be established, and the International Civilian Representative would monitor the process of implementation. The Assembly of Kosovo accepted the draft, while Serbia rejected. A "troika" of representatives from the EU, the US, and Russia was established with the initiative of the Contact Group and supported by the UN. The troika was to hold meetings with Prishtina and Belgrade over the future status of Kosovo, but a compromise was not reached due to the divergent positions of two sides (Report of the Secretary General, S/2007/723). Nevertheless, the Assembly of Kosovo formed a Constitutional Commission advised by the Ahtisaari Plan in early 2007 and a draft was ready by the end of 2007. After Kosovo declared independence in February 2008, the Assembly made some amendments on the draft and completed the constitution in April 2008. Although Serbian delegations did not participate the drafting process and boycotted the Assembly after the declaration of independence, they returned after a month (EU Kosovo Progress Report 2008).

By the transfer of power process Kosovo's political institutions have become more independent of UNMIK. Starting with the Constitutional Framework in 2001, power transferred to local institutions accelerated in coming years with the gradual development of political institutions. The power transfer process went in line with the capacity of local institutions and their capacity also increased within 9 nine years of active UN presence. Through the support of the OSCE, the PISG's members gained technical knowledge and kept checked on track about their institutional development. By 2008, while UNMIK was the authority on the paper of UNSC 1244 over Kosovo's institutions, the PISG was able to write a constitution and adopt it. Overall, Kosovo's institutions were on the path of being autonomous during the UN's presence with gradual increase in the power transferred. Moreover, the UN did not transfer these

²¹ For the full text of the Comprehensive Proposal see: <http://www.kuvendikosoves.org/common/docs/Comprehensive%20Proposal%20.pdf> [last visited 20.04.2016]

competences overnight. It was a coordinated process with the reports and initiatives of the OSCE.

4.2.4. Institutional Coherence

The last indicator of institutionalization level for Huntington is institutional coherence. He emphasizes discipline within institutions in the context of coherence. A disciplined institution would have substantial consensus on functional boundaries and rules of problem solving. He also links autonomy with coherence by stating that autonomy is a mean to be coherent since autonomy may help to create distinct styles and norms within institutions. Within the context of Kosovo, the provisional institutions experienced a lack of coordination and discipline in their first consecutive terms. Deficiencies in coordination and discipline in legislative and executive bodies in decision-making, law drafting, and implementing were noticeable.

As Nazim Jashari, member of the Assembly of Kosovo, pointed out: “Often the priority of the reviewed and adopted draft-laws was not clear. This is because thus far there were no attempts to set priorities in certain significant areas, as is the case in other parliaments. In a nutshell, we have the feeling that the draft-laws are quite often initiated just so we can add to the numbers of approved draft-laws” (ASI Newsletter 24, 2005: 8). There was not a clear agenda in the Assembly and there were many occasions of noncompliance with the existing regulations within the Assembly as reported by the Assembly Support Initiative (Report 10/2005; Report 09/2005). For example, in many occasions the agenda for plenary sessions were not approved by the Assembly which is in the rules of procedure, proposals submitted by the parties in the Assembly were not taken to the agenda within the deadline of three weeks, and some members used electronic cards of others in voting.²² Rexhepi (2012) concludes that primary reasons for such violations of the rules of procedure in the Assembly were: the frequency of change in the rules (the rules of procedure changed three times in two legislative terms); members had multiple jobs that they did not have much time and concentration on their assembly works; office spaces and administrative supports were lacking (202-206).

Despite the shortcomings of the first terms, the Assembly began to function in a more disciplined way in the second legislative term. With the approval of a reform-

²² The members had electronic identification cards to insert into his or her device in order to register him/herself as present in the hall and to vote.

draft in 2006, the Assembly included in its plan: (1) a calendar for plenary sessions and meetings of Assembly Presidency, parliamentary groups and committees, (2) a calendar of events, announcing the relevant issues that Assembly have to focus on and tackle for a period 2-3 months, (3) a plan of standards, which is the backbone of the reform, the plan consists of the following: a. Question time- 50-minutes- for each plenary sessions, where assembly members can pose questions and the ministers have to answer them; b. Regular interpellations of parliamentary groups; c. Technical support for committees; d. Improvement of organization and performance of the administration; e. Draft-budget initiated by Committee on Budget and Finance and adopted by the Assembly; f. Improvement of information system; g. Access to official documents by both media and general public; h. The list of issues that need to be discussed or items of Agenda and the status of laws; (4) Amendments in the Rules of Procedure of the Assembly, which will enable the enactment of the reform.

The comment of the speaker of the Assembly of Kosovo summarizes well the situation in the PISG. He acknowledged the remaining deficiencies in the institutions but the reform-package he stated represents “a solid-base, the establishment of a structure that will enable further advancement of the results and successes of the Assembly” (ASI Newsletter 24, 2005:3). To that extent, the Assembly approved its first annual work program and the public information office was established in 2007. The same year a new rules of procedure for the government was adopted providing more bases for coordination and organization within the government. On the other hand, the PISG began to prioritize the status talks after the Ahtisaari plan, therefore, it slowed the pace of reformation (European Commission Kosovo Progress Report, 2007). I cannot conclude that by 2008 the PISG was coherent in its institutions nevertheless it was on the track of being coherent as there were improvements from the initial steps to the next steps.

4.3. The Scope of Support

For Huntington successful institutions are the ones which have broad scope of support in the society. Scope means “the extent to which the political organizations and procedures encompass activity in the society” and the scope is broad if the rules of institutions are followed by a large segment of the population (1973: 12). The scope of support in Kosovo institutions can be analyzed by looking to the two levels of society: The elite and the population. Kosovo is a case of international government after an ethnic war, therefore, the scope of support is problematic. This is because in

the aftermath of civil wars different actors of the war seek to have their shares in the new establishment. In this section, the support of Kosovo's political elite to the new institutions of Kosovo will be analyzed through their compliance with the regulations and directions of UNMIK. Was there any conflict between the UNMIK's and political elites' agenda? Did the elites agree on UNMIK's projects for institutions of Kosovo? I examine the scope of support by the public about the political institutions of Kosovo through the polls of the UN Development Program (UNDP) on popular satisfaction with institutions and voter turnout in three general elections.

4.3.1. Support level of political elites in Kosovo

The statement on the UNSC Resolution 1244 mandating UNMIK with "facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords" gave hope for independence to Albanian Kosovars. Therefore, international intervention was welcomed by the political elites of Albanian Kosovars as each step on the way of creating a self-government would bring them closer to independence. As mentioned in Chapter Three two different pre-war parallel structures to the Serbian regime among the Albanian community existed in the aftermath of the war while UNMIK was setting up itself. Nevertheless, UNMIK achieved to unite them under the JIAS and Albanian Kosovars took active part in the initial setting process of the PISG as well. On the other hand, in 2004 the UN special envoy Kai Eide reported to the UNSC: "The international community in Kosovo is today seen by Kosovo Albanians as having gone from opening the way to now standing in the way" (S/2004/932: 11). What factors have brought Albanian Kosovars to this opposition level?

Albanian Kosovars had the objective of an independent Kosovo on their agenda from the beginning as they fought for it in the late 1990s against the Serbian regime. UNMIK initiated the "standards before status benchmarks" in 2002 mentioned above in the autonomy section delayed their desire for independence. In the same report, Eide stated: "The current 'standards before status' policy lacks credibility. The implementation of a highly ambitious set of standards before status talks begins is seen as unachievable" (S/2004/932: 4). Although these standards helped domestic institutions to seek further development towards sustainable institutions, the problem was that these standards were set as a barrier to status talks. With a new composition of the parliament after the second general elections, political elite felt themselves more representing the people and therefore UNMIK should have transferred more power to

the real representatives. After the Eide report, UNMIK accelerated the power transfer process as discussed in the autonomy section above. Overall, Albanian Kosovars' elites did not give up taking part in the institution building project and never perceived the PISG illegitimate.

In contrast to the support of Albanian Kosovars, the Serbian Kosovar elites opposed the provisional institutions from time to time. They accepted to send a representative to the KTC but they withdrew later due to a violent event against Serbian Kosovars. They also did not accept to participate in the Joint Working Group for drafting a constitution at the beginning but later they participated (UNMIK/PR/529 & 559). Their support for the institutions was related to the policy of the Republic of Serbia as well. In time of more moderate leader, Zoran Djindjic, in Serbia Serbian elites in Kosovo cooperated more with UNMIK and their support level increased (Narten, 2008). After the first general elections the Serbian Coalition Return Party (SC) had 10 reserved seats and plus 12 seats in the Assembly. The SC deputies sometimes boycotted the Assembly over disagreements but they accepted to be present with the OSCE monitoring of the plenary sessions. (ASI Newsletter 5, 2003). The SC continued as two different Serbian parties after 2005 and in some occasions one of them was present in the Assembly while the other boycotted due to their different policies. After the 2007 elections, only two Serbian parties out of six took the oath and no single Serbian deputy was present in the Assembly for the meeting of independence in 2008 (Report of the Secretary General, S/2008/354). Apart from the central level, Serbia supported parallel structures existed at the municipal level, especially in the northern Kosovo. Four municipalities, Leposaviq, Zubin Potok, Zveçan, and Northern Mitrovica, had their own security structures, schools, and healthcare systems funded by Serbia (OSCE, 2008). If the condition for institutionalization in terms of the elite support is based on the large segment of the elite population, we can conclude Kosovo's institutions were supported by the majority of the elite in Kosovo since Serbian political elites compose a minority.

4.3.2. Support level of public in Kosovo

Support of public for Kosovo institutions can be analyzed through their satisfaction level with the institutions and voter turnout. After the establishment of the PISG the support for Kosovo institutions had an increasing trend until June 2005 as shown in the chart of public satisfaction below.

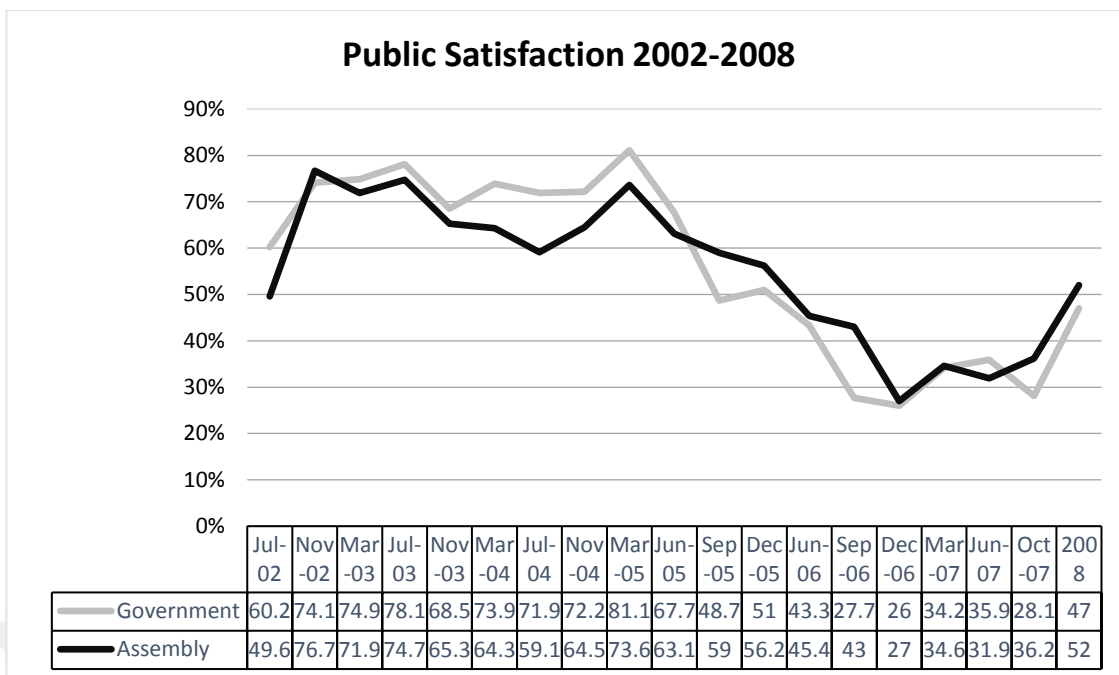


Figure 4.1. Public Satisfaction 2002-2008 (UNDP Early Warning Report Kosovo Report #1 to #19)

In the initial process of institution building public at large were satisfied with the performance of domestic institutions. This increasing trend began to decline towards the end of 2005 and satisfaction level was lowest on December 2006. It slightly rose up in 2007 and after the declaration of independence almost half of the respondents were “satisfied” or “very satisfied” with the government and the Assembly. There are various factors of the declining trend. With the transfer of more power and the start of status talks people started to perceive domestic institutions as responsible from the overall bad economic situation and the corruption level. It was the UNMIK which was blamed by people in the initial process about political and economic situations on the ground (UNDP Early Warning Report #15: 15). Dissatisfaction with the economic situation was at the highest level in times of decline on the satisfaction level. The start of status talks and a possibility of decentralization by ethnic lines coincided with the time of decline in the satisfaction level. UNDP concluded the dissatisfaction on the status talks “due to the fact that K-Serbs and K-Albanians have diametrically opposing preferences for status and any attempt at compromise has so far resulted in dissatisfaction” (UNDP Early Warning Report #15: 17).

The second indicator of institutional support at the mass level is the voter turnout. As the chart of voter turnout for three Assembly elections in 2001, 2004, and 2007 show there is a continuous decline. One of the reason for that is the increase in the number of registered eligible voters and another reason is related to the Serbian Kosovars' participation. In the first Assembly elections, UNMIK convinced the Serbian community to vote in exchange of decentralization in which they would govern themselves. Serbian Kosovars did not cast their vote in the second and third Assembly elections due to the boycott call of the Serbian government (S/2007/768: 2).

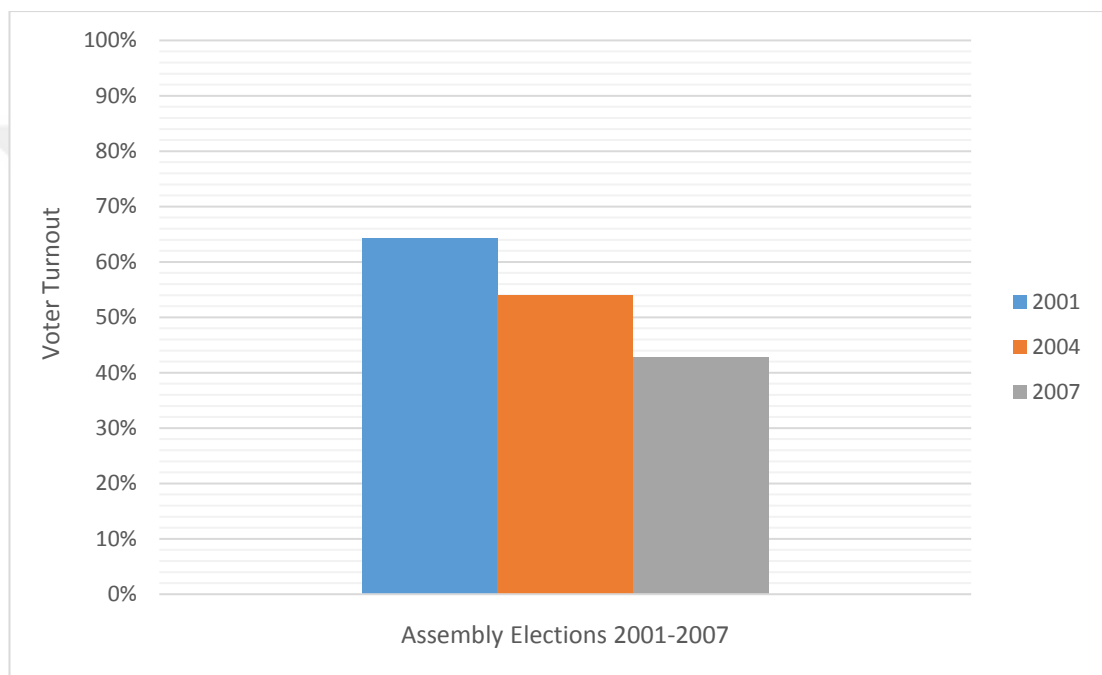


Figure 4.2. Assembly Elections 2001-2007

With the percentage of Serbs (6% according to the UNDP report) in Kosovo taken into consideration, Huntington's criteria for institutional support at mass level can be seen lacking in the majority of population due to the lower voter turnout. The lower voter turnout was parallel with the overall satisfaction of people in Kosovo. Prior to the election the SRSG noted: "People were generally disappointed with their political leaders and this erosion of the credibility and trust would be reflected by a possible lower turnout" (EP Election Observation Mission, 2007: 6-7). Poor level of economic growth and the wellbeing of people, and ambiguity on the future status were the main reasons of Albanian Kosovars' abstention from voting.

4.4. Conclusion

The UN was not successful to prevent and then stop the war in Kosovo. It was NATO who made the ground ready for the UN involvement after its failures in conflict prevention. As this study argues the UN has more success in the aftermath of civil wars thanks to its various channels. Its channels enable the UN to cooperate with different international, regional and domestic organizations for a better peacebuilding missions. Its composite structure assures its credibility and legitimacy on the eyes of both political elites and the public at large as in the case of Kosovo.

In this chapter I analyzed the efforts of the UN in institution building of Kosovo. This study argues the UN can set the path for new state institutions and support them until they become self-sustainable. The path dependent nature of state institutions will carry the rest and once established the institutions will take steps on that path. An in-depth research in the case of Kosovo shows the UN constructed the path for new Kosovo institutions and these institutions continued on that path with gradual improvements. Alongside with Huntington's criteria for successful institutions I analyzed new Kosovo institutions. Despite the fact the institutions were young to analyze, I aimed to observe their level of improvements. In other words, the objective was to examine whether the institutions were on the track of being autonomous, coherent, complex and adaptable on the path of institutionalization. According to the findings of this study, Kosovo institutions were put on the path of institutionalization through technical as well as material support of UNMIK within a pillar structure. The UN kept its eye on the institutions after they began to have authority over their own governance. The capacity building projects of the OSCE and the involvement of experienced legal experts in constitution building, in legislature and executive processes helped Kosovars to accumulate experience and to obtain know-how skills and implement in the next consecutive terms. Overall improvements in these institutions under the mentioned criteria is observable. The UN succeeded in establishing what a state would need to have in Kosovo by 2008.

On the other hand, there was a negative trend in the level of public support to Kosovo institutions. In the beginning of the mission, UNMIK was welcomed by the public as well. However, their expectations were mostly independence and economic well-being. A possible autonomy to the Serbian municipalities dissatisfied Albanian Kosovars but it was necessary for UNMIK to include Serbian Kosovars to the statebuilding process for more sustainable results. After the war, the economic

recovery took time and people remained poor under the new institutions. People considered UNMIK responsible of the poor economic level in the first years of the mission, therefore, the PISG was largely absent from the blame. The PISG was on the target in its second and third terms of office as it took majority of control from UNMIK. Parallel to the transfer of authority the future status talks started that made the PISG more representative of Kosovo, therefore, the problems of Kosovo.

In terms of peace assessment based on the Galtung conflict and peace triangle, there was no occurrence of large-scale violence over the years of the UN's existence. The March 2004 events were concerning violent events but nothing turned out to be an ethnic war again in Kosovo. Hence, the UN mission in Kosovo prevented direct violence, which involves violent behaviors, according to Galtung's definition. However, the main incapability/contradiction that caused the breakup of war in 1998, the status of Kosovo, was yet to be solved through different negotiation mechanisms. By 2007 with the troika group and later on the EU initiated talks between Prishtina and Serbia were on the scene. Prishtina and Serbia did not reach an agreement therefore the UN did not solve the structural violence. Nevertheless, the process was set and formal talks continued. Peace process is a continuing one and a conclusion is hard to achieve in this case in terms of structural and cultural violence. As the project managers of an NGO dealing with reconciliation between Serbs and Albanians, the Community Building Mitrovica, rightly put it: "Achieving cultural peace may take ages" (M. Raičević, Personal Communication, August 4, 2015). But for the scope of analysis of this study, direct violence between Albanian Kosovars and the Republic of Serbia never broke out again.

CHAPTER 5

CONCLUDING REMARKS

The mere fact of the increased number of civil wars in post-Cold War era has put conflict resolution on the agenda of states, international organizations, NGOs and regional organizations. The new wars were within states and their solution was not possible through maintaining ceasefire, monitoring peace, and establishing buffer zones, since renewal of violence was most likely in intra-state wars. These conflicts have different dimensions to tackle with such as cultural, economic, and political and the UN is the most anticipated actor in the endeavor of peace.

The UN has an evolving performance in the conflict resolution field. It has moved from mere observance of signed negotiations in inter-state conflicts to more complex peacebuilding missions in intra-state conflicts in the aftermath of the Cold War. Nevertheless, its success level is not homogenous in the different layers of conflict resolution. The UN fails in conflict prevention due to the lack of a special secretariat to institutionalize the process of conflict prevention and the perception of developing states on conflict prevention measures as great power interference. As the UN often fails to prevent a conflict to become war, the next phase is peacemaking or war stopping. The UN does not also have a positive record on peacemaking due to its inability to stop intra-state armed conflicts in a short time period where civilians suffer the most and fast reaction is crucial like in the cases of Somalia, Bosnia, Rwanda, Haiti, East Timor, and Kosovo throughout the 1990s. As this study argues the UN's ineffectiveness in peacemaking is related to its decision making mechanism. The UN takes measures in terms of protecting universal peace and security through the Security Council. The UNSC needs unanimous votes of five permanent members with too diverse interests and aspirations. In the Cold War years, for example, it was either the U.S or the Soviet Union vetoing necessary actions due to their opposing interests and aims. Even after the Cold War period, permanent members reacted to conflict cases based on their interests. For instances in the Balkans, Russia kept vetoing any military measures against Serbia due to their historical alliance and Russia's regional interests. It was NATO, faster and smaller than the UN, that stopped these wars.

Despite its negative score on the UN's success level in conflict prevention and peacemaking, this study states that the UN currently performs better and has even

greater potential to achieve its goals in the aftermath of civil wars, especially in statebuilding steps. The UN has advantages in its statebuilding missions in terms of its technical and monetary resources. It has channels of cooperation with different NGOs and regional organizations to create sustainable institutions. I supported the strong impact of institutions in the occurrence of war or in the termination of war. If the UN is willing to achieve sustainable peace, it needs to help reconstructing destroyed structures or constructing the new ones. However, the help is not limited to guiding locals for a constitution, then observing elections, and exit from the war shattered place. Rather the help is about taking the first steps and continuously promoting established institutions until they become mature. Taking from the historical institutionalist school, I used the path dependency assumption in my argument. Accordingly, if the UN seeds the roots of state institutions in cooperation with local actors and supports their capacity, they would continue on their path with more steps taken on the same path. Therefore, path deviation will be difficult.

Using Kosovo as my case study, I stated the UN was unable to prevent the Kosovo War or to stop it. It was NATO's peacemaking mission that stopped the war and prepared the ground for peacebuilding. Military measures are not enough alone to bring sustainable peace to a post-conflict country. There needs to be a strong backup missions to deal with the devastating effects of war to physical and political infrastructure. Since the UN could not pass a resolution for military measures during the war, it began to function in Kosovo after NATO's bombing in military operation against the Federal Republic of Yugoslavia during the Kosovo War in 1999. Despite the fact UN's efforts for peacemaking was a failure in Kosovo, it is not a hopeless story for the UN to seek peace in the peacebuilding process. The UN with its pillar structure established UNMIK in Kosovo and divided labor of peacebuilding among other organizations based on their specialized field. The UN has more success potential in peacebuilding, especially in statebuilding, thanks to its large umbrella of resources.

My analysis on the UN's institution building measures in Kosovo from 1999 to 2008 shows the UN has set the path for further development and success in Kosovo institutions. I examined the initial steps taken by the UN in its endeavor of creating self-government institutions in Kosovo to observe the change in the trend of established institutions. Kosovo's institutions are young and this limits my research to have a conclusion on their being successful or not. However, I used Huntington's two criteria in institutional success and this research is about the process not about the

conclusion. With an in-depth analysis, I started to examine Kosovo's institutions from the beginning and observed their path to progression or regression.

When I adopted two main indicators of successful institutions; the level of institutionalization and the scope of support, I found overall positive development in terms of the level of institutionalization but a negative progress in the mass level support for institutions. In terms of adaptability, Kosovo institutions are not old enough to check the age indicator because they were born in 1999. However, successful succession of leaders in the Presidency, the Assembly, and the Government occurred in Kosovo. There were five successful elections monitored by the OSCE and changes in leaderships happened in a democratic way. In times of urgent changes in leadership, like the one occurred when Haradinaj resigned from the Prime Ministry due to his indictment in the ICTY, the Assembly worked smoothly and chose a new one in a short span of time. Moreover, the institutions showed improvements in their functionality over time. In the first years, there were many deficiencies in the institutions due to lack of structural things like government buildings and lack of experience that reduced the level of functionality. The legislative and executive branches were uncoordinated with each other and it took long to implement drafted laws. The accumulation of experience and support from the international actors overcame many problems in the second terms of office in the institutions. The functionality graph was an increasing one over time.

I illustrated the second criteria, complexity, in Kosovo institutions by looking existing sub-departments and committees and also changes in the numbers of departments and committees over time. Parallel to the transfer of power more competencies required more ministries and more committees in the Assembly. There is no exact number of how many sub-units necessary to call an institution complex but overall trend in terms of departmentalization was also growing one in Kosovo.

The criteria of autonomy were rather problematic in Kosovo institutions. The final status was not certain yet and UNMIK had the last say in the legislative and executive branches. I estimated the autonomy level of institutions through the transfer of power process in which UNMIK gradually transferred its full control to the local institutions. There were two main questions in terms of autonomy in this research. One was about the inclusion of local actors in institution building, even if UNMIK controlled the institutions in the initial phase. In such a post-war situation where different pre-war parties sought to get the control of new environment, I argued

UNMIK was successful to include local political elites in institution building process. UNMIK established different joint groups to consult its regulations and to create the draft of first constitutional framework. These groups included local experts as well as international experts. After their joint efforts, elections were taken and institutions were established. UNMIK gradually transferred competencies to these institutions. The main problem was the lack of decision on the status of Kosovo. UNSC 1244 mandated UNMIK with creating self-government in Kosovo but whether this self-government would be within an independent state or an autonomous state of Serbia was not decided yet. Therefore, UNMIK reserved powers related to statehood such as dissolving the Assembly and conducting external affairs. The OSCE as a pillar of UNMIK offered different capacity building projects to new institutions and parallel to their development UNMIK continued to transfer powers. The number of powers transferred as well the speed of power transfer accelerated over years. Therefore, the independence level of institutions from UNMIK has increased. When Kosovo declared unilateral independence, it had all necessary institutions that a sovereign state must have. The UN constantly supported the formation of an entire state structure in Kosovo. On the other hand, Kosovo formally remained under UNMIK's control even if it declared independence in 2008.

When I analyzed new institutions from the perspective of the last indicator of institutionalization, which is coherence, I also found institutions took further steps on their path to be more coherent. Does an institution have a set of conduct, rules and norms for its vital responsibilities and problem solving mechanisms? It is a common problem in new institutions that establishing rules and norms take time. There occurred instances of incompliances with the rules of procedure in the Assembly and the Assembly did not set the agenda for Assembly sessions, which caused delays in drafting important laws. In the second legislative term, the Assembly increased its level of coherence as well.

I applied the second criteria for successful institutions, the scope of support, to two levels of Kosovo society; the political elite and the public. The UN achieved legitimacy among the political elite and the public and the UN had a good level of support from both. When it comes to the new institutions, there is an overall decrease in the support level of public towards the institutions. The support level was moderate in the initial process and people considered UNMIK responsible in economics and

politics. With the transfer of power, the PISG has become responsible in bad economic conditions and unresolved status issue.

To conclude, the UN is on a success track in statebuilding. It cooperated with locals and created the path for successful institutions and due to path dependent nature of political institutions the system has taken further steps on the same path in Kosovo. At the same time, the UN supported local institutions through capacity building initiatives, providing financial and physical infrastructure, and technicalities.

5.1. Limitations of the Dissertation and Recommendations for Future Research

This research is an in-depth case analysis. I analyzed my argument on the UN's success potential in Kosovo based on my archival analysis, reports of international organizations, and my personal interviews. However, it is a single case study therefore it shares the general limitations of single case studies in social sciences. It is not possible to reach a generalization based on this study. This is also not a comparative case study, which also prevents reaching more findings about the topic. My field research was limited in terms of time and therefore the number of interviews. More interviews would enrich the data in this research.

There are various levels of statebuilding, which can be coordinated by a greater number of national, international, and nongovernmental organizations. This study only looks to institution building measures taken by the UN and leaves the rest of the organizations untouched. I also did not cover the peace talks between Kosovo and Serbia and their effects on statebuilding process. The role of the UN in these peace talks is not deeply covered as well. Further research can and should examine the role of the agreement between conflicting parties on the statebuilding process.

This study can and should be tested in a broader empirical spectrum including cases in and out of Europe, such as East Timor and Bosnia where the UN also conducted statebuilding missions. In terms of the temporal dimension, this study covers the time period of 1999-2008. In order to reach to more reliable conclusions, the time period should be extended. Hence, there should be more observations in a longer time period in Kosovo and in other cases. Future research can also utilize more data and more diverse method, both qualitative and quantitative, on the examination of institutions.

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**APPENDIX
INTERVIEWS**

Name/Surname	Organization	Position	Interview Date and Place
Burim Korqa*	Business Support Center	Director (Founder of Kosovo Public Policy Center)	30.07.2015, Prishtina
Erleta Gjejlani* Karaxhiu	EU International Organization for Migration	Socio-Economic Assistance and Income Generation Coordinator	13.08.2015, Prishtina
Faton Tony Bislimi**	Kosovo Public Policy Center	Managing Director	27.07.2015, Prishtina
Fejzullah Abdullahu*	EU International Organization for Migration	Program Assistant	13.08.2015, Prishtina
Fitim Mulolli*	OSCE	National Political Officer	05.08.2015, Prishtina
Ljubisa Bascarevic**	Office of High Commissioner for Human Rights (OHCHR)	Human Rights Officer	06.08.2015, Prishtina
Milivoje Raičević*	Community Building Mitrovica	Project Officer	04.08.2015, Mitrovica
Miloš Golubović*	Community Building Mitrovica	Project Officer	04.08.2015, Mitrovica
Nora Shatciu*	UN Kosovo Team	UN Coordination Specialist	05.08.2015, Prishtina

Nebojsa Tasevski*	EU International Organization for Migration	Program Assistant	13.08.2015, Prishtina
Nora Zhilivoda*	Women for Women International	Job Placement Officer	06.08.2015, Prishtina

*face to face interview done

**communicated through e-mail

