External Democracy Promotion in Post-Conflict Zones: Evidence from Case Studies

Kosovo

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An Introduction To The Project

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The Research Question

Can countries emerge from civil wars as democracies? And if they can - to what extent and by what means can external actors support such a transition? While much research effort has been devoted to the question of how warring societies break the conflict trap and return to peace, much less effort has so far been spent on investigating under what circumstances warring societies not only end violence, but succeed in creating a stable and democratic polity. Political theorists, from Machiavelli to Huntington, are in general very skeptical with regard to the possibility of democratic regimes arising out of civil war. Instead, many see an intermediate stage of autocratic rule as unavoidable in order to overcome societal divisions and rebuild the fundamental political institutions of the polity. The empirical evidence seems indeed to suggest that countries rarely emerge from war as democracies. When we look at the overall population of countries that experienced a civil war after WWII (regardless of whether there was a peacebuilding mission or not), we find little reason for optimism. Only 10% of the countries that experienced civil wars reached a polity score of +7 or higher (approximately like Kenya, Moldova or Mali) two years after war ended. 53% all war-affected countries show a polity score of -5 or lower two years after the end of civil war, that is, a regime type similar to Gambia or Iran. 37% have a polity score of -7 or lower, similar to Belarus or Uzbekistan (all data is from Sambanis, Nicholas, with Michael Doyle, 2000: International Peacebuilding: A Theoretical and
Quantitative Analysis, in: American Political Science Review 94: 4, 779 - 801). The picture looks similarly gloomy five years after the end of civil war: 52% have a polity score of -5 or lower; 39,4% have a score of -7 or lower; and only 10,6% have a score of +7 or higher. Yet, there are historical examples of countries that did emerge from war as democracies: Germany and Japan in the aftermath of World War II, and Mozambique, Namibia or Macedonia in the post cold war period, to name only a few. What made these cases of post-war democratization successful, and what, if any, role was played by external actors? This is, in a nutshell, the puzzle that this research project investigates.

The study of post-war democratization is a relatively new field, and there is surprisingly little empirical scholarly work devoted to the factors that allow a post-war country to become both stable and democratic. This can partly be explained by the fact that the two bodies of literatures, which are relevant for such an endeavor, are concerned with only one half of the problem. The democratic transition literature is predominantly interested in the democratic outcome of a political transition in countries which were authoritarian, but at peace. The literature on peace building is interested in transitions from civil war to peace. Whether this peace is accompanied by a measure of democracy or not is typically not of interest to this body of literature. This division of labor may explain why there is only a very small literature that is explicitly interested in outcomes which are both peaceful and democratic. But is this division warranted, or is it perhaps a consequence of academic inertia? The answer to this question depends on whether we think that post-war countries are in essence a sub-class of transition cases, or whether we think that post-conflict countries are cases sui generis.

The researchers involved in this project think that post-conflict cases are fundamentally different from transition cases, and they assume that these differences may have an impact on the factors which affect peace and democracy. If this is true, then it is necessary to account for the possibility that the factors which affect a transition to democracy are not necessarily the same, or do not necessarily have the same impact, in a post-conflict setting. We must also account for the possibility that the factors which affect peace and democracy respectively do not necessarily simply add up, but that they may cancel each other out. One
implication of this is then that we have to disaggregate the concept of “success” into sub-concepts. One way of doing this is to individually look at “absence of war”, “democratic quality of the regime” and “state capacities”. While these three concepts may merge in the case of fully established democracies, we argue that for countries emerging from war we need to disaggregate them in order to be able to empirically explore which sequences and combinations are most conducive to the normatively desirable outcome: stable democracies at peace.

The Research Design

Given these challenges, we opted for a case study oriented research design. Case studies allow for process-tracing, which is indispensable for discovering causal mechanisms. Case studies allow researchers to treat cases a whole, which facilitates the identification of multiple causation and which may lead to the identification of typological sub-classes. Case studies can be arranged into different sets of structured comparisons; and finally, small-n research designs are not dependent on the few available global data sets, because the small number of cases allows researchers to collect the specific original data which they think may be relevant for the explanation of the observed phenomenon.

We collaborated with an international team of country experts, who prepared ten structured cases studies between October 2008 and December 2009. Our sample covers cases on Macedonia, Bosnia, Kosovo, Mozambique, Namibia, Rwanda, Afghanistan, Tajikistan, East Timor and Haiti. We deliberately chose cases from the post cold-war period only, because our main interest is the contribution of external actors to post-war democratization, and democracy promotion and massive peace building missions became fashionable and feasible after the end of the cold war in the late 1980s.

The Universe of Cases

The universe of cases consists, theoretically, of all civil wars that came to an end after 1989. We count 52 cases (Data from Doyle/Sambanis 2000). Our main interests is the
question of whether and how countries that were affected by large-scale violence can emerge as stable and democratic polities, and we are particularly interested in the impact of external support to this outcome. Other outcomes are possible and indeed more probable. Post-conflict countries can relapse into war; post-conflict countries can emerge as stable, yet undemocratic polities; and post-conflict countries could emerge as democratic, yet unstable polities. For comparative purposes, we wanted to include all of these outcomes in our sample. Furthermore, we also want to have variation on the main independent variable, that is, the amount of external support for democracy. Hence, we have four different outcomes, and two different values on our main independent variable. This can be depicted in a table with 2 x 4 cells. In order to group the cases into the cells, we have to define measures for stability, democracy and external support. Because this is not for analytical-descriptive purpose, but for sampling, we do this in a fairly rough and ready way. We classify countries that are still at peace five years after the war ended as stable. We classify countries as democratic when they reach a polity IV score of 10 or higher five years after the war ended. We proxy the amount of external support by the type of UN mission. Countries in which a complex peace building mission, or a peace enforcement mission, took place are coded as having received high external support. For all coding we rely on a data set compiled by Michael Doyle and Nicholas Sambanis (Sambanis 2000).

The next table groups all cases in the eight cells. Case in bold were included in our sample:

<table>
<thead>
<tr>
<th>High external support</th>
<th>Stable and democratic</th>
<th>Stable and undemocratic</th>
<th>Unstable and undemocratic</th>
<th>Unstable and democratic</th>
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<tr>
<td>Cambodia</td>
<td>El Salvador</td>
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<td>Mozambique</td>
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<td>Lebanon</td>
<td>Rwanda</td>
<td>Yugoslavia-Croatia</td>
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<td>Afghanistan</td>
<td>Timor</td>
<td>Haiti 1994</td>
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| Low or no external support | Bangladesh--Hill Eritrean | Ethiopia-ideol | Georgia-Abkhazia | Georgia-Ossetia | Haiti | Burma | Chad | Congo-Shabba I&II | Djibouti | Ethiopia-Ogaden | Indonesia-East Tim. | n/a | India-Kashmir |

IV
In order to generate fine-grained data, we developed a structured research template that consists of 101 questions, divided into four sections. Country experts answered these questions, thereby generating rigidly structured case studies with a tremendous amount of data, which we used for comparative analysis. Only then did the authors shorten the studies turning them into condensed analytical narratives. The original versions of the reports are accessible at the project’s webpage.  

The first section is devoted to a description of the outcome. We disaggregate the concepts “security”, “democracy” and “state capacities” into sub-concepts: With regard to democracy, we inquire about various dimensions of democracy. These dimensions are rule of law, participation, competition, and accountability. We also ask how the majority of the population perceives democracy. Is there any cultural bias in favor or against democracy? For example, is it seen as a Western export that suits outsiders more than the local population? By security, we refer to whether the state is able to provide physical security to its population by ensuring the absence of war and providing protection from other forms of threats.

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<th>Country</th>
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<tbody>
<tr>
<td>India-Sikh</td>
<td>Indonesia</td>
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<tr>
<td>Israel-Palest.</td>
<td>Iran</td>
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<tr>
<td>Kenya</td>
<td>Iraq-Kurds</td>
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<tr>
<td>Mali</td>
<td>Iraq-Kurds</td>
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<td>Mexico</td>
<td>Iraq-Shiites</td>
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<td>Moldova</td>
<td>Laos</td>
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<td>Nicaragua</td>
<td>Morocco/WestSah</td>
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<td>Northern Ireland</td>
<td>Nigeria-Muslim</td>
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<tr>
<td>Papua NG</td>
<td>Pakistan-Bich</td>
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<td>Philip -NPA</td>
<td>Tajikistan</td>
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<td>Romania</td>
<td>Uganda</td>
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<td>South Africa</td>
<td>Vietnam Rep of</td>
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<td>Sri Lanka (JVP II)</td>
<td>Yemen-S/Peoples R</td>
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<td>Yemen</td>
<td>Zimbabwe/Rhodesia</td>
</tr>
</tbody>
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1 The Template is available here: [http://www.polsoz.fu-berlin.de/polwiss/forschung/international/frieden/ib/projekte/democracypromotion/index.html](http://www.polsoz.fu-berlin.de/polwiss/forschung/international/frieden/ib/projekte/democracypromotion/index.html)

organized violence (e.g. criminal violence). By state capacity, we refer to the capacity of the state administration to autonomously make decisions and effectively implement them. In general terms, this implies that stronger states with more capacities can rely on well-developed bureaucratic apparatuses which are staffed by cohesive cohorts of civil servants and steered by flexible elites who have an incentive to hold in check rent-seekers and re-deploy available resources in pursuit of strategic policy objectives. Finally, this section asks whether the regime is seen as legitimate, and we differentiate between procedural input legitimacy (the regime is legitimate because its procedures ensure that society can voice its preferences and feed them into the decision-making process) and output legitimacy (the regime is legitimate because it provides public goods).

The second section asks about long-term structural factors (such as long-term economic development, the structure of the economy, or previous experiences with democracy), about war-related factors (such as duration and type of war, numbers of fractions, level of war-related destruction, and quality of any peace agreement) which may have had an impact on the countries’ capacities for a democratic peace.

The third section inquires about neighborhood effects on democracy such as linkages and integration; it then asks about the scope and characteristics of the external intervention focusing on both military and non-military aspects. We are interested in state-reconstructing and democracy-promoting measures, and in the question of how intrusive these measures were. We also ask whether and how diplomacy, normative pressure and/or persuasion contributed to the democratization process. Another set of questions explores the interaction between the local elites and the interveners, their respective preferences and constraints. These questions allow us to reconstruct the strategic interaction and bargaining which we assume contributed to the outcome.

The fourth and final section covers development aid. Development aid is a specific form of external intervention; we investigate it separately in order to be able to detect its distinct effects. This section is intended to map the resource flows in the conflict country and to assess how they contributed to democratization and stabilization. This section inquires
about the most important donors and about the prevailing modalities of delivery. We also asked country experts to collect disaggregated data on the sectoral distribution of aid where available. Experts provided annual figures for: elections and political processes; rule of law, accountability, anti-corruption, human rights and minority rights; institutional infrastructure (parliamentary and public administration, decentralization, administrative capacity); civil society, media, civic education, empowerment; civil-military relations, DDR, security sector reform. Please note that these are our generic categories which may differ from those used by donors or by the OECD-DAC, and that this data should be treated as illustrative rather than complete for most case studies due to a lack of availability of such information. Finally, we asked our experts to indentify instances of applied aid conditionality and to assess the impacts.

The Case Studies

The case studies are available from our website. We think that they provide a valuable source of fine-grained data which help us to better understand the processes which lead to a much desired, yet rare outcome: A successful transition from war to peace and democracy.
Evaluating International Influences on Democratic Development

Case Study Report on Kosovo

Jens Narten, IFSH Hamburg
March 2009
EXECUTIVE SUMMARY & LESSONS LEARNED

Kosovo is a unique case of international democracy promotion. Having been a UN-administered territory and a NATO military (KFOR) protectorate since June 1999, the development of its democratic system was almost exclusively imposed by a range of external interveners that also included regional organizations, such as the EU and the OSCE. Despite Kosovo’s decade-long and rather successful experience of ‘underground’ democracy during the repressive Milosevic rule in the 1990s, the UN Mission in Kosovo (UNMIK) and its regional partner organizations reinvented Kosovo’s postwar democratic structures from scratch and imposed an encompassing reconstruction of nearly all socio-political and administrative spheres. This high level of international intrusiveness effected areas such as the security sector, the legal and electoral system, the civil service, economic and fiscal affairs, and the provisional constitutional law of Kosovo; in short, it affected all facets of public life much beyond a narrow understanding of simple democratization. The way UNMIK exercised it comprehensive powers and authorities exceeded by far the classical realm of international democracy promotion that is usually undertaken in consensus with the national government. Instead, UNMIK was the state substitute, and all state powers were concentrated in the hands of the mission head. During the early phase of (direct) international administration, UNMIK established Kosovo’s political system along the lines of Western liberal market democracies, the concept of which provided the blueprint for most UN peacebuilding missions throughout the 1990s and beyond. Building on Kosovo’s prewar democratic underground culture, the formal outcome of that democratization process is remarkable: Kosovo’s postwar political system can be regarded as a functioning, multi-party parliamentary democracy (led by a grand coalition), which widely respects the principles of human rights and rule-of-law (apart from cases of bureaucratic and political corruption).

However, the reverse side of that success in postwar democratic institution-building was dramatic: the Kosovar polity and society became deeply segregated along ethnic lines and fell apart into an official (Kosovo-Albanian dominated) socio-political system, and a de-facto completely autonomous Kosovo-Serb part that is closely linked and influenced by the Belgrade government and that boycotted any effective cooperation with UNMIK and the official local institutions. Furthermore, Kosovo paid a heavy toll of recursive violence and mass expulsion of Serb-speaking communities after the war, which culminated into Kosovo-wide March riots in 2004. Given Kosovo’s unclear political status and low economic performance and high unemployment rate, the massive financial investment and intense manpower contributed by international actors (as compared with other crisis areas) did, in
essence, not result into the establishing of democratic culture of peace and self-sustaining security, which would have allowed international interveners to complete their mission and to leave Kosovo. This circumstance demonstrates that the successful building of democratic institutions (including the support of local NGOs) and the superficial provision of public security are no guarantees for a sustainable democratization process from within a postwar society. Another conclusion is that an open-ended mandate and the indefinite postponement of a postwar territory’s political status are prone to failure over the long run because it triggers political resistance, societal unrest and legal uncertainty with regard to property rights and economic investment. A ‘pre-packed’ solution, instead, which would contain a clear-cut power-sharing agreement (between Kosovo-Serbs and Kosovo-Albanians) would have been much more beneficial for postwar democratization and peacebuilding processes (but was not politically feasible when UNMIK’s mandate was negotiated in 1999). Instead, the international bargaining power by speaking with one voice got lost between opposing interests of Western countries and Russia. Also, the EU’s linkage policy of democratic standards for future EU integration of Kosovo and eventually of Serbia did only fully materialize in the Kosovo-Albanian case (both due to elite cohesion and massive popular support), but largely failed in case of the Serbian government. Overall, in the Kosovo case, democracy was widely perceived as a precondition for its Euro-Atlantic integration. At the same time, this stance could not overcome the process of protracted ethnic segregation in postwar Kosovo. A low level of local capacity and willingness to foster true multi-ethnic tolerance prevailed.

Moreover, in the Kosovo case, the process of establishing effective self-government and striving for a devolution of powers from UNMIK to elected Kosovar representatives and local institutions suffered from a substantial halt at the point when political competencies were effecting essential sovereignty rights whose ownership was deeply contested between UNMIK and the local institutions. The effect was an increase of domestic resistance against UNMIK, as well as the international bypassing of the UN by the US and EU governments that recognized Kosovo’s unilaterally declared independence (UDI) of February 2008. Russia, on the other hand, was blocking any alternative solution at the UN Security Council. That meant that since 2008 UNMIK has, in effect, been deprived of any substantial decision-making power and became politically captured within its own administrative territory (while not being allowed to close the mission by Russia). Although the security situation became more fragile ever since, the consequence of that process for Kosovo’s democratization after the de-facto handover from UNMIK to the new EU mission (EULEX) is less dramatic: UNMIK’s
Democratic standards have been incorporated into the EU’s European Partnership Action Plan for Kosovo a long time ago, and also the so-called Ahtisaari proposal (on the basis of which Kosovo’s new constitution has unilaterally been declared) echo these democratic benchmarks. Moreover, UDI Kosovo is to be supervised by EULEX in connection with the International Civilian Office (ICO) and KFOR, which hold extensive veto powers in the areas of justice, police, security and minority protection. This circumstance resulted into a continuation of a hybrid administrative regime of ‘supervised sovereignty’ under EULEX/ICO in post-UDI Kosovo, following UNMIK’s co-administration model in its later phase after the UDI. The remarkable stability of such hybrid setup before and after the UDI is largely based on Kosovo’s intense economic, financial, and security-related dependency on the West (EU/USA) and the EU’s market-strategic interest in preventing renewed ethnic violence and political instability in the entire (accession) area of the Western Balkans. However, at the same time, the domestic popular demand for democracy ranks second, or third, behind the people’s vested interest in an improved economic and employment situation (either by legalized work migration into the EU or Western entrepreneurial investments). This interest goes hand in hand with the domestic desire to live under a clear political status (full international recognition of Kosovo’s UDI). Here, the shared vision of democratic self-determination and independence from Serbia, resulted into a high level of Kosovo-Albanian elite cohesion and allegiance with the West, which also sidelined the otherwise strong factionalism between parties that had favored armed resistance against the Milosevic repression (such as PDK and AAK) and those who favored peaceful resistance (LDK).

However, were, from a counter-factual perspective, the (Western) international actors of KFOR and EULEX/ICO to leave now, no security guarantees for UDI Kosovo could be maintained. As a result, Kosovo would either immediately be partitioned into a Northern (Serbian) part and a Southern (Albanian) one, or new warfare would break out between the regular Serbian army and the small, new Kosovo Security Force, both of which with devastating effects for the nascent democratic system in Kosovo. In short, that means that without continued international military security and oversight presence (and the perspective of Euro-Atlantic integration) a proper stabilization and continuation of Kosovo’s democratization process would be unthinkable of. In turn, one can also concluded, however, that even a higher level of (formal) democracy in Kosovo would not automatically result into more security and stability. To that end, the de-politicization of ethnicity and the establishment of socio-political culture of multiethnic tolerance would be necessary.
TOPICS TO PURSUE / FURTHER LESSONS

Kosovo represents a very particular case study, given its recent history as a non-sovereign territory under UN administration and having (had) an unclear political status in international legal terms that eventually triggered its unilaterally declared independence recognized by most Western states. It is here where the importance of the Kosovo case study lies for future democracy-promoting interventions:

1. **Institution-building and security provision do not equal democratization** – A central finding of the Kosovo case study is that the successful building of democratic local institutions and a parallel, but rather superficial, provision of public security and order do not represent adequate indicators for a successful and self-sustaining process of democratization in postwar context. The main input to such an overall goal has to come from within the postwar society itself; international actors can only assist in this process, but not determine it.

2. **Unclear statehood undermines external intervention** – The Kosovo case also suggests that an unclear political status of a postwar territory triggers domestic unrest and increased popular demands for self-determination and sovereignty in the long run. The longer effective sovereignty is withheld, the more unbearable becomes the continuation of an open-ended mandate for external interveners, up to the point of open revolt against their continued international presence. External interveners who previously enjoyed nearly unlimited powers may then become captured in a prisoner’s dilemma of effectively loosing all authorities while not being allowed to end their mission.

3. **Case study’s impacts on international context** – Although international contexts have usually had a greater impact on domestic processes of case studies under consideration, the Kosovo case—by its declaration of independence and the Western recognition thereof—have had the contrary effect. It initiated a new wave of unilateral recognition of new (proto-)states, and was used by UN veto powers to secure their geopolitical spheres of influence and to undermine the international principle of territorial integrity. Concretely, over 50 mainly Western countries have recognized Kosovo as a state; while Russia and her closest ally Belarus have recognized South-
Ossetia and Abkhazia after military intervention in Georgia. Both blocs lobby for additional recognition of their ward states worldwide. Overall, Kosovo’s independence has led to the end of the ‘Badinter’ regional order, which acknowledged the right of secession to the republics of formerly socialist countries, but not to their autonomous regions. A phase of renewed confrontation with Russia, in parts reminiscent to the Cold War era, might follow from that process.
SECTION 1: DEFINING INTERVENTIONAL SUCCESS OR FAILURE

Five years after the end of NATO’s fourteen-week bombing campaign against Serbia under the Milosevic regime to halt his policy of ethnic cleansing against Kosovo’s Albanian majority population and following the consecutive establishment of a NATO military protectorate under KFOR and a UN interim administration (UNMIK) under resolution 1244 (1999), external efforts of building a stable security environment and a peaceful democracy was felt as being at the brink of a relapse into ongoing violence in March 2004. A shift in perceiving democracy promotion and peacebuilding in Kosovo as a widespread failure instead of a general success toward took place after the violent March riots that year, in which ethnic violence was directed mainly against the Serb-speaking community (Serbs and Roma) in Kosovo’s enclaves, often explained by widespread economic disillusionment among the Albanian youth and by political frustration about withheld negotiations about a Kosovar independence from Serbia. After KFOR regained control over the situation, the riots had left nineteen people dead, over 900 injured, thousands of Serbian houses and religious buildings destroyed, and has led to a renewed displacement of roughly 4,000 Kosovo-Serbs and Roma to Serbia proper (cf. Human Rights Watch 2004 or International Crisis Group 2004).

Five years of international efforts in developing a self-sustaining democracy had appeared as being spoiled overnight, However, the riots had, in the end, triggered a reorientation of the UNMIK’s administrative policy from blocking off demands for Kosovo’s independence towards a gradual handover of competencies and increased support for independence in concert with Western powers until 2008. Despite the fact that the Kosovo government has unilaterally declared independence (UDI) on 17 February this year (without UNMIK’s veto) and the subsequent recognition of about thirty states, including the U.S. and most members states of the European Union, Kosovo has not yet been recognized as a members state of the United Nations, due to Russia’s de facto veto against Western proposals for a conditioned independence and internationally supervised sovereignty of Kosovo. This outcome followed year-long rounds of internationally-sponsored negotiations between Belgrade and Pristina in 2006 and a settlement proposal made by UN special envoy Ahtisaari in early 2007, which the Kosovo parliamentary assembly declared as binding for Kosovo’s post-UDI institutions and constitution. In retrospective, it is remarkable that in the end the March riots seemed to have accelerated to put a Kosovar independence back on the international political agenda, after UNMIK’s year-long policy of blocking it. Following the
UDI, UNMIK’s future engagement remains subject to reconsideration in summer this year and as likely to lead, at least, to a continued nominal presence of the mission by leaving resolution 1244 *de jure* untouched, but *de facto* treating Kosovo as a quasi-independent state under supervision of an EU-appointed International Civilian Representative (ICR) and EU’s new rule-of-law mission EULEX. Kosovo’s ongoing disputed status, however, will add to further regional instability and will lead to a frozen (or eventually violent) conflict with Serbia, heavily influencing Kosovo’s young democracy in the near future. The following section aims at measuring the outcome of democracy promotion in Kosovo under UN administration as of the summer 2004, five year after the commencement of international intervention, and will refer to further developments following summer 2004 if appropriate.

**A. DEMOCRACY**

Kosovo under UN administration (according to resolution 1244) represents a special case of external intervention because its democratically-elected organs of self-government do not compose of authorities of state sovereignty. Consequently, indicators for democracy that are based on elements such as rule of law (including separation of powers) and legal accountability, as i.e. proposed by Diamond and Morlino (2004) and Schmitter and Karl (1993), do not apply in its very essence. With the UN Special Representative (SRSG) holding almost unlimited executive, legislative and judicial powers and exercising encompassing veto powers on locally-drafted law, the key democratic criteria of separation of state powers does not account for Kosovo. To put it differently: an international interim or transitional administration is by definition not meant to be an established democracy. Instead scholars described it as a form of ‘benevolent autocracy’ (Chesterman 2004). However, the UN administration in Kosovo was mandated with establishing democratic institutions for self-governing (res. 1244: art. 10-11). Measuring democracy in postwar Kosovo can, thus, only refer to the performance of these local institutions and political processes.

1.i *Rule of Law* – Most of Kosovo’s local institutions can be described as extensively ‘ethnicized’ in their set-up (cf. Hehir 2006). Referring to rule-of-law institutions, such as the local judiciary for example, this means that there has been a general tendency to issue milder verdicts against members of the Albanian majority community than against members of the Serbian ones. Also, publications of the applicable law had long been unavailable in minority languages, which severely challenged the principle of equality and equal treatment of all Kosovars, of accessibility of legal provisions, as well as fairness and effective remedy before
the law (cf. OSCE Mission 2005). Also, the quality of jurisdiction used to vary significantly
with each presiding judge and state attorney due to generally low professional and educational
standards. In principle, the local judiciary was put under supervision of international judges
that presided or co-presides law suits at the regional level and above. However, due to the
lack of available international judges, this requirement could not fully be accomplished.
Consequently, and despite its formal dependency from international counterparts, the local
judiciary could act relatively independently in their jurisdiction. However, local courts had
absolutely no competences of jurisdiction over international staff of UNMIK or KFOR, whose
personnel enjoyed general immunity (cf. UNMIK Regulation 2000/47). This severe limitation
in local judicial independence essentially reduced the level of legal protection of individuals
against the main state authorities of UNMIK. In addition, judicial protection from private
persons also proved to be largely ineffective whenever grandeurs of the local mafia or the
political elite were involved. In such cases, most witnesses to a crime usually refused
testifying before the court (cf. ICG 2008a). With regard to the state capacity for providing
services and public goods in the rule-of-law sector, the local judiciary has always been widely
dependent on external assistance (i.e. OSCE’s training of legal staff). Also post-UDI Kosovo
receives a significant amount of aid from the EULEX mission in that sector.

1. ii/iii  Participation & Competition – Voter participation in postwar Kosovo was
overwhelmingly high during the first elections in 2000 and 2001, with turnouts of above 90
percents. However, it declined rapidly in the following years. In addition and upon heavy
pressure from Belgrade, the 5-7 percent of Serb voters mostly boycotted these elections and
chose mainly not to contribute to the political process in Kosovo. However, overall, this
process drew significantly from the yearlong democratic underground tradition of the
Kosovo-Albanian community during the 1990s. Following the war, Kosovo’s polity was built
up in a decentralized manner, with the establishment of municipal parties and assemblies first
and its central counterparts second. However, political parties were usually founded along
ethnic lines, with hardly any ethnically-crosscutting party existent, nor any elaborated party
programs in place. At the NGO level, the sheer number of civil-society organizations,
furthermore, hardly contributed to the democratic process bottom-up: most of the roughly
2,400 NGOs registered in 2004 were hardly operational (Kramer/Dzihic 2005: 36). It is
estimated that no more than ten per cent of all registered local NGOs in Kosovo were actually
implementing projects, which means that the vast majority of them must be regarded as non-
operational ‘shadow’ NGOs boosted up by international money (ibid.). Such a degree of NGO
‘marketization’ must not be confused with the development of a solid culture of a functioning civil society but rather as a means of substitute income generation. Also the level of communication between citizens and elected representatives remained marginal. This was the case despite the fact that comprehensive legal requirements for regular town hall meetings, public hearings and the establishment of a petition procedure have been anchored in the local Kosovo law (cf. UNMIK regulation 2000/45). In a similar context, critical journalists have often been subject to intimidation when reporting on corruption or criminal activities, while the media as such often followed political party lines and used to base their reporting on a flawed ethnic ‘logic’. Unions or associations of professional groups also remained a peripheral phenomenon. However, the international presence in postwar Kosovo largely guaranteed the proper buildup and accreditation of political parties, the issuing of the electoral code, the conduct and supervision of the free and fair elections, the control of central election bodies, and active and passive voting rights for all citizens, both, in provisional ‘constitutional’ terms as well as in practical terms. However, with respect to citizens in the Serb enclaves, Belgrade exercised heavy manipulation by allowance or withdrawal of financial benefits, up to the point of direct threats and intimidation.

1. iv/v Vertical and Horizontal Accountability – The peripheral existence of direct forms of citizen participation through petitions and public hearings (cf. above), had also a negative impact on effective means to hold elected representatives accountable for their policies. This contributed to a widespread culture of corruption among state officials, throughout all levels of Kosovo’s executive and judicial institutions (cf. UNDP 2007). Consequently, the degree of vertical accountability of elected or appointed official was a stake, as was the quality of horizontal accountability among the officials. In reality, ties along party affiliations or family and clan lines proved stronger, and have largely replaced the Weberian ideal of a rational-legal bureaucracy, free of corruption. Effective local accountability could only then be upheld, when UN-led oversight bodies threatened local institutions with sanctioning them or with withdrawing their competences or licenses. Here, the problem was that UNMIK staff has rarely led by good example themselves: cases of UN internal investigation, up to such high positions as the Deputy SRSG, were conducted (UNMIK information to the author, October 2007).

1. vi-ix Democracy/Democratization – Overall, the combination of successful series of democratic municipal and central elections, the reconstruction of functioning democratic
political parties, and Kosovo’s newly established political institutions (the so-called Provisional Institutions for Self-governance, PISG), have formed a postwar political and governmental regime which can be described as a functioning democracy in its nascent stage, both, on the ‘national’ and sub-‘national’ Kosovo-Albanian level. However, this polity was established along ethnic lines with the dominant Albanian majority on one side (dominating a range minor, mainly Muslim minorities) and the Serbian minority on the other that established its own administrative system parallel to the official UNMIK/PISG one (cf. OMIK 2003a). Another democratic shortcoming can be seen in the strong partisan and clan domination of the political arena and the widespread phenomenon of corruption at nearly all levels of public life.

Taking the beginning of ongoing international civilian-administrative and military presence (UNMIK and KFOR) as well as the OSCE mission’s (OMIK) main task of democratic institution-building (cf. OMIK mandate in OSCE Permanent Council 1999) as the starting point, the process of external democratisation aid has taken place for more than eight years since 1999, and is still ongoing. However, this aid has mainly shifted from building local capacities by a system of direct external administration in 1999 with non-binding local consultation of prewar local key players, which had already represented the Kosovo-Albanian side during the Rambouillet negotiations in February 1999, such as Rugova, Thaci and Qosaj (Joint Interim Administration Structure, JIAS 1999-2000);\(^1\) to a system of co-administration and gradual transfer of powers to newly established local ministries, following the issuance of a provisional constitutional framework by UNMIK which introduced a brand new administrative structure of local departments and democratically elected office holders without any preservation of prewar local structures (PISG 2001-2008).

With the unilateral declaration of Kosovo as an independent democratic republic in February 2008, whose constitution is based on the 2007 Ahtisaari proposal and the expertise of EU experts, the approach of the international community has finally changed to a focus on external monitoring and advice (UNMIK/EULEX transition period 2008). During this process of gradual devolution of powers to local bodies, local politics has been shaped by three different party coalitions in power and a peaceful handover of that power from one ruling coalition to the next. This accounts, in parts, for the level of democratic maturity that the (Albanian elite-dominated) political system in Kosovo displays today. As long a Kosovo’s political status remains unresolved in international legal terms, the political spectrum of Albanian parties remains relatively unified. This could be witnessed during the Ahtisaari

\(^{1}\) The appointment of these local members to the JIAS structure was, however, the only example by which UNMIK decided to retain—if not prewar structures—then at least local political key figures from the prewar period.
negotiation process from 2006 to 2007 when the nominally opposing Albanian parties of LDK (Rugova), PDK (Thaci), AAK (Haradinaj) and ORA (Surroi) formed the so-called Unity Team. Striving for Kosovo’s independence from Serbia represents, thus, a powerful common bracket in the Albanian political arena.

Apart from these elite-led grand coalitions that officially supported UNMIK’s democratisation agenda, certain spoiler actors tried to mark an impact. One was the civil society-based student movement ‘Vetevendosje’ (Self-determination) led by Albin Kurti, who was put under lengthy house arrest by UNMIK during a trial held against him for inciting violence at several public demonstrations in 2006 and 2007. The other was the self-declared, paramilitary Albanian National Army (ANA), which claimed responsibility for a number of bombing incidents and road blocking at night, but which otherwise remained rather an anonymous phantom organisation with certain links to the UCK in Macedonia and the UCPMB in Southern Serbia. In sum, however, public support for the two types of resistance movements remained at a relatively low level (cf. UNDP 2007), and could not effectively threaten the official political consensus among the ruling Albanian elites.

In contrast to that, the establishment of a parallel administrative system in Serb-populated Northern Kosovo and a number of Serb enclaves since 2003 provided a realistic threat to the official ‘state’ authority in Pristina, which culminated right after the declaration of independence in March this year, when Belgrade declared to increasingly take over state authorities in the North of Kosovo and the enclaves, and put Serbian policemen and other officials cooperating with the Pristina authorities under severe pressure to stop that cooperation (cf. ICG 2008b). It is this deep ethno-political divide between Belgrade and Pristina that is responsible for the severe disagreement between the ethnic communities on whether democracy promotion and institution-building in Kosovo is seen as a Western export and mean of domination or not. The Albanian majority generally hailed these efforts as legitimate in their quest for more state authorities from UNMIK and independence from Belgrade. Whilst Serbs usually considered such processes as a breach of international law and the principle of state integrity, and as an overall Western attempts to allow Kosovo split away from Serbia, depriving her of about fifteen percent of its territory.

B. SECURITY

1. i-iii Security Situation/Instability – The task of providing security in postwar Kosovo has been divided between NATO’s KFOR troops on the one hand, being responsible

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2 On spoilers cf. Stedman 1997
for overall security and order on the basis of resolution 1244 as well as a bilateral agreement with Belgrade (Technical Military Agreement of Kumanovo; cf. NATO 1999); and UNMIK’s Civilian Police (CIVPOL), in cooperation with the local Kosovo Police Force (KPS). In 1999/2000, former paramilitary structures of the UCK were demobilized, and partially integrated into the new Kosovo Protection Corps (KPC), which has a mandate of providing emergency assistance in case of natural disasters etc. and which is ‘re-militarised’ in post-UDI Kosovo along the provisions of the Ahtisaari proposal. With these security organs in charge for executing the state’s monopoly for using coercive powers, the record of providing physical security to Kosovo’s population is a mixed one, at best. Although a relapse into open warfare could successfully be avoided since 1999, massive (reverse) ethnic violence took place in the second half of 1999, and again during the March riots of 2004, causing dozens of casualties and massive displacement of the Serb minority to Serbia under the eyes of KFOR and international police. Apart from the 1999 and 2004 violence, the overall security situation has usually been described as “stable but tense” (cf. UNSG reports), which became a placard expression for both, the international communities general wariness about Kosovo’s security and their helplessness with regard to eventual violent eruptions.

Moreover, in general, Kosovo’s international and local security forces were only able to provide public security on a largely superficial level. But they hardly succeeded in reducing a culture of intimidation (witnesses before court, cf. above), an indirect ethnic cleansing (March riots), and usually also abstained from interfering with organized crime and mafia violence. In the contrary: mafia groups, such as the Dukagjin or Ferizaj groups, and paramilitary groups, such as ANA, could establish certain position of influence in Kosovo, while informal intelligence services of the ruling parties (i.e. SHIK) added to an atmosphere of fear and corruption (cf. UNDP 2006). The population feels generally well protected from a potential return of Serbian military and security forces (VJ and MUP) to Kosovo as long as KFOR is operational, but it feels less safe in their daily lives in the public sphere within their own community (ibid.). Moreover, in the aftermath of the UDI this year, a new deterioration of the security situation took place when UNMIK’s central authority has become highly challenged in the Serb-populated North. Here, CIVPOL police in the city of Mitrovica as well as the Border Control and Custom Service had to close their presences and temporarily withdraw to the Albanian part in February and March 2008. Only the KFOR military succeeded in reestablishing some form of international control in the area. In addition, Serb members of the local KPS police refused reporting to their Albanian superiors and (temporarily) quitted their duties, while informal Serbian police, directed by Belgrade, took
over some control in the Northern municipalities (cf. ICG 2008b). The same took place with regard to control over railway infrastructure leading to Serbia proper (ibid.). However, this recurring phase of instability did not have an essential impact on the overall promotion of democracy within the Albanian majority community. In contrast to this the Serb community has, however, been highly influenced by the Belgrade government, which repeatedly prevented Kosovo-Serbs from cooperating with Prishtina or participating in official elections under supervision of UNMIK since 2004. Instead Belgrade succeeded in holding their own Serbia-wide elections also in Serb-populated areas of Kosovo. Only to this extent had different phases of instability an impact of postwar democracy in Kosovo. Overall, effective security provision in Kosovo has always been highly dependent on NATO’s military presence through KFOR to re-establish public order whenever needed in periods when official state authorities under resolution 1244 have been challenged. This remains a valid finding also for Kosovo after its declaration of independence.

C. STATE CAPACITY, LEGITIMACY, SERVICE PROVISION

1. i-vii Bureaucracy/Output/Perceptions/Independence – Under Kosovo’s special condition under an international UN administration, state capacity defined as the ability of the administration to make and enforce autonomous decision-making does only apply to UNMIK in official terms. However, as certain ‘state’ authorities have been transferred to PISG ministries (notably to the police and justice ministries since December 2005), local ‘state’ capacities have formally and actually increased. However, the low level of professional skills and performances at the public-service level has significantly hampered the execution of decisions made by local structures. Despite yearlong institution- and capacity-building programs run by the OSCE and by a wealth of other IGOs and INGOs (i.e. UNDP, NDI, etc.), a well-established, effective and competent bureaucratic state apparatus is still inexistent in Kosovo. A recent World Bank report, for example, has assessed that Kosovo’s lack of professional and regulatory capacities in the economic sector would not allow Kosovo to absorb a large amount of international financial assistance effectively (quoted in ICG 2008b). Attempts to establish a central education program for civil servants in form of a Kosovo Institute for Public Administration (KIPA) have also been made on paper but not yet put on an effectively operational level. This lack of professional skills might change in the post-UDI period, but does not seem possible without essential input by the European Union presence in Kosovo. With the given level of state corruption, the opposite case might also occur. The political elite has always shown the tendency of using their authorities and positions to
promote nepotism and clientelism by filling public slots with relatives, members of the ruling party or family members of UCK war veterans, while an sufficient social welfare system has been deprived its necessary resources, with monthly pension and welfare schemes usually below 50 Euros per month and at an average price level close to the Western European. The effect on the public opinion has been tremendous: more than half of the respondents to a recent UNDP survey have answered that they had experience corruption by public officials themselves (UNDP 2006). How such a corrupted usage of state capacities will develop in post-UDI times remains subject to an effective enforcement of EU standards in Kosovo in accordance with the process of the EU’s Stabilisation and Association Process initiated in Kosovo in 2003.

Moreover, in general, postwar Kosovo has *de jure* and *de facto* always been dependent on foreign aid (be it humanitarian assistance and reconstruction in the immediate aftermath of the war or ongoing development programs ever since), regardless the constant gradual increase of local decision-making powers since the establishment of the first PISG ministries in 2002. However, Kosovo’s economy can only survive through further integration into the EU’s trade and labor market (cf. section 3). Overall, Kosovo’s ministries could deliver its public services only with massive external support of nearly all fields of state capacities and responsibilities, including security, rule-of-law, public order, welfare, infrastructure and so on. This structural dependency has generated a relatively high level of *output* legitimacy to KFOR and UNMIK since 1999. In contrast to this, a much lower level has been achieve by UNMIK in terms of procedural *input* legitimacy, due to UNMIK’s oftentimes non-transparent and authoritarian ruling style. However, given the high standards of living cost in Kosovo, scarce resources and public job opportunities have also been subject to massive local clientelism and nepotism (as shown before) or to means of fraud and corruption. The impact of local and international official behavior had devastating effects to their public reputation over the longer run and generated a high level of frustration, especially among Kosovo’s younger people (under 25 yrs.), which represents more that half of the population and whose only economic perspectives reside with legal or illegal opportunities of work migration to Western Europe.

**D. INTERDEPENDENCES**

1.i Democracy/Security/Capacities – In the case of Kosovo, aspects of democracy, security and state capacities are clearly interrelated to each other, given the postwar set-up of

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an internationally-administered province. With an estimated overall financial contribution of about 20 billion Euro or 25 billion US Dollars spent on Kosovo by international organizations and donors in the period from 2000 to 2004 (including the UNMIK budget, EU reconstruction aid, KFOR expenditures and contributions of international NGOs, Kramer/Dzihic 2005: 125), both, the provision of military security and policing tasks as well as the promotion of postwar democratic and electoral processes, could not have been realized without such massive external contributions. With UNMIK administering and steering large parts of this aid, such external ‘state’ capacities of UNMIK’s provided an essential background, on which local democracy could unfold. Whether one-day local state capacities will be professional enough to supersede UNMIK’s performance remains to be seen. However, Kosovo’s special set-up under international supervision and forms of shared sovereignty will be ongoing under UNMIK’s successor mission of EULEX for post-UDI Kosovo. In a similar context, the provision of external security guarantees by KFOR have clearly been a prerequisite for securing condition in which the postwar democratic process could be initiated, starting with the demobilization of the UCK and its self-proclaimed municipal administrations in 1999 and the holding of the first democratic election in 2000 and 2001. In that regard, the argument of ‘security-first’ (cf. Bermeo/Diamond 2003) holds true for Kosovo. Whether also the ‘institutions-first’ argument (or more precisely ‘Institutionalization-before-Liberalization’, cf. Paris 2004) can be approved at the Kosovo example is much more difficult to answer and subject to counterfactual reasoning.

Here, it could be argued that UNMIK has missed the chance to follow a ‘clean-slate’ policy in 1999 by opting out prewar and wartime elites and facilitating a transparent political process with new local actors, with a reputation free of corruption and clientelism. Instead UNMIK built on local structures that had been dominated by the prewar elites of Albanian parties of LDK and PDK (former political arm of the UCK), and has established Kosovo’s polity and institutional set-up along ethnic quotas. If UNMIK’s rhetoric of a tolerant and truly multi-ethnic postwar Kosovo had been taken seriously, an early institutionalization on the basis of a cross-ethnic political agenda (as Paris suggests) had been highly advantageous though extremely difficult to implement. However, the way Kosovar postwar polity was established, such multi-ethnicity remained pure political lip service. What had taken place, instead, was that ethnicity played a dominant role, on the basis of which UNMIK imposed local institutional structures by highly intrusive decision- and even constitution-making. Under these circumstances, a policy of early postwar liberalization has instantly been captured by ethnic entrepreneurs, which, as a matter of fact, did not allow for a sustainable and
essential tolerant liberalization process in the modern (Western) sense of the meaning. Moreover, also the holding of municipal and central elections along ethnic lines in the second and third year after the war has not significantly contributed to a tolerant and liberal postwar Kosovo. Overall, the processes of an ‘ethnicised’ institutionalisation in postwar Kosovo on the basis of a rather superficial provision of public security (in contrast to a public culture of human security norms) prevailed over any self-sustainable form of a tolerant and liberal democratization process.
SECTION 2: PRE-WAR/WAR VARIABLES EXPLAINING EXTERNAL DEMOCRATIZATION

The parties conflicting over Kosovo never signed a proper peace agreement, nor did the UN Security Council find a compromise solution for settling Kosovo’s final status in international legal terms. At this point, the template’s research structure needs to be amended in order to fit with the Kosovo case study. For analyzing Kosovo in analogy with the given research logic, one has to differentiate between the formal end of war in Kosovo after the issuance of UN resolution 1244 in 1999 that resulted into postponing a agreement in regard to Kosovo and calling for such a final settlement at a later but undefined date. At the same time, the failed peace or status negotiation processes under Ahtisaari and, subsequently, the troika of the EU, U.S. and Russia seven years later (2006–2007) had led to the Western-supported Kosovo-Albanian unilateral declaration of independence in February 2008 and a renewed escalation of the conflict with Belgrade.

A. LONG-TERM/STRUCTURAL (PREWAR) FACTORS

1. i-ix Regime/Economy/Cleavages/Capacities – Having been established as an autonomous province of the Yugoslav Republic of Serbia within the Socialist Federal Republic of Yugoslavia under Marshal Tito, Kosovo’s political status was upgraded in 1974 to the one of a constituent member of the Yugoslav federation by provisions of a new federal constitution that gave Kosovo the right to an own parliamentary assembly, an own constitution, police forces, a central bank, a judiciary as well as representation and voting rights in all main federal institutional organs of Yugoslavia (cf. Malcolm 1998: 327-333). However, the ruling Communist Party of Yugoslavia kept a strong grip over all federal states and the system of communist sister parties that had been established throughout Yugoslavia, including Kosovo, and which resulted in what can be called an authoritarian socialist regime. Central decision-making in Yugoslavia was solely done within the structures of the Yugoslav Communist Party that only allowed some degree of federal, semi-competitive autonomy of its regional sister parties but otherwise followed a strict central command for decisions of essential importance. In demographic terms, Kosovo’s ethnic structure was, and still is, dominated by strong 90 per cent majority of ethnic Albanians, about seven per cent Serbs, in prewar times, and a remainder of three per cent others groups that splits into ethnic Turks,
Bosniaks, Roma, etc. Religious affiliation did not play major role in the conflict over Kosovo, other than providing another attribute of identification between the Albanian majority and the Serbian minority. It was along these lines that the conflict evolved throughout the 1990s, in which the previously cross-ethnic moderation within the communist parties of Serbia and its Albanian counterpart in Kosovo ceased to provide a moderating common bracket among the communist political elites. In economic terms, Kosovo had always been the poorest region inside former Yugoslavia (with only about half of the GDP per capita compared to the richest Yugoslav regions of Slovenia and Croatia (cf. ibid.). Kosovo’s economy has been characterized by large-scale agriculture and subsistence economy. Its only significant industrial structures were composed of coal mining and the production of steel in its Northern part, which suffered from the worldwide decline of heavy industries during the 1970s/80s. Most of these production sites were state-owned or socially-owned enterprises under the socialist economic system of Yugoslavia, with no significant foreign investments taking place. In prewar Kosovo, most of the public employees were of Serb ethnicity after the Milosevic regime conducted a rigid Serbianisation policy in all public sectors throughout the 1990s, providing public economic service and goody merely to the Serb community and intentionally leaving out the Albanian majority.

After Tito’s death in 1980, the common bracket of Yugoslavia began to erode, which did not leave Kosovo unaffected. In 1981, first large-scale demonstrations for full republican status, including the right to secede from Serbia, and against economic and political discrimination was initiated by a group of (mainly Albanian) students of the University of Prishtina. But was cracked down by a massive Yugoslav police and military presence that left an estimated number of about 1,000 persons and more than 2,000 arrested (cf. ibid.: 334-335). After Slobodan Milosevic gained power in Serbia in 1987, he utilized the Kosovo issue for nationalistic agitation, and promoted the dismantling Kosovo’s political and parliamentary autonomy in 1989 by the Belgrade regime, which led to the dissolution of the Kosovo Assembly and an increasingly repressive, apartheid-like policy against Kosovo-Albanians. It was during that period that an Albanian underground state took root in several steps. After the coercive dissolution of the Kosovo parliament by Serb security forces in July 1991, Kosovo’s elected representatives (mostly Albanians) called for an ‘underground’ referendum on the independence of the province from Serbia, which resulted in a more that 90 per cent

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4 There is a lack of accurate demographic data in Kosovo for both, the prewar as well as the postwar period. The last commonly accepted census took place in 1981, while another held in 1991 must be regarded as widely manipulated with regard to Kosovo by the Milosevic regime. So the figures given represent only estimations (cf. Kramer/Dzihic 2005).
affirmative vote, and upon which the independence of the ‘Republic of Kosovo’ was declared. In the following, unofficial, but in fact widely democratic, underground elections were held in 1992 and 1998 within the Albanian community that can be considered as the foundation of a self-organized local democratisation culture in prewar Kosovo. In its aftermath, effective parallel governmental and administrative underground structures had been that provided ‘para-state’ services in the evolving parallel health-care and education system, and which was financed through a clandestine Albanian taxation scheme in the underground. It was during this period of the 1990s, that the Serbian official state structures lost most of their effective control over the majority population in Kosovo, other than by repressive means of organized state violence and terror, in which most Albanian state employees lost their jobs, school classes were separated from each other along ethnic lines, and political verdicts and even murders took place by Serbian authorities (cf. OSCE 1999). Following the strictly non-violent policy by Kosovo’s underground government led by Ibrahim Rugova and his LDK party, the political frustration of mostly young Kosovo-Albanians increased after the Dayton Peace Process in 1995, which neglected the grave human-rights situation in Kosovo.

As a result, a militant resistance group formed itself in 1996/97 in the Drenica valley in the heartland of Kosovo around the Jashari clan that later formed the core of the Kosovo Liberation Army (KLA or UCK). The UCK became the main entrepreneur of violence on the Albanian side (but compared to its main political motivation to strive for Kosovo’s long-deprived independence it showed little direct economic interests in the evolving conflict). Their paramilitary activities can be accounted for the beginning of gradually intensifying warfare in and about Kosovo in the following. Here, the ‘counter-insurgency’ action against the Jashari clan by Serbian security forces in 1997, in which dozens of family members including women, children and elderly people got killed, has marked what is often considered the final trigger towards mass recruitment by the UCK and an open warfare against the Belgrade regime. It was this process of a gradual militarization on the Albanian side that resulted into a split within the Albanian community between Rugova’s urban but widely peaceful LDK elite and the rather rural, paramilitary UCK groups in the centre and the West of Kosovo, both facing the increasingly repressive and genocidal counter-insurgency policy of the Milosevic regime. While the LDK stuck with its policy of reaching Kosovo’s independence by peaceful means and to call for diplomatic support from the West, the UCK

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5 Beyond this general assessment and given this dissolution of official Serbian state control on the one hand and poorly documented Albanian parallel self-governing in the underground on the other, classical governmental indicators for assessing the state’s pre-war capacities (cf. Kaufmann, Kraay and Mastruzzi 2005) cannot properly be applied or measured.
strived for a military solution to gain Kosovo’s secession from Serbia and tried to trigger military support from the US and NATO (ibid.). For the Milosevic regime, however, the UCK represented no more than a terrorist group with strongholds in the countryside of Kosovo, while the Serbian security forces could not effectively gain military control over that region following the ‘hit-and-hide’ guerrilla tactic of the UCK. This is one explanation why Serbian security forces had struck extremely bitterly in the mainly mountainous and forested centre and Western parts of Kosovo during the war.

B. WAR-RELATED FACTORS

1./2. War Type/Parties/Variables – Upon this gradual commencement of militant resistance of the UCK against the Serbian police, the Yugoslav army and the Serbian state authorities in Kosovo, the government in Belgrade under Milosevic reacted with a policy of gradually increasing military retaliation and ethnic cleansing in Kosovo. What began as a guerrilla vs. counter-insurgency military action in 1996 intensified in the course of 1997/1998 when the UCK got hold of massive arms supplies from Albania (where the public order had nearly collapsed in the aftermath of financial pyramid schemes and where military weapon arsenals were pillaged during public uproars and sold to the UCK). In parallel to that, the UCK managed to set up several military camps in the border area between Kosovo and Albania, which served as recruitment, supply and training bases for hundreds of voluntary (mainly ideology-driven) young recruits from the Kosovo-Albanian diaspora in Western Europe and elsewhere, fighting to end Milosevic’s repression and for Kosovo’s independence. It was from these bases that the UCK could operate quite safely, after the deployment of NATO’s ‘extraction force’ to Albania and neighbouring Macedonia in 1998 to prevent a spill over of the conflict from Kosovo. During this time, the supply and recruitment policy of the UCK became increasingly professionalized with an own ‘voluntary’ taxation system within the Albanian diaspora in Western Europe, and later with support from military advisers from (Western) private security companies and, allegedly, also from the CIA and British Secret Service (cf. Heinemann-Grüder 2001). This new international quality of the Kosovo conflict marked the point when the previous civil war, fought mainly along ethnic lines, had turned into a regionally-confined cross-border conflict, which did not only include the two primary warring parties of the UCK and the Serbian security forces of the army and special police of

\(^6\) Note that the main war activities were confined to the territory of Kosovo and along the border with Albania and Macedonia. On top of that, the NATO air-strike campaign hit most of Serbia proper.

\(^7\) On the Kosovo-Albanian side, the UCK was not the only military group – though being the dominant and most numerous one: the LDK also finally attempted to form a robust military arm, called the FARK, which however
the Ministry of Interior, but also contingents of many NATO member states. Although the war did not spilled over into Albania and Macedonia, it had massive effects in regard to a deteriorating refugee situation. The military and ethnic-cleansing operations had led to a mass displacement and expulsion of about 450,000 mainly ethnic Albanians (almost half of the Kosovar population), who became internally displaced or refugees to neighbouring countries in spring 1999 (cf. OSCE 1999). On the international level, a last attempt to resolve the conflict peacefully was made during the multilateral conference in Rambouillet in February 1999. By that time, a process of high-scale diplomatic efforts took place, in which Serbian state authorities ignored several UN resolutions calling for a halt of their atrocities and for the withdrawal of Serbian forces from Kosovo.

After the so-called Milosevic-Holbrooke agreement in late 1998,\(^8\) which had led to an intermediate period of officially halted (but in fact only nominally reduced) military action, a renewed violent escalation in contradiction of the agreement took place. Finally, the negotiations failed: the Rambouillet Accord foresaw large-scale self-government and political autonomy for Kosovo, holding the “authority to conduct foreign relations” equal to other republics of rump-Yugoslav (Serbia and Montenegro), to determine the final settlement “on the basis of the will of the people” (referendum) and granting NATO troops the right not only to occupy Kosovo but also to move through Serbia proper. Only the Kosovo-Albanian delegation, composed of Rugova (LDK), Thaci (UCK, later PDK), and Qosaj, have signed the agreement, while Belgrade found the provisions of the accord unacceptable. In the aftermath of Rambouillet, the conflict over Kosovo, finally gained its international dimension. From 24 March to 10 June 1999, NATO launched the 14-week air strike campaign ‘Allied Force’ against Serbian military and other security forces in Kosovo as well as in Serbia proper without holding a UN mandate. This development marked the ultimate peak of open warfare in and about Kosovo. Seeking to substitute the legal defect in the military intervention’s legitimacy in absence of a proper UN mandate, NATO and Western governments aimed at framing these weeks of intensive bombardment as a necessary ‘humanitarian’ intervention in order to prevent further genocide and ethnic cleansing in Kosovo. However, the NATO’s campaign did not only cause numerous casualties among the Serbian security forces, but also among the civilian population in Kosovo and Serbia proper, which led to the protracted perception of an illegitimate external intervention and breach of international law in violation

\(^8\) The agreement also led to the temporary deployment of an OSCE mission from late 1998 to early 1999 to verify the withdrawal of Serbian security forces from Kosovo and cessation of massive human rights violations against civilians, agreed upon under the Milosevic-Holbrooke agreement (cf. OSCE 1999).
of the principle of non-interference in local affairs by most Serbs. Estimates about the total number of war-related deaths from the late mid-1990s until June 1999 count for some 10,000 casualties, most of whom Kosovo-Albanian victims of Milosevic’s policy of ethnic cleansing (with yet some 4,000 people missing).

3. **War End/Peace Process (Postwar Factors)** –

3. *i-xvi* Termination/Peace/Players/Causes/Recurrence – After 14 weeks of NATO’s bombing campaign against Serbia in June 1999, the Milosevic regime in Belgrade agreed to the technical military agreement of Kumanovo that ended NATO’s warfare against Serbia. However, this agreement came hardly into existence by means of mediation or negotiation at equal footage but rather represent an example of a victor’s peace by which the agreement’s provisions have been dictated by victorious NATO in a ‘take-it-or-leave’ option under threat to continue with the bombing campaign. The agreement foresaw the Serbian withdrawal from Kosovo and the consecutive military occupation of the province by NATO troops. For the civilian administration of Kosovo, the UN Security Council issued the resolution 1244, which installed a UN interim administration in cooperation with the OSCE and the EU, and which called for finding a political solution to Kosovo final status at a later stage. A truce or even a peace agreement between the Belgrade government and the UCK or another Albanian actor has not been signed. However, in the postwar period, the military occupation of Kosovo by NATO troops could not prevent a relapse into a significant level of reverse ethnic violence or revenge by the side of the Kosovo-Albanians, when the UCK took control in most of the municipalities in Kosovo after Serbian withdrawal and in parallel to the arrival of NATO troops. This widespread violence against the remaining Serb civilians lasted throughout most of the second half of 1999.

Taken resolution 1244 as a proxy peace provision (in absence of a formal peace agreement between the conflict parties), the subsequent conditions of peace, imposed by the UN security council and implemented by the NATO’s KFOR presence, could only secured in a very fragile form of public order and security. The minimum achievement was, thus, the prevention of recurrence of open warfare in Kosovo. Under the UN resolution, the effective demilitarization of Kosovo (except for KFOR occupation) by the complete withdrawal of Serb security forces, and the disarmament and demobilization of the UCK implemented until fall 1999. However, in terms of the envisaged complete return of all displaced persons and refugees to their places of origin, as granted under the resolution, the outcome was highly

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9 Interestingly, under the annex 2 of resolution 1244 (footnote 1), the Serbian government is allowed to station “some hundreds, not thousands” of security personnel in Kosovo; a provision never implemented by Belgrade.
ambiguous: while nearly all Albanian refugees and IDPs could resettle into their home town and villages, the level of recursive violence and revenge against Serbs in late 1999 (and again in March 2004) resulted in a process of a creeping (not state-orchestrate) ethnic cleansing and an increased concentration of Serb resettlement in the few Serbian enclaves in Kosovo and, throughout the following years, to a high degree of migration of mostly young Serbs to Northern Kosovo or Serbia proper (due to lack of education and income opportunities in the enclaves). This processes has led to the dissolution of prewar settlement pattern with a multiethnic quality and the establishment of a highly dense, mono-ethnic (or mono-linguistic) demographic structure after the war. Serb enclave communities certainly became the main losers of the postwar process. However, in terms of public institution-building, the UN and its counterparts of the OSCE and the EU succeeded with their missions in establishing a relatively stabile democratic system of local self-government and institutions, under the cost of a factual exclusion of Serb communities, who (following massive pressure from Belgrade) have opted not to participate in this process but to establish unofficial parallel structures (cf. section 1) in Serb settlements of Kosovo. Moreover, with Russia vetoing Kosovo’s attempts to secede from Serbia and by reaffirming Serbia’s territorial integrity in parallel to Kosovo’s right of local self-government, resolution 1244 was both, the ground on which a local democratization process was initiated as well as a formal hindrance in the search for a solution of Kosovo’s final status, which, in turn, has led to freezing (or at least containing) a violent conflict over Kosovo ever since.

In sum and without a real power-sharing arrangement or a proper peace agreement, both conflicting parties have gained and lost something with regard to the current status quo: the Kosovo-Albanians have gained a high level of political self-government but did not achieve UN recognition of their self-declared independence of Kosovo as a state in international legal terms; Serbia has lost control over some 10-15 per cent of her territory after violation of the principle of territorial integrity in the aftermath of the UDI but managed to regain factual control over Serb enclaves and the North of Kosovo, which represents a (risky) political bargaining chip in concert with Russia as a UN veto power. In economic terms, there are clear losers on both sides: the (younger) population in the economically starving Serb enclaves and the huge share of low-educated young people of the Albanian majority, who were deprived of lucrative jobs with international actors during the boom times of reconstruction aid from 1999-2003. The demographic majority in Kosovo (people younger that 25 years of age) can mainly hope for better economic living conditions by either engaging in criminal activities (black market/smuggling) or by work migration to Western Europe. In
sum, an essential root cause of the conflict, the struggle for Kosovo’s state independence from Serbia and full-scale international recognition as a state, has not been achieved by now. This ongoing legal insecurity in Kosovo prevents further international investments and Kosovo’s chances to draw full financial assistance from the World Bank or the IMF. Here, classical findings of scholars in the field of peace research (cf. Fearon and Laitin 2003; Doyle and Sambanis 2000; Collier and Hoeffler 2001) seem to be confirmed in the Kosovo case, at least at first glance: with a mainly ethnic quality, the final solution of the conflict lasted longer and is harder to pacify (with incidents of renewed violent outbreaks). In case a comprehensive peace treaty had been reached in 1999, Kosovo could, thus, have had much better chances for a sound economic development.

Moreover, Kosovo unclear final status have had in essence a strong unifying impact within the Kosovo-Albanian community as well as for the Serb one: joining in for Kosovo’s independence, the Albanian political parties were able to speak with one voice during the status talks (Unity Team) and put their traditional fractions and political disputes aside (LDK/PDK), despite the relative political vacuum that the death of Ibrahim Rugova in early 2006 had left as a unifying figure for the Kosovo-Albanian cause. The Kosovo Serbs, in turn, were more or less politically streamlined by the Belgrade government, despite sublime political frictions between Serb in the enclave and Serbs from North Mitrovica and neighboring municipalities. In case this unifying impact had not been effective, a scenario of heavy internal dispute among the political elites on both sides would have been very likely; a scenario that post-UDI Kosovo might now face in the years to come. With these counterfactual findings for postwar Kosovo in mind, a hypothetical peace treaty at the start of the external intervention in Kosovo might yet not lead to a confirmation of the classical research hypothesis of better chances for a peaceful postwar democratic development in case of peace agreements: a clear status of Kosovo in 1999 could have brought peace between the ethnic communities though, but it would have significantly increased the level of internal dispute within the communities, up to a point of political destabilization and fragmentation especially among the Kosovo-Albanian majority population and their political elites striving for power.
SECTION 3: EXTERNAL VARIABLES – MILITARY INTERVENTION
AND DEMOCRACY PROMOTION

A. EXTERNAL INTERVENTION

When defining external intervention as a higher than usual engagement of external actors in the domestic affairs of a post-conflict state (or territory thereof), with the aim to restore stability and/or to promote democracy, NATO’s 14-week bombing campaign in spring 1999 cannot explicitly subsumed under this definition because it took place during the ongoing violent conflict in Kosovo and was, in addition, an essential factor in its escalation itself, inherently interwoven with the unfolding overall warfare dynamics. It is, thus, not fulfilling the criteria of external engagement in a post-conflict setting, and other than preventing further genocide and gross human-rights violation in Kosovo by the Milosevic regime did not primarily aim at the restoration of internal stability for the promotion of democracy. However, with this understanding, the air campaign, nevertheless, provided an essential background, on which the consecutive NATO-led military intervention and occupation by KFOR along with the civilian UN interim administration of UNMIK was made possible. In a strict sense of the meaning of ‘postwar’ intervention, however, only the missions of KFOR and UNMIK are, thus, relevant objects of analysis under this section.

1.i-x Parameters of the Intervention – The international intervention in Kosovo under UN resolution 1244 took place immediately after its issuance on 10 June 1999, when NATO troops stationed in Albania and Macedonia since 1998 were immediately able to occupy the territory of Kosovo during the same week. Along with these KFOR troops moving into Kosovo and in parallel to the withdrawal of Serb security forces, the UN deployed a preparation mission, led by late Sergio DeMello, to implement the proper set-up of the official UNMIK mission to Kosovo. Since June 1999, KFOR and UNMIK have been deployed and are operational until to date, regardless the fact that the Kosovo parliamentary assembly declared the independence of Kosovo on 17 February 2008. UN resolution 1244 has mandated UNMIK to “provide a [civil] interim administration for Kosovo under which the

10 The main protagonist for a military intervention were the so-called Quint states (Western member states to the Balkan Contact Group) of the U.S., UK, France, Germany, and Italy; Russia did not formally veto deployment of UN mission under resolution 1244, and deployed KFOR troops at the beginning, while China abstained from veto and intervention. At its peak, NATO/KFOR troops comprised of some 40,000 troops; UNMIK of 4,000-6,000 civilian police and other staff; the OSCE of some 1,000.
11 Under the UDI provisions, the Kosovo assembly and government have declared the UN-sponsored Ahtisaari proposal of February 2007 as fully binding upon the independent Kosovo, which calls for a continued presence of KFOR and the handover of UNMIK authorities to the EU rule-of-law mission of EULEX, within a transition period of 120 days.
people of Kosovo can enjoy substantial autonomy [...] while establishing and overseeing the development of provisional democratic self-governing [local] institutions” (UN Resolution 1244: art. 10-11). This also included “performing basic civilian administrative functions; [...] organizing [...] the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including holding of elections; [...] transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo’s local provisional institutions” (ibid.). While UNMIK took over all administrative state functions, including legislative, executive and judicial powers, the initial mission report on UNMIK by Secretary-General Annan foresaw the set-up of UNMIK with four constituent pillars: UNMIK’s core administrative pillars; the UNHCR pillar tasked with the coordination of the return of refugees and humanitarian assistance; the EU pillar tasked with the economic reconstruction; and the OSCE pillar (OMIK) entrusted with institution-building aiming at “strengthening the capacity of local and central institutions and civil society organizations, [...] promoting democracy, good governance [...] and organizing elections” (UNSG Report S/1999/779: para. 79). This task comprised training and raising “awareness and involvement of citizens in social and political change in Kosovo by strengthening the development of local citizens, [...] professional, cultural and other associations [...] by initiating] programs to facilitate conditions that support pluralistic political party structures, political diversity and a healthy democratic political climate, [...] including] training of government officials and executive and administrative officers in procedures of good governance” (ibid.: paras 80, 84). This wide range of provision represented the core elements in UNMIK’s mandate for democracy promotion and democratic institution-building. With regards to KFOR, resolution 1244 also reaffirmed NATO’s preceding bilateral military agreement with Belgrade.

In his initial report, Annan also sketched a general strategy of UNMIK for conducting its mandate, in form of a detailed policy guideline (ibid.: par. 110-116). Without indicating a fixed proper timeline, Annan’s strategy foresaw five different phases over a short period of years: first, the consolidation of UNMIK’s administrative authority and structures, along with the creation of local consultative bodies, capacity-building activities and a self-sustaining local economy; second, a focus on social services and utilities, the consolidation of the rule of law, the formation of political parties, the strengthening of civil society and the promotion of reconciliation at the grass-roots level, with the promotion of harmonious relations among all ethnic communities as a common goal and a partial transfer of executive authority in less sensitive areas, such as health and education (ibid.: par. 113); third, holding free and fair
elections in Kosovo and establishing freedom of speech and assembly, and campaigning of political parties as well as their equitable access to the media, in concert with economic revival through international assistance and local revenue, and efforts to determine Kosovo’s future status; fourth, assistance to elected Kosovo representatives, the establishment of self-governing local structures and the transfer of UNMIK’s remaining administrative responsibilities; fifth, depending on the determination of Kosovo’s political status, UNMIK was, finally, meant to oversee the transfer of authority from the PISG to institutions established under the provisions of such final status settlement. However, apart from this operational blueprint, UNMIK was hardly able to exercise effective control over most of Kosovo’s territory during the first half a year of its deployment, due to a severe lack of sufficient resources and manpower capacities (administrative experts, civilian police, international judges). This situation led to a political power vacuum that was quickly filled by illegal, self-appointed local administrative structures led by the UCK in many Kosovar municipalities in late 1999. In contrast to this, the NATO-led KFOR operation was in the convenient situation of having most of its troop and necessary means and equipment ready for quick deployment along the border of Kosovo in Macedonia and Albania. However, after 1999 and compared with other crisis areas in the world, the UN administration in Kosovo had a wealth of international donor contributions at their disposal (cf. section 4 for annual budgets). It was not before 2002/3 that international civilian and military peacebuilders in Kosovo faced a constant reduction of available resources and manpower in the aftermath of 9/11 and a redirection of the international aid flow to Afghanistan and Iraq in conjunction with the U.S. ‘war on terror’ (cf. Kramer/Dzihic 2005: 125).

On the civilian level and given the novel four-pillar structure of UNMIK that was intended to display a high degree of division of labour among the UN, the OSCE and the EU (with a final say by the UN, except over KFOR), the core of foreign countries that predominantly staffed and financed the UNMIK pillar structure in Kosovo were either EU member states, or the U.S. On the military level, the main contributing (lead) nations of KFOR were the Western states that formed the informal Contact Group on the Balkans, namely the U.S., the United Kingdom, France, Germany and Italy. This group of states pushed for the establishment of the UNMIK civilian administration and KFOR’s military occupation under a distinct pattern for power sharing: the UN special representative (SRSG) was always to be seconded by a EU member state; his deputy by the U.S.; the post of the commander of KFOR (COMKFOR) rotated annually between secondees of the Western
NATO states that formed the Contact Group.\textsuperscript{12} Despite the initial intention of inter-agency consultation and harmonious division of labour as sketched out in Annan’s strategy for Kosovo (cf. above), the coordination among the international organizations was characterized by severe conflicting elements: all pillar organizations enjoyed independent autonomy (UN, OSCE, EU). On the other hand, the nominal subordination of the pillar organizations under the dictum of the SRSG’s office as the final decision-making organ often led to a sub-optimal outcome in the missions’ performances, mainly through interagency rivalry, different working cultures (top-down vs. consultative), and parallel reporting structures (Brussels, Vienna, New York). On top of that, the SRSG had no authority over KFOR operations, whose national contingents remained absolutely autonomous in their decision-making, with only a lose coordination by COMKFOR. Finally and without a clear exit strategy of UNMIK or KFOR other than calling for a voluntary settlement of Kosovo’s final status, the international administration abruptly changed its policy of blocking off demands for Kosovo’s independence and of preventing a further transfer of state authorities to the PISG, and opted for a hasty closing-the-shop policy in the aftermath of the 2004 March riots under the SRSGs Jessen-Petersen and Rücker. This process took place up to a point when international attempts to reach a mutual agreement between the government in Belgrade and the local delegation from Prishtina were caught in a stalemate and when Russia’s had \textit{de facto} vetoed the Ahtisaari proposal in the UN Security Council (cf. section 1).

\subsection*{2.1 Election Monitoring}

Since the beginning of the direct external intervention into local affairs by UNMIK, Kosovo has been subject not only to extensive international election monitoring by the OSCE mission in Kosovo (OMIK) and other monitoring missions, deployed by the EU, the Council of Europe, and various INGOs. In fact, the OSCE pillar of UNMIK did organize and control the entire electoral process in the recent history of Kosovo since 1999 and tightly supervised the first municipal and central elections in Kosovo in 2000 and 2001 and beyond. “In order to prepare an environment [for] free, fair and multi-ethnic elections”, OMIK was also tasked with conducting “wide-ranging activities related to […] the restoration of democratic political organizations and institutions […]and] the design and implementation of a comprehensive voter registration” (UNSG Report S/1999/779: paras 80, 84). Also Kosovo’s human rights situation was, and still is, subject to intensive monitoring and reporting by a wealth of organizations and institutions. Here, OMIK also took the lead

\textsuperscript{12} Russia finally agreed to the deployment of UNMIK as an international administration for Kosovo in order to prevent a purely NATO-dominated military administration after the de-facto surrender of the Serb government in the Kumanovo agreement.
The work of the OMIK Department for Human Rights and Rule of Law (HRD) mainly covered four fields of engagement: 1) capacity building of state officials, legal professionals, civil society, etc. (including the establishment of a local Ombudsperson institution for independent monitoring; 2) developing rule of law institutions; 3) monitoring cases of human rights violations and inadequate legal remedies; and 4) public reporting on human rights including detailed recommendations (OMIK 2003b). From 1999 to date, the HRD has adapted its primary focus from merely monitoring and reporting to institutional capacity-building and advising local structures of self-government in Kosovo. In post-UDI Kosovo and together with the new EULEX mission, OMIK is, however, likely to return to its previous monitoring focus in order to assess the local government’s compliance with the provisions of the Ahtisaari proposal. Both missions will then concentrate on monitoring the rule-of-law situation at local courts and the conduct of the local police, with special attention to the treatment of minority communities. In general, most of the reports have been made publicly available (with the exception of a few internal analysis documents of the missions) and will continue to be.

3.i-vii Military Aspects of the Intervention – KFOR’s initial occupation of the territory of Kosovo was conducted in 1999 by more than 40,000 troops. Throughout the following years, its overall contingent was gradually reduced to some 16-17,000 troops during most of the intervention, with temporary increase in numbers during and after riots events, i.e. in March 2004 or February 2008 (Kramer/Dzihic 2005: 25 f.)). Initially twenty-three NATO countries and 13 non-NATO countries contributed to KFOR’s military presence, with the U.S., the UK, France, Germany and Italy providing the core of the contingent (as KFOR’s lead nations in the initially five military sectors of Kosovo) and an estimated accumulated budget of about 15-17 billion Euro for the period from 2000 to 2004, mainly provided by the KFOR’s lead nations (ibid.: 125). Provided with a robust ‘chapter-VII’ mandate along the provisions of UN resolution 1244, KFOR had a free hand in using all necessary means for the provision of a safe and secure environment in Kosovo (which also foresaw a five kilometre-wide demilitarized safety zone in Serbia proper). KFOR also conducted border control and, initially, public policing tasks, and implemented the disarmament and demobilization of the UCK in the second half of 1999. KFOR had to use its intensive coercive military power for re-establishing public safety several times during events of public uproar, such as the 2004 March riots or in the aftermath of the UDI in March 2008 in the North of Kosovo. This took

13 For comparison, UNMIK composed of only some 3,800 international and 2,600 local staff; while some 320 international and over 1,000 local staff worked in OMIK (ibid.).

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place in accordance with its mandate, but without effectively being equipped for riot-control purposes. However, KFOR has not succeeded in providing a self-sustaining level of public order and security to the degree that all refugees and displaced persons, including members of the Serb minority, could return to their homes (which they left during the events of recursive ethnic violence and revenge in late 1999 and March 2004), as foreseen in resolution 1244.

4.i-vi External Intrusiveness – In postwar Kosovo under UN administration, Belgrade’s *de facto* and *de jure* exercise and control of state sovereignty and authority was transferred to UNMIK in accordance with resolution 1244 (only in the Serb-populated enclaves and in the North of Kosovo Belgrade maintained effective parallel state structures). By the UN resolution, UNMIK was given full control over executive, legislative and judicial powers over the entire territory of Kosovo (in principle also including the Serb enclaves and the North). On this basis, the level of external intrusiveness of the UNMIK administration into local affairs was by definition very high. First and foremost, the SRSG, as the head of the mission, combined the roles of the prime legislator, the chief of the executive and the judiciary in Kosovo. Through the SRSG’s office, UNMIK imposed regulations on the applicable law in Kosovo, which led to a confusing legal framework (cf. UNMIK Regulation 1999/24, amended by UNMIK Regulation 2000/59). Aside from UNMIK regulations, the SRSG declared, for example, as applicable law the old pre-1989 Yugoslav laws, based largely on the 1974 autonomous Kosovo Constitution, and the International Covenant on Civil and Political Rights (ICCPR), among other international legal documents. Furthermore, in the case of legal gaps, it also made the 1989-99 laws of the Milosevic era applicable if they complied with human rights standards. 

As a consequence of such confusing legislation, the local judiciary in Kosovo was hardly able to commence its work and local judges often simply refused to apply legislation from the Milosevic era within their jurisdiction. On the executive, constitutional, and economic level, UNMIK installed a completely new structure of local state institutions under UN oversight, such as local courts, currency and fiscal authorities, taxation and trading authorities, the Kosovo consolidated budget, housing and property authorities, the Kosovo Police Service (KPS) and the Kosovo Protection Corps (for the demobilization of the UCK), as well as registries for business enterprises, for media outlets and NGOs, a civil and voter registry, a political party registry, electoral codes, and provisions for self-governing municipal structures (cf. UNMIK Gazette 2008). Over all these institutions, UNMIK maintained its tight oversight powers. Many of these highly intrusive external measures took place without
allowing effective input and decision-making by local stakeholders. It was February 2000 before UNMIK officially established first local consultative bodies and co-administrative structures under a Joint Interim Administrative Structure (JIAS) to inform central decision-making of the SRSG and UNMIK’s growing mission bureaucracy (cf. Narten 2006: 145f.). However, UNMIK’s local counterparts were only allowed to give non-binding and purely consultative advice to the SRSG and UNMIK departments. Even following the first democratic elections on municipal and central level in 2000 and 2001 and the appointment of legitimate local representatives and governments, UNMIK’s policy of intrusiveness was maintained by the UNMIK-imposed Constitutional Framework for Kosovo (UNMIK Regulation 2001/9). This framework dictated the political system of the evolving Kosovar polity for the next eight years and has also laid the foundation for the political system in post-UDI Kosovo. Upon massive pressure by SRSG Steiner, it took until early 2002 before the first central local government of the two big Kosovo-Albanian parties of LDK and PDK was hammered out. Even after this enforced formation of a Kosovar government and a Kosovar parliamentary assembly, UNMIK departments transferred only minor administrative and executive functions and authorities to the new PISG ministries. Instead they continued to withhold a significant number of powers reserved to the SRSG in key political areas, such as the police and the judiciary, in accordance with the Constitutional Framework. The SRSG regularly used his veto powers to block draft legislation of the Kosovo Assembly if it was in contradiction with resolution 1244, and maintained wide-ranging legislative and executive control by issuing a number of administrative directions and regulations. However, the most intrusive policy applied by UNMIK to the local political system in Kosovo is illustrated by UNMIK’s former policy of “Standards before Status”, formulated by the office of SRSG Steiner in 2002 that imposed eight benchmarks to be fulfilled by the PISG (without their effective consultation), before the future status of Kosovo could be determined (UNMIK 2002).14 In the aftermath of the 2004 riots, UN Special Envoy Eide concluded in his evaluation report that UNMIK’s Standards-before-Status approach was “untenable in its current form” and that UNMIK was in a state of “disarray [and] without direction and internal cohesion” (Eide 2004: 3 and 15).

Following the riots, the new SRSG Holkeri quickly resigned from office and was succeeded, in the summer of 2004, by the SRSG Jessen-Petersen, who speeded up the

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14 These benchmarks comprised the following elements: functioning democratic institutions, the rule of law, freedom of movement, returns and reintegration, the economy, property rights, dialogue with Belgrade, and the Kosovo Protections Corps (cf. ibid.). Furthermore, the benchmarks did not contain clear indicators for their fulfilment. UNMIK was widely perceived as using these standards to counter early Kosovar demands for political independence from Yugoslavia (cf. Buerstedde 2005).
handover of authorities from UNMIK to the PISG by establishing PISG ministries in the formerly ‘reserved power’ sectors, such as the police and the judiciary, border customs and the Kosovo Trust Fund (overseeing an UNMIK-enforced privatisation process of former socially-owned enterprises). However, all these ‘transferred’ sectors remained under effective veto control of UNMIK. Otherwise, the SRSG reduced UNMIK’s overall bureaucracy and range of executive authorities.¹⁵ Jessen-Petersen also pushed the agenda of determining the future status of Kosovo, declaring that “UNMIK prepares to close shop in Kosovo” (Jessen-Petersen 2006: 10), while bilateral status negotiations between Belgrade and the Albanian Unity Team were commenced in 2006 in Vienna, led by Ahtisaari. Under Jessen-Petersen’s successor and current SRSG Rücker, UNMIK’s almost ad-hoc shift from encompassing political intrusiveness to a quick transfer of powers to the PISG continued. Instead, an indirect policy of informal intrusiveness evolved after the arrival of the so-called EU Preparation Team (EUTP) in summer 2006, which had an immense influence on drafting new legislation and the new constitution for post-UDI Kosovo, in anticipation of the current EULEX supervision. In conclusion, all areas of domestic sovereignty have been re-established and intensively controlled by the UNMIK administration since 1999, in the form of an initially complete take-over of formal state powers, which generated the possibly highest form of external intrusiveness into local affairs. It was only gradually (but then often in a hasty manner) that these authorities were transferred to local institutions, essentially triggered by the violent events of 2004 March riots. However, local authorities in post-UDI Kosovo have not yet retaken full control over the judiciary, police and military affairs, with EULEX and KFOR maintaining the external control over these areas until to date.

C. 1.i-ix MODES OF INTERNAL-EXTERNAL INTERACTION (reversed with B)

With respect to the respective interests and preferences of the two conflicting sides over Kosovo, the Serbian state elite and its Kosovo-Albanian counterpart differed significantly in their modes of preferred means. As most political elites, the Belgrade government and the PISG government in Prishtina were, first and foremost, interested in preserving their political and economic influence and power over the territory of Kosovo. But here is where their commonalities end. The Albanian state elite, across nearly all party lines, became the main domestic change agent in Kosovo, focusing on a consolidation of their power through self-

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¹⁵ That process has also led to an increased handover of local police stations to the KPS and a to reduction in CIVPOL oversights rights.
determination in an independent state of Kosovo. In contrast to this, the Serbian state elite, both in Belgrade and in the North of Kosovo aimed at maintaining their power by a de facto partition of Kosovo, autonomy from UNMIK and the PISG, and a reintegration of Serb-dominated areas into Serbia (after massive pressure from Belgrade on Kosovo-Serbs). Differing from both, the main preferences of the numerous and largely marginalized minority groups (other than Serb), such as the Turks, Bosniaks, Gorani, Roma, Ashkali, Egyptians, etc., were mainly interested in preserving overall peace, personal safety and security, as well as their collective cultural and economic survival, while facing intensive pressure to sideline with either the Albanian majority or the Serb community; the dominating fault line of conflict and politics in Kosovo. With regard to peripheral elites within the Albanian community, mafia structures as well as paramilitary groups (ANA, Serb bridge watchers) displayed diametrically opposed preferences by having an interest in undermining democratic and institutional stability and/or by promoting corruption, by which they hoped to maintain or increase their political and economic gains, partially interwoven with the political establishment in Kosovo.

At the level of external actors, KFOR’s main preference lied with establishing at least a ‘negative’ peace in Kosovo by preventing further outbreaks of violence that would threaten public order and security, such as the 2004 riots, by means of military might and deterrence. In contrast to this, UNMIK’s key interest was to build up an effective Kosovar self-government and establishing a liberal market democracy, while struggling to facilitate a stable political solution for Kosovo’s final status. As this latter aspect failed after the UDI, UNMIK re-focused its preference on handing over its competences to EULEX, despite Russia’s protest to do so, as the main veto player on Kosovo inside the UN.

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16 The Kosovo-Albanian state elite of the PISG was directly dependent on international donor contributions and NATO’s security guarantees. At the same time, they got under pressure from civic groups, such as the Vetevendosje movement or veteran groups, to call for Kosovo’s independence.
17 The Belgrade government kept the Kosovo-Serb community under direct administrative control by its Kosovo Coordination Centre and Kosovo Ministry.
18 This fate was shared with the Serb community of the enclaves in the mainland of Kosovo, whose security situation remains precarious for the same reasons.
19 For example by cross-boundary paramilitary activities, such as weapon smuggling, linkage with rebel groups in Southern Serbia and Macedonia, etc. Other negative spill-over effects can be seen in terms of widespread mafia activities and illegal business with all neighbouring countries.
20 Compared with other postwar areas of external intervention, interveners into Kosovo did not fall under severe constraints in terms of financial resources or time constraints of an implicit exit strategy. The contrary holds true: resolution 1244 postponed the resolution of Kosovo’s final status for undefined period of time. KFOR announced, for example, to remain active in Kosovo for the next future: the US military base Bondsteel, for example, is based on a 99-year lease agreement.
21 Note that Russia is only able to act as a veto player in international legal terms and inside the UN Security Council by preventing a follow-up resolution to resolution 1244; however, Russia could not prevent the Kosovo-Albanian side from establishing facts on the ground by declaring its independence with backing from the U.S. and most EU member states. On veto players in general cf. Cunningham 2006: 883-885.
mission’s interest in civil institution-building has largely been achieved with most local institutions up and running, which allowed OMIK to refocus its role in post-UDI Kosovo on monitoring functions. The EU, in concert with the U.S., as the most influential international change agent in today’s Kosovar affairs has both, economic and political interests and preferences. It is interested in creating peace and economic stability in Kosovo and the Western Balkans for further their integration into the EU and the EU’s ongoing enlargement, and aims to secure its fragile and nascent European Security and Defense Policy (ESDP), to which Kosovo represents a primary testing case. However, while KFOR and UNMIK faced immense cuts in available resources and manpower after 2002/3, following the reorientation of Western aid on Afghanistan and Iraq (cf. above), the EU’s engagement in Kosovo has significantly increased after the UDI. On that basis, it has set up EULEX with an intended timeline of three to four years.

Overall, a five-step process in the interaction between internal and external actors can be observed, by which more confrontational, cooperative, captured and co-opted phases in that interaction can be differentiated from each other. First, UNMIK enjoyed an initially high level of domestic legitimacy of their peacebuilding agenda and managed to consolidate its authority at the beginning of its mandate. This made possible the dismantling of postwar UCK structures in the second half of 1999 and led to a rather cooperative form of internal-external interaction with the local Albanian elite. However, in order to establish a cooperative basis with the international actors on the ground, the Albanian side had to postpone demands for Kosovo’s independence to a later stage. Second, in parallel to the first step and due to the failure in guaranteeing real safety (cf. March riots), the interaction with the Serb minority in Kosovo increasingly deteriorated and generated largely confrontational forms (except for the Djindjic era from 2001-2003). Third, after the relapse into violence during the March 2004 riots, UNMIK and KFOR found themselves in a situation of captured peacebuilding interaction with the Albanian majority community. During this period, the international administration and military forces had temporarily lost their effective control and authority over essential local spaces and was, in the following, more or less forced to give local demands for independence. Fourth, only upon UNMIK’s consecutive acquittal of overly intrusive policy-making and signaling a real meaningful transfer of reserved powers and progress in considering Kosovo’s final status, a compromise could be reached with the PISG government that resulted in co-opted forms of peacebuilding interaction between internal and external actors. Fifth, due to increased resistance from civil society movements and paramilitary groups that did not agree with the Kosovo-Albanian elite (such as the student
movement ‘Vetevendosje’, local veteran associations or ANA), the achieved level of elite-based/international co-optation was under threat again. This development pushed Western powers in the Contact Group even quicker to support and recognize Kosovo’s independence in February 2008. In sum, the main winner of this multi-faceted interaction process was the Kosovo-Albanian political elite that formed the Unity Team in 2006/2007. In the end, achieving this final level of internal-external co-optation and interaction compromise seemed to be only way to go for Western powers to secure the relative peace in Kosovo and to appease the Albanian side which had become increasingly frustrated with Kosovo’s unclear status. That means that, ultimately, local politics has superseded the initial level of external intrusiveness aimed to block off demands for independence, on the cost for the Albanian side to gain ‘only’ semi-(in)dependent Kosovo lacking official recognition by the UN and being put under ongoing international supervision with veto power in local affairs. Post-UDI Kosovo is thus representing a case study of a dangerous balancing act between violating the principle of territorial integrity (Serbia) and a protracted frozen conflict (North Mitrovica). However, in the end, neither the international veto player Russia, nor domestic spoilers, such as ANA, Vetevendosje or Serb bridge watchers, could effectively block the (semi-ideal) outcome of Kosovo’s EU-supervised independence and recognition by Western states.

B. 1/D. 1.i-ix DIPLOMATCY/PRESSURE & LINKAGE, INTEGRATION, CONVERGENCE

Since the beginning of the international intervention in Kosovo, the diplomatic pressure and degree of external persuasion has been significant. Throughout the entire process, the five Western member states to the Contact Group for the Balkans (U.S., UK, France, Germany and Italy, called the Quint) and other Western members states to the EU towards the Albanian political elite in Kosovo have been highly influential: these countries were the key seconding states to KFOR and staffed the position of COMKFOR; they also staffed the position of the SRSGs and Deputy SRSG, the principal administrators in Kosovo. Consequently, all major political decision-making in Kosovo (including the overall democratization process) was only possible in concert with the contact offices of these Western states. Other most visible examples of diplomatic and normative pressure on and persuasion of the political elite in Kosovo can be found in incorporation of modern provisions of human rights and decentralization (cf. municipal statutes and Constitutional Framework); in the formation of a Grand Coalition between the rival parties of LDK and PDK to the first PISG Government in 2002; in the UN-enforced dialogue process between the PISG and Belgrade since 2003; in the ‘voluntary’ surrender of former UCK members (including Prime Minister Haradinaj) to the
ICTY in 2004/2005; in the enforced set-up of the Unity Team for the status talks in 2006/2007; in the assembly’s adoption of the Ahtisaari proposal as legally binding for post-UDI Kosovo (including veto rights to EULEX/ICO); and in the EU-drafted constitution for post UDI-Kosovo. Lacking any alternative future option other than trying to establish close links with leading Western powers for a ‘Euro-Atlantic’ integration of Kosovo, the Albanian political elite opted for coordinating most of their political decision-making and maneuvering with Western states and their contact offices in Prishtina (first and foremost with the U.S. one); while the Belgrade government after Djindjic’s assassination in 2003, and more so after the failure of the status talks in December 2007, aligned itself more closely with Russia under president Putin. With regard to human rights monitoring and reporting (i.e. by OMIK), critical remarks up to the point of public blaming of the local political establishment did rarely take place. One of the few examples of open Western criticism of the local Albanian elite focused on the behavior of some PISG and assembly representatives in the aftermath of the 2004 March riots, who tried to justify the outbreak of violence by blaming UNMIK for the violent eruption (cf. OSCE Media Representative 2004). This, in turn, triggered massive Western criticism, especially by EU foreign representative Javier Solana and others.

Moreover, with regard to geographical pressure or linkage, neighbouring countries to Kosovo displayed features of (transitional) democracies, supported by the EU’s Stabilisation and Association Process (SAP). Following the EU’s summit in Thessaloniki and the adoption of the Stability Pact for the Balkans in 2003, this EU-led process provided a key incentive for democratisation in the entire region, including Kosovo. However, geographical linkage is also widely used by political entrepreneurs as a rhetorical weapon by pointing out potential domino effects following the independence of Kosovo. Here, it was argued that after the UDI the Serb-populated North of Kosovo could split away from Kosovo and ‘reunite’ with Serbia proper, in parallel with Bosnia’s Republika Srpska. It was also argued that the Albanian-dominated municipalities in Southern Serbia around the town of Presevo would seek unification with post-UDI Kosovo, which, in turn, would set incentives for the Albanian community in Western Macedonia to challenge the Ohrid agreement.

There is also essential economic linkage of Kosovo with the region: former Yugoslav countries, the EU and Turkey are Kosovo’s main trading partners, accounting for more than

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22 SAAs were signed with Macedonia, Albania, and Montenegro; an SAA for Serbia was made conditional by the EU on the prior extradition of alleged war criminals and cooperation with respect to Kosovo’s status. The EU integration perspective and the SAP provided positive spill-over effects and were a key incentive for democratisation in postwar Kosovo. However, during the reporting period from 1999 to 2005, Kosovo was excluded from membership in international organizations due to its unclear political status between an autonomous province of Serbia and its potential independence. Nevertheless, Kosovo as part of EU’s periphery was fully interlinked with the outside media and diplomatic world.
90 per cent of Kosovo’s overall trade. Being highly dependent on foreign aid, work migration to EU members states, and diaspora remittances, Kosovo showed the following figures: Kosovo remains the poorest region in the Balkans with an HDI of 0.6. Kosovo’s GDP accounts for 2.2 Billion Euro in 2004 (1,000 Euro per capita), of which 12 per cent are diaspora remittances, 15 per cent are industry-generated, 25 per cent agriculture-generated, and 23 per cent are international aid (cf. UNDP 2006a: 12 f.; UNDP 2006b: 29). Kosovo’s immense trade deficit is based on an export rate of one quarter compared to imported goods (UNDP 2006b: 28). In the last six years, a 50-per cent drop of international aid took place from 900 billion Euro in 2002 to around 450 billion Euro in 2007, with UNMIK spending at total of 2.6 billion Euro since 1999 (cf. UNDP 2006a: 13; UNDP 2007). The traditionally high degree of Kosovo-Albanian work migration to Western states (especially the EU) did not only provide for significant diaspora remittances, but also for close social and communicative linkages with the West. Here, examples can be found that range from the establishment of an LDK exile government in the German city of Stuttgart during the 1990s, to the postwar establishment of mobile telephone net by a company from Monaco (including Monaco’s four-digit country code for calling abroad). However, the democratic affinity of the Kosovar majority population is based on its yearlong experience of autocratic repression by the Milosevic regime and the democratic underground culture in the 1990s (cf. section 1). Informed by this Kosovo-Albanian tradition and culture of democracy, democratic values and principles have never essentially been challenged by the Kosovo-Albanian elite or the wider population. When KFOR and UNMIK, hailed by the Albanian majority as legitimate liberators and interveners after their arrival, imposed a liberal canon of democratic norms and values as part of their peacebuilding agenda, the Kosovar population largely supported their programs for democracy promotion and free and fair elections, and viewed Western troops and officials as “one of us”. Finally, at the closer regional level, strong social and cultural affiliations also existed with those former Yugoslav nations that suffered from the Milosevic regime, such as Slovenia, Croatia, and Bosnia, and with their ethnic kin in Macedonia, Albania, Montenegro and Southern Serbia.

23 52 per cent of the population lives in poverty with less than 1.42 Euro per day (15 per cent in extreme poverty with less than 93 Cents per day, cf. UNDP 2006a: 12; UNDP 2006b: 28 f. und 32.). The official unemployment rate is around 40 per cent (unofficial estimates are around 60 per cent, cf. Eide report UN Doc. S/2004/932: 8 und 18).
E. 1. INTERNATIONAL EVENTS

Milosevic’s state-orchestrated policy of political repression, gross human-rights violations, and ethnic cleansing during the 1990s against the Albanian majority in Kosovo has triggered Western intervention into Kosovar affairs and led to a revision of the international community’s negligence of Kosovo since Dayton. Framing the NATO’s bombardment and the subsequent occupation of Kosovo in terms of a ‘humanitarian’ intervention, the intention to reconstruct the Kosovar polity along liberal-democratic lines under a UN administration can be considered as the logical programmatic and strategic outcome of this process. Here, a starkly facilitating aspect has been the geographic proximity of the region to EU and NATO member states. Moreover, as Kosovo’s final status remains highly challenged after the UDI, the conflict over Kosovo has now taken another dimension of a frozen (incidentally hot) conflict over its Northern, Serb-populated part, with Russia acting as an autonomous international veto player blocking a solution at the UN Security Council and an increasingly nationalist Serbian government unwilling to accept Kosovo’s secession from its territory.

It is not before a final solution of the Kosovo status might be found at UN level that one can speak of a truly enduring peace process or agreement. However, Russia and Serbia, which form a relatively cohesive and stable coalition against Kosovar demands for independence, has never opposed the democratic reconstruction of the political system in postwar Kosovo. Thus, the political stalemate over Kosovo’s final status did not prevent the successful reconstruction of the Kosovar polity as a functioning and relatively stable transitional democracy.

Moreover, in the wider international context, the early years of external intervention for democratization in Kosovo represented the definite peak of UN peacebuilding engagement, in parallel to East Timor, under the concept of international transitional administration. Ever since, democracy promotion under a UN administrative umbrella has been in constant decline; be it by US military intervention and consecutive administration in Iraq or Afghanistan after 9/11, or in parallel to increased veto and power politics that is now widely paralysing the UN Security Council and which has led to a renewed East-West confrontation with Russia. It was the Kosovo case, or more precisely the Western recognition of Kosovo’s UDI, that led to what can be regarded as the end of the ‘Badinter’ order in post-

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24 The framing of the Kosovo case as the last stage in Yugoslavia’s dissolution is a much later and rather constructed Western notion.
25 The UN administrations in Kosovo and East Timor represented the final examples of a revived international ‘trusteeships’ model that began with exercising administrative authorities in Namibia in 1989, and in Cambodia and Eastern Slavonia in the early and mid-1990s.
to date, over 50 mainly Western countries have recognized Kosovo as an independent state; while Russia and her closest ally Belarus have recognized South-Ossetia and Abkhazia, following military intervention in Georgia. Both blocs are now lobbying for additional recognition of their ward states by other states. This process of renewed unilateral action and veto/power politics has largely deprived the UN to effectively implement their lessons learned from recent missions.

Overall, the series of unilateral recognition of new (proto-)states outside the UN legal system has undermined the international principle of territorial integrity, and led to a revival of power politics to secure geopolitical spheres of influence. A new global East-West division and confrontation, reminiscent to the Cold War era, might be at the brink. As another consequence, the unchallenged paradigm of Western-liberal democracy promotion and good governance of the 1990s and early 2000s has come to a definite end. Instead, the tendency of democratic rollback has been paired with a renewed bloc-formation and unilateral power politics between the Western liberal democracies and crypto-democratic or authoritarian, and economic powerful states, such as Russia or China. Taking the cases of Kosovo, South-Ossetia and Abkhazia into account, the future ‘ideological’ choice for conflicting and/or secessionist parties seems no longer to be dominated by the terms of ‘democratic liberalism’ or ‘authoritarian nationalism’, but rather by the notion of regrouping alongside of competing global powers or blocs (US/EU, Russia, China). For the largely frozen conflict in Kosovo, finally, this new tendency means a severe dilemma for the entire Serbian society of choosing between Euro-Atlantic integration, as opted for by the Kosovo-Albanians, or isolation from the West and a close alliance with Russia, similar to Belarus.

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26 The Badinter Commission established the principle for post-communist countries that acknowledged the right of secession to the republics of those countries, but not to their autonomous regions.
SECTION 4: DEVELOPMENT AID AND DEMOCRACY PROMOTION

A. 1.i-iii DEMOCRACY FINANCIAL / TECHNICAL ASSISTANCE

In the first five years of external intervention, Kosovo received a wealth of international aid and assistance. During that period, the quality of aid changed from emergency-related humanitarian assistance in 1999/2000 to longer-term reconstruction aid and development assistance afterwards. This qualitative change in external aid reflected more or less the intended development outlined in Annan’s 1999 strategy for the reconstruction of Kosovo (cf. UNSG Report S/1999/779), which foresaw a combination of humanitarian assistance and refugee aid by UNHCR (as former UNMIK pillar I) and economic and infrastructure reconstruction by the EU (UNMIK pillar IV). After the 2003 EU summit in Thessaloniki and by the means of the ‘Stability Pact’ and the SAAs, the EU’s commitment to increased economic aid and cooperation in the entire Balkan region intensified has bolstered this transfer process of economic aid from UN agents to EU programs. However, this process can rather be explained with the geographical proximity of Balkan region to the European Union than by a potential learning curve on behalf of the international donor community. According to the RIMS database of the Kosovar Ministry of Economy and Finance (MEF), the overall official development aid (ODA) committed to Kosovo from 1999 until 2005 is estimated with € 3,012 billion; while the ODA amount actually spent for the same period according to the ministry is estimated with € 2,360 billion (cf. UNMIK Pillar IV 2006). In general, the trend of ODA contributions to Kosovo declined continuously almost by half per annum, after an abundance of aid during the years 2000 and 2001, with an amount of more than € 1 billion and 615 million. This trend coincided with the end of reconstruction and emergency recovery efforts after the war in Kosovo. Remaining relatively stable during the years 2003, 2004 and 2005, the total amount of ODA commitments ranged between € 200 and 238 million (cf. ibid.).

Official Development Assistance from 1999-2005, (thousands €) –

<table>
<thead>
<tr>
<th>Year</th>
<th>Commitment</th>
<th>Contracted</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>€ 337,066.96</td>
<td>€ 202,021.15</td>
<td>€ 177,516.94</td>
</tr>
<tr>
<td>2000</td>
<td>€ 1,061,654.92</td>
<td>€ 876,985.98</td>
<td>€ 607,382.04</td>
</tr>
<tr>
<td>2001</td>
<td>€ 615,251.91</td>
<td>€ 773,582.46</td>
<td>€ 593,194.38</td>
</tr>
<tr>
<td>2002</td>
<td>€ 343,727.20</td>
<td>€ 321,215.05</td>
<td>€ 398,715.49</td>
</tr>
<tr>
<td>2003</td>
<td>€ 215,418.16</td>
<td>€ 188,226.47</td>
<td>€ 276,717.09</td>
</tr>
<tr>
<td>2004</td>
<td>€ 200,932.38</td>
<td>€ 155,665.59</td>
<td>€ 169,082.60</td>
</tr>
<tr>
<td>2005</td>
<td>€ 238,587.48</td>
<td>€ 163,231.74</td>
<td>€ 137,992.73</td>
</tr>
<tr>
<td>Total</td>
<td>€ 3,012,639.01</td>
<td>€ 2,680,928.44</td>
<td>€ 2,360,601.27</td>
</tr>
</tbody>
</table>

Sources: 2006 RIMS database, MEF-PiSG
This pattern of aid flows can be explained by several factors. First, external aid flows typically increase in case of an external intervention in the aftermath of a violent conflict, due to the necessity of satisfying the most pressing postwar needs. This was the case in Kosovo in the first two to three years, from 1999 to 2001, during which period the reconstruction and relief efforts absorbed the largest parts of the aid flows. After moving beyond the immediate humanitarian and reconstruction needs, external donors focused on the economic consolidation and their contributions decreased again, while a worldwide redirection of development aid to other crisis areas, such as Afghanistan, took place. In parallel to that, the decrease in ODA contributions for Kosovo coincided with improved macro-economic indicators of Kosovo that showed an increase of the local GDP per capita, general GDP growth, public/private spending and investment, and UNMIK’s ability to mobilize its own tax revenues.27

In the period from 1999-2005, the U.S. was the largest bilateral donor of project-related support, followed by the UK, the Netherlands, Germany, Japan and Canada. In 2005,28 donor commitments of U.S., the Netherlands, Italy, Finland, Germany, the UK, Sweden, and Switzerland, as well as the World Bank, and the European Union and its Agency for Reconstruction/EAR provided the largest amount of ODA contributions, comparatively equal to those made in the previous year (2004). According to MFA data, aid commitments from bilateral donors accounted for 56.96 percent of the assistance in 2005, or €135.8 million in total (cf. ibid.). Aid from multilateral agencies accounted for 42.7 percent of the assistance, or € 102.6 million in total, the same year. The major bilateral donors were the USA, whose aid accounted for 47.4 percent of the bilateral aid, followed by Germany with 16.12 percent, the Netherlands with 8.81 percent, Sweden with 7.85 percent, the UK with 5.31 percent, and Switzerland with 4.78 percent. These were the top six major bilateral donors since 2001 (cf. ibid.). The following table provides the broader picture of ODA per donor.

27 The Kosovo Consolidated Budget demonstrated significant positive performance with regard to consolidated government domestic revenues (excluding donor support) increased from 7.3 percent of GDP in 2001/02 to 24 percent of GDP in 2004 and reached 27.7% percent and 31.1% percent of the GDP respectively for the 2005 and 2006. That means that most of the capital investments, once funded by the donor community, were heavily financed by the Kosovo Consolidated Budget (ibid.).

28 Note that UNMIK’s Pillar IV Fiscal Affairs Office provided a comprehensive annual assessment of ODA only for the year 2005. However, upon UNMIK information to the author, these figures more or less equal the ODA situation in 2004 and can, therefore, be taken as an analytical substitute for the previous year.
The EU remained the largest multilateral donor in 2005, providing € 84.5 million in assistance, an increase of 12 percent in comparison to the year before. Project support remained the most preferred aid modality for both bilateral and multilateral donors alike. In 2005, bilateral and multilateral donors implemented a total of 318 projects, from which 196 were new ones, according to the MFA data (cf. ibid.). Among the multilateral organizations,
the EU remained the main source, providing more than one third of the total budget support amount during the mentioned period, followed by the World Bank. Bilateral and multilateral donors, which frequently provided project-related grants, were the UK, Germany, Canada, Denmark, Italy, Switzerland, Sweden, the USA, the Netherlands, Greece and Austria, but also international agencies such as UNICEF, UNDP, ILO, IOM, EAR/EU and the World Bank. The official figures of ODA contributions (provided by the MEF) differentiate between the mode of delivery according to (1) capital investment, (2) technical assistance, (3) supply of equipment, (4) credit, (5) training and (6) other (combination of different modes) as follows.\(^{29}\)

Cumulative table by type of intervention, 1999 – 2005, (thousands €) –

<table>
<thead>
<tr>
<th>Type of Intervention</th>
<th>Committed</th>
<th>Contracted</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Capital Investments</td>
<td>€ 1,291,343.90</td>
<td>€ 1,217,220.26</td>
<td>€ 1,110,884.11</td>
</tr>
<tr>
<td>Technical Assistance</td>
<td>€ 1,088,670.92</td>
<td>€ 863,786.08</td>
<td>€ 705,300.35</td>
</tr>
<tr>
<td>Supply of Equipment</td>
<td>€ 209,824.54</td>
<td>€ 202,290.42</td>
<td>€ 195,835.59</td>
</tr>
<tr>
<td>Other</td>
<td>€ 204,763.55</td>
<td>€ 182,615.80</td>
<td>€ 150,538.43</td>
</tr>
<tr>
<td>Credit</td>
<td>€ 122,222.67</td>
<td>€ 120,213.29</td>
<td>€ 114,001.85</td>
</tr>
<tr>
<td>Training</td>
<td>€ 95,813.49</td>
<td>€ 94,802.59</td>
<td>€ 84,040.92</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>€ 3,012,639.07</strong></td>
<td><strong>€ 2,680,928.44</strong></td>
<td><strong>€ 2,360,601.25</strong></td>
</tr>
</tbody>
</table>

*Source: RIMS database 2006, MEF-PISG*

Here, the modes of capital investment and technical assistance accounted for the largest amount of ODA contributions. From 1999 to 2005, out of € 3.01 billion of allocated ODA, € 1.2 billion were allocated to capital investments, or 43% of the allocated aid, and 47% of the aid spent. Technical assistance during that period accounted for over € 1 billion of the committed amount, or 36% of the allocated aid and 30% of the aid spent.

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\(^{29}\) Modes (1) and (4) appear to be related to budget funding, whereas modes (2), (3) and (5) rather relate to technical assistance in the broader sense.
According to MEF database, capital investments continuously declined since 2002, with major project investments until this year directed towards post-conflict rehabilitation and reconstruction efforts. Whereas technical assistance continued to grow, making up the largest share of donor assistance until 2005 (cf. ibid.). For the years 1999 to 2005, the official MFA statistics also provide official figures for ODA budget support, designated grants and project support. The total amount of budget support aid was €199,336,299.62, mainly disbursed in 1999-2002. According to the same source, donor-designated grants (DDG) accounted for 7.73 percent of the total disbursed ODA to Kosovo from 1999 to 2005. This ODA funded sectors, such as culture, democratization, good governance and civil society, education and science, health justice, labour, social welfare and employment, local administration, public services and utilities, trade and industry, economy and finance management, minority rights and mine clearance. During 2005, sixty-six new projects were funded through DDG aid modality (cf. ibid.). For the year 2005, The RIMS database of the Kosovar Ministry of Economy and Finance also differentiates between overall ODA contributions per sector, which gives a rough indicator for the year 2003 and 2004 as well (but not for the prior humanitarian period). Here, justice and home affairs remained the prime recipients with 26.7 per cent of all aid (69 per cent of which for Kosovo Police Service); public utilities (energy, water and waste) ranked second with 19.3 per cent of all aid. Other sectors receiving relatively large amounts
were democracy, human rights and civil society (11.3%), trade and industry (9.7%), public administration (9.1%). Whereas others receiving relatively little amounts were economy and finance (4.7%), housing and social welfare (4.4%), labour and employment (3.1%), agriculture and forestry (3%), education, vocational training and science (2.9%), health (2.4%), transport and infrastructure (1.4%), environment and spatial planning (1.3%), and culture, youth and sport (0.7%).

2005 ODA by sectors, (thousands €) –

<table>
<thead>
<tr>
<th>Sector</th>
<th>Committed</th>
<th>Contracted</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agriculture &amp; Forestry</td>
<td>€ 7,185.24</td>
<td>€ 8,478.82</td>
<td>€ 7,272.52</td>
</tr>
<tr>
<td>Culture &amp; Youth</td>
<td>€ 1,655.02</td>
<td>€ 2,767.56</td>
<td>€ 1,804.06</td>
</tr>
<tr>
<td>Democracy Human Rights &amp; Civil Society</td>
<td>€ 27,039.20</td>
<td>€ 23,340.44</td>
<td>€ 22,587.36</td>
</tr>
<tr>
<td>Economy &amp; Finance</td>
<td>€ 11,289.64</td>
<td>€ 11,428.18</td>
<td>€ 11,183.46</td>
</tr>
<tr>
<td>Education, Vocational Training &amp; Science</td>
<td>€ 6,839.12</td>
<td>€ 5,511.49</td>
<td>€ 6,137.85</td>
</tr>
<tr>
<td>Environment &amp; Spatial Planning</td>
<td>€ 3,083.34</td>
<td>€ 5,087.89</td>
<td>€ 5,603.10</td>
</tr>
<tr>
<td>Health</td>
<td>€ 5,792.60</td>
<td>€ 5,066.90</td>
<td>€ 5,603.10</td>
</tr>
<tr>
<td>Housing &amp; Social Welfare</td>
<td>€ 10,532.01</td>
<td>€ 8,930.50</td>
<td>€ 11,169.11</td>
</tr>
<tr>
<td>Justice &amp; Home Affairs</td>
<td>€ 63,641.52</td>
<td>€ 21,870.75</td>
<td>€ 19,869.45</td>
</tr>
<tr>
<td>Labour &amp; Employment</td>
<td>€ 7,302.32</td>
<td>€ 4,709.83</td>
<td>€ 6,408.75</td>
</tr>
<tr>
<td>Public Administration</td>
<td>€ 21,703.53</td>
<td>€ 7,166.37</td>
<td>€ 8,544.74</td>
</tr>
<tr>
<td>Public Utilities</td>
<td>€ 46,071.98</td>
<td>€ 40,164.74</td>
<td>€ 16,871.91</td>
</tr>
<tr>
<td>Trade &amp; Industry</td>
<td>€ 23,053.31</td>
<td>€ 13,869.46</td>
<td>€ 10,299.57</td>
</tr>
<tr>
<td>Transport &amp; Infrastructure</td>
<td>€ 3,398.70</td>
<td>€ 4,838.83</td>
<td>€ 3,979.98</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>€ 238,587.54</strong></td>
<td><strong>€ 163,231.76</strong></td>
<td><strong>€ 137,992.75</strong></td>
</tr>
</tbody>
</table>

*Source: RIMS database 2006, MEF-PISG*

In addition, the UNMIK administration in Kosovo has also established a special Kosovo Trust Fund, which is currently holding about € 300 million in reserve, with money generated through the EU pillar-led privatization process of formerly socially-owned enterprises (cf. Kosovo 2006a: 13; UNDP 2007: 4). In sum, Kosovo has always been highly dependent on external resources, such as ODA. However, international aid contributed to Kosovo’s GDP for more than 60 per cent in 2000 and declined to less than a quarter until 2004 (cf. UNDP 2006a: 12 f.; UNDP 2006b: 29).³⁰

³⁰ Other estimates differ from these figures, i.e. the IMF estimating a 61 % external aid share of the GDP in 2000, 25% of GDP in 2001, 14% in 2002, 9% in 2003, 8% in 2004 and 10% in 2005 (UNMIK Pillar IV 2006).
2.i. **Democracy-related Assistance** - Of the roughly € 2.4 billion ODA spent from 1999 to 2005, the exact official share of ODA contributions that were related to projects of democracy promotion are not provided by the MEF. However, a rough estimate of the annual amount of such aid can be made by separating those sectors of the overall ODA figures that relate to democratization in a broader sense. In the following tables, the numbers behind each sector will indicate the sectors of the research template: (1) elections and the political processes; (2) rule of law, accountability, anti-corruption, human rights and minority rights; (3) institutional infrastructure (parliamentary and public administration, decentralization, administration capacity); (4) civil society, media, civic education, empowerment; (5) civil-military relations, DDR, security sector reform:

**ODA from 1999-2005 by democratization sector (thousands €)** -

<table>
<thead>
<tr>
<th>Year – 2005</th>
<th>Sector</th>
<th>Committed</th>
<th>Contracted</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture &amp; Youth (4)</td>
<td>€ 1.655,02</td>
<td>€ 2.767,56</td>
<td>€ 1.804,06</td>
<td></td>
</tr>
<tr>
<td>Democracy/Human Rights/Civil Society (1/2/4)</td>
<td>€ 27.039,20</td>
<td>€ 23.340,44</td>
<td>€ 22.587,36</td>
<td></td>
</tr>
<tr>
<td>Education and Science (4)</td>
<td>€ 6.839,12</td>
<td>€ 5.511,49</td>
<td>€ 6.137,85</td>
<td></td>
</tr>
<tr>
<td>Justice and Home Affairs (2/5)</td>
<td>€ 63.641,52</td>
<td>€ 21.870,75</td>
<td>€ 19.869,45</td>
<td></td>
</tr>
<tr>
<td>Public Administration (3)</td>
<td>€ 21.703,53</td>
<td>€ 7.166,37</td>
<td>€ 8.544,74</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year – 2004</th>
<th>Sector</th>
<th>Committed</th>
<th>Contracted</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture (4)</td>
<td>€ 3.583,63</td>
<td>€ 855,65</td>
<td>€ 573,31</td>
<td></td>
</tr>
<tr>
<td>Democratic Governance/Civil Society (1/2/4)</td>
<td>€ 21.409,53</td>
<td>€ 18.275,17</td>
<td>€ 11.490,73</td>
<td></td>
</tr>
<tr>
<td>Education and Science (4)</td>
<td>€ 7.164,64</td>
<td>€ 6.009,79</td>
<td>€ 10.450,08</td>
<td></td>
</tr>
<tr>
<td>Justice (2)</td>
<td>€ 11.488,11</td>
<td>€ 10.014,00</td>
<td>€ 10.353,23</td>
<td></td>
</tr>
<tr>
<td>Kosovo Police Service (5)</td>
<td>€ 1.386,33</td>
<td>€ 1.890,33</td>
<td>€ 1.780,53</td>
<td></td>
</tr>
<tr>
<td>Local Administration (3)</td>
<td>€ 7.929,15</td>
<td>€ 4.320,53</td>
<td>€ 3.025,66</td>
<td></td>
</tr>
<tr>
<td>Minority Right &amp; Returns (2)</td>
<td>€ 25.971,05</td>
<td>€ 16.952,08</td>
<td>€ 14.448,14</td>
<td></td>
</tr>
<tr>
<td>Public Services (3)</td>
<td>€ 3.100,72</td>
<td>€ 2.830,96</td>
<td>€ 1.999,06</td>
<td></td>
</tr>
<tr>
<td>Youth (4)</td>
<td>€ 1.438,94</td>
<td>€ 588,94</td>
<td>€ 576,98</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year – 2003</th>
<th>Sector</th>
<th>Committed</th>
<th>Contracted</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture (4)</td>
<td>€ 939,56</td>
<td>€ 1.325,46</td>
<td>€ 1.180,89</td>
<td></td>
</tr>
<tr>
<td>Democratic Governance/Civil Society (1/2/4)</td>
<td>€ 13.918,53</td>
<td>€ 16.970,32</td>
<td>€ 16.673,91</td>
<td></td>
</tr>
<tr>
<td>Education and Science (4)</td>
<td>€ 15.057,85</td>
<td>€ 8.706,66</td>
<td>€ 9.870,84</td>
<td></td>
</tr>
<tr>
<td>Justice (2)</td>
<td>€ 16.056,16</td>
<td>€ 8.383,05</td>
<td>€ 8.640,62</td>
<td></td>
</tr>
<tr>
<td>Kosovo Police Service (5)</td>
<td>€ 2.572,42</td>
<td>€ 2.799,19</td>
<td>€ 5.612,97</td>
<td></td>
</tr>
<tr>
<td>Local Administration (3)</td>
<td>€ 3.885,69</td>
<td>€ 4.907,36</td>
<td>€ 16.207,63</td>
<td></td>
</tr>
<tr>
<td>Minority Right &amp; Returns (2)</td>
<td>€ 4.078,27</td>
<td>€ 4.078,27</td>
<td>€ 4.058,27</td>
<td></td>
</tr>
<tr>
<td>Public Services (3)</td>
<td>€ 8.120,58</td>
<td>€ 8.824,55</td>
<td>€ 8.207,81</td>
<td></td>
</tr>
<tr>
<td>Youth (4)</td>
<td>€ 619,13</td>
<td>€ 110,83</td>
<td>€ 92,75</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Year – 2002</th>
<th>Sector</th>
<th>Committed</th>
<th>Contracted</th>
<th>Spent</th>
</tr>
</thead>
<tbody>
<tr>
<td>Culture (4)</td>
<td>€ 1.850,00</td>
<td>€ 2.767,56</td>
<td>€ 1.804,06</td>
<td></td>
</tr>
<tr>
<td>Category</td>
<td>1999</td>
<td>2000</td>
<td>2001</td>
<td></td>
</tr>
<tr>
<td>--------------------------------------------</td>
<td>----------</td>
<td>----------</td>
<td>----------</td>
<td></td>
</tr>
<tr>
<td>Culture (4)</td>
<td>€ 1,603,03</td>
<td>€ 1,515,57</td>
<td>€ 1,515,57</td>
<td></td>
</tr>
<tr>
<td>Democratic Governance/Civil Society (1/2/4)</td>
<td>€ 27,975,80</td>
<td>€ 4,134,10</td>
<td>€ 974,65</td>
<td></td>
</tr>
<tr>
<td>Education and Science (4)</td>
<td>€ 13,044,51</td>
<td>€ 5,918,30</td>
<td>€ 5,632,38</td>
<td></td>
</tr>
<tr>
<td>Justice (2)</td>
<td>€ 9,505,89</td>
<td>€ 13,26</td>
<td>n.a.</td>
<td></td>
</tr>
<tr>
<td>Kosovo Police Service (5)</td>
<td>€ 45,843,40</td>
<td>€ 2,167,50</td>
<td>€ 2,167,50</td>
<td></td>
</tr>
<tr>
<td>Local Administration (3)</td>
<td>€ 12,943,32</td>
<td>€ 5,239,46</td>
<td>€ 166,04</td>
<td></td>
</tr>
<tr>
<td>Public Services (3)</td>
<td>€ 5,068,06</td>
<td>€ 3,060,00</td>
<td>n.a.</td>
<td></td>
</tr>
<tr>
<td>Youth (4)</td>
<td>€ 51,51</td>
<td>€ 51,51</td>
<td>€ 29,58</td>
<td></td>
</tr>
</tbody>
</table>

Sources: 2006 RIMS database, MEF-PISG

Also, a rough crosscheck to these official ODA figures can be given by breaking down democratization-related spending of UNMIK’s main pillar organizations in Kosovo (UNMIK
pillar I and II; OSCE pillar III; EU pillar IV through the EAR). Here, expenditures of the UNMIK pillars I (Police) and II (Administration) relate to the sectors of “Institutional Infrastructure” and “Security Sector”:

**UNMIK Annual Budget/Expenditure**

(Civilian/Police/Non-KFOR Military) from 1999 to 2005 (thousands $) –

<table>
<thead>
<tr>
<th>Budget Period</th>
<th>UNMIK budget for the fiscal year</th>
<th>Expenditure (3/5)</th>
<th>Civilian Personnel (3)</th>
<th>Civilian Police/ Mil. Observers (5)</th>
</tr>
</thead>
<tbody>
<tr>
<td>99-00</td>
<td>427.061,8</td>
<td>361.789,8</td>
<td>(216.543,4)</td>
<td>(2.696,2)</td>
</tr>
<tr>
<td>00-01</td>
<td>474.401,8</td>
<td>383.462,0</td>
<td>280.113,5</td>
<td>5.918,4</td>
</tr>
<tr>
<td>01-02</td>
<td>400.000,0</td>
<td>360.248,0</td>
<td>184.775,0</td>
<td>125.537,0</td>
</tr>
<tr>
<td>02-03</td>
<td>391.076,2</td>
<td>329.967,8</td>
<td>170.595,0</td>
<td>115.208,7</td>
</tr>
<tr>
<td>03-04</td>
<td>315.518,2</td>
<td>315.509,2</td>
<td>163.458,9</td>
<td>106.598,1</td>
</tr>
<tr>
<td>04-05</td>
<td>294.625,2</td>
<td>294.497,0</td>
<td>154.162,2</td>
<td>106.253,3</td>
</tr>
</tbody>
</table>

Sources: Annexes UNGA doc. A/54/807; A/56/802; A/57/678; A/58/638; A/59/623; A/60/637

Expenditures of the UNMIK pillar III (OSCE Mission) relate to the sectors of “Elections”, “Rule of Law”, “Institutional Infrastructure”, “Civil Society”, and “Security Sector”:

**OSCE Mission in Kosovo 20035 –2005 Expenditure (in Euro)** –

<table>
<thead>
<tr>
<th>Main Programme</th>
<th>2003 Expenditure</th>
<th>2004 Expenditure</th>
<th>2005 Expenditure</th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of Head of Mission</td>
<td>2,149,988</td>
<td>2,420,887</td>
<td>4,320,529</td>
</tr>
<tr>
<td>Fund Administration Unit</td>
<td>17,060,798</td>
<td>14,411,530</td>
<td>6,080,567</td>
</tr>
<tr>
<td>Common Operational Costs</td>
<td>—</td>
<td>5,657,393</td>
<td></td>
</tr>
<tr>
<td>Police Education and Development (5)</td>
<td>7,405,894</td>
<td>5,128,396</td>
<td>4,452,620</td>
</tr>
<tr>
<td>Democratization (1/3/4)</td>
<td>5,354,006</td>
<td>5,200,458</td>
<td>5,263,306</td>
</tr>
<tr>
<td>Human Rights/Rule of Law (2)</td>
<td>4,051,059</td>
<td>4,045,668</td>
<td>3,600,569</td>
</tr>
<tr>
<td>Temporary Media Commission/IMC (4)</td>
<td>220,315</td>
<td>212,173</td>
<td>155,088</td>
</tr>
<tr>
<td>Elections (1)</td>
<td>2,337,092</td>
<td>4,689,846</td>
<td>847,203</td>
</tr>
<tr>
<td>Ombudsperson Institution (2)</td>
<td>363,157</td>
<td>271,763</td>
<td>186,722</td>
</tr>
<tr>
<td>The Secretariat Augmentation</td>
<td>3,000,900</td>
<td>3,167,038</td>
<td>3,109,798</td>
</tr>
<tr>
<td>Office for Democratic Institutions and Human Rights Augmentation</td>
<td>216,300</td>
<td>238,794</td>
<td>284,816</td>
</tr>
<tr>
<td>TOTAL FUND BUDGET</td>
<td>42,159,509</td>
<td>39,786,453</td>
<td>33,958,611</td>
</tr>
<tr>
<td>The Secretariat Augmentation</td>
<td>(3,000,900)</td>
<td>(3,167,038)</td>
<td>(3,109,798)</td>
</tr>
</tbody>
</table>

**31** Please note that over the period of the first three years after intervention (and partially beyond) genuine local authorities, such as a Kosovar government and ministries were inexistent in Kosovo; and that budget-administrative functions were exclusively taken over by the UN administration of UNMIK. Its institution-building pillar of the OSCE provided the necessary training and local capacity-building in the field of democracy promotion, on which indigenous institutions could be formed at a later stage. While UNMIK’s annual budgets can, thus, be added to the external budget funding for Kosovo, OMIK’s annual budgets accounted for most of the technical and training assistance in the field of democracy promotion and institution-building. The average ratio between UNMIK’s and OMIK’s annual expenditure relates approximately to 1 to 10 (about 350 million US dollar annually for UNMIK vs. 35 million Euro annually for the OSCE mission, for the period from 2000-2005).

**32** Similar data for the years 1999-2002 are not available on the OSCE databank.
Expenditures of the UNMIK pillar IV (European Union) relate to the sectors of “Rule of Law”, “Institutional Infrastructure”, “Civil Society”, and “Security Sector”:

### European Agency for Reconstruction Budget for Kosovo 1999 to 2006 (in Euro) –

<table>
<thead>
<tr>
<th>Year</th>
<th>1999</th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
</tr>
</thead>
<tbody>
<tr>
<td>Allocated (€ million)</td>
<td>115</td>
<td>430</td>
<td>143</td>
<td>163</td>
<td>59</td>
<td>73</td>
<td>76</td>
<td>46.5</td>
</tr>
<tr>
<td>Contracted/allocated</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>93%</td>
<td>73%</td>
<td>68%</td>
</tr>
<tr>
<td>Paid/allocated</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>100%</td>
<td>85%</td>
<td>72%</td>
<td>41%</td>
<td>17%</td>
</tr>
</tbody>
</table>

**Democratic stabilisation**
- Minority rights & returns (2)
- Civil society & media (4)

- **€44 million**
- (€33 million)
- (€11 million)

**Good Governance & Institution Building**
- Justice, Police & Integrated Border Management (2/5)
- Public administration reform (3)

- **€176 million**
- (€45 million)
- (€131 million)

Source: adapted from EAR Quarterly Report to the European Parliament 2007

Regarding the NATO-led (non-UN) military operation of KFOR, official figures for the overall KFOR budget do not exist.\(^{33}\). However, Kramer and Dzihic present one of the few estimates on the overall costs for the entire KFOR operation. They estimate the KFOR expenditure at an exorbitant amount of € 15-17 billion for the period from 2000 to 2004 (cf. Kramer/Dzihic 2005: 125 f.). With regard to the overall external financial contributions, however, it can be concluded that international development aid has contributed significantly not only to Kosovo’s financial and economic reconstruction, but also for the overall success in the democratisation process. Without these contributions the build-up of all five democracy-related sectors identified above had been severely hampered. While during the first years of democratic reconstruction of the postwar society in Kosovo the infrastructural build-up was at the core of international engagement in the field of democracy promotion, the current level of relative professionalism in Kosovo’s PISG structures could have hardly been reached without

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\(^{33}\) Nor are they available as rough figures at the KFOR information liaison office in Kosovo, due to individual budgeting by each KFOR contributing state.
the increased focus on external training and capacity-building measures in the following years. To give an example: in absence of external democracy aid, the Kosovar polity would, for sure, have also been able to continue its democratic culture of holding fair elections; however, it would most probably not have been able to include the current quality of legal provisions for minority protection and municipal decentralization and self-governing into its legislation though, as currently forming part and parcel of the constitutional framework and its post-UDI follow-up constitution. This assessment can be extended to nearly of field of democracy promotion, such as democratic policing, rule of law, or human rights. In sum, it was only with the help of the external technical expertise had this level of local (legal) performance could was reached (oftentimes exceeding those of many EU member states in qualitative legal terms). However, given the enormous amount of money spent in Kosovo in sum, compared to other crisis areas, it is at the same time very likely that a hypothetically additional increase of external aid during the period of 1999-2004 would not have had an significantly increased impact to Kosovo’s overall development and democratisation process. Beyond a certain amount of external financial aid, it is more a question of professional and political willingness to reach highest standards in terms of applied rule of law and democracy than of money spent or overall numbers of trainings held. What finally overshadowed, if not paralysed, many sectors of the democratic build-up in Kosovo was the unsolved status question under resolution 1244. If the status had be clarified at the beginning of the intervention, the build-up of the polity would have been much more focused in terms of transfer of powers to local actors and enabling external actors to hold them responsible and accountable for it. It was by the years 2003/2004, that a feeling of political stagnation in form of UNMIK’s ‘standards policy’ had bereft the nascent Kosovo polity its early dynamics, at a point when a further transfer of authorities could not have effectively been implemented with Kosovo’s future status unclear. From that moment on, factors of applied external democracy aid did not become irrelevant though (none of them were), but they lost much of their significance compared with the overarching political question of Kosovo’s unsolved status. This assessment remains valid even for the contemporary situation in Kosovo after the UDI.
B. 1.i-iv DEMOCRATIC CONDITIONALITY IN THE AID SECTOR

Clear-cut policies of linkage and democratic conditionality\(^{34}\) can be identified, especially in respect to UNMIK and the EU. SRSG Steiner’s rather punitive policy of ‘Standards-before-Status’, which led to an extensive catalogue of KSIP criteria, to be fulfilled by the PISG government before considering Kosovo’s future status and potential independence (cf. above), was the most visible example of direct conditionality by the side of UNMIK. These criteria were aimed at establishing democratic conditionality, with a specific sectoral approach relevant to the democratization process in fields such as democratic institutions, rule of law, freedom of movement, returns and reintegration, the economy, property rights, dialogue with Belgrade, and the Kosovo Protections Corps. More rewarding than punitive, UNMIK’s selective and often non-transparent policy of gradual transfer of reserved powers to the PISG provides another example of conditionality set by UNMIK. On the side of the EU, KSIP criteria and status standards imposed by UNMIK were later incorporated into the EU’s European Partnership Action Plan for Kosovo’s as a core evaluation pattern for an annual review of Kosovo’s progress in the fulfilment of these standards. This took place in order to inform Kosovo’s further integration process to European structures and access to the European market as well as for potential allowance of financial benefits from the Stabilisation and Association Process (SAP tracking mechanism for Kosovo, cf. UNSG Report 2006).

A final example of external conditionality was the PISG’s acceptance of provisions in the Ahtisaari proposal for ongoing international oversight and veto rights, municipal decentralization and extensive minority rights for the benefit of the Serb community, as well as heavy restrictions on a future Kosovo army. This acceptance was a precondition for and clear linkage with further Western support for the Kosovo-Albanian struggle for independence. The Kosovo-Albanian elite has largely accepted this set of conditionality, once the question of Kosovo’s final status and potential independence was re-opened for discussion by the UN and Western powers, following UN Special Envoy Eide’s follow-up report in August 2005 (Eide 2005). Upon this elite-based consent for external-local cooperation, continued financial and political support was provided swiftly by Western powers, while the domestic adoption costs of this process remained relatively limited, with a few spoiler activities (cf. section 3) as a direct result. Moreover, the public majority in Kosovo continued to support their political elite in their cooperation with Western powers and organizations,

\(^{34}\) Defined as the granting of valued tangible or intangible benefits (i.e. political or financial support, trade links, market access, security guarantees, membership in a desirable organization) to a target state or government by a state or an international organization, based on the fulfillment of certain conditions and democratic standards by that state or government.
which stands in diametrical contrast of the Kosovo-Serbs and their alignment with Belgrade. This indicates that democratic conditionality was in general, as well as among the Albanian political elite, perceived as relatively credible. It also shows that the external actors that have set these conditions composed of enough bargaining power vis-à-vis the local government. Due to this level of evolving cooptation and consensus-based interaction between external and (Kosovo-Albanian) local actors following the 2004 March riots, a situation of withholding rewards did not effectively take place after UNMIK had abandoned its “Standards-before-Status” policy, which has led to increased elite and, finally, public resistance at that time. Once the status question was reopened, however, the Albanian political elite and the PISG government appeared to be rather satisfied with the range and pace of Western support for independence. However, at this point, the Kosovo Albanian side did not have any real political alternative other than seeking Western support and responding to their conditionality. What they could offer in exchange was local elite support in the prevention of further violence in Kosovo.

Overall, Kosovo has always been dependent on external (conditioned) financial, economic and political support mainly provided by West states and organization, which stands in sharp contrast to the traditional alliance between Belgrade and Moscow. From the Western, and especially the European perspective, a peaceful development in postwar Kosovo has, in turn, appeared as too essential for the EU’s border/market security and enlargement perspectives. Here, the EU could not have realistically opted for not granting its support. The Albanian elite on the other hand could, thus, be assured of overall Western and EU support in the longer run. These circumstances have, finally, resulted into close ties between the Western states and organizations and the Kosovo-Albanian elite, which promoted a quite harmonious bargaining relationship and a strategic-economic partnership, based on a set of democratic conditionality policies and at the cost of generating another frozen conflict with Serbia and Russia over Kosovo’s final status and effective control over Serb-populated areas in Kosovo. Under these conditions and given the prewar democratic culture of the Kosovar majority population, the influx of massive external resources and personnel associated with development aid and democracy promotion can, in general, be considered as fairly effective and conducive to open transformative spaces towards democratisation, at least within the Kosovo-Albanian community. However, in parallel, it has led to an alienation process from Western democratic principles and to nationalist radicalisation within the Kosovo-Serb community and, most likely, within the entire political system in Serbia proper, which threatens to undermine the future democratic development of both, Kosovo and Serbia.
**LITERATURE**


UNMIK Regulation 2000/47. On the Status, Privileges and Immunities of KFOR and UNMIK and Their Personnel in Kosovo.


UNGA Reports/Reports of the General Assembly of the United Nations. UN documents A/54/807; A/56/802; A/57/678; A/58/638; A/59/623; A/60/637.