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Everyday Legitimacy and International Administration: Governance, 'Legitimacy Dilemma,' and Other Possible Avenues in Kosovo

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Title: Everyday Legitimacy and International Administration: Governance, ‘Legitimacy Dilemma,’ and Other Possible Avenues in Kosovo

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Abstract: International administrations are a very specific form of statebuilding architecture. In the course of six months, the international community proceeded to create two international administrations encompassing legislative, judicial and executive power – in Kosovo and Timor-Leste in 1999. With a specific focus on Kosovo, this paper claims that the limits of this governance scheme lie in the very nature of the mandate. Placed in the situation of a de facto government of Kosovo, the international administration has to face the same requirements that any legitimate government has. Even more complicated was the fact that there were no check-and-balances included in the international framework, granting the international administration with full authority in terms of governance. International administrators found themselves in a ‘legitimacy dilemma:’ everything they do to reinforce their rule actually perpetuates their weakness. Its legitimacy waning, the state-building agenda put forth by the international administrations came to be seen as more exogenous, reinforcing the delegitimization process. This paper attempts to shed light on the specific issues of this governance scheme, while trying in turn to understand the limits of the orthodox conception of statebuilding. This paper will specifically address the influence of the Weberian approach to legitimacy on the statebuilding literature as well as its limits. It will also attempt to chart other possible avenues for statebuilding, more in line with a wider understanding of legitimacy and intervention.

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Introduction: The Need to Reassess the International Involvement in Kosovo

The unilateral declaration of independence of Kosovo in February 2008 is widely believed to be the starting point of a new chapter in Kosovo. Under pressure from the pro-independence Albanian majority, who wanted ‘a quick end to the UN mission which had been administering Kosovo for almost nine years’ (Harland 2010, p. 75), parts of the international community has started recognizing Kosovo as an independent state. In that regard, ‘the years of the UN protectorate looked as though they were giving way to those of something new: an EU protectorate, at least in those areas where Albanians lived’ (Judah 2008, p. 116). The United Nations Interim Administration Mission in Kosovo (UNMIK) has been reconfigured and a European Rule of law mission (EULEX) and an International Civilian Office (ICO) have been created. All eyes are turned now to the European Union as the next administrator of the region. In the midst of the unilateral declaration of independence by the Kosovar representatives in February 2008, it is good to remember that ‘the nature of Kosovo’s “independence” is itself conditional and power in the “state” continues to be exercised, in crucial respects, by foreign politicians and bureaucrats’ (Hehir 2009). As the Economist stated in 2008, ‘while Kosovo’s declaration of independence ends a chapter, its new ‘final status’ is likely to prove merely another chapter in the same book, not the longed-for beginning of a new volume.’

In that regard, it seems more relevant than ever to get a fresh look at the accomplishments and setbacks of UNMIK, notably to understand the challenges that the ICO will have to face in the next years. This contribution will focus specifically on the 1999 to 2004 period, starting with the setup of the international administration with Resolution 1244 and ending with the March 2004 events. Despite common knowledge, the turning point for UNMIK has not been the unilateral declaration of independence in February 2008. UNMIK’s role in the region has been drastically modified following the March 2004 events, which represented the most violent incidents taking place in the region following the 1999 war. Following the events, Kofi Annan dispatched the Norwegian Ambassador Kai Eide to conduct a ‘comprehensive review of the policies and practices of all actors in Kosovo.’ The first Eide report is clear in 2004: there should be an ambitious policy of transfer of authority to the institutions of Kosovo coupled with a restructuring of UNMIK. Eide further noted in a second report, in 2005, that ‘there will not be any good
moment for addressing Kosovo’s future status. It will continue to be a highly sensitive political issue. Nevertheless an overall assessment leads to the conclusion that the time has come to commence this process.’ The process will lead to the nomination of Maarti Ahtisaari as Special Envoy of the Secretary General on Kosovo’s future status, and subsequently to the failure in negotiations between parties and the unilateral declaration of independence from Kosovo.

Clarifying the international experience in Kosovo can bring valuable insights for other peace missions. The idea of direct governance by an outside organization of war-torn or ‘dysfunctional’ societies retains a pervasive influence in certain segments of the Academia or policy circles, despite the controversial experiences of Kosovo and Timor-Leste. While the Brahimi report threw a cold shade over tenants of international administration, there are still experts and policy makers pleading the case for new international administrations to be deployed in post-conflict contexts and exercising direct governance on behalf of the local population, notably in DRC or Haiti. As the King’s College review of peace operations also notes, the UN’s role in Kosovo ‘may have to be reassessed’ (Conflict Security and Development Group 2003, para. 53), while Mats Berdal and Richard Caplan note that “‘technical-administrative’ dimension of international administrations has already been explored at great length, whereas comparatively less attention has been given to the political challenges involved’ (Berdal and Caplan 2004, pp. 2-3).

Moreover, there is a further need to clarify the lessons learned from the international administration in Kosovo given the fact its legacy can be distorted and used in different ways to justify specific political agendas in international relations. For the American neoconservative Max Boot:

you might think that such imperialism is simply unacceptable today. But you would be only partially right. There have been a number of instances in recent years of imperialism-in-all-but-name. Bosnia and Kosovo--still wards of NATO and the European Union--are prominent examples of how successful such interventions can be in the right circumstances. The real difficulty with emulating these examples is not a lack of legitimacy. That can always be conferred by the United Nations or some other multilateral organization. Harder to overcome is a lack of will (Boot 2008).
However, for the no-less neoconservative Stephen Schwartz, the lesson drawn from the Kosovo experience is the exact opposite, stressing how the UN is perceived as illegitimate in its governance attempts: ‘Kosovar Albanians, a majority of whom are Muslims, lead the Islamic world in their enthusiasm for America. But they hate the United Nations and the European meddlers in whose hands their fate was largely left after NATO’s bombing ended. And Kosovar journalists are now warning Iraqis of the fate that might await them if the UN is entrusted with their country’s reconstruction’ (Schwartz 2003).

This article will review the Kosovar experiment, underlining the legitimacy crisis that was experienced by the UN between 1999 and 2004. Building on the special issue’s introduction, this article will explore the Weberian conceptions of statehood in the statebuilding literature, as well as the consequences of the Weberian’s focus on institutions on the debate surrounding the concept of legitimacy. If the UN has successfully contributed to the institutional reconstruction of the territory, including the capacity to ‘monopolize the legitimate use of physical force,’ the UN has had difficulty nurturing and fostering legitimacy of its daily governance of the territory. This article posits that this difficulty can be best understood in terms of a ‘legitimacy dilemma,’ where everything the administrators try to do tend to reinforce the delegitimation process. Mirroring the state-strength dilemma identified by Kalevi Holsti, this is a process that defies even well intentioned officials. Two specific arguments will be made in this regard. First, the article will take a closer look at the delegitimation process and the rise of the Vetevendosje! Movement as a force of contestation to the international architecture put in place in 1999. Second, the March 2004 events will be analyzed in details, demonstrating that other dynamics than the ethnic rivalries were at work in the events, notably the frustration over the delay in addressing the status question. Finally, the article will look briefly at the latest developments in the region, and other avenues for statebuilding in Kosovo. In that regard, this article will precisely address one of the main aims of this special issue as defined in the introduction, which is the need to understand ‘crucial mismatch between priorities and concerns of imported institutions, on the one hand, and the priorities and needs of everyday life, on the other.’
Weber, Statehood, and Statebuilding

As I have pointed out in a previous contribution, the Weberian approach to statehood is the starting point for a number of analyses on state collapse and state building (Lemay-Hebert 2009). Weber famously defines the state ‘as a human community that successfully claims the monopoly of the legitimate use of physical force within a given territory’ (Weber 1948b, p. 78). Following this definition, the state’s ability to provide security is the benchmark according to which each state can be judged. Besides security, other criteria also have to be taken into account, all related to the capabilities of the state to secure its grip on society. Scholars adopting what I dub the ‘institutional approach’ tend to focus on the administrative capability of the state and the ability of the state apparatus to affirm its authority over the society, thus echoing the historic process of state monopolization of power by the concentration of the means of administration in the hands of an absolute monarch.

The term ‘failed state’ came to prominence in the contemporary academic and policy discourse with the publication of Gerald Helman and Steven Ratner’s article who defined the failed state as ‘a situation where governmental structures are overwhelmed by circumstances’ (Helman and Ratner 1992-1993, p. 5). Of course, this does not mean that the state collapse phenomena only started to take shape after 1992-1993. Certain elements that are now subsumed into the larger category of collapsed states were present before this date, but their analysis was either obscured by the ideological veil cast upon the discipline of international relations at this time or by the failure of the political science discipline to take into account works in other disciplines, anthropology or sociology for instance. Thus, the end of the cold war ‘unveiled’ the true nature of many intrastate conflicts in a sense, and allowed scholars to start new reflections about their causes and consequences. In that context, Helman and Ratner’s article constituted one of the first attempts to cope with the ‘failed state’ phenomenon in a post-cold war world, an effort that coincided with the actual collapse of Somalia and the Socialist Federal Republic of Yugoslavia.

Not only Helman and Ratner’s work was pioneering, it was, and still is by many, considered authoritative. As Ralph Wilde pointed out, ‘Helman and Ratner’s article continues to enjoy
widespread currency as a way of denoting situations where the governmental infrastructure in a state has broken down to a considerable degree’ (Wilde 2002-2003, p. 425). Helman and Ratner’s institutional focus will be emulated by many scholars. For instance, Robert Rotberg has provided a clear definition of the state in his work, allowing him to put forward a precise notion of state collapse. For him, ‘nation-states exist to provide a decentralized method of delivering political (public) goods to persons living within designated parameters.’ He continues, asserting that ‘it is according to their performances—according to the levels of their effective delivery of the most crucial political goods—that strong states may be distinguished from weak ones, and weak states from failed or collapsed’ (Rotberg 2004, p. 2). For the author, public goods encompass the supply of security, a transparent and equitable political process, medical and health care, schools and education, railways, harbours, and even a beneficent fiscal and institutional context within which citizens can pursue personal entrepreneurial goals. Francis Fukuyama’s influential *State-building: governance and world order in the 21st Century* also provides a good and detailed example of the institutional approach to statebuilding. In order to understand what precisely a ‘weak state’ is, the author clarifies two concepts. He defines the *strength of state* as ‘the ability of states to plan and execute policies and to enforce laws cleanly and transparently—what is now commonly referred to as state or institutional capacity,’ and distinguishes it from the *scope of state*, ‘which refers to the different functions and goals taken on by government’ (Fukuyama 2004, 7). This distinction allows Fukuyama to differentiate a decrease in the scope of state institutions in the context of globalization from the more problematic aspect of weak state institutions. From this perspective, a weak state is a political entity that lacks the institutional capacity to implement and enforce policies; statebuilding is the creation of new government institutions and the strengthening of existing ones.

Demonstrating how this approach has had far-reaching impacts, even Boutros Boutros-Ghali defines state collapse as ‘the collapse of state institutions, especially the police and judiciary, with resulting paralysis of governance, a breakdown of law and order, and general banditry and chaos’ (Boutros-Ghali 1995, p. 9). For the United Kingdom’s Department for International Development (DFID), ‘fragile states’ ‘have governments that cannot or will not deliver core functions to the majority of its people’ (DFID 2005). Similarly, the Organization for Economic
Co-operation and Development (OECD) indicates that ‘states are fragile when state structures lack political will and/or capacity to provide the basic functions needed for poverty reduction, development and to safeguard the security and human rights of their populations’ (OECD 2007, para. 3), even if many OECD reports incorporate legitimacy aspects as constitutive of state strength in their analysis (OECD 2008).

**Weber, the Institutionalist Approach, and Legitimacy**

If (neo)Weberian approaches to statehood and statebuilding have profoundly influenced the literature on the subject, the same could be said of the Weberian legacy regarding legitimacy. If Weber is rightly regarded as one of the most influential thinkers in social science, his contribution regarding the concept of legitimacy has been deemed highly controversial. For David Beetham, ‘on the subject of legitimacy, his influence has been an almost unqualified disaster’ (Beetham 1991, p. 8). However, according to Beetham and others, the main mistake is not Weber’s, but that of those social scientists who have reduced the explanation of beliefs to the processes and agencies of their dissemination and internalization (Beetham 1991, p. 10; Hobson and Seabrooke 2001). Nevertheless, Weber conceives legitimacy as a necessary condition and a means for a government to exercise authority over society. This could be done either by charismatic, traditional or rational-legal principles, to take up the three well-known ideal types presented by Weber (Weber 1947, p. 130). In that sense, legitimacy principles are in fact principles of legitimization of the central authority. For Weber, the claim of legitimacy serves a bid for a justification of support, and its success consists not in fulfilling normative conditions but in being believed. He defines legitimacy as ‘the prestige of being considered exemplary or binding’ (Weber 1962, p. 72). To a certain extent, Weber’s definition of legitimacy goes back to his own definition of politics: ‘we wish to understand by politics only the leadership, or the influencing of the leadership, of a political association, hence today, of a state’ (Weber 1948a, p. 77). Thus, it could be argued that Weber’s conception of politics, and political legitimacy, is closely linked to his own conception of the state.
Weber’s definition of legitimacy led Hanna Pitkin to argue that ‘Weber’s definition is essentially equivalent to defining “legitimate” as “the condition of being considered legitimate,”’ and the corresponding “normative” definition comes out as “deserving to be considered legitimate”’ (Pitkin 1972, p. 281). It is also on that ground that Peter Blau states that Weber ‘takes the existence of legitimate authority for granted and never systematically examine the structural conditions under which it emerges out of other forms of power,’ while Carl Friedrich posits that Weber’s analysis ‘assumes that any system of government is necessarily legitimate’ (Blau 1970, p. 149; Friedrich 1963, p. 186).

Weber’s conception of legitimacy has been quite influential, leading many social scientists in the twentieth century to follow the Weberian definition of legitimacy as belief in legitimacy. For instance, Seymour Lipset defines legitimacy of a political system as its capacity ‘to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society’ (Lipset 1959, p. 86). Richard Merelman considers legitimacy as ‘a quality attributed to a regime by a population. That quality is the outcome of the government’s capacity to engender legitimacy’ (Merelman 1966, p. 548). Charles Tilly is also resolutely Weberian when he states that ‘legitimacy depends rather little on abstract principle or assent of the governed. (…) Legitimacy is the probability that other authorities will act to confirm the decisions of a given authority’ (Tilly 1985, p. 171). Accordingly, scholars following the institutional approach to statebuilding, under the influence of Weber’s pioneering work, tend to treat legitimacy either as a mere consequence of functioning institutions or as a process of legitimization. This naturally stems from the Weberian approach of legitimacy. As Robert Grafstein states, ‘Weber virtually identifies legitimacy with stable and effective political power, reducing it to a routine submission to authority’ (Grafstein 1981, p. 456). Hence, we will analyze each aspect separately while addressing recent developments in the literature of statebuilding.

Robert Rotberg’s work is certainly a good example of the tendency to reduce legitimacy to a consequence of ‘stable and effective political power.’ Mentioning legitimacy only as consequence of good delivery of public goods, he argues that public goods ‘give content to the
social contract between ruler and ruled’ (Rotberg 2004, pp. 2-3). The author notes that ‘there is no failed state without disharmonies between communities,’ but considers these ‘disharmonies’ as consequences of the failure of state institutions (Rotberg 2003, p. 4). Hence, legitimacy in that regard is treated as a natural by-product of successful state institutions. Once again, it all comes back to the definition of the state that one adopts. The author mentions that ‘a nation-state also fails when it loses legitimacy, that is, when its nominal borders become irrelevant and autonomous control passes to groups within the national territory of the state, or sometimes even across its international borders’ (Rotberg 2003, p. 9). The Weberian conception of the state cannot be more emphasized in that regard. The other tendency, ‘reducing legitimacy to a routine submission to authority,’ is encompassed in Francis Fukuyama’s work for instance, with the specific emphasis the author puts on democracy as a legitimizing factor for the institutionalization process in a weak state. According to him, the only viable and durable source of legitimacy in today’s world is liberal democracy (Fukuyama 1989, p. 3; Fukuyama 2004, p. 26).

Hence, one can argue that insisting on the political concept of legitimacy allows us to concentrate our attention on the state and society as distinct in terms of ‘actors’ though not necessarily autonomous institutions and activities. As Alexander Wendt stated, ‘(…) it seems impossible to define the state apart from “society.” States and societies seem to be conceptually interdependent in the same way that masters and slaves are, or teachers and students; the nature of each is a function of its relation to the other’ (Wendt 1999, p. 199). In that regard, it appears crucial to understand state and society in their mutually constitutive relationship, where legitimacy conditions state strength and is, at the same time, an element of state strength. As Beetham stated, ‘a given power relationship is not legitimate because people believe in its legitimacy, but because it can be justified in terms of their beliefs’ (Beetham 1991, p. 11).

The overwhelming influence of the Weberian approach in the statebuilding literature will lead to a certain bias in international interventions, best summarized as the ‘more is better’ approach, where the more intrusive the intervention is, the more successful the outcome would be. The
institutional focus will lead interveners to believe they can proceed with statebuilding activities without entering in the realm of nation-building (Lemay-Hébert 2009). Additionally, the mental conception the interveners have of a territory and its institutions will impact the actual intervention and the means used by the international community to address statebuilding challenges (Lemay-Hébert 2011). As it will be seen in the next sections, the approach used by the international community in Kosovo will carry in its own architecture the ferment of the delegitimation process.

**Everyday Legitimacy and Legitimacy Dilemma in Kosovo**

Following the NATO Operation *Allied Force* that expelled the Federal Republic of Yugoslavia’s forces out of Kosovo, the United Nations Security Council passed Resolution 1244 of 10 June 1999. The resolution established an international civil and security presence to administer Kosovo, UNMIK and the NATO-led Kosovo Force respectively. UNMIK’s mandate as stipulated in Resolution 1244 was threefold: to establish a functioning interim civil administration, to promote the establishment of substantial autonomy and self-government, and finally to facilitate a political process to determine Kosovo’s future status. One innovative feature of the mandate was the concentration of powers to the SRSG, who, as the legal head of state of Kosovo, enjoys ‘virtually unlimited powers’ (Mertus 2003, p. 28). He was given the responsibility to assure the coherence of the whole mission and to facilitate the political process designed to determine Kosovo's future status. Hence, not only was he empowered to assume full interim administrative responsibility over the territory of Kosovo, he was also given a central political role in settling the conflict. The civilian mandate was at first to ‘oversee and, where necessary, conduct a number of civil affairs functions, such as the civil service and economic and budgetary affairs, as well as support the restoration and provision in the short run of basic public services, such as public health, education, utilities, transport and telecommunications.’ However, the SRSG subsequently interpreted extensively its own mandate. As Marcus Brand recalled: “basic civilian administrative functions” became to mean that *all* administrative functions (as basic as they may be under the given circumstances), are exercised by UNMIK alone’ (Brand 2003, p. 9). The SRSG competencies will be defined by the Constitutional Framework for Provisional Self-
Government in 2001. Despite the transfer of competencies in certain fields, the SRSG retained oversight of most competencies, which will lead to public clashes with local institutions.

Strictly speaking, there is no separation of power in the framework of the international administration of Kosovo. The ‘executive, legislative, and judicial authority are vested in a single individual (the transitional administrator), whose decisions cannot be challenged by the local population, whose actions are not always transparent, and who cannot be removed from power by the community in whose interests he or she exercises authority ostensibly’ (Caplan 2005, p. 196). In practice, not only is he not accountable to the local population, but he enjoys a certain degree of autonomy from the UN structure as well. Bernard Kouchner, who acted as SRSG from July 1999 to January 2001, helped establish the autonomy of the position by reinforcing its own guard of political advisers and sidelining the UN’s Department of Political Affairs (O’Neill 2002, p. 41). While the SRSG potential role in the Kosovar political process was huge, the expectations of Kosovars were no less. The fact that UNMIK was ‘exercising the sovereign prerogatives of a state’ and ‘functioning exactly like a government’ (Blair 2002, pp. 10-40) had specific repercussions on the legitimacy of the intervention. Placed in the situation of a de facto government of Kosovo, the international administration had to face the same requirements that any legitimate government has. The international administration had the hard task to convince the local population of the legitimate character of its rule.

UNMIK’s institutional legacy has been significant. The UN has notably succeeded in establishing a modicum of stability in the months following the 1999 war. It contributed to the creation of the Kosovo Police Service and the development of the justice system. Major violence crimes decreased throughout the first three years of the UN administration. In 2002, 245 people were murdered. By 2002, this number was reduced to 68. Over this same period, the rate of attempted murder dropped 48 per cent; kidnapping, 44 per cent; attempted kidnapping, 41 per cent; robbery, 25 per cent; and arson, 9 per cent (Jones et al. 2005, p. 49-50). Furthermore, in the first two years, UNMIK had made substantial strides in creating a set of economic policy institutions in Kosovo.
It was even considered the best managed of the US post-Cold War ventures in nation-building (Dobbins et al. 2003, p. 126).

However, the institutional output of the mission between 1999 and 2004 has not been sufficient to establish its credibility in the eyes of the population. One interesting feature in Kosovo is the presence of an Early Warning System, conducted by USAID, UNDP, and RIINVEST, a local think tank. In that regard, one cannot fail to notice the failure of UNMIK to secure popular legitimacy among Kosovars from all communities. From the highpoint of 63.8 per cent satisfaction with UNMIK’s performance during the period of September–October 2002, UNMIK’s ratings have steadily decreased to 20.7 per cent between January and April 2004 and now stand at 22.2 per cent according to the latest polls (UNDP and USAID 2010, p. 5). Indeed, if the international military campaign rode on a wave of popular sentiment (King and Mason 2006, p. 79), and if during the initial months of the intervention UNMIK was able to justify and legitimize its presence to a certain extent, with its honeymoon over, UNMIK had a hard time convincing the local population of the legitimate character of its rule and administration.

One central dynamic confronting international administrations is what I dub the legitimacy dilemma. Mirroring the state-strength dilemma identified by the political scientist Kalevi Holsti (Holsti 1996, 117), I argue that everything that international administrators do to reinforce their rule in actuality perpetuates their weakness. Their legitimacy waning, the state-building agenda comes to be seen as progressively more exogenous, reinforcing the delegitimization process. For Holsti, the weak state, ‘in its attempt to find strength, adopts predatory and kleptocratic practices or plays upon and exacerbates social tensions between the myriads of communities that make up the society. Everything it does to become a strong state actually perpetuates its weakness.’ Furthermore, like Holsti’s state-strength dilemma, the legitimacy dilemma defies even well-intentioned and honest leaders.
Albin Kurti’s route of resistance tells a lot about the legitimacy dilemma facing international administration. Probably the biggest non-violent resistance movement to the international administration in Kosovo right now, Vetevendosje! started as a movement against the occupation of Serbia in Kosovo in 1997. The Kosovo Action Network (KAN), as it was known at this time, campaigned for clarifying the fate of missing persons in Kosovo and organized petitions and non-violent student protests. Albin Kurti, who was a student leader and one of the leaders of the movement, acquired national fame by being a political prisoner in Milošević’s jails. He was released on December 2000, and his fame was increased by the stark contrast it created with the image of Ibrahim Rugova shaking hands with Milosević on 15 May 1999. However, after 1999, the movement started to be marginalized in Kosovo and was looking for a new vocation. Quickly enough, the movement turned to oppose the ‘anti-democratic regime of UNMIK.’ The movement officially morphed in 2004. In what they consider the conceptual genesis of their movement, they read, in front of UNMIK buildings and precisely on the fifth anniversary of the Resolution 1244, a ‘Citizen’s Declaration’ and promised to struggle against the illegitimate regime of UNMIK. For Kurti, UNMIK and Serbia are two sides of the same coin and one aspect of domination cannot be distinguished from the other. One is external (Serbia), the other is internal (UNMIK), but they closely resemble each other. For him, the problem was not a couple of rotten apples in the barrel, but was systemic proportionate to the authority wielded by internationals. ‘Absolute power isolates from power,’ Kurti added, loosely quoting from Hannah Arendt.

This evolution, which embodies the legitimacy dilemma aforementioned, was not good news for the UN administration, which started to fight the movement, even with dubious methods. They have notably incarcerated Albin Kurti following a demonstration in 2007. Albin Kurti was notably arrested on 10 February 2007, after he led a demonstration against Ahtisaari’s proposals for the final status of Kosovo, which he considers as a plan to retain a hold over the territory. These charges included ‘participating in a crowd committing a criminal offence,’ and ‘participating in a group obstructing official persons [police]’ - although no other participant in the demonstration was so charged. He was also indicted for ‘calling [people] to resistance;’ again, no other member of the organizing group has been similarly charged. Furthermore, Kurti’s arrest was condemned by a number of international NGOs, notably Amnesty International which called
it a ‘politically-motivated prosecution.’ Howard Clark, director of the pacifist movement ‘War Resisters’ International’ concurs, stating that ‘the prosecution of Albin Kurti is a politically motivated attempt to harass and discredit one of the most outspoken and persistent critics of the international administration of Kosovo and the movement Vetëvendosje (Self-Determination) which he helped found’ (Clark 2008). As reported by Krenar Gashi, ‘while many in Kosovo may disagree with Kurti’s actions, most people believe that he is being held isolated to prevent him from carrying on with his political activities while the status issue awaits its resolution’ (Gashi 2007).

In effect, it is hard to precisely assess the support enjoyed by the Vetevendosje! movement in the Kosovar-Albanian community. The general attendance to political rallies conducted by the self-determination movement has been generally low, the biggest crowd being the one at the February 2007 demonstration, which attracted 2,000 to 3,000 demonstrators. The movement claims to have a network of 10,000 followers, among its sixteen branches in Kosovo (Karpat 2006). However, apart from the direct involvement in the movement’s actions, a more general sense of the support for the movement can be found by a careful study of the Early Warning Reports. The Early Warning System has included questions regarding Vetevendosje!’s support in the Kosovar-Albanian community from the fourteenth edition (July-September 2006) until the seventeenth edition (April-June 2007). However, quite interestingly, these questions, after being included in the annexes of the fourteenth edition, were included in the ‘public and personal security’ chapter rather than the political chapter in the fifteenth to seventeenth editions. Moreover, the overall support was not assessed, only the support by region or by education. It is hard to derive any consistent information from these figures, given the shaky nature of demography statistics in Kosovo. Moreover, quite tellingly, until the January-March 2007 edition, the reports included a quite tendentious question concerning the relationship between the feeling of security and the support expressed to Vetevendosje! The Early Warning System evacuated altogether references to Vetevendosje! after the April-June 2007 edition, the last time the support to the student movement was assessed. However, the fourteenth edition provides an idea of the overall support expressed to the student movement, with 64.4 per cent of the Kosovar Albanian respondents supporting “to a certain extent” or more the movement. The results of the movement in the latest
2010 national elections, which finished third with a surprising 12.2 per cent of the vote, is a clear indication that the movement is not a marginal force in Kosovo.

March events: Extent of the Discontent in Kosovo

If the year 2004 saw the birth of a bona fide movement of contestation to UNMIK’s rule, it was also the year of the largest violent incident since the 1999 Kosovo War. It took a dramatic event, the March 2004 riots, where Serbian communities and cultural sites were attacked, to make UN officials realize the extent of the political discontent in Kosovo. It has to be recalled that the year 2004 was the low-point of popular satisfaction with UNMIK management of Kosovo and all indicators showed alarming trends for the UN. As noted by the Early Warning System team, ‘optimistic assessments of international and domestic actors regarding the progress achieved and the absence of security threats did not correspond with the indicators that showed an increase of the dissatisfaction of Kosovo citizens. Previous public opinion polls, carried out within the EWS project have anticipated aggravating trends in many areas that indicated the possibility of destabilization.’ Among the worrying trends, the authors noted that support for UNMIK and the SRSG has been plunging: ‘During the period November 2002 – March 2004, satisfaction with the performance of UNMIK and the SRSG decreased by about 40%, satisfaction for the Assembly decreased by about 10% and for the Government of Kosovo by some 5%’ (UNDP, USAID and RIINVEST 2004, pp. 1-2).

The common explanation was nevertheless that the same old divisions were at work and UNMIK was just a spectator in this disaster. The Independent ran the following headlines on 19 March 2004: ‘Kosovo has been a model of nation-building, we cannot now allow it to disintegrate,’ while Gabriel Partos of the BBC referred to ‘the worst inter-ethnic clash in four years’ without mentioning acts against the UN on 17 March 2004. The Guardian also blamed ‘the deep and intense hatred between 2 million ethnic Albanians and fewer than 100,000 Serbs,’ on 19 March. However partially true, this simplistic explanation brushes aside other aspects of these events.
In the midst of the events, 19 persons died and 954 were injured. Many Serb houses and churches were burnt, leaving irreparable damage to relations between the two communities. The events are generally believed to have been triggered by the death of three Albanian children by drowning in the Ibar River near the Serb community of Zubin Potok. The story spread by word of mouth that the children were chased by Serbs before their death, which sparked Albanian attacks on Serb enclaves. Though the circumstances of that incident have not been established clearly, the incident precipitated spontaneous Albanian demonstrations. The demonstrations were quickly taken over by ‘organized elements,’ and intense fighting erupted between the two communities while the violence quickly spread to other cities. UNMIK estimates that 51,000 people were involved in 33 riots. The March violence forced out the entire Serb population from dozens of locations and affected Roma and Ashkali communities.

For the majority of observers, the events indicated that long-standing grievances on all sides were ready to erupt into violence. However, another point is generally overshadowed, which is that the reactions between the Serb and Albanian community reflected deep frustrations with the international administration. In fact, if generally described as a purely inter-ethnic confrontation between Albanians and Serbs, the events were certainly more complex than that, involving UNMIK’s governance in the process. As Nexhmedin Spahiu, political analyst and Director of Radio and TV Mitrovica, asserts:

‘the fact that violence in Kosova is being considered as interethnic violence by the international media and the United Nations Security Council is just a result of successful disguise of the real problems of Kosova by UNMIK. (…) the attacks of Kosova Albanians against Serbs are a result of the conflict between the majority population in Kosova and UNMIK’ (Spahiu 2004, p. 124)

Though there was clearly an interethnic aspect of the violence that erupted in 2004, it cannot be disputed that UNMIK was targeted by Albanian mobs. As King and Mason recalled, Albanian mobs during the events ‘turned their collective fury on their international overlords, throwing rocks at UN buildings, burning UN flags and destroying more than 100 of the administration’s ubiquitous white Toyota 4Runner 4x4s’ (King and Mason 2006, p. 6). Hence, during the events, ‘Kosovo’s international institutions—including UNMIK and KFOR—were themselves under
attack and needed protection, drawing resources away from protection of minorities’ (Human Rights Watch 2004, p. 26). A UN high-level report leaked to the press even mentioned that ‘many [of international officials interviewed] believe that UNMIK and K-FOR would have collapsed had the riots gone on for another day or two. The mission was already on the point of overstaying its welcome’ (Jennings 2004).

Moreover, there were prior signs of tensions between the international community and the Albanian extremists. Faton Klinaku, head of the ‘war associations,’ said told a crowd in Pristina on the 16th of March: ‘the neo-colonialists called UNMIK are supporting organized crime and are continuing the same politics applied by Serbia’ (Human Rights Watch 2004, p. 18). Some violent incidents were recorded in Prizren, where a group of demonstrators stoned UNMIK regional headquarters. Also, a homemade explosive device containing five kilos of TNT was planted near UNMIK headquarters just ahead of a visit by Jean-Marie Guehenno, Under-Secretary-General for Peacekeeping Operations, on 6 March 2004. According to Ben Lovelock, this event ‘turned out to be a harbinger of what was to come’ (Lovelock 2005, p. 146).

In a rare show of unity, the majority of the citizens of Kosovo in a July 2004 poll, regardless of their respective community (Serb, Albanian or ‘other’), placed responsibility for the situation and crisis in March 2004 within UNMIK. 73.5 per cent of Kosovar Albanians, 58.4 per cent of Kosovar Serbs, and 58.3 per cent of other minority groups hold this opinion (UNDP, USAID and RIINVEST 2004, 6). This is probably the most troubling aspect of the March events for the international administration. Despite NATO’s KFOR mandate to provide hard security, that organization managed to avoid blame in the public eye for the international failure to provide local security so evident in March 2004. In fact, NATO approval ratings have steadily hovered around 80 per cent, even during the March crisis, making it one of the most respected political entities in Kosovo. Hence, if, for Kosovars of all communities, ‘the main responsibility lies with KFOR and UNMIK, as they have to guarantee freedom and security for all the citizens of Kosovo,’ as the editorial team from Koha Ditore put it in 2004, it seems that only UNMIK paid the price in terms of popular perception.
Of course, the PISG has its share of blame for the events, as the local media, and the critics against UNMIK are most certainly exaggerated, as claimed by Deputy International Administrator Charles Brayshaw, but this is to a certain extent beside the point. What is really crucial here is to understand how UNMIK came to be perceived as the actor bearing the responsibility for the crisis and political situation, while the PISG and KFOR managed to avoid most of the blame. This goes back directly to the legitimacy dilemma and the limits of weberian approaches to statebuilding. While some commentators claim that the issue was that there was not enough troops in Kosovo to assure the protection of minorities (Murphy 2007, p. 197), other elements seem important to understand in order to avoid similar events in the future. For Krenar Gashi, Kosovo editor of the Balkan Investigative Reporting Network (BIRN), UNMIK’s ratings have been falling and led to violent confrontations not because ‘people hate internationals, but because they hate absolute control,’ hence echoing unconsciously the remarks of Albin Kurti reported earlier and the legitimacy dilemma. In the context of direct governance, UNMIK has been unable to generate sufficient legitimacy to justify its rule on the territory, setting the table for being targeted as an exogenous presence. In that regard, Veton Surroi predicted more violence if there is no change in the way the international community runs the territory: ‘the international community woke up in March, but I don’t think it’s out of bed yet.’

Conclusion

The main argument of this contribution is that statebuilding should not be understood simply as institutional reconstruction. The Neo-Weberian logics of statebuilding can place interveners in a difficult situation when time comes to legitimate the international agenda. The setup of an international administration with executive, legislative and judicial powers put the international officials in a difficult conundrum. We have dubbed it the ‘legitimacy dilemma:’ everything the interveners do to reinforce their legitimacy perpetuates their weakness. The state-building agenda comes to be seen as progressively more exogenous, further reinforcing the delegitimization process. It is important to reinforce the argument that it is a structural dynamic, as stressed by some opponents to the international administration. The SRSG Bernard Kouchner, in his farewell speech in 2001, urged his successor, Hans Haekkerup, to share responsibility with the local
population or risk the backlash inevitable to any colonial rule. ‘I tell him not to lose your time in setting up a better administration,’ said Kouchner, ‘help them here to set one up. Don’t play the game of an eternal mandate.’ If the political situation in Kosovo following 1999 required an international presence, other statebuilding avenues were possible back then. In order to provide an alternative to direct governance by UNMIK, the Independent International Commission on Kosovo proposed in 2001 what it called ‘conditional independence,’ which is ‘quite distinct from limited self-rule under UNMIK.’ The proposal was to allow Kosovo to control the whole range of powers reserved to the SRSG, but under conditions that would ensure stability in the region: explicit renunciation of any changes of borders, a constitutional guarantee of human rights for all citizens, the renunciation of violence in settling internal or external disputes, and a commitment to regional cooperation (Independent International Commission on Kosovo 2001, p. 25-27). As noted by Kreilkamp, ‘it suggests that there are potential alternatives to the hard-line approach that has been adopted by the Security Council’ (Kreilkamp 2002, p. 652).

According to an internal UNMIK document, one of the lessons learned from the experience of the UN administration of Kosovo is that ‘the Mission demonstrated a lack of cultural sensitivity and an insufficient understanding of the dynamics of the society, in terms both of power structures and of negotiations.’ Hence, ‘cultural sensitivity and understanding of local society must be the guiding principles for policy planning and implementation’ for future civil administration missions. Certainly, cultural sensitivity, along with robust accountability mechanisms and a greater local ownership of the process, can help the mission garner a certain degree of legitimacy. However, as Simon Chesterman notes, ‘political structures created for foreign control (benevolent or not) tend to be unsuited to local rule. The reason for this, in part, is that the “limited goals” of foreign control (benevolent or not) are generally determined with limited regard to local circumstances’ (Chesterman 2004, p. 237). In Kosovo, the progressive handover of supervision competencies to the European Union and to the newly created International Civilian Office gave the chance for internationals to reflect on the international experiment so far. Torbjorn Sohlstrom, Head of International Civilian Office Preparation Team, stated in 2007 that the new international presence ‘will have a very different relationship with the authorities of Kosovo.’ He further emphasized that ‘the international community will no longer
seek to govern Kosovo. People often suggest that the ICO will be the successor of UNMIK. That is not the intention’ (Sohlstrom 2007, p. 50). In that regard, only time will tell us whether European and ICO officials will be more successful than their predecessors in Kosovo.

References


Dobbins, J. et al., 2003. America’s Role in Nation-Building: From Germany to Iraq. Santa Monica: RAND.


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\(^1\) Interview with Albin Kurti, Head of the Movement Vetevendosje!, 15 July 2007, Pristina, Kosovo.

\(^2\) For instance, Hannah Arendt exposes in The Origins of Totalitarianism how power became the essence of political action and the center of political thought when it was separated from the political community which it should serve.

\(^3\) A UN official claimed that the violence was planned, saying that ‘nothing in Kosovo happens spontaneously’ (Robinson 2004). However, there is no actual proof that these events were planned prior to March 2004. Solana’s analysis seems more accurate: ‘it may have been a moment of spontaneity, but (…) a lot of people (were) organized to take advantage of that moment of spontaneity’ (Ames 2004).

\(^4\) The “war associations” include KLA’s war veterans, KLA invalids, and the families of the missing.

\(^5\) Interview with Krenar Gashi, Kosovo editor of BIRN, 10 July 2007, Pristina.