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REBUILDING KOSOVO: COOPERATION OR COMPETITION BETWEEN THE EU AND NATO?

Dr. Oya Dursun-Ozkanca
Department of Political Science
Elizabethtown College

ABSTRACT

Civil wars and humanitarian contingencies are a common fact of life in many societies. In the post-cold war era, bringing an end to intrastate conflicts and building a long-lasting peace have become important policy agenda items of the international community. However, the knowledge about how international and regional organizations cooperate with one another in post-conflict reconstruction is very limited. Increasingly, the study of security must confront the question of how international organizations such as the United Nations (UN), the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE), and the North Atlantic Treaty Association (NATO) can best learn to effectively deal with post-conflict situations.

This paper contributes to the international security and organizations literature through an examination of international community's post-conflict reconstruction activities in Kosovo. The need to come up with a comprehensive analysis of the factors that make the difference between successful peace-building and failure is not merely theoretical. Post-conflict reconstruction in Kosovo has wide-ranging implications on European and international security.

After the failure of the negotiations to settle its future status, Kosovo has made headlines through its unilateral declaration of independence from Serbia on February 17, 2008. The response from the international community will be a litmus test for determining the success of international organizations in producing enduring peace in post-conflict zones. Consequently, this article conducts a case study of the division of labor between UN, NATO, OSCE and EU as well as the effectiveness of cooperation between them in rebuilding Kosovo and attracts attention to the importance of effective division of labor between international institutions in the field. It presents the results of a comparative analysis of the institutional responses of each organization to the situation in Kosovo conducted through an analysis of official documents of these missions. It finally addresses the following question: What can be done to improve the effectiveness of comprehensive and multi-dimensional peace-building activities by international and regional organizations? The findings of this research have profound implications on other post-conflict reconstruction cases, such as Bosnia-Herzegovina, Iraq, and Afghanistan, as well as on the future of NATO-ESDP relations.

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INTRODUCTION

Civil wars and humanitarian contingencies are a common fact of life in many societies. In the post-cold war era, bringing an end to intrastate conflicts and building a long-lasting peace have become priority items on the agenda of the international actors. In 1992, United Nations Secretary-General Boutros Boutros-Ghali's *Agenda for Peace* laid the foundations for the concept of post-conflict peace-building to engage in "comprehensive efforts to identify and support structures which will tend to consolidate peace and advance a sense of confidence and well-being among people."¹

We are at a crossroads as regards the future of international peace and security and transatlantic relations. Despite works of few diligent scholars, the academic community provides a little contribution to theoretically rich and empirically grounded understanding of international collaboration on post-conflict reconstruction. European, transatlantic, and global security architectures are constantly evolving to successfully respond to new demands and challenges; international organizations are adjusting their policies to changing security contexts. However, the scholarly knowledge about how international and regional organizations cooperate with or compete against one another in post-conflict reconstruction is still very limited.

Increasingly, the study of security must confront the question of how international agencies such as the United Nations (UN), the European Union (EU), the Organization for Security and Co-operation in Europe (OSCE), and the North Atlantic Treaty Association (NATO) can tango without stepping on toes of each other; in other words, how they can best learn to effectively deal with post-conflict situations and avoid duplication of efforts and

¹ Boutros Boutros-Ghali, *An Agenda for Peace*, Report of the Secretary-General pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January 1992, 17 June 1992, <http://www.un.org/Docs/SG/agpeace.html>

overlapping missions. The need to come up with a comprehensive analysis of the factors that make the difference between successful peace-building and failure is not merely theoretical. Post-conflict reconstruction in Kosovo has wide-ranging implications on the European and global security.

On February 17 2008, Kosovo has *unilaterally* declared independence. In April 2008, Kosovo Assembly adopted a new constitution, which came into force on June 15 2008. Kosovo authorities have started to assert control over an increasing number of state institutions and functions. The response from the international community in Kosovo will be a litmus test for determining the success of international organizations in producing enduring peace in post-conflict zones. Greater insight into international cooperation in the Balkans reconstruction process will have significant implications for a theoretical understanding of the conditions under which enduring peace is established.

Consequently, this research contributes to the literature on European and transatlantic security frameworks through a systematic examination of the division of labor between UN, NATO, OSCE and EU as well as the effectiveness of cooperation between them in rebuilding Kosovo. It spans the literature on institutions, bureaucratic competition, organizational learning, and post-conflict reconstruction to build a theory of institutional cooperation on peace-building that fosters theoretical debate and holds policy relevance. It conducts a comparative case study analysis of the institutional responses of each organization to the situation in Kosovo.

The findings of this research have important implications for understanding the prospects for lasting security and democratic transition in post-conflict cases such as Iraq,

Afghanistan and Bosnia-Herzegovina. The analysis in this article will shed light on the future of the European Security and Defense Policy (ESDP), NATO, OSCE and the UN.

The Puzzle: Division of Labor between International Organizations in Peace-building

The international organizations shoulder a key responsibility in post-conflict peace-building. This is also true for the reconstruction process in Kosovo which started in 1999. The reconstruction efforts in Kosovo by the UN, EU, NATO, and OSCE follow the spirit of Chapter VIII of the UN Charter, which asks for active involvement of regional organizations in maintaining international peace and security.² Moreover, the UN Resolution 1244 (1999) asks the EU and other international organizations “to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crisis.”³

The peace-building operation in Kosovo is often characterized as an “integrated operation” that involves multiple international actors working together in the process of peace-building.⁴ Partnerships between different organizations are increasingly becoming the norm in peace-building activities.⁵ As the *Annual Review of Global Peace Operations* (2008) concludes, there is a trend towards a growing complexity of peace operations conducted with broad civilian mandates and under the operational aegis of two or more organizations, which is proving difficult to manage.⁶

In an integrated operation, the division of labor between international actors becomes a vital issue. As such, a central aspect of post-conflict rebuilding is the challenge to

² UN Charter, Chapter VIII: Regional Arrangements, <http://www.un.org/aboutun/charter/chapter8.shtml>

³ UN Security Council Resolution 1244 (1999), <http://www.unmikonline.org/misc/N9917289.pdf>

⁴ Annual Review of Global Peace Operations 2008 (New York University: Center on International Cooperation), Briefing, <http://www.cic.nyu.edu/internationalsecurity/docs/Final2008briefingreport.pdf>

⁵ The peace operations in Bosnia, Afghanistan, Haiti, Liberia, Democratic Republic of Congo, and Timor Leste Iraq are all inter-institutional and integrated operations.

⁶ Annual Review of Global Peace Operations 2008 (New York University: Center on International Cooperation), Briefing <http://www.cic.nyu.edu/internationalsecurity/docs/Final2008briefingreport.pdf>

develop mechanisms of international governance capable of promoting sustained and coherent efforts to maintain stability and security. Despite the fact that integrated operations are becoming more prevalent in reconstruction processes throughout the world, there is no sufficient amount of scholarly attention on international organizations' cooperation in peace-building operations. Consequently, the study of international security must confront the question of how international organizations such as the UN, EU, NATO, and OSCE can best learn to effectively deal with post-conflict reconstruction.

The current research represents a novel contribution to International Relations by filling in a significant vacuum in the literature on post-conflict reconstruction. It addresses the following questions: What is the division of labor between the different international actors involved in building the peace in Kosovo, namely UN, NATO, EU, and OSCE? How effective and efficient is the inter-institutional cooperation in building peace, stability, and a just society in post-war Kosovo? What can be done to improve the effectiveness of comprehensive peace-building activities by international and regional organizations? In the remainder of this paper, I describe the research method employed in this study, present my results, and discuss the policy relevance of my findings.

A CASE STUDY OF INTERNATIONAL COLLABORATION ON PEACE-BUILDING IN KOSOVO

Post-conflict peace-building is the multi-dimensional process of reconstructing the political, social, and economic dimensions of a post-conflict society. It includes addressing the root causes of the conflict and restoring political, economic and social infrastructure in a society to establish governance, the rule of law as well as social and economic justice. Peace-building requires building stronger state institutions, encouraging broader political

participation, undertaking land reform, deepening civil society, and respecting ethnic identities.⁷

The complex nature of challenges in a post-conflict zone requires an effective cooperation among the institutions involved in building the peace. Otherwise, the involvement of multiple international institutions can be disconcerted and dysfunctional; and, reconstruction may eventually backfire.

Since 1999, Kosovo has been the spotlight of four international/ regional agencies – UN, OSCE, NATO and the EU. Security and stability in Southeastern Europe is vital for all of these institutions. Accordingly, all four of these organizations conducted or still are conducting their largest ever field operations in Kosovo. These international actors all share similar principles and values, as well as important responsibilities in conflict prevention, crisis management and post-conflict rehabilitation, the promotion of democracy and human rights and institution building.

This section conducts an in-depth qualitative analysis of how these different international/ regional institutions collaborate with or compete against one another in helping Kosovo get back on its feet. It analyzes the official documents of four different missions that are actively involved in building the peace in post-conflict Kosovo. It seeks to pursue answers to the following questions: Do these actors cooperate with or compete against one another in Kosovo? What can be done to improve the effectiveness of comprehensive peace-building activities by these important international/regional actors? I expand my research on organizational learning. The response from the UN, EU, NATO, and OSCE is a litmus test for determining the success of these key international actors in

⁷ Doyle and Sambanis (2000).

producing enduring peace in post-conflict zones, and will reveal if they are compatible with one another under the European and transatlantic security architecture.

Accordingly, the following section compares and contrasts the goals of the UN, NATO, EU, and the OSCE missions in Kosovo and analyzes the organizational learning and evolution of their respective operations. It examines how these different organizations fare in recognizing emerging threats, diagnosing security problems, and responding to these challenges in Kosovo.

UN Mission in Kosovo

Since the end of the military operation in 1999, the United Nations Interim Administration Mission in Kosovo (UNMIK) has *de facto* administered Kosovo. As authorized by the UN Security Council (UNSC) Resolution 1244, UNMIK was established on June 10 1999 with an extensive and unprecedented mandate both in scope and structural complexity. UNMIK's broad mandate included establishing a transitional civilian administration, promoting the establishment of substantial autonomy and self-government in Kosovo, supporting the reconstruction of infrastructure, maintaining civil law and order, promoting human rights, and ensuring safe return of refugees and displaced persons to their homes.⁸

UNMIK was also assigned the authority to coordinate the humanitarian relief and reconstruction efforts of all international agencies. In other words, UNMIK was responsible for the division of labor among the international agencies that operate in Kosovo. To accomplish this mission smoothly, a Special Representative of the Secretary General (SRSG) was appointed as the head of the UNMIK mission.

⁸ S/RES/1244, *Resolution on the Establishment of UNMIK and KFOR*, 10 June 1999.

UNMIK originally had four pillars: Civil Administration, Humanitarian Assistance, Democratization and Institution-Building, and Reconstruction and Economic Development. A Deputy Special Representative (DSR) was appointed for each of these four pillars.

UNMIK was responsible with managing the first pillar – Civil Administration. Originally, the second pillar, Humanitarian Assistance was under the responsibility of UNHCR. The original second pillar of the operation aimed at assisting the successful return of refugees to Kosovo. Once that mission was accomplished to a great extent, the Humanitarian Assistance pillar was phased out in May 2001 and was replaced by the Police and Justice pillar. This new second pillar of the operation is under the direct control of the UN.

From the beginning of the operation, OSCE was in charge of the Democratization and Institution-Building pillar, and the EU was responsible for the Reconstruction and Economic Development pillar. Additionally, NATO was responsible for providing military protection in Kosovo.

In 2000 and 2002, municipal elections were held for Kosovo's Provisional Institutions of Self-Government (PISG), to which UNMIK progressively transferred executive and administrative responsibilities. PISG involved an Assembly, a President, a Government, and Courts. This constituted the fourth phase of the implementation of the UNSC 1244, which is the phase before the final and the fifth phase – the resolution of the status of the Kosovo. Consequently, UNMIK moved back from an executive role to monitoring and support role. However, Serbs in Kosovo boycotted the 2000 elections and only 20% of Serbs participated in the 2002 elections.⁹

⁹ Baskin (2004).

Moreover, UNMIK followed a policy of “standards before status”, designed to achieve some progress in meeting various internal benchmarks before the internationally divisive issue of status would be addressed. Starting in April 2002, UNMIK established the “Standards for Kosovo” on eight fields that were seen as priorities for the established Kosovo institutions. The eight fields were: functioning democratic institutions, rule of law, freedom of movement, sustainable returns and the rights of communities and their members, economy, property rights (including cultural heritage), Pristina-Belgrade dialogue, and Kosovo Protection Corps (KPC). The purpose of the standards was to create a more tolerant multi-ethnic society, improve levels of public sector performance, and promote good governance.¹⁰

Within these eight fields, 109 goals were identified and presented to the Security Council in December 2003 in the “Standards for Kosovo” document. This document in turn was implemented through the Kosovo Standards Implementation Plan (KSIP), finalized in March 2004. The SRSG reports regularly to the UN Security Council and provides a “technical assessment” on the implementation of the “Standards for Kosovo.”

In 2006, UNMIK underwent a significant modification and its pillar structure was largely abandoned, with only the OSCE and EU structures remaining.¹¹ Since its foundation, UNMIK created a multinational police force and a judicial system. In addition to setting up a functioning civil administration including police, creating a democratic political atmosphere respectful human rights, repatriating over one million refugees and reconstructing the infrastructure and the economic life of Kosovo, it was UNMIK’s crucial task to facilitate a political process leading to a definite status of the then Serbian province.

¹⁰ UNMIK, *Kosovo Standards Implementation Plan*, www.unmikonline.org/pub/misc/ksip_eng.pdf (2004).

¹¹ Scheye (2008).

From February to September 2006, Martti Ahtisaari's office (UNOSEK) engaged the negotiating teams of Kosovo and Serbia in several rounds of direct talks in Vienna and mounted a number of expert missions to both capitals. However, all these efforts have proven to be largely fruitless.

The unilateral declaration of independence by Kosovo on February 17, 2008 has made things more complicated. After the declaration of independence, now EULEX has taken over the Police and Justice and Civil Administration pillars from UNMIK. UNMIK no longer has the extensive executive and political powers it once exercised. The lack of a UN Security Council resolution has handicapped the International Civilian Office (ICO) which was meant to be the pre-eminent international organization in Kosovo following independence.¹²

EULEX Mission

The European Union Planning Team for Kosovo (EUPT) was established in April 2006 to “prepare for a possible future EU crisis management operation in the field of rule of law and other areas such as the fight against corruption and organized crime, strengthening of multi-ethnic institutions in Kosovo.” Since 2006, EUPT has conducted preparatory work for taking over essential equipment from the UN. In June 2007, European Union Presidency reported that “cooperation with all relevant international stakeholders in Kosovo was undertaken both on the ground and in Brussels.”¹³ Despite the fact that the EU Presidency announced that the ESDP mission and UNMIK made “technical arrangements” on their

¹² International Crisis Group, “Kosovo’s Independence,” February 2009.

¹³ Presidency Report on ESDP, 18 June 2007.

future cooperation on the ground, there were significant delays in the launching of the EULEX.

The European Council of December 2007 and February 2008 stated the EU's readiness to assist Kosovo's economic and political development through a clear European perspective. The EU summit in December 2007 agreed in principle on the deployment of a rule of law mission, however, a planned discussion by EU foreign ministers on its details, scheduled for January 2008, did not take place.¹⁴

The European Union Rule of Law Mission in Kosovo (EULEX) was finally launched by the EU Council on 16 February 2008 after months of delay. EU announced in February 2008 that after a four-month period, EULEX would be ready for full deployment by mid-June 2008. Nevertheless, EULEX reached its initial operational capability only on December 9, 2008. The initial mandate of EULEX is for two years, but the mission is foreseen to be terminated when the Kosovo authorities gain enough experience to "guarantee that all members of society benefit from the rule of law."¹⁵

Since UNMIK's mandate recognizes its territorial integrity, Serbia opposed the EULEX mission and insisted on the continued existence of UNMIK. In response to Serbian anxieties, EULEX declared itself as "status-neutral." Despite the success in deploying EULEX throughout Kosovo, the Serb-inhabited north remains outside the control of the Kosovo government.¹⁶

EULEX has a significant symbolic importance for the EU. It represents a new step for the European Union to present itself as an important security actor in world politics. It is

¹⁴ Krenare Maloku and Labinot Lutolli, EU Calls Kosovo Mission EULEX, February 1, 2008, www.speroforum.com.

¹⁵ <http://www.consilium.europa.eu/showPage.aspx?id=1463&lang=en>

¹⁶ International Crisis Group, "Kosovo's Independence," February 2009.

the largest civilian mission that is ever conducted under the auspices of the European Security and Defense Policy (ESDP). EU's performance in Kosovo will be a test for the success or failure of ESDP and Common Foreign and Security Policy (CFSP). The Union had previously failed to respond to the crisis in 1999, and asked for NATO's help to stop ethnic cleansing. With EULEX, the EU is signaling its determination to take over post-crisis management in Kosovo. The performance of EULEX will have significant implications on the prospects of cooperation or competition between the EU and NATO.

The central aim of EULEX is to assist and support the Kosovo authorities in the rule of law area, specifically in the police, judiciary and customs areas. It also aims to investigate and prosecute war crimes cases, and trace missing people. It is not only operational in parts of Kosovo that are heavily populated by Kosovar Albanians, but also in the Serb-inhabited north. It has a budget of EUR 250 Million.

The EULEX mission continuously underlines that it respects the "local ownership" principle. It declares its goal to be assisting the Kosovo institutions, judicial authorities, and law enforcement agencies in developing and strengthening an independent multi-ethnic justice system, police force and customs service.¹⁷ The key priorities of the EULEX mission are to address immediate concerns regarding protection of minority communities, corruption and the fight against organized crime. EULEX adopts a "Programmatic Approach," to enhance its accountability and to measure its success statistically.¹⁸

EU High Representative for Common Foreign and Security Policy Javier Solana announced on 27 October 2008 that he expected EULEX to be fully deployed in December

¹⁷ EULEX Mission website, http://www.eulex-kosovo.eu/home/docs/JointActionEULEX_EN.pdf

¹⁸ The EULEX Programmatic Approach, <http://www.eulex-kosovo.eu/strategy/EULEX%20Programmatic%20Approach.pdf>

2008. Up until recently, there were still some delays in full deployment of EULEX throughout Kosovo.

The initial objective was for EULEX to take over from UNMIK. Following strong opposition from Serbia, the EU and the UN started using the term “reconfiguration” of UNMIK, rather than “replacement” of UNMIK by the EU.

In June 2008, Solana made the following announcement:

“I welcome the report by the United Nations Secretary General (UNSG), Ban Ki-moon, on UNMIK and his intention to reconfigure the international civilian presence in Kosovo... Reconfiguration of the civilian presence will allow for the EULEX mission, in the framework of the UNSC 1244, to intensify its deployment and to move towards assuming its operational functions.”¹⁹

In July 2008, Solana declared that UNMIK will remain in charge in Kosovo until EULEX becomes functional. He continued that “with UNMIK real progress has been made on the ground. We are grateful to the UN in assisting EULEX. With NATO complementarity is a defining feature in the Kosovo theatre: While KFOR will remain responsible for providing a safe and secure environment in Kosovo, the EU has a key role to play by contributing to the reinforcement of the Rule of Law.”²⁰

In August 2008, UNMIK and EULEX signed a memorandum transferring responsibilities from UNMIK to EULEX in the areas of justice, police and customs. But the Serbs opposed to the establishment of EULEX. Consequently, EULEX did not completely “replace” UNMIK but rather support, mentor, monitor and advise the local authorities while exercising executive responsibilities in specific areas of competence.

¹⁹ Javier SOLANA, EU High Representative for the CFSP, on UN reconfiguration of the civilian presence in Kosovo, 21 June 2008, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/esdp/101372.pdf.

²⁰ Javier Solana, EU High Representative for the Common Foreign and Security Policy before the meeting of international organizations active on the ground in Kosovo (EU, NATO, UN, OSCE), Palais d’Egmont, Brussels, 18 July 2008 http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/esdp/101884.pdf.

UN and Belgrade negotiated a six-point plan to reconfigure UNMIK. The Kosovo government rejected the plan since it saw it as incompatible with the country's sovereignty. "While EULEX's deployment was accepted by Belgrade and Prishtina, they did so on very different terms. For Prishtina, EULEX is deployed under its original March 2008 mandate, in line with the Ahtisaari plan, and in accordance with the Kosovo constitution. For Belgrade, EULEX is status-neutral, is not to implement Ahtisaari, and is deployed under UN auspices, on the basis of the UN Secretary-General's statement adopted by the UN Security Council on 26 November, including the six-point plan. Thus EULEX's mission is highly delicate, and it is treading very carefully, especially in the north."²¹

The EULEX mission was expected to reach full deployment by the end of winter 2009. However, there are still some delays in EULEX's full operational capacity. Ultimately, EULEX is expected to have 1900 international and 1100 local staff deployed Kosovo wide and working under the general framework of UNSC Resolution 1244.

In November 2008, UN Secretary-General Ban Ki-moon proposed a "six-point plan" regarding the issues of reconfiguration and EULEX deployment. While officials in Belgrade accepted the proposals, the Kosovar Albanian leadership rejected the plans. According to the plan, police, customs officers and judges in the Serb-run areas in the north of Kosovo would be under UNMIK, while their Albanian counterparts would work with EULEX. But Pristina said that would violate its constitution and amounted to a *de facto* partition of the new state. The situation quickly degenerated, with thousands of angry Kosovars demonstrating in central Pristina.²²

²¹ International Crisis Group, "Kosovo's Independence," February 2009.

²² "Ethnic Albanians now oppose EU Kosovo mission", 25 November 2008, Euractiv.com.

At the end of November 2008, the UN Security Council meeting decided in favor of EULEX deployment throughout Kosovo. EULEX reaffirmed its respect for UNSC Resolution 1244 and announced that it will operate under the general authority and within the “status-neutral” framework of the UN. The EU pledged to be “in a position to assume rapidly its responsibilities Kosovo-wide in cooperation with the relevant authorities and the other international organizations present on the ground.”²³

In addition to most EU members, EULEX has Croatia, Turkey, the US, Norway, and Switzerland also contributing to the mission. The US announced its decision to join the EULEX on October 2008. It is the first time the US is participating in an ESDP mission. The US will provide 80 police officers and up to eight judges and prosecutors in EULEX.²⁴ It is worth noting that the operation is not conducted under the NATO framework, but instead under the EU. This might be explained by the desire of the EU TO signal to the rest of the world that it can operate independently of NATO.

The humanitarian crisis in Kosovo in 1998-1999 demonstrated the underlying weaknesses in EU’s crisis management capabilities. EU’s failure in Kosovo was a wakeup call for the Union. Since then, the EU aimed at improving its military capabilities. This has initially posed a strain on the NATO-EU relations.

EU supports the European perspective of the Western Balkans. It has huge leverage on the situation in Kosovo. Both Kosovo and Serbia want to be a part of a European future. As such, the carrot of EU membership gives the EU a significant leverage in reconstructing Kosovo and ameliorating the relations between Serbia and Kosovo.

²³ Declaration by the Presidency on Behalf of the European Union on the Deployment of EULEX, 2 December 2008, http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/cfsp/104374.pdf.

²⁴ “EU Kosovo Mission Finally on Track as US Joins”, 28 October 2008, www.Euractiv.com.

Kosovo already started to participate in the Stabilization and Association Process with the EU. However, the EU does not have a common position on the recognition of Kosovo, and left it up to individual member states to decide. There are still five EU Member States that did not officially recognize Kosovo's independence.²⁵ The lack of single voice from the EU on Kosovo's status is posing a challenge to the credibility of the EULEX operation in Kosovo in the eyes of the local population. That adds another complication to the current situation on the ground.

OSCE Mission in Kosovo

OSCE highlights norms of international behavior and internal political standards. Like the EU, OSCE too works in the crisis-management field. It deploys observers or mediators, and addresses minority rights issues and cross-border ethnic tensions in Europe.

Since the start of the UNMIK, the OSCE leads Pillar III – Democratization and Institution Building, under the operational framework of UNMIK. It has been responsible for institution- and democracy-building and establishing human rights and rule of law in Kosovo. It helps in promoting peace, security and stability in the regional context, in particular by its broad range of activities in the area of conflict rehabilitation.

The OSCE cooperates closely with the UN under Chapter VIII of the UN Charter.²⁶ Since the adoption of UNSC Resolution 1244, the OSCE Mission in Kosovo has been responsible for supervising the progress of democratization, the creation of institutions, and the protection of human rights. In 1999, OSCE established the judicial system in Kosovo and monitored it to ensure compliance with international human rights standards. OSCE

²⁵ Cyprus, Greece, Slovakia, Spain, and Romania did not recognize Kosovo's independence.

²⁶ UNMIK Factsheet 2008, http://www.unmikononline.org/docs/2008/Fact_Sheet_July_2008.pdf, p. 1.

analyses and reports on issues related to human rights and rule of law in Kosovo.²⁷ Reports have covered topics such as access to justice, parallel structures, the implementation of Kosovo Assembly laws, and a needs assessment on alternative dispute resolution. In 1999, the OSCE began its efforts to help develop the media through establishment of the public service broadcaster, Radio Television Kosovo (RTK).

Since 2001, OSCE has organized and supervised four elections in Kosovo. Elections are still a reserved responsibility of UNMIK which have been delegated to the OSCE. This requires the Mission to pro-actively monitor the preparation and conduct of elections and intervene as necessary to prevent or remedy any potential misconduct or deviation from electoral rules. OSCE has helped to create local election institutions – the Central Election Commission (CEC) and its Secretariat (CECS), and over the last four years, OSCE has been building their capacity to run elections independently.

Both EULEX and OSCE Mission in Kosovo are dealing with the rule of law dimension. For instance in December 2008, OSCE supported an information campaign to report human traffickers in Kosovo.²⁸ It also established “Community Centers” to promote democracy in Kosovo.²⁹

OSCE is an important partner for the EU. The interest of the EU and OSCE is “based on the commonality of interests and objectives, and a considerable overlap between the agendas of the two organizations.”³⁰ All EU Member States are also OSCE participating States, providing approximately 70% of the OSCE budget, a large share of the extra-budgetary contributions, as well as some 80% of the personnel seconded to the OSCE.

²⁷ UNMIK Factsheet 2008, http://www.unmikononline.org/docs/2008/Fact_Sheet_July_2008.pdf, p. 12.

²⁸ OSCE website, OSCE helps report human traffickers in Kosovo, Nikola Gaon, 5 December 2008, <http://www.osce.org/item/35554.html>.

²⁹ OSCE website, Supporting democracy in Kosovo, 10 July 2001 <http://www.osce.org/item/49.html>.

³⁰ http://www.delvie.ec.europa.eu/en/eu_osce/overview.htm.

However, as Biscop (2008) maintains, the EU often seems to ignore the OSCE, “developing its own policies and capabilities and deploying missions in areas where the OSCE has been active for a long time.” International organizations should be able to exchange information about their organizational learning and implement the lessons drawn from each others’ field experiences.

The OSCE’s interaction with other organizations and institutions is based on the *Platform for Cooperative Security* document that was adopted at the 1999 Istanbul Summit of OSCE. The organization recognizes the need “to remain flexible in order to be able to cooperate with different organizations as their capabilities and focus may change over time, with developments in perceptions of threat and organizational capacities.”³¹

Since 2003, the bilateral relations between the EU and OSCE have improved. EU and OSCE collectively took the decision that coordination between the two organizations should be based on the “principle of avoiding duplication and identifying comparative advantages and added value, leading to effective complementarity.”³² To achieve that the 2003 *Draft Council Conclusions on EU - OSCE Cooperation in Conflict Prevention, Crisis Management and Post-conflict Rehabilitation* recommended “exchange of information and analyses, co-operation on fact finding missions, co-ordination of diplomatic activity and statements, including consultations between special representatives, training and in-field co-ordination.” It also suggested that there might be “joint and/or coordinated programs on post-conflict rehabilitation”.

³¹ The OSCE Strategy to Address Threats to Security and Stability in the 21st Century, http://www.osce.org/documents/mcs/2003/12/4175_en.pdf, p. 9.

³² Draft Council Conclusions on EU - OSCE Cooperation in Conflict Prevention, Crisis Management and Post-conflict Rehabilitation (2003), <http://register.consilium.europa.eu/pdf/en/03/st14/st14527-re01.en03.pdf>.

Cooperation between NATO and the OSCE takes place both at the political and operations level. Since the *Platform for Cooperative Security* document was adopted, experts from both NATO and the OSCE meet regularly to discuss operational and political issues of common interest. In 1996, NATO and the OSCE developed a joint action program in Bosnia-Herzegovina. From January 1998 to March 1999, OSCE conducted a Kosovo Verification Mission to monitor compliance on the ground with the cease-fire agreement. NATO conducted a parallel aerial surveillance mission.”³³

NATO, EU, and OSCE all work in the area of police training. The OSCE was made responsible for training the new police service that would uphold human rights and democratic policing principles. OSCE created the Kosovo Police Service School institution that over the last two years evolved into the Kosovo Centre for Public Safety Education and Development. Even though it gradually handed over responsibility for training and the Centre’s management, OSCE still supports the delivery of human rights and advanced training programs. Additionally, through legal system and security sector monitoring, OSCE provides a comprehensive overview of human rights accountability in the justice and police sectors.³⁴ This demonstrates a duplication of efforts by OSCE Mission in Kosovo and EULEX.

Another area of intersection between KFOR, EULEX, and the OSCE Mission in Kosovo is that OSCE helps the police develop a partnership with the public and carry out community-policing activities. It provides specialized courses and supports public outreach activities. It also helps create a more secure environment in municipalities by assisting the development and work of municipal community safety councils and local public safety

³³NATO-OSCE: What does the co-operation mean in practice?

<http://www.nato-otan.org/issues/nato-osce/practice.html>

³⁴The OSCE Website, <http://www.osce.org/kosovo/13216.html>

committees, which address public concerns, particularly those of minority groups.³⁵

KFOR Mission

NATO adjusted itself to the requirements of the new era, and embraced post-conflict reconstruction and stabilization as one of its new goals in the aftermath of the Cold War. In the Riga and Bucharest Summits, NATO has embraced a “Comprehensive Approach to NATO operations” to improve its stabilization and reconstruction capabilities in post-conflict zones by combining military capabilities with civilian ones. While EU is enhancing its independent military capabilities, NATO is enhancing its civilian reconstruction capabilities. This is causing a potential strain on the NATO-EU relationship.

Under UNSC Resolution 1244, NATO’s Kosovo Force (KFOR) has been responsible for establishing and maintaining security in Kosovo since 1999. This June will mark the 10th anniversary of NATO’s presence in Kosovo, the longest mission in the history of the Alliance.

NATO’s role in stabilization and reconstruction has developed out of necessity and has been refined in practice. The responsibilities and the composition of the KFOR mission have changed within the past 10 years. The mission of KFOR was to establish and maintain security in Kosovo, monitor and enforce compliance with the conditions of the Military Technical Agreement and the UCK.³⁶ KFOR started as a 50,000 peacekeeping force, now it only has 16,000 on the ground.

At the end of the conflict in 1999, international organizations other than NATO were not in place in sufficient force. In this power vacuum, KFOR “had no choice but to perform

³⁵ *Ibid.*

³⁶ Kosovo Force, Official Website, <http://www.nato.int/kfor/kfor/objectives.htm>.

a number of civilian tasks, from policing duties to running electricity plants.”³⁷ These were then gradually transferred to either UNMIK or Kosovar authorities, although KFOR continues to support them as necessary. KFOR was and still continues to be responsible to provide a safe environment for the work of the international community in Kosovo.

It still provides assistance in the field of defense reforms, external defense, protection of enclaves and religious sites, and assists the police services in the event that the latter are unable to adequately respond to internal security challenges.

On 12 June 2008, NATO agreed to start implementing its new tasks in Kosovo, i.e. assist in the standing down of the Kosovo Protection Corps (KPC) and in the establishment of the Kosovo Security Force (KSF), as well as the civilian structure to oversee the KSF. These tasks are implemented in close coordination and consultation with the relevant local and international authorities.³⁸

NATO will have executive authority over the KPC and supervise its dissolution. The KPC was conceived as a transitional post-conflict arrangement, under the responsibility of the UNMIK. Its mandate was to provide disaster response services, perform search and rescue, provide a capacity for humanitarian assistance in isolated areas, assist de-mining and contribute to rebuilding infrastructure and communities. The KPC will cease its operational activities at the end of 2008, and will formally be dissolved by 15 June 2009.

Those KPC members who will not be recruited into the KSF will be resettled, reintegrated or retired with dignity. A resettlement program will be funded by a NATO Trust Fund and implemented by UNDP. The KSF will have primary responsibility for

³⁷ Stabilization and Reconstruction: a New Growth area for NATO?, *Perceptions* No. 5, p. 9. http://www.nato.int/issues/cep/cep_newsletter_05e.pdf.

³⁸ NATO’s Role in Kosovo, <http://www.nato.int/issues/kosovo/index.html>.

security tasks that are not appropriate for the police. KFOR's aim is for it to reach initial operational capability by mid-September 2009.

More recently, in February 2009, KFOR has launched "Kosovo Development Zones" concept. The idea is to "move a little bit further in providing a stable and secure environment focusing in the areas where more than one ethnicity is living alongside the other".³⁹ This is another example of the newly-acquired civilian peace-building capabilities of NATO.

There is a considerable amount of overlap between the responsibilities of EULEX and KFOR. However, EULEX Kosovo also has some executive powers in the broader field of rule of law, in particular to investigate and prosecute serious and sensitive crimes.

There are some attempts to distinguish the responsibilities of both organizations in Kosovo. Explaining a combined force exercise held on February 3, 2009, Lieutenant Colonel Manfred Hofer states that "[s]hould the security situation be such as to overwhelm the capabilities of the Kosovo Police, the security forces of EU (EULEX) stand ready to assist. When employment of the Kosovo Police and EULEX proves to be insufficient, [KFOR] stands ready to provide additional help."⁴⁰

Just like the EU, NATO has a huge leverage on the ground in Kosovo. It is perceived to be positive among the local population. NATO has the *Partnership for Peace Program*, the *Membership Action Plan* with the Western Balkan countries. Just like it is the case with the EU, the carrot of NATO membership can be used to improve the situation in post-war Kosovo and to speed up the military and civilian reform processes in Kosovo.

³⁹ Allied Command Operations Blog, <http://acositrep.com/2009/02/03/com-kfor-launches-the-development-zone/>

⁴⁰ *KFOR Chronicle*, 2nd Edition, February 28, 2009, http://www.nato.int/kfor/chronicle/2009/chronicle_02/chronicle_02.pdf

ANALYSIS OF INTER-ORGANIZATIONAL COOPERATION

Inter-institutional arrangements, ranging from sequential deployments to fully integrated “hybrid” operations, were a major feature of the peace operation landscape in 2007 and are likely to continue for some time to come.⁴¹ Stabilization and reconstruction is inextricably linked to security, governance, law and order. After a detailed survey of each organization’s peace-building operation in Kosovo, the paper now proceeds with an analysis of the cooperation and competition between these organizations on the ground.

The UN, EU, NATO, and OSCE in Kosovo all share the same objective: to support and assist the Kosovo authorities in developing a stable, viable, peaceful and multi-ethnic society in Kosovo, cooperating peacefully with its neighbors. Moreover, as demonstrated in the previous section, there is considerable overlap between the missions of UN, EU, OSCE and NATO on the ground, which leads to bureaucratic competition between these international organizations as well as to incoherent peace-building efforts.

As NATO Secretary General Jaap de Hoop Scheffer admits, “when one looks at how diverse and complex the challenges to our security have become today, it is astounding how narrow the bandwidth of cooperation between NATO and the [European] Union has remained.”⁴²

The *European Security Strategy* (ESS) document adopted by the EU in 2003 offers “effective multilateralism” as a remedy to deal with the challenges of contemporary times.

The Report on the Implementation of the European Security Strategy (2008) confirms that

⁴¹ Annual Review of Global Peace Operations (2008),
<http://www.cic.nyu.edu/internationalsecurity/docs/Final2008briefingreport.pdf>

⁴² Jaap de Hoop Scheffer, 2007

“[reconstruction] is most successful when done in partnership with the international community and local stakeholders.”⁴³

The international or regional organizations are large international bureaucracies. Applying Weber’s theory on bureaucracies to international politics, this paper holds that even though international organizations make the international system and reconstruction efforts more efficient, the cooperation between international organizations on peace-building is far from being ideal. Like all bureaucracies, international institutions fight for resources and increased power. Even Solana, EU High Representative of CFSP, admits that “The EU and NATO are fishing from the same pool of resources in terms of personnel and capabilities.”⁴⁴

Even the EU’s 2008 *Report on the Implementation of the European Security Strategy* admits that formal relations between the EU and NATO in the Balkans and in Afghanistan “have not advanced,” and that this “strategic partnership” should be strengthened “in service of our shared security interests, with better operational co-operation, in full respect of the decision-making autonomy of each organization, and continued work on military capabilities.”⁴⁵

All of organizations that are analyzed in this paper agree that there is an urgent need for the countries in the Western Balkans region to focus more on strengthening the rule of law and the judicial system, and combating organized crime, corruption, illegal migration and human trafficking, as well as building robust police force.⁴⁶ At the same time, each of

⁴³ *Report on the Implementation of the European Security Strategy – Providing Security in a Changing World* (2008), p. 8.

⁴⁴ Javier Solana, EU High Representative for the Common Foreign and Security Policy, Speech, 7 July 2008, Paris.

⁴⁵ *Report on the Implementation of the European Security Strategy - Providing Security in a Changing World*, Brussels, 11 December 2008, p. 11.

⁴⁶ “Concerted Approach for the Western Balkans” <http://www.nato.int/docu/pr/2003/p03-089e.htm>

these institutions is motivated by survival instincts. That is to say, all of them are willing to prove that they are still relevant in a post-cold war world. This creates further competition and rivalry between these organizations. For instance, Dean (1999) argues that NATO and OSCE compete with one another on the ground in Kosovo.⁴⁷

Furthermore, UN, NATO, EU and OSCE all learn through their experiences in the field. They adjust their organizational structures and their rules of conduct accordingly. They learn how best to interact with one another. This learning process may take some time.

However, there is some hope for increased coordination in the realm of peace-building operations. In December 2005, the UN Peacebuilding Commission is established to “advise and propose integrated strategies for post-conflict recovery”. The Peacebuilding Commission plays a unique role “in bringing together the relevant actors, including international donors, the international financial institutions, national governments, troop contributing countries; marshalling resources and advising on and proposing integrated strategies for post-conflict peacebuilding and recovery and where appropriate, highlighting any gaps that threaten to undermine peace.” To Support the UN Peacebuilding Commission, UN also established a Peacebuilding Fund and the Peacebuilding Support Office.⁴⁸

Moreover, UN Secretary-General Ban Ki-Moon initiated a reform of the UN Department of Peacekeeping Operations (DPKO). DPKO’s division for field support and logistics was established as a self-standing Department of Field Support (DFS). A total of 287 posts were added to the total staff complement of the DPKO and DFS. Finally, the post of Military Advisor in DPKO was upgraded, and a new pillar was added to the Department

⁴⁷ Jonathan Dean, “OSCE and NATO: Complementary or Competitive Security Providers for Europe?”, <http://www.core-hamburg.de/documents/yearbook/english/99/Dean.pdf>.

⁴⁸ UN Peacebuilding Commission Website, www.un.org/peace/peacebuilding.

comprising Rule of Law and Police Operations.⁴⁹ “The UN Secretary-General has directed DPKO to chair a high-level Integration Steering Group, which regularly brings together the main UN partners involved in integrated missions to ensure [the UN] build[s] complementary and efficient methods for implementing integrated mandates.”⁵⁰

The direction NATO is taking since the end of the Cold War is worth noting. NATO pays attention to the significance of coordinated joint civil military planning. This could involve participation of civilian stabilization experts in military planning for operations. “[G]iven that the lead for stabilization operations will nearly always be civilian, deployable and trained civilian expertise will be required.”⁵¹

The “Comprehensive Political Guidance” concept that is endorsed at the NATO Summit in Riga in 2006 lists stabilization and reconstruction among those areas where the NATO needs to prioritize in order to better deal with new security challenges. Stabilization and reconstruction were also recognized as pillars of NATO’s comprehensive approach endorsed at the Bucharest Summit in April 2008, which aims at effective co-ordination within NATO, and between NATO and other actors in order to complement and mutually reinforce each other’s efforts to achieve common goals. However, NATO’s incorporation of a Comprehensive Approach led to “mission creep” criticism against NATO’s aspirations to become deeply involved in civilian capabilities reconstruction missions.

To avoid competition, there should be more centralized efforts to coordinate reconstruction operations. However, so far, we have only seen *bilateral* agreements between these institutions for encouraging collaboration between them. For instance, in August and

⁴⁹ Annual Review of Global Peace Operations (2008),
<http://www.cic.nyu.edu/internationalsecurity/docs/Final2008briefingreport.pdf>

⁵⁰ Comments from a UN official, February 27, 2009.

⁵¹ Martin Howard, NATO Assistant Secretary General for Operations, Perceptions Newsletter, No. 5, July 2008, http://www.nato.int/issues/cep/cep_newsletter_05e.pdf

September 2005, UN and NATO signed a UN-NATO Framework Agreement in order to facilitate the cooperation on the ground in Kosovo and Afghanistan. More recently, in September 2008, UN and NATO signed a joint UN-NATO declaration. NATO and the UN acknowledged the need for closer cooperation between them. NATO's Secretary General now reports regularly to the UN Secretary General on progress in NATO-led operations.⁵²

On February 12, 2009, OSCE and KFOR collaborated on a project aiming at addressing the issues of fire prevention and fire protection to children attending primary schools in Kosovo.⁵³

The EU's capabilities and willingness to intervene in crises under UN mandate have increased over time. In 2003, EU and the UN agreed to take "further practical steps...to build on the momentum of the positive co-operation between the United Nations and the European Union." They agreed to establish a "joint consultative mechanism at the working level to examine ways and means to enhance mutual co-ordination and compatibility in planning, training, communication, and best practices."⁵⁴ The EU has a "multifaceted" relationship with the UN, and sees the UN "as a standard bearer, as a political process, as well as being an institution which is [the EU's] privileged partner in normative, technical and operational work in development, humanitarian aid, crisis management and in many other fields."⁵⁵

The relationship between the NATO and the EU is slightly more organized. In NATO's Washington Summit in 2000, Madeline Albright suggested the transatlantic

⁵² <http://www.nato.int/issues/un/practice.html>.

⁵³ "KFOR and OSCE Creates Awareness for Fire Safety Measures at Primary Schools," *KFOR Press Release*, <http://www.nato.int/kfor/docu/inside/2009/02/i090212a.htm>

⁵⁴ *Joint Declaration on UN-EU Co-operation in Crisis Management*, New York, September 24, 2003, http://www.europa-eu-un.org/articles/en/article_2768_en.htm

⁵⁵ UN-EC Partnership Report (2007), <http://www.europa-eu-un.org/documents/en/UN-EC-partnership-report.pdf>

alliance to follow the principles, aka the 3Ds – no duplication, no decoupling of forces, and no discrimination against the non-EU European members of NATO. NATO and the EU signed the Berlin Plus Agreement in December 2002. It became active in March 2003. Since then, in Bosnia, in Former Yugoslav Republic of Macedonia, NATO and EU cooperated closely. In 2003, the EU and NATO announced the Concerted Approach for the Western Balkans document, in which they agreed to continue to meet regularly at all levels and work together in conflict prevention and peace-building. They both acknowledged the significance of local ownership.⁵⁶

“UN largely succeeded in restoring basic justice, safety and security to Kosovo. The UN also laid down many of the essential institutional parameters upon which justice and security could be delivered by Kosovar actors. Regarding the second phase of peace operations, the development of indigenous/national justice and security service delivery, the UN has been less successful.... [T]he Kosovo experience seems to have been more akin to an almost colonial imposition rather than assisting local justice and security development or, at the very least, engaging in active consultation with national actors...”⁵⁷

KFOR and EULEX have carried out their first joint exercise in Kosovo in January 2009. The scenario of the exercise involved EULEX calling in for KFOR support during a violent demonstration. In case of disturbances in Kosovo, the first line to deal with the situation is the Kosovo Police. They can be supported by EULEX Special Police units and, if the situation deteriorates, then KFOR will be brought in as a third line.⁵⁸

⁵⁶ “Concerted Approach for the Western Balkans”, <http://www.nato.int/docu/pr/2003/p03-089e.htm>.

⁵⁷ Scheye (2008).

⁵⁸ “‘Great Co-ordination’ in First Joint KFOR-EULEX Exercise,” 17 January 2009.

McNamara (2008) maintains that the EU has been a weak partner in comparison to NATO in Kosovo. She continues by arguing that even when EULEX is fully dispatched, KFOR will ensure its security.⁵⁹

There are a number of additional factors that impede the effectiveness of these operations. There are still EU and NATO member states that have not yet internationally recognized the Republic of Kosovo. This puts some functional restraints on operations conducted by these two international actors.

Despite the fact that EU, NATO, and OSCE all offer a European future to Kosovo, each international institution has a different comparative advantage. Each organization should use their specific comparative advantage in an integrated peace-building operation. For instance, NATO should only conduct military operations, without meddling into the domains of more civilian-oriented organizations. At the same time, EU should constrain its aspirations to establish an independent ESDP.

POLICY RECOMMENDATIONS

The findings of this research have important implications for understanding the institutional development of ESDP, CFSP and NATO. They are also vital for creating long-lasting security and democratic transition in Kosovo and other post-conflict cases, such as Iraq, Afghanistan and Bosnia-Herzegovina.

This comparative case study of the institutional responses of each organization to reconstructing Kosovo and their organizational learning processes reveals significant policy suggestions to the transatlantic as well as the broader international community. Successful

⁵⁹ Sally McNamara, “Shaping the NATO—EU Relationship: What the U.S. Must Do”, October 8, 2008, http://www.heritage.org/research/europe/bg2195.cfm#_ftnref11.

peace-building operations require the continued commitment from international or regional organizations. The legitimacy of an international peace-building effort increases with the international representativeness of such an operation.⁶⁰ In compliance with the UN Charter Chapter VIII, EU, NATO and OSCE each should use the advantage of regional organizations in providing peace and stability in Kosovo.

NATO is trying to find a new *raison d'être* for proving its relevance in the post-cold war world. For that purpose, through the Comprehensive Approach concept, it is trying to improve civil-military coordination within NATO. Instead of improving its civilian post-conflict reconstruction skills, it should engage in more productive relationship with OSCE and the EU, which are better equipped with civilian tools.

Real life crisis situations may require us to use any available means to provide a quick and effective solution to problems and to think creatively in preparing for humanitarian contingencies. NATO's role should be limited to filling temporary gaps and supporting other international actors until they are fully able to perform their tasks.

NATO should not make a broader contribution drawing on capabilities such as engineering and medical support, as well as non-military capabilities such as civil emergency planning. These are sensitive domains, touching on the responsibilities of other organizations involved in international peace-building. This leads to turf battles between these different institutions. It is essential for each institution to make sure that they are not infringing upon others' mandates.

One of the biggest mistakes of UNMIK and peacebuilding efforts by other actors was their deficiency in including Kosovars in the reconstruction process. All of these institutions emphasize the importance of "local ownership", however, in practice, they lack

⁶⁰ Harland (2004) and Knoll (2007).

accountability and transparency. Furthermore, these organizations should develop a mechanism for common strategic planning on a case-by-case basis.

There should be more regular formal and ***multilateral*** meetings between NATO, EU, OSCE and UN. The venue for this formal and multilateral communication should be the UN Peacebuilding Commission, which the then Secretary-General, Kofi Annan, in a March 2005 report, *In Larger Freedom: Towards Development, Security and Human Rights for All*, recommended that UN member states establish to fill the institutional gap that exists with regards to assisting countries to make the transition from war to lasting peace.⁶¹ The UN Peacebuilding Commission was established in September 2005 and became operational in 2006 with the mandate to assist countries in post-conflict transition to consolidate their peacebuilding processes.

None of the organizations that are analyzed here are supranational in nature. As such, they still depend on the willingness of their member states to commit themselves to support deployment of government and private sector resources. Accordingly, the subsequent research should focus on the preferences of key nation-states.

The current mandate of EULEX is not making any references to the economic development in Kosovo. Successful reconstruction requires continued political will and flow of financial resources.

Finally, the international community might have some unrealistic expectations about peace-building. It is a long and arduous process. It requires support from the local population and continued support from the international community.

⁶¹ Kofi Annan, “In Larger Freedom: Towards Development, Security and Human Rights for All,” UN Document A/59/2005, 21 March 2005.

CONCLUSION

Scarcely a day passes without a report about a post-conflict society relapsing into violence. In post-conflict societies, security and stability go hand in hand. Establishing a self-sustaining peace and long-term development are critical. As such, effective action requires considerable resources and capabilities as well as a coordinated response from international agencies.

Post-conflict reconstruction in Kosovo has wide-ranging implications on European and international security. No single actor can meet the challenges of peace-building and reconstruction by itself. Cooperation and coherence are key factors in successful international peace-building operations. Providing a secure environment in Kosovo will serve the interests of the EU, NATO, and the general transatlantic community. EU and NATO should increase and improve inter-organizational communication. Otherwise, they run the risk of competing against each other, and duplicating their resources.

The international community has so far failed to fulfill its obligations under the UN Resolution 1244 and find a solution to question of the status of Kosovo. The failure of status negotiations has damaged the credibility of UNMIK in Kosovo. The new country has so far been recognized by only 54 of the 192 UN member states.⁶²

There are frequent power cuts and 55 % unemployment rate throughout Kosovo. Furthermore, Kosovo is increasingly categorized as a failing or weak state. Kosovo is among the World Bank's Fiscal Year 2007 list of fragile states. Serbia continues to undermine Kosovo's statehood through supporting parallel institutions, such as hospitals and schools in Kosovo Serb areas. In May 2008 Serbian local elections were held also in

⁶² "A Year in the Life of Kosovo," *The Economist*, February 12, 2009.

Serb areas of Kosovo. Although UNMIK declared this to be illegal, no steps were taken to prevent it.

In March 2004, Albanian rioters targeted the Serb population and UNMIK. It alarmed the international community in Kosovo. Unfounded allegations of Serbs drowning Albanian children sparked fighting in Mitrovica, leading to two days of Kosovo-wide riots that killed 19 and wounded 900. The responses from NATO forces (KFOR) and UNMIK were disorganized and harmed their credibility, particularly amongst Serbs.⁶³

The risk of violence remains, as shown by the 17 March 2008 protests around the courthouse in north Mitrovica, and recent flare ups in Mitrovica in December 2008/ January 2009.⁶⁴ The independence declaration has received a militant response in north Mitrovica. Large groups of Serbs destroyed two northern Kosovo border posts. UNMIK and KFOR forces attempting to remove the peaceful protestors were attacked by mobs throwing stones, petrol bombs and grenades, and gunfire was exchanged. Around 100 internationals and 80 Serbs were injured in the violence, two of the Serbs critically and one Ukrainian UNMIK policeman fatally. Though UNMIK Police initially withdrew to south Mitrovica, they returned under heavy KFOR escort on 19 March 2008.⁶⁵ On 9 December 2008 EULEX cautiously established a presence in the north, including at the border posts. The following month, EULEX customs officials began registering vehicles passing through the border points.

There are problems with the integration of Ashkali, Roma and Egyptian communities into the society. Furthermore, UNMIK is “unable to deliver effective and

⁶³ International Crisis Group, “Kosovo’s Independence,” February 2009

⁶⁴ *Ibid.*

⁶⁵ International Crisis Group, “Kosovo’s Independence,” February 2009.

efficient SSR support to its Kosovar counterparts to enable them to develop their justice and security sector.”⁶⁶

Just after the unilateral declaration of independence by Kosovo, the majority of Serb police officers boycotted their jobs, and have been under paid suspension. The Police Component is part of the overall EULEX support to the Kosovo authorities in the rule of law area. It assists the Kosovo Police (KP) in working towards a multi-ethnic police that is free from political interference and serves the people of Kosovo.

When multiple international actors are involved in peace-building, inefficiency of operations and duplication of functions can become unintended consequences. The lack of coordination between these actors can lead to a waste of human and financial resources. As one observer put it, in Kosovo, EU was “washing the dishes,” while UNMIK was “cooking the dinner.” Despite the fact that EU member states were the main financial contributors of UNMIK, EU’s input in policy-making was “institutionally nil.”⁶⁷ The criticism that the EU takes on important but mostly ‘easy’ operations is justified.⁶⁸

As Allison (1971) notes, “the name of the game is politics”: decisions are made through bargaining over turf, budget and staff. Barnett and Finnemore (1999) used the term “pathologies” to describe the instances in which international organizations show dysfunctional behavior because of their bureaucratic culture. This paper attracts attention to “pathologies” in reconstruction activities by the intergovernmental organizations in Kosovo. Inflexibilities in international bureaucratic organizations, institutional turf consciousness, and the lack of coordination caused functional duplications in the field operations of different international organizations in Kosovo, and hence undermined international efforts to deliver

⁶⁶ Scheye (2008), p. 203.

⁶⁷ Trimcev (2006).

⁶⁸ Biscop (2008).

humanitarian assistance and providing security. Effective coordination among international organizations is needed at the strategic level, to ensure that the long-term objectives of operations and the main instruments to be employed are effectively communicated.

The need for coordinated action in the framework of multilateral reconstruction process is undisputable in Kosovo. The effective reconstruction operations require concerted action among different international organizations that operate in the field. The current communication structure between international organizations is not sufficient to meet the exigencies of complex operations involving military and political components.

There is some hope on that regard. For instance, in October and December 2008, and again in February 2009, the OSCE, UN, EU co-chaired discussions on Georgia in Geneva. However, one should also note that international organizations are simply agents for state actors. Moravcsik's Liberal Intergovernmentalism theory assumptions are correct; states still remain in control and shape international organizations' policies.

Greater insight into international cooperation in the Balkans reconstruction process has significant implications for an enhanced understanding of the conditions under which enduring peace is established in other post-conflict zones, such as Bosnia, Iraq, and Afghanistan. An analysis of international collaboration in Kosovo demonstrates that there should be a greater degree of coordination and concerted action between international organizations involved in peace-building, especially between NATO and the EU. The international organizations involved in peace-building should exchange information and keep each other regularly informed at all levels. The best venue to orchestrate in such dialogue is the UN Peacebuilding Commission, which became functional in 2006.

UN, OSCE, EU and NATO should engage in enhanced, organized, multilateral, and well-coordinated communication. The relationship between the EU, NATO, OSCE and the UN must be based on the complementarity of functions, not on the overlapping of activities or on competition. In order to overcome some of the limitations currently affecting post-conflict reconstruction efforts in Kosovo, the relationship between the EU and NATO must avoid the duplication or replication of functions. This is also vital for a healthier transatlantic security relationship.

BIBLIOGRAPHY

“A Year in the Life of Kosovo,” *The Economist*, February 12, 2009.

Allied Command Operations Blog, February 3, 2009, <http://acositrep.com/2009/02/03/com-kfor-launches-the-%E2%80%9Cdevelopment-zone%E2%80%9D-concept/>

Allison, Graham (1971). *Essence of Decision: Explaining the Cuban Missile Crisis*, 1st ed. Little Brown.

Annan, Kofi. “In Larger Freedom: Towards Development, Security and Human Rights for All,” UN Document A/59/2005, 21 March 2005.

Annual Review of Global Peace Operations 2008 (New York University: Center on International Cooperation), Briefing, <http://www.cic.nyu.edu/internationalsecurity/docs/Final2008briefingreport.pdf>

Barnett, Michael N. and Martha Finnemore. “The Politics, Power, and Pathologies of International Organizations,” *International Organization*, Vol. 53, No. 4 (Autumn, 1999), pp. 699-732.

Baskin, Mark. “Building Local Democracy under Conditions of Uncertainty in Kosovo,” summary of his speech at EES noon discussion on January 21, 2004.

Biscop, Sven. (2008). “European Security in the 21st Century: An Institutional Perspective”, <http://www.springerlink.com/content/w6k78w00h32w3662/>

Boutros Boutros-Ghali, *An Agenda for Peace*, Report of the Secretary-General Pursuant to the Statement Adopted by the Summit Meeting of the Security Council on 31 January 1992, 17 June 1992, <http://www.un.org/Docs/SG/agpeace.html>

“Concerted Approach for the Western Balkans” <http://www.nato.int/docu/pr/2003/p03-089e.htm>

Council Joint Action 2004/551/CFSP, 12 July 2004, http://eur-lex.europa.eu/LexUriServ/site/en/oj/2004/l_245/l_24520040717en00170028.pdf

De Hoop Scheffer, Jaap. Keynote Speech by NATO Secretary General, “NATO and the EU: Time for a New Chapter”, Berlin, Germany, 29 January 2007, <http://www.nato.int/docu/speech/2007/s070129b.html>

Dean, Jonathan. “OSCE and NATO: Complementary or Competitive Security Providers for Europe?”, <http://www.core-hamburg.de/documents/yearbook/english/99/Dean.pdf>

“Declaration by the Presidency on behalf of the European Union on the deployment of EULEX,” 2 December 2008,

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/cfsp/104374.pdf

Doyle Michael W. and Nicholas Sambanis, “International Peacebuilding: A Theoretical and Quantitative Analysis,” *American Political Science Review*, Vol. 94, No. 4 (Dec., 2000), pp. 779-801.

Draft Council Conclusions on EU - OSCE Cooperation in Conflict Prevention, Crisis Management and Post-conflict Rehabilitation,
<http://register.consilium.europa.eu/pdf/en/03/st14/st14527-re01.en03.pdf>

Dursun, Oya. “Is the Transatlantic Alliance Sinking into the Abyss of the Atlantic?” *Johns Hopkins University Bologna Center Journal of International Affairs*, Volume 8, Spring 2005.

“Ethnic Albanians now oppose EU Kosovo mission”, 25 November 2008,
www.Euractiv.com

“EU Presidency Report on ESDP,” 18 June 2007, www.eda.europa.eu

European Security Strategy, “A Secure Europe in a Better World” (2003)
<http://www.consilium.europa.eu/showPage.aspx?id=266&lang=EN>

EU-OSCE Relations, http://www.delvie.ec.europa.eu/en/eu_osce/overview.htm

EULEX Mission website http://www.eulex-kosovo.eu/home/docs/JointActionEULEX_EN.pdf

“EU Kosovo Mission Finally on Track as US Joins”, 28 October 2008, www.Euractiv.com

“‘Great Co-ordination’ in First Joint KFOR-EULEX Exercise” 17 January 2009.

Harland, David. “Legitimacy and Effectiveness in International Administration,” 10 *Global Governance* 15, 18 (2004).

Helton, Arthur C. “Bureaucracy and the Quality of Mercy,” *International Migration Review*, Vol. 35, No. 1, Special Issue: UNHCR at 50: Past, Present and Future of Refugee Assistance, (Spring 2001), pp. 192-225.

Howard, Martin. NATO Assistant Secretary General for Operations, *Perceptions Newsletter*, No. 5, July 2008,
http://www.nato.int/issues/cep/cep_newsletter_05e.pdf

International Crisis Group, “Kosovo’s Independence,” February 2009,
<http://www.crisisgroup.org/home/index.cfm?id=3225&l=1>

Joint Declaration on UN-EU Co-operation in Crisis Management, New York, September 24, 2003, http://www.europa-eu-un.org/articles/en/article_2768_en.htm

KFOR Chronicle, 2nd Edition, February 28, 2009,
http://www.nato.int/kfor/chronicle/2009/chronicle_02/chronicle_02.pdf

KFOR and OSCE Creates Awareness for Fire Safety Measures at Primary Schools,” *KFOR Press Release*, <http://www.nato.int/kfor/docu/inside/2009/02/i090212a.htm>

Knoll, Bernard. “Legitimacy and UN-Administration of Territory”, *German Law Journal*, No. 1, January 2007.

Kosovo Force, NATO KFOR Official Website, <http://www.nato.int/kfor/kfor/objectives.htm>

Maloku, Krenare and Labinot Lutolli. “EU Calls Kosovo Mission EULEX,” February 1, 2008, www.speroforum.com

McNamara, Sally. “Shaping the NATO—EU Relationship: What the U.S. Must Do”, October 8, 2008, http://www.heritage.org/research/europe/bg2195.cfm#_ftnref11

NATO-OSCE: What does the co-operation mean in practice?
<http://www.nato-otan.org/issues/nato-osce/practice.html>

NATO-UN Relations, <http://www.nato.int/issues/un/practice.html>

The OSCE Website, “OSCE Helps Report Human Traffickers in Kosovo,” Nikola Gaon, 5 December 2008, <http://www.osce.org/item/35554.html>

The OSCE Website, Supporting democracy in Kosovo, 10 July 2001,
<http://www.osce.org/item/49.html>

The OSCE Website, <http://www.osce.org/kosovo/13216.html>

The OSCE Strategy to Address Threats to Security and Stability in the 21st Century,
http://www.osce.org/documents/mcs/2003/12/4175_en.pdf

Report on the Implementation of the European Security Strategy - Providing Security in a Changing World, Brussels, 11 December 2008, S407/08, http://www.europa.eu/documents/en/081211_EU%20Security%20Strategy.pdf

Scheye, Eric. (2008). “UNMIK and the Significance of Effective Programme Management: The Case of Kosovo”, www.ssr-un-integrated-missions-kosovo.pdf

Solana, Javier. EU High Representative for the CFSP, “UN reconfiguration of the civilian presence in Kosovo,” 21 June 2008,

http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/esdp/101372.pdf

Solana, Javier. EU High Representative for the Common Foreign and Security Policy before the meeting of international organizations active on the ground in Kosovo (EU, NATO, UN, OSCE), Palais d'Egmont, Brussels, 18 July 2008,
http://www.consilium.europa.eu/ueDocs/cms_Data/docs/pressdata/en/esdp/101884.pdf

“Stabilization and Reconstruction: a New Growth area for NATO?”, Perceptions No. 5, p. 9.http://www.nato.int/issues/cep/cep_newsletter_05e.pdf

Trimcev, Eno. “Kosovo’s Final Status: Has the ‘Hour of Europe’ Arrived?” 19 March 2006, *The European Weekly New Europe*, <http://www.neurope.eu/articles/52452.php>

UN Charter, Chapter VIII: Regional Arrangements,
<http://www.un.org/aboutun/charter/chapter8.shtml>

UN-EC Partnership Report (2007), <http://www.europa-eu-un.org/documents/en/UN-EC-partnership-report.pdf>

UN Peacebuilding Commission Website, www.un.org/peace/peacebuilding

UN *Security Council Resolution 1244* (1999),
<http://www.unmikononline.org/misc/N9917289.pdf>

UNMIK *Factsheet 2008*, http://www.unmikononline.org/docs/2008/Fact_Sheet_July_2008.pdf

UNMIK, *Kosovo Standards Implementation Plan*,
www.unmikononline.org/pub/misc/ksip_eng.pdf (2004).

Yost, David S. “NATO and International Institutions,” NATO Defense College Forum Paper #3, http://www.ndc.nato.int/download/publications/fp_03.pdf

Yost, David S. “NATO Transforms for Civil-Military Cooperation,” http://www.atlantic-community.org/index/Open_Think_Tank_Article/NATO_Transforms_for_Civil-Military_Cooperation