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**Paper # 4: Administrative Capacity Building in Kosovo.**

**An Assessment of UNMIK/OSCE's Civil Administration Policy**

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**EXECUTIVE SUMMARY**

The United Nations Interim Administration Mission in Kosovo (UNMIK) has been given a comprehensive mandate to provide transitional administration while establishing and overseeing the development of provisional institutions of democratic self-government in Kosovo. When UNMIK entered the province in June 1999, it was confronted with illegal, hastily established administrative structures lacking both democratic legitimization and professionalism. Due to a slow mission build-up, UNMIK faced difficulties in establishing its authority throughout the province. At the central level, a system of co-sharing of power (JIAS) was introduced in order to dissolve any parallel administrative structures and to ensure participation of Kosovars in the administrative decision making process. After the November 2001 central elections, which produced an Assembly and various provincial institutions, a gradual hand-over of power to the Kosovo authorities is foreseen but UNMIK is already being challenged for withholding substantial competencies from the Kosovars. At the local level, UNMIK appointed interim local administrations before permanent democratically elected institutions of local self-

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government were established in October 2000. In the municipalities, UNMIK has never fully succeeded in establishing its authority and in fully implementing its own regulations. A complex web of organizations and agencies is engaged in capacity building programmes for local administrators, often lacking the necessary co-ordination and co-operation. Despite international capacity building efforts, much remains to be done before a democratic and efficient new civil service will be established to replace UNMIK's international staff. Efforts to ensure co-ordination between different international agencies and between UNMIK and local actors have produced mixed results. UNMIK has achieved a remarkable progress in transforming Kosovo's civil administration from a state of chaos to a situation where basic public services are provided and civil administration and self-government are beginning to take shape. The mission, however, has suffered from a number of structural, managerial and operational problems, which future missions should address by following some fundamental guidelines.

## **1. Introduction and Background**

This paper provides an assessment of the policies of UNMIK aimed at re-building administrative structures and institutions in Kosovo since the establishment of the Mission in June 1999<sup>2</sup> until the elections for central level institutions in November 2001. The paper will first briefly describe the relevant background and problems facing institution-building efforts by the international community in Kosovo during the crucial initial stages of the Mission . It will then look in more detail at the different phases and the overall strategy for establishing administrative structures in the Province from the outset of the Mission in 1999 until the Fall of 2001. A third part of the paper will deal with the human resource component of re-building Kosovo's new civil administration and describe and assess specific capacity-building programs by the international community, in particular by the Organization for Security and Co-Operation in Europe (OSCE), aimed at improving administrative and management skills of Kosovo's new civil service. The fourth part of the paper looks at how various international

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other organizations and agencies involved in UNMIK for valuable suggestions and comments. This article reflects his personal view.

institutions/actors, in particular the four pillars of UNMIK, have been working together with their local counterparts and to what extent they have achieved a meaningful and effective distribution of work among themselves. Part five of this study summarizes the main problems encountered by the international community while setting up an effective administration in Kosovo and assesses how it has dealt with those challenges. Finally, the paper briefly assesses administrative capacity building in Kosovo and offers some conclusions and recommendations for future missions.

### *Background*

After the NATO led military intervention in June 1999, many aspects of Kosovo's civil administration were in a state of chaos. All FRY institutions had collapsed as a consequence of the effective withdrawal of Belgrade's authority over the province. The displacement of many Kosovars as refugees or IDPs<sup>3</sup>, led to the breakdown of Kosovo's official civil service, which had been dominated by Serbs. Likewise, the Albanian system of "parallel administration", which had developed over the last ten years during Serbian oppression, had also largely collapsed<sup>4</sup>, leading to more chaos and anarchy.

The immediate post-war administrative power vacuum did not last for long, however. Before the international community set up its Mission in Kosovo and even during the final stages of the armed conflict, leaders of the Democratic Party of Kosovo (PDK), representing Kosovo's Liberation Army (KLA/UCK), had swiftly assumed political and administrative power and appointed their representatives in key positions of local government. The municipalities and the remaining administrative structures had been

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<sup>2</sup> For the establishment of UNMIK see UNSCR 1244, 10 June 1999, United Nations, S/RES/1244 (1999).

<sup>3</sup> Internally Displaced Persons

<sup>4</sup> The Milosevic government in 1989 decided to revoke the status of Kosovo as an autonomous province of the Republic of Serbia within the Socialist Federal Republic of Yugoslavia (SFRY). Belgrade's subsequent dissolution of Kosovo's own institutions resulted in a boycott by most Kosovo Albanians of Belgrade's rule. Together with several years of harsh oppression and civil war in the province this had led to the establishment of a parallel (illegal) system of administrative structures, which was run and self-managed by Kosovo's Albanian population for almost 10 years. This parallel system of government, once called the most effective NGO in the world, comprised Albanian language schooling, a system of tax collection, the organization of referendums and elections for an Assembly and State President. See: As Seen As Told, Part I, The OSCE/KVM Human Rights Operation, The Historical and Political Background, OSCE/ODIHR 1999, pp. 3ff.

virtually high-jacked before UNMIK entered Kosovo.<sup>5</sup> The same was done at the village level, where village councils traditionally take a strong position in the administration of communal matters. By summer 1999, Hashim Thaqi, the political leader of the PDK, had effectively installed his self-proclaimed interim government for Kosovo in 27 out of the 30 municipalities.<sup>6</sup> Thus, UNMIK was confronted with illegal, hastily established administrative structures lacking democratic legitimization and professionalism. This is the background against which UNMIK had to operate and, together with the initial structural and operational weakness of the international Mission in Kosovo, has been a considerable impediment for rebuilding civil administration in the Province.

## **2. The Re-Building of Administrative Structures**

### **2.1. The Mandate for Civil Administration**

UNSCR 1244 has been designed as the “formal blueprint for what proved to be one of the most complex international community missions of modern times.”<sup>7</sup> In article 10, UNMIK was given the mandate to “provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions...” In the area of civil administration the main responsibilities of the international civil presence were defined as follows:

- (a) Promoting the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo...
- (b) Performing basic civilian administrative functions where and as long as required;
- (c) Organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement, including the holding of elections;

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<sup>5</sup> Interview with a senior UNMIK official, Pristina, 24 July 2001.

<sup>6</sup> See *Waiting for UNMIK: Local Administration in Kosovo*, Report by the International Crisis Group (ICG), Brussels, October 1999, p. 4.

<sup>7</sup> See “UNMIK at Two. The Way Ahead: Partnership, Responsibility and Trust”, UNMIK Pristina, June 2001, p. 2.

(d) Transferring, as these institutions are established, its administrative responsibilities while overseeing and supporting the consolidation of Kosovo's local provisional institutions and other peace-building activities;

(e) ...

(f) In a final stage, overseeing the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement;<sup>8</sup>

Some analysts have described this mandate as ambiguous, in particular at the local level, as the *method* is not described, only the *outcome*, giving UNMIK no absolute responsibility "to impose powerful communal administrations."<sup>9</sup> The weak and methodologically unclear mandate would have implications for the effectiveness of UNMIK's work, as will be described later.

## 2.2 The Formal Establishment of Institutions

Some independent observers hold the view that UNMIK did not have a clear road-map for the creation of administrative institutions but was largely driven by events. UNMIK maintains that achieving the overall objectives of the Mission was envisaged in several integrated phases<sup>10</sup>: During **phase I**, the Mission set up administrative structures, deployed international civilian police, provided emergency assistance for returning refugees and displaced persons, restored public services and trained local police and judiciary. It also developed a phased economic recovery plan to establish a self-sustaining economy. The focus of **phase II** has been the administration of social services and utilities, and the consolidation of the rule of law. Local elections have been conducted to legitimize municipal institutions of self-government. At the central level, a system of co-sharing of administrative power, JIAS, has been created.

During **phase III**, UNMIK was preparing for and conducting the 17 November 2001 elections for provisional institutions of self-government at the central level.

In **phase IV** (since after the November elections), UNMIK will help Kosovo's elected representatives to organize and to set up those provisional institutions. After their

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<sup>8</sup> UNSCR 1244, 10 June 1999, Art. 11.

<sup>9</sup> Cf. Waiting for UNMIK: Local Administration in Kosovo, ICG Paper, 18 October 1999, p.3.

<sup>10</sup> See for instance the following outline from UNMIK's website.

establishment, UNMIK will gradually transfer its remaining administrative responsibilities while supporting the consolidation of Kosovo's provisional institutions. Finally, the concluding **phase V** will depend on a final settlement of the status of Kosovo. UNMIK will oversee the transfer of authority from Kosovo's provisional institutions to institutions established under a political settlement.

### **2.2.1 JIAS – The Central Level**

Pursuant to UNSCR 1244, which calls for substantial autonomy and meaningful self-administration in Kosovo while fully acknowledging the sovereignty and territorial integrity of the Federal Republic of Yugoslavia, there are no “state-level” institutions in Kosovo for the time being. At the central level, quasi-permanent democratic institutions of self-government have only been created after the elections for a Kosovo-wide “Assembly”<sup>11</sup> in November 2001.

At the central level, UNMIK early on established UN run central departments to administer public services delivery throughout the Province (education, health, labour, local administration, roads and transportation, post and telecommunications etc.). However, there was strong pressure by Kosovar leaders to set-up a framework allowing for power-sharing between the UN and major political forces in Kosovo. After weeks of negotiation, on 15 December 1999, UNMIK and Kosovo's main political leaders agreed on the Joint Interim Administrative Structure (JIAS), comprising three major components<sup>12</sup>, as a means for sharing administrative and executive responsibility between UNMIK and local political actors. Existing Kosovo legislative, executive or judicial institutions were to be transformed and, to the extent possible, integrated into the new JIAS and by February 2000, JIAS had officially replaced all previous parallel security and administrative structures. Three main elements constitute the JIAS structure at the central level:

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<sup>11</sup> See UNMIK Resolution 2001/9, on the Constitutional Framework for Provisional Self-Government in Kosovo, 15 May 2001. For a background report see: “Ein Verfassungsrahmen fuer das Kosovo”, FAZ, 16 May 2001.

<sup>12</sup> For a description of these components see UNMIK Regulation 2000/28 of 14 January 2000, Sections 2-7.

The Interim Administrative Council (IAC), headed by the SRSG<sup>13</sup> has the role of a preliminary cabinet. It includes the leaders of Kosovo's four main political forces (three Kosovo Albanians and one Kosovo Serb) as well as the heads of the three functional UNMIK Pillars<sup>14</sup> and one observer representing Kosovo's civil society. The IAC defines policy and recommends new regulations or amendments to current legislation by consensus or majority vote. In case of deadlock, the final decision lies with the SRSG. Thus, IAC serves as an advisory cabinet for the SRSG and as an executive board for the JIAS proposing policy guidelines for the Administrative Departments.

JIAS foresaw 14 (later 20) Administrative Departments, providing the public administration to implement the policy guidelines as formulated by IAC. The Administrative Departments are jointly led by a Kosovo and an UNMIK Co-head and supervised exclusively by the DSRSGs<sup>15</sup> for Civil Administration (UN Pillar), Democratisation and Institution Building (OSCE Pillar) or Economic Reconstruction (EU Pillar). Under a formula designed to reflect the diversity in Kosovo, the local Co-Head positions are shared among the three main Albanian political parties, three national communities (Serb, Bosniac and Turk) and an independent. Despite the co-sharing of power, the Administrative Departments are largely UN controlled. One of the Departments, the Department of Local Administration (DLA), established in March 2000, is in charge of developing and implementing policy in the area of local self-government.<sup>16</sup>

Finally, the Kosovo Transitional Council (KTC), the highest-level consultative body of JIAS, provides Kosovo-wide oversight and can be described as embryonic parliament. It has been established as early as July 1999 in order to bring representatives of Kosovo's civil society into the administration as soon as possible. Its 36 members are a microcosm

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<sup>13</sup> Special Representative of the Secretary General, presently Mr. Hans Haekkerup of Denmark.

<sup>14</sup> The former Pillar I, UNHCR, now replaced by Police and Justice (UN run), has observer status in the IAC.

<sup>15</sup> Deputy Special Representative of the Secretary General, which function also as the Heads of the organizations and agencies forming UNMIK's Pillars.

<sup>16</sup> UNMIK Regulation 2000/9 of 3 March 2000 on the Establishment of the Administrative Department of Local Administration, Section 1. According to the Department for Public Information in Pristina (DPI),

of Kosovo's political, religious, ethnic and civic communities. The KTC's weekly discussions about day-to-day concerns of Kosovars serve as a testing ground for democratic procedures and tolerance-building.<sup>17</sup> In reality, it is mainly a forum in which representatives of the Kosovo society are debriefed about action planned or taken by UNMIK.

### *Assessment*

JIAS was an attempt to dissolve any parallel structures. By neutralizing them, it has worked remarkably well in that regard. While IAC and KTC have in practice ensured a substantial consultation and at times even provided for a joint decision making process, the arrangement for co-sharing executive power within the 20 Administrative Departments has worked less satisfying. For one thing, the Serbian representatives have on several occasions preferred to boycott the joint structure in an attempt to underline their discontent with the general development in Kosovo<sup>18</sup>. On the other hand, some of the Kosovo Co-Heads, often chosen for their political affiliation, were no equal players to the international Co-Heads in terms of qualification. Depending on the individuals in the respective departments and the personal relationship between the international and the local Co-heads, the central level structure for administrative power sharing has, therefore, worked well only to varying degrees.<sup>19</sup>

### *The Final Transfer of Power: A Long Term Perspective*

After the central elections on 17 November 2001<sup>20</sup>, a 120-seat Assembly has been convened for an inaugural session on 10 December<sup>21</sup> to nominate a Presidency and, at a later stage, elect a President, who in turn will nominate a Prime Minister. The first session of this new institution demonstrates that putting democratic institutions, i.e. the

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UNMIK Pillar II employs 1458 internationals and 4062 nationals as of 24 July 2001, about 500 of which are working for Civil Administration issues throughout Kosovo.

<sup>17</sup> For background information on JIAS c.f. Agreement on Joint Administration. OSCE Spot Report, 24 December 1999, pp. 1-2; UNMIK Regulation No. 2000/28 of 14 January 2000 on the Kosovo Joint Interim Administrative Structure.

<sup>18</sup> It must be said that JIAS in general has not been able to ensure proper minority participation.

<sup>19</sup> Interview with Tom Koenigs, Deputy Special Representative of the Secretary General for Civil Administration, UNMIK, Pristina, 17 August 2001.

<sup>20</sup> For an assessment of the elections see Kosovo's Example, in: IHT, 24-25 November 2001.

<sup>21</sup> See Ohrenbetauebendes Gekraechze und weitschweifige Reden, in FAZ, 11 Decemebr 2001.

"hard ware" in place cannot sufficiently guarantee a functioning democracy. Much like making Kosovo's Municipal Assemblies work it will now be a long and painful task for the international community to fill the new Assembly with democratic spirit, i.e. the "soft-ware", a primary task for OSCE capacity building in Kosovo.

All 20 co-administered JIAS departments will transform into more or less 10 Government Ministries, led by a Kosovar Minister and only supported by an international advisor. This will introduce phase IV in the transition of central administrative and executive power. All UNMIK administration at the regional level will be either transferred back to the municipalities or to the central level departments. UNMIK will then begin to withdraw from day-to-day administration and focus more on a supervisory role. Since the SRSG and UNMIK will continue to be responsible to the UN for any failure or mismanagement, UNMIK will monitor the performance and assess progress made by the new government. Depending on those assessments, additional functions and responsibilities will be transferred. The SRSG will continue to sign all legislation passed by the Assembly for the time being.

Already now, a power struggle has emerged between UNMIK Civil Administration and the political parties of Kosovo over the appointment of senior administrative staff for this new structure. While UNMIK intends to start hiring senior staff positions through open recruitment procedures based on qualification, political parties are trying to ensure that senior staff are political appointees representing voting results and are being selected according to party affiliation.

Assessments of the significance of the November elections for civil administration vary. According to Daan Everts, Head of the OSCE Mission in Kosovo and DSRSG for Democratic Governance and Civil Society, "those elections should hand over to Kosovars about 70% of self-government."<sup>22</sup> The DSRSG for Civil Administration, Tom Koenigs, describes the November elections as a "step towards self-government", which, if it functions well, can facilitate a UN decision about the future status of Kosovo, and

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<sup>22</sup> See RILINDJA, 17 July 2001, p.4.

describes the actual powers of Kosovars under this new arrangement as comparable to those exercised by a German “Bundesland”. He underlines, however, the “ultimate authority of the Special Representative of the Secretary General”, who probably commands more power than any Head of State or Government.<sup>23</sup> Some analysts have described the expected transfer in authority as less dramatic, though. According to the FAZ, the new government will dispose of only 8% of the budget administered by UNMIK, out of which it will be expected to finance the departments of health and social services as well as education. At the same time, the judiciary, police, law and order issues, as well as military, security and foreign relations will remain under the full control of UNMIK. According to the paper, the November elections will therefore achieve as little a power transfer as was achieved by the municipal elections in October 2000: “De facto, all power in Kosovo is still under UNMIK control, while the rights of elected representatives on the municipal as well as on the central level administration are rather symbolic.”<sup>24</sup>

The new constitutional Framework, accordingly, has been criticised by some Kosovo Albanian leaders for not giving the future government of Kosovo sufficient and meaningful competencies.<sup>25</sup> While UNMIK, through UNSCR 1244, implicitly acknowledges the right of self-determination for the people of Kosovo, it requires them to accept the international administration’s authority in the most important aspects of executive, legislative and juridical power. This contradiction at the central level appears for the time being unavoidable, though, as long as UNMIK is trying to prevent any motion for independence by Kosovo representatives.

Everything beyond co-administration will depend on a political settlement of Kosovo’s future status and is therefore a medium term if not a long term perspective. UNMIK Pillar II (Civil Administration) and other international agencies will undergo a major restructuring after the central elections in November 2001 with considerable staff cuts. It

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<sup>23</sup> Interview with Tom Koenigs, Deputy Special Representative of the Secretary General for Civil Administration, UNMIK, Pristina, 17 August 2001.

<sup>24</sup> “Ein Verfassungsrahmen fuer das Kosovo”, FAZ, 16 May 2001.

<sup>25</sup> Ibid., p. 2

is questionable if under these circumstances, UNMIK can continue to withhold substantial administrative power from the Kosovo authorities, given their increasing pressure for real competencies.

In summary, three steps are being applied to establish institutions of *provisional* self-government at the *central* level: 1) From chaos to exclusively UN-run central administrative departments (June 1999 – January 2000). 2) The co-headed JIAS structure (January 2000 - November 2001). 3) From JIAS to democratically elected Kosovo-wide institutions, including a President, an Assembly, a Prime Minister and 10 Ministries, supported by UN experts (starting after the central elections on 17 November 2001).

### **2.2.2 Municipalities – The Local Level**

#### *The self-appointed (illegal) structures*

As has been described above, municipal administrations had been illegally appointed by the dominant political forces (PDK) during and immediately after NATO's intervention. These local self-appointed administrative structures consisted of municipal presidents (mayors), municipal assemblies as a local legislative branch and directors for municipal departments overseeing the delivery of services to the people of Kosovo. The self-appointed structures and the assertion of its political wing, the PDK, were initially welcomed by the majority of the population which felt an urgent need to satisfy the most basic municipal services. There was also much gratitude to the KLA for taking up the fight against Serbian rule. After a few months, however, it became obvious that the self-appointed administration had little administrative expertise to offer and showed little results in problem solving. Some of its members were involved in a number of illegal activities including illegal tax collection, or were affiliated with organized crime. Finally, the self-appointed government was not recognized by other important political forces, including Rugova's LDK, who later won the majority in the first local elections.

As a natural reaction, UNMIK attempted to dissolve the parallel structures after entering the province. In trying to do so, it was facing a twofold dilemma: The parallel, self-

appointed and illegal administrative structures at the local and central level were for the time being the only counterparts to work with for creating order and for providing basic services to the people in the approximately 1500 villages of Kosovo. Lacking inside knowledge about the complex functioning of local issues in a Kosovo Albanian context, UNMIK needed the expertise and the communication channels of the self-appointed structures to get a grip on the municipalities. The local structures never fully co-operated with UNMIK, though: “The locals were always two steps ahead, telling us two things and not telling us ten other things.”<sup>26</sup>

Another problem for UNMIK has been the lack of staff and financial resources in the initial stage of the Mission. Since July 1999, UNMIK had regional administrators in all five of Kosovo’s administrative regions but little resources and staff to truly administer them. By September 1999, UN Municipal Administrators (UNMAs) were appointed to govern all 30 municipalities in Kosovo. Initially, many were not holding permanent offices in their respective cities but traveling back and forth between Pristina and their assignment. Permanent UN Administrators moved into each town-hall by October, with an average of two to three international officers for each municipality<sup>27</sup>, too few to assume full administrative responsibility and therefore unable to dismiss the self-appointed local administrations without risking a collapse of services and possibly violent opposition. UNMIK did not have an operational budget for the municipalities until November 1999. This meant in effect that the UN for the first six months had no money to inject into the municipalities while the illegal self-appointed structures collected (illegal) fees and taxes and therefore disposed of money they could spend in towns and villages. This did not necessarily foster UNMIK’s standing in the eyes of the local population. After November 1999, having financial resources at hand, the power struggle between UNMIK and the local political forces somewhat tilted in favor of UNMIK.

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<sup>26</sup> Interview with a senior UNMIK official, Pristina, 24 July 2001.

<sup>27</sup> Unlike OSCE staff, only the UN Municipal Administrator is required to take up residency in his/her duty station municipality which in effect means that in many towns UN personnel is present only during working hours.

Given the collapse of democratic administrative structures and the firmly established self-installed interim government, the UN interim administration had a choice between imposing a full international administration according to its own standards and establishing working relations with the existing, self-appointed structures already in place. To pursue the first option UNMIK did not have the necessary resources and power. Instead, UNMIK decided to co-operate with the structure in place.<sup>28</sup>

#### *The UN-Appointed interim administrations*

By December 1999, it became obvious that UNMIK was not in a position to exclusively run the municipalities. At the central level, a system of co-sharing administrative power was being designed after considerable pressure by Kosovo's political leaders to participate in administering the Province (see chapter 2.2.1). At the municipal level, JIAS foresaw replacing the formerly self-appointed local administrations by UN-appointed ones, incorporating, "to the extent possible...members of the current Kosovo municipal structures"<sup>29</sup>. Thereby, UNMIK hoped to get rid of the old structures and assert its power by appointing new people of its own liking. UN Municipal Administrators, however, lacked a detailed reference document, which could be applied as a guideline in this appointment process. Being weak and understaffed at the local and regional level, UN Municipal Administrators often had no choice but to co-operate with the existing self-appointed structures in order to avoid chaos, especially in those cases where the existing structures used or threatened to boycott the municipal administration. UNMIK has therefore been reluctant to come into direct conflict with local political leaders. As a result, many UN appointments for Municipal Presidents, Municipal Councils and Administrative Boards have fallen prey to the political aspirations of political parties in their struggle to control local government. In the already strongly politicised climate of Kosovo's society, the appointment of a-political expert representatives and civil servants would have furthermore been contrary to the traditional expectations of the population. In many municipalities, consequently, the overwhelming majority of the new, UN appointed

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<sup>28</sup> As one senior UNMIK official phrased it: "If we cannot win the power struggle, we might as well join them".

<sup>29</sup> See UNMIK Regulation 2000/28, Section 8.2.

Heads of Departments were members of the former self-appointed structures or appointed solely as a result of their political affiliation, often lacking professional qualification.

Parallel structures continued for some time in form of corruption, illegal re-allocation of housing, illegal collection of so called taxes and fees, illegal policing, and, especially at the village level (*bashkia lokale*), the distribution of humanitarian aid in a politically or ethnically discriminatory manner. The dissolution of these parallel structures met with a surprisingly low level of opposition throughout the province and resistance was treated by UNMIK, UN Police and KFOR mainly as political problems, not necessarily as a criminal act.<sup>30</sup> The self-appointed structures, by then, had lost most of their initial support from the local population.

#### *Assessment*

In the interim period after UNMIK took office in the Summer of 1999 and the first democratic municipal elections in late October 2000, UNMIK, by endorsing and de facto legitimising former self-appointed authorities, has been unable to fully impose an impartial and accountable local government. Insufficient resources within Pillar II (UN Civil Administration) given the enormity of the task at hand, the lack of more precise guidelines and directives from the top management and the unexpectedly bold approach of local political forces are to blame for this failure. Consequently, local administration had become a playing field for the short-term oriented political power struggle of Kosovo's parties and due to politicisation little progress was achieved in the delivery of administrative services to citizens who mainly wanted to get on with their lives. Also, due to the interim nature of this arrangement, valuable time was lost in which no long term local capacity building or a training of a permanent civil service, able to support the UN-Administration in running the province, could take place.

### **2.2.3 Municipal Elections in October 2000**

Institutions of local self-government were the first ones to be permanently installed and democratically legitimized through the municipal elections of October 2000. It took

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<sup>30</sup> UNMIK Memorandum to SRSG on the Dissolution of Parallel Structures, 16 January 2000.

considerable time to organize those elections, which signalled the start of local self-government. For one thing, it was hoped that with time, more IDPs and refugees, in particular the Kosovo Serbs, would return to the Province, making election results more balanced and representational of the pre-war population. Time was also needed to technically prepare impeccable elections according to modern electoral standards (in particular with regards to the civil and voter registries). Democratic elections for Kosovo's 30 municipalities finally took place on 28 October 2000. Those elections, somewhat unexpectedly, provided for a transfer of power from the self-appointed PDK representatives to a democratically elected LDK majority in most of Kosovo's municipalities. To ensure participation of minorities in the political process, UNMIK also appointed representatives to the municipal assemblies of those ethnic groups and minorities who had not participated in the elections or had not won a mandate. Unfortunately, many of those representatives, namely the Kosovo Serbs, have refused to actively participate in the process of local self government. In order to complete the democratic transfer of administrative power the newly elected Municipal Assemblies were subsequently requested to hire senior administrative staff.<sup>31</sup> in compliance with UNMIK Regulation 2000/45<sup>32</sup>. The Regulation gives local authorities the right to regulate and manage a defined share of public affairs. UN Municipal Administrators subsequently took a step back from their previous role but nevertheless retained reserve powers of intervention, namely in all budgetary issues.<sup>33</sup>

#### *Problems of the new local administrations*

The selection process for senior staff of the newly elected local administrations, despite being guided by UNMIK Regulations, did not always result in the selection of best-qualified and ethnically balanced candidates. Again, UN Municipal Administrators had only limited influence over the political networks in their municipalities. The Democratic League of Kosovo (LDK), the party of moderate Kosovo leader Ibrahim Rugova, having

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<sup>31</sup> This executive, legitimized by the democratically elected Municipal Assemblies, consisted in particular of a Chief Executive Officer and Directors of individual municipal departments, responsible for the day-to-day running of local administration and services.

<sup>32</sup> C.f. UNMIK Regulation 2000/45 On Self-Government of Municipalities in Kosovo, issued to reinforce local self-government, defining the municipalities, its composition, organs, powers, functions and responsibilities.

won the local elections by a comfortable majority, now displayed much of a ‘winner takes all’ attitude and once again municipal staff was primarily selected based on party affiliation and old style networks. Administrative and managerial competence did not matter to the same extent. This example demonstrates that even where clear UN guidelines for a democratic and transparent process do exist and were by and large implemented, there is little or no guarantee for democratically spirited institutions or administrations if local counterparts do not embrace the basic concepts of democracy, the rule of law or accountability. In other words, democratic procedures can be forced upon a society only to a certain extent.

By early 2001, elected Municipal Assemblies with Presidents, Deputies, Chief Executive Officers and mandatory municipal committees on Policy and Finance, Communities (dealing with minority issues), and Mediation were formally in place in most municipalities. The first layer of democratically legitimized government was thereby completed. The UN Municipal Administrator was still formally in charge and could overrule any decision made by the locals. The proper functioning of those new institutions of local self-government has been widely monitored by international agencies and institutions. Initially, there was much confusion of the new assembly members and administrators about the implementation of numerous UN regulations, ranging from statutes on the conduct of meetings and decision making procedures to concrete guidelines for any administrative act by the local government. These rules were essential to good governance but on many occasions rather alien to the relevant Balkan traditions and thus at times ignored or circumvented.

The new municipal administrations were also faced with a lack of clarity between the competencies foreseen for the central and the local level. UNMIK regulations in this regard have been deliberately unclear in order to preserve the political nature of the central governing institutions, still being “infant” at that time. This has resulted in a

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<sup>33</sup> See UNMIK at Two, Pristina, June 2001, p. 16.

considerable struggle between the local and central level over power and competencies.<sup>34</sup> The central level has, furthermore, appointed administrative staff in the municipalities to handle competencies allocated to the local level and has thereby further antagonized the municipalities. Likewise, the Central Fiscal Authority has not always granted the municipalities sufficient budgetary funds needed to execute their duties.<sup>35</sup> It is interesting to note that these shortcomings of UNMIK policy have, in some way, facilitated and expedited the establishment of additional elements of democratic self-government at the local level: In order to better defend the interests of the municipal against the central level, the Association of Kosovo's Municipalities (AKM) has held its inauguration session in Prizren on 30 June 2001.<sup>36</sup>

If compared to the creation of provisional administrative structures at the central level, only two steps were employed by UNMIK for the municipal level: (1) from the self-appointed illegal municipal structures immediately after the war to the UN-appointed Municipal Councils, Mayors and Administrative Boards; and (2) from those UN-appointed municipal structures to the municipal elections of October 2000 with the subsequent formation of democratically elected Municipal Assemblies, Presidents and Boards of Directors, supervised by UNMIK.

The hand-over of authority and responsibility in civil administration from UNMIK to the Kosovar level, while not yet completed, is much faster at the local than at the central level, not least because UNMIK never got the upper hand in the power struggle at the municipal level.

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<sup>34</sup> Note the examples of agriculture, including the economically important authority over logging and forestry, and the attempt to install departments for civil defense, which should have given TMK (a basin for former UCK fighters) a strong local profile.

<sup>35</sup> For this assessment c.f. OSCE Mission in Kosovo, Background Report on the Implementation of JIAS at the Local Level: Effects on and Implications for Local Political Developments and Municipal Elections, May 2000, 12 pp.

<sup>36</sup> See OSCE Mission in Kosovo, Weekly Democratisation Report, No. 27/2001, 4 July 2001.

### **3. Measures Concerning the Organisation and Training of Kosovo's New Civil Service**

Countries in post-conflict rehabilitation, even more so than countries in transition, must undertake a serious effort to rebuild (remaining) public service institutions and structures. This 'hard-ware' component has been described in chapter 2. Such countries are also facing the challenge of adapting their public service to a new environment, which has emerged as the result of armed conflict and any subsequent changes in the political and economic system, new expectations and demands of citizens, and requirements to comply with international and/or UN standards.<sup>37</sup> This chapter examines how well the country was endowed with the human resource component needed for a modern public administration. It also describes and evaluates how the international community has tried to introduce to Kosovo's new civil service fundamental standards such as the rule of law, reliability, predictability, accountability, transparency, efficiency, the technical and managerial competence, organizational capacity and structures providing for citizens and minority participation.

#### **3.1. Existing Human Resources**

In the case of Kosovo, many components of good governance which are shared principles of public administration among democratic states have been largely unknown to the remains of the Kosovo civil service when UNMIK entered the province. Since the early 1980's, Belgrade had effectively removed Kosovar Albanians from influential positions within Kosovo's administration and replaced them systematically with Kosovar Serbs or Serbian administrators from Serbia proper. Due to the massive exodus of the Serbian population during and after the NATO bombardment and the de facto removal of Belgrade's authority from the province with UNSCR 1244, UNMIK found in Kosovo a civil service which was virtually non-existent. Not only were the previous Serbian administrators gone, former Kosovar Albanian public employees (and judges, policemen, teachers etc.) serving in previous administrations had been without much practice or any formal training for at least a decade. In addition, those suitable for public managerial

positions and old enough to still having served under the previous Yugoslav administration, (age group 40-60) had acquired much of the typical habits and mentalities of communist administration. “Either, you found young people with no experience or older people with the wrong experience.”<sup>38</sup> Inertia, politicisation of office, clientelism, inability to assume responsibility, old-style decision-making, lack of human resources and general management skills and last but not least, a general lack of basic education would characterize the local human resources UNMIK was confronted with.<sup>39</sup>

As a result, UNMIK found it difficult to identify suitable and well-qualified public administration employees. Add to that an obvious tendency of the private sector to attract the most highly skilled labour force<sup>40</sup>, there has been a negative selection process as regards public servants in the province.

This general lack of qualified local civil servants hit UNMIK’s reconstruction efforts twice: First, in the summer of 1999, when UNMIK had to appoint interim local mayors, their staff and municipal council members among those political forces who had taken control of the municipalities. Second, after the municipal elections, when those elected were more often than not chosen for their political affiliation and not for their skills as public managers or municipal legislators. It also turned out that despite a UN regulated recruiting system for municipal employees, the senior staff hired did by no means represent the best qualified individuals at hand and Kosovo’s municipalities are still suffering from having the wrong people in many administrative key positions.<sup>41</sup> This lack

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<sup>37</sup> For a similar assessment cf. Country Profiles of Civil Service Training Systems, OECD, SIGMA Papers, No. 12, OECD/GD(97)122, Paris 1997, p. 3

<sup>38</sup> Interview with David Mitchels, Regional UN Administrator for Western Kosovo (Peja/Pec Region), Peja/Pec 17 July 2001.

<sup>39</sup> Many remarkable examples of qualified and enthusiastic Kosovo civil servants and otherwise well educated and trained Kosovar's must be noted here. It was difficult, however, to attract them to the UN system or to work for the civil service in particular.

<sup>40</sup> In the case of Kosovo and many other UN protectorates, the lack of any significant private sector activities was partially compensated by the attractive wages paid to locals by international organizations and institutions. The effect was much the same: whoever was qualified would much rather work for UNMIK than for the public sector. As an example, an OSCE language assistant would earn more than twice the salary of a municipal mayor.

<sup>41</sup> Note, however, quite a few exceptions to the rule with well qualified and motivated mayors and municipal CEOs throughout Kosovo, often in the smaller communities.

of human resources can only partially be offset by international capacity-building and training programmes, no matter how effective they may be.

Another human resource related problem for UNMIK has been the prevailing Balkan mentality, where decision-making is exclusive and top-down and an authoritarian leadership style is widely respected and followed. This often resulted in clashes with an international mission whose management style was deliberately consensual, trying to convince and to co-operate rather than using authoritarian mechanisms to establish order and to ensure obedience.

### **3.2. OSCE's Capacity Building for Kosovo's new civil service**

All together, the need for a comprehensive capacity-building and training initiative was obvious right from the start and had indeed already been acknowledged by a July 1999 Report of the Secretary General on the United Nations Interim Administration Mission in Kosovo.<sup>42</sup> The report tasked the OSCE to function as the main institution-building component of UNMIK "assisting the people of Kosovo in strengthening the capacity of local and central institutions..." OSCE was also tasked "to identify the needs of local civil administrators and provide them with the required training as quickly as possible..." and to "develop an integrated approach to the strengthening of governance structures through the training of government officials and executive and administrative officers..."<sup>43</sup> In the following section, OSCE's training strategy for Kosovo's civil service will be described in more detail.

Founded in late 1999 in response to the mandate mentioned above, the OSCE's Institute for Civil Administration (ICA) is the international community's primary mechanism to provide training and education to members of Kosovo's civil service.<sup>44</sup> The Institute

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<sup>42</sup> Report of the Secretary General on the United Nations Interim Administration Mission in Kosovo, S/1999/779, 12 July 1999, in particular Section B on institution-building.

<sup>43</sup> Ibid., paras 80-81

<sup>44</sup> For the following cf. Institute for Civil Administration, Fact Sheet on ICA: Spring 2001, OMIK, Pristina.

operates under the policy and administrative oversight of OSCE's Mission in Kosovo Democratisation Department.<sup>45</sup>

The strategic objective of the Institute is to expand the human resource capacity of Kosovo's public sector. Once the ICA's sustainability has been ensured, its management will be transferred to Kosovar counterparts. The programmes of the Institute are delivered by the following principal mechanisms.

1) 1-2 day training seminars for municipal staff across Kosovo on sector-specific, technical issues (e.g. Budget Process or Waste and Water Management). A seven-day post-election training for newly elected Assembly members on the roles and responsibilities of an elected parliament and procedural aspects of self-government has been added after the 17 November elections.

2) A 20 day senior management crash course on Law, Economics, Public Finance, Human Resource Management, Public Management, Urban Planning/Rural Development and Conflict Resolution.

3) Possibly a one year pre-service study course in public management in co-operation with the University of Pristina (under consideration).

4) Study and exchange programmes for senior civil servants with civil service academies and municipalities throughout Europe and North America.<sup>46</sup>

### **3.3 Assessment of civil service capacity-building programmes**

In total, some 3.500 civil servants have participated in the various OSCE's public management trainings by Fall 2001. Some of the early trained senior managers have lost their positions after the municipal elections in October 2000. Others have transferred from the civil service into better paid private sector or UNMIK jobs. It is rather difficult to measure the impact of training on the day-to-day job performance or attitude changes of former trainees.<sup>47</sup> While in some areas of capacity building for public administration there has been a remarkable training impact (i.e. public finance, human resource

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<sup>45</sup> The ICA employs approximately 15 international staff at head-quarter level and another 25 in its field structure, working directly with the municipalities throughout Kosovo.

<sup>46</sup> A more detailed description of the OSCE's civil administration capacity building programme can be found in the Annex.

<sup>47</sup> Cf. for this and the following reference Knut Kirste, ICA Medium Term Training Impact Assessment Project, Final Report, OSCE Mission in Kosovo, Democratisation Department, Pristina, 8 June 2001 (internal document).

management and consumer orientation) other areas have not yielded much measurable success. In one training segment for senior civil servants, the OSCE introduced basic knowledge of human resource management, including interviewing and hiring techniques. An internal assessment on the impact of the training showed clearly that those techniques, such as CV screening, interviewing procedures and a selection process based on qualification standards have been widely used throughout Kosovo in the hiring of new municipal staff after the municipal elections in October 2000.

Although training may be properly delivered by implementing agencies and actively received by trainees, there may be little impact in terms of visible behavioral change. For example, the concept of distribution of power has been mostly unknown to Kosovo leaders. The crucial distinction between local politicians or elected representatives of the population (the legislative) and appointed civil servants (the executive) has not been practiced in Kosovo before: the party was the dominant institution and the concept of leadership was an unrestricted one. After the municipal elections, all newly elected municipal assembly members were invited to go through an intensive crash course on basic democracy issues, including the distribution of power. Until today, in many Kosovo municipalities, the fundamental difference in the role of the local legislative and executive is not properly understood and is not practiced in a strict sense. This shows that deep-rooted factors related to political culture and traditions must be addressed by long term capacity building programmes aimed at changing values and attitudes, not only 'technical' behavior. The international community, with its budgetary and political constraints, however, is seeking short-term results as 'deliverables' and often is unable for long term commitment and sustainability.

International capacity building agencies often have different political mandates and their outreach may focus on different segments of the local society, at times excluding the main target group in need of training. Take as an example the crucial area of training in the field of waste and water management for Kosovo's municipalities. After a few hours in the province, an urgent need for training in these areas becomes overwhelmingly apparent. Through its Institute for Civil Administration, the OSCE has, upon request of

many UN Municipal Administrators, delivered a province wide training on waste and water management. It is, however, in its mandate restricted to delivering training to members of the municipal service, i.e., directors of municipal departments and their senior staff. This excludes the directors of the local utilities companies who deal with waste and water management issues, who received training from another agency.<sup>48</sup> This ‘distribution’ of training among different providers may lead to different levels of knowledge and skills of civil servants and other staff working on the same issue, not to mention managerial issues such as dual cost for logistics and trainers.

Many newly elected or appointed local civil service officials, furthermore, have shown little interest in training. For one thing, some Kosovar leaders have a tendency to reject international advice. Having gone through years of parallel administration, Serbian repression and civil war, there is a mentality of “we’ve seen it all and we know it all”. There is also widespread de-motivation throughout the civil service (low wages, no career opportunities, etc.) and no culture of learning has taken root in Kosovo as of yet. For example, of the 40 individuals selected by OSCE for the latest Western Kosovo (Peja Region) senior management medium term training in May and June 2001, only 21 graduated, about 50%. The rest either dropped out during the course or did not participate at all. Many participants complained about the lack of logistical support, promised by the international community, such as transportation to the training site and the lack of free meals. These are insignificant cost items but have been a long term and constant source of dispute between the different international organizations and agencies involved. Other trainees missed significant parts of the course due to the fact that they have not been given permission to attend by their supervisors due to the workload. Training is still widely considered by local managers as a luxurious and non-essential matter.

Most international capacity building programmes are long term oriented with little or no benchmarks for measurable results and it is probably too early to assess their full potential. The administrative institutions at the municipal level increasingly show signs of improvement, demonstrating more and more both technical as well as managerial skills in

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<sup>48</sup> USAID is funding an extensive training programme for the directors of public utility providers.

the delivery of services and in tackling urgent problems. This is at least partially the result of a massive international effort for administrative capacity-building. It must, however, also be attributed to the fact that at least at the municipal level, Kosovars have learned from working with their respective UN Municipal Administrators and their teams over the past two years. They are furthermore gradually entrusted with more and more administrative responsibilities and real power, forcing them to take charge and deliver, which constitutes a big incentive.<sup>49</sup>

## **4. How successful do international institutions co-operate with each other and work together with the local ones?**

### **4.1 Co-ordination among the international community**

With UNSCR 1244, the international community has been given a comprehensive mandate to promote the establishment, pending a final settlement, of substantial autonomy and self-government in Kosovo. This includes providing transitional administration in all areas while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all citizens in Kosovo. It has been said that the UN has effectively over-stretched its potential with such comprehensive a mandate.<sup>50</sup> Others maintain that the UN structure has not been over-stretched by a comprehensive mandate but rather by the lack of co-ordination among the various actors. UNMIK consists of a complex web of four pillars, representing the main areas of responsibility for the mission: Pillar I, Police and Justice, administered by UN (previously UNHCR for humanitarian affairs); Pillar II, Civil Administration, also led by UN; Institution Building, run by OSCE; and Economic Reconstruction, under the authority of the EU. To this must be added the military component (KFOR) and a myriad of NGOs and state agencies operating in the province.

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<sup>49</sup> As one UN Municipal Administrator from the former GDR put it: "They learn best by being thrown into cold water and learning from their own mistakes, just as East German municipalities did after unification."

<sup>50</sup> C.f. interview with a senior UNMIK official, Pristina, 24 July 2001.

The human resources component of this international effort has truly been remarkable with roughly 5000 international and many more local staff members.<sup>51</sup> Much could be said with regards to co-operation and co-ordination among four independent minded Pillars of UNMIK's Mission in Kosovo and the difficulties of achieving a unified mission approach. This section limits itself to commenting on co-operation with regards to capacity-building and training activities in the area of civil administration.

Although OSCE has been tasked to function as the main capacity-building organization, there has been a proliferation of capacity-building and training providers throughout Kosovo with many of the major UN agencies, international organizations and NGOs running their own capacity-building programmes. Some examples have been provided under section 3.3. No lead agency is de facto responsible for an integrated training and capacity-building strategy making it at times difficult to avoid duplication and overlap and almost impossible to ensure a co-ordinated approach. All agencies undertake their own training needs assessment and depending of the outcome, design their own training and capacity building programmes, often copying what others have already been doing for quite a while. Some agencies have offered the municipalities with sophisticated tailor-made training strategies but without the means to implement them.<sup>52</sup>

At times Kosovars felt overwhelmed by the number of capacity-building experts and consultants from different organizations and countries<sup>53</sup> trying to make Kosovo's new civil administration more efficient. Sometimes, less but better and more carefully planned training would have been more. For example, top Kosovar civil servants have experienced a virtual training overkill in the first half of 2001, with Municipal Presidents and CEOs constantly being invited to multiple study tours to many Western countries.

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<sup>51</sup> Add to this roughly 39.000 KFOR troops many of which with various civilian support functions.

<sup>52</sup> Note the example of the EU Human Resources Management Officers, funded by the European Agency for Reconstruction, who were deployed to municipalities in the Spring of 2001, undertaking comprehensive municipality training needs assessment studies after other agencies had already been running capacity-building programmes for two years. The training plans delivered to the mayors did not include trainers or funds and implementation was sought through other agencies, who were understandably quite reluctant to implement training for the EU.

<sup>53</sup> Besides being represented through various international organizations and their programmes, many countries also run their own activities and try to influence developments on the ground in a particular way, adding much to the confusion.

The training in general has often been donor- and supply-driven and was organized in a top-down approach while the real needs of the emerging civil service call for a demand-driven, bottom-up approach where capacity-building is delivered according to a carefully undertaken training needs assessment in the field. At times, municipalities were asking for very basic training in simple skills but donors were more interested in delivering sophisticated and often pre-fabricated training packages. Still, it must be said that many initiatives are beginning to deliver improvement as civil administration in Kosovo takes shape.

#### *Assessment*

The assessments of the complex mission structure and its effects on the implementation of UNMIK's mandate differ widely within the mission. While some have described it as a "hopeless failure",<sup>54</sup> others find the structure has worked "quite well" given the complexity of this construct. Even those, however, are rather skeptical that UNMIK can serve as a structural model for future state-building exercises, in particular with regard to ensuring the protection of minority rights, where a much more authoritarian or leadership oriented structure is required.<sup>55</sup>

### **4.2 Co-operation with the local actors**

The difficulties to find a constructive working modus between UNMIK and political actors at the local level has been described in detail above. At the central level, the system of co-heading administrative departments has been criticised as window-dressing, giving the locals the wrongful illusion of real power sharing. The consultative central institutions (IAC, KTC) are another point in case. Driven by demands for independence, UNMIK has at times created false hopes and expectations in order to open the lid on the quest for self-determination and real power sharing. As most of those hopes proved elusive, local actors became more and more impatient and the aftermath of the 17 November elections will put future co-operation between UNMIK and the Kosovars to the test.

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<sup>54</sup> Interview with a senior UNMIK official, Pristina, July 2001.

<sup>55</sup> Interview with Tom Koenigs, Deputy Special Representative of the Secretary General for Civil Administration, UNMIK, Pristina, 17 August 2001.

UNMIK has also been slow in designing and implementing a strategy of “Kosovarization”, turning international posts over to local staff. On a bigger scale, this is starting only at a time when international personnel is significantly scaled down, leaving less opportunity for supervision and “joint” learning of international and local professionals.

## **5. Which were the main problems in setting up effective administration and how have the intervening institutions dealt with the problems?**

### *Lack of resources and slow Mission deployment*

The build-up of the Mission -- with the exception of the OSCE Pillar<sup>56</sup> -- was, as is so often the case with post-conflict rehabilitation efforts, rather slow and a few months elapsed before UNMIK had fully set-up shop in all municipalities deploying civil administrators to all Kosovo cities and villages. UNMIK seems to have been aware that a slow deployment would have negative consequences for achieving early results in rebuilding a democratic civil administration. Being quick, however, required having the necessary resources and staff at hand. The lack of UNMIK staff in the summer of 1999 was addressed by a hasty recruitment of Mission members. It appears paradoxical that the very measure by which UNMIK addressed a slow Mission build-up proved counterproductive in the end: emergency recruitment meant that not all of the new UNMIK employees, often from outside the UN system and with little practical experience, had the qualifications needed to do the job properly. Also, UNMIK, in particular UNMIK Police, found it sometimes difficult to reconcile different working and

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<sup>56</sup> The OSCE’s Kosovo Verification Mission had deployed roughly 1200 people throughout Kosovo in late 1998 to monitor the international agreement between the FRY and the UCK brokered by Richard Holbrook. This Mission was temporarily withdrawn prior to the NATO bombardment but was basically kept on stand-by in neighboring Macedonia. The OSCE, therefore, was quick in re-deploying its UNMIK component to the province.

management styles among the many nationalities and agencies which formed the Mission.<sup>57</sup>

### *Self-appointed structures*

UNMIK had considerable problems in asserting its rule in the Province. The second strategy of UNMIK to counter its initial operational weaknesses has been to embrace existing administrative structures to the extent possible. As has been described above, the self-appointed and illegal administrative structures at the municipal level have been largely accepted by UNMIK. After UNMIK realized that it was not in a position to run the province by itself, it invented JIAS, the model for sharing administrative power at the central level. In sum, UNMIK was not fully in control of the power structures in the province, and has, instead, often been sidelined and marginalized by the Kosovars.<sup>58</sup>

The inability of the Mission to fully neutralize self-appointed administrative structures in the first phase of the Mission has led to many subsequent problems and failures. After the NATO intervention, UNMIK was at first mainly preoccupied with creating a secure environment, coping with a massive influx of returning refugees, distributing humanitarian aid and reconstructing basic infrastructure before it began with its state-building exercise. Thus valuable time was lost, in which the self-installed governmental structures had time to consolidate and foster.

### *Lack of authority*

UNMIK has also never fully succeeded in establishing its authority to the extent necessary for implementing its own mandate and defending its role as a guarantor of law and order at the local level. The police and military support structure to back-up UNMIK's civil administration component was not always at the disposal of local UN Administrators due to a division of civilian and military/police structures of UNMIK. In cases of disagreement between the UN Administrators and the local political forces, or in case of outright opposition, KFOR and UN Police were sometimes reluctant to assist the

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<sup>57</sup> Interview with Karin Rudebeck, International Co-Head, UNMIK Department of Local Administration, Pristina, 23 July 2001.

<sup>58</sup> Interview with a senior UNMIK Official, Pristina, July 2001.

UN Civil Administrator in operations which could have endangered their own personnel or might have spoiled their relations with the local power structures.<sup>59</sup> This general lack of preparedness (or the inability) to intervene and or to effectively police on the ground is a common problem of all international peacekeeping and state-building missions.<sup>60</sup> Also, it must be said that many UN Administrators did not have the stamina to stand up against local leaders. This partial lack of authority vis a vis the local counterparts is still somehow characteristic for the Mission.<sup>61</sup>

The proliferation of international actors and programmes at the local level further undermined the authority of the UN Administrators. In many ways, the international community has been neutralizing itself at the local level, allowing the locals “to play UN today, KFOR tomorrow and another agency the next day.”<sup>62</sup>

#### *Mission management and command structure*

The enormity of the tasks in Kosovo and the comprehensive mandate led to the creation of a Mission incorporating several international organizations and agencies under one roof. The idea, new and appealing as it appears, was to gather all available expertise in various specialized organizations and agencies required for doing the job. The problem was, however, that such a complex structure bringing together many different organizational cultures and bureaucratic interests requires strong leadership and good co-ordination. The problems involved with co-ordination between the different Pillars of UNMIK has been exemplified above in the area of capacity building. Observers and senior UNMIK staff have described the structure as a “hopeless failure”, being responsible for most of the remaining problems of civil administration in the Province.

#### *Be aware of cultural differences*

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<sup>59</sup> Interview with a senior UNMIK official, Pristina, 24 July 2001.

<sup>60</sup> Note in this connection also the extreme case of the UN Mission in Somalia.

<sup>61</sup> Asked whether UNMIK has applied too soft a strategy for establishing its rule, a senior UN official for Western Kosovo (Peja/Pec Region), stated: “Being tough was impossible in the beginning but a few more tricks from the colonial system would have helped.” Interview, 17 July 2001, Peja/Pec.

<sup>62</sup> Interview with a senior UNMIK official, Pristina, 24 July 2001.

UNMIK has also been suffering from cultural differences within this complex and multifaceted mission, which had to reconcile vastly different management styles and ways to address conflict. The impact of cultural differences between UNMIK and the Kosovo counterparts on the success of the mission should not be underestimated either. Kosovar leaders at all levels, having mastered years of Serbian oppression, civil war and ethnic cleansing displayed an amazing degree of self-confidence and self-awareness. Many of UNMIK's staff have been simply overwhelmed by their boldness and simply been outwitted in their daily contacts. There has been also the habit of new Kosovar civil servants to politicize any, even insignificant, administrative decisions. A lack of transparency of the local civil servants vis a vis their international counterparts has already been mentioned. Recently, administrators of the leading party (LDK) have also been increasingly less willing to co-operate with UNMIK and are trying to dis-associate themselves from UNMIK. This is an attempt to put the blame for expected failures of civil administration, both at the central as well as on the local level, on the UN.

#### *Human resources deficits*

UNMIK personnel, in particular in the beginning stages of the Mission, has not always been top-quality and many of its staff had to learn the specific requirement of their position on the job. In re-building civil administration capacities, UNMIK had to rely on the local human resources available, often lacking experience, basic skills and being highly politicized. No capacity-building programme can address such profound deficits in the short term or can produce an effective and modern civil service from scratch. UNMIK has also been facing a problem with getting the key qualifications needed in civil administration for the low salaries foreseen by the Kosovo Unified Budget for local civil servants. A typical municipal employee would earn between DEM 180 (handyman, cleaner) and 540 (director of municipal department), too little to attract and retain quality personnel.

## 6. Conclusions and Recommendations

### *Draft clear and realistic mandate*

Any mandate for an international state-building mission must be drafted carefully and limit itself to what can be realistically achieved. In Kosovo, UNMIK tried to be in charge of virtually everything and over-stretched itself. Together with its KFOR component, this Mission was de facto a combination of traditional peace-keeping combined with state-building at all levels. An assessment of the military component of the international community's engagement in Kosovo will be done elsewhere but it can safely be assumed that the military part of the exercise was the easier one, similar to previous state-building exercises, such as Bosnia. While KFOR's mandate was rather clear, UNMIK's mandate defined mission goals but not the individual steps leading towards them. This lack of a general blueprint is somewhat surprising, given that fact that this was by no means the first state-building mission of the international community.<sup>63</sup> Despite the fact that all such future endeavours will have their peculiarities and require a tailor made approach, there are surely some fundamental ground-rules worthwhile to be generally followed, in particular in matters of structure and logistical planning but to a lesser extent also in matters of policy. A senior UNMIK member has suggested a "co-ordinated contingency plan for civil society disasters" ready for application in the future.<sup>64</sup>

### *Ensure co-ordination and leadership for complex mission structures*

No single one international organization alone can master the complex challenges typical for post-conflict rehabilitation and state-building environments. If several organizations are to participate in the exercise, a smooth co-ordination between the actors involved and a clear distribution of work between all agencies involved must be ensured, however, to address the often dramatic situation on the ground. Given the UNMIK experience, it appears questionable that such co-ordination and the necessary leadership can be achieved by a structure as complex and independent as UNMIK's four Pillars at the

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<sup>63</sup> It has been suggested by some UNMIK representatives that a general blueprint for state-building could not address the different realities and conditions in individual countries concerned.

centre and the great number of additional agencies, NGOs and nation states operating in its orbit, running their own programmes and activities. One suggestion has been to unify all agencies under one command structure and to eliminate additional nation state programmes.<sup>65</sup> Given the highly individual cultures of organizations and the often diverging interests of nation states within one Mission, such a delegation of power and authority seems somewhat unlikely, unfortunately. While arguing for a clear line of command and strong leadership on the ground, it appears at the same time advisable to provide for a reasonable operational freedom of the mission. UNMIK, i.e. its UN Pillar in particular, suffered from being strangled by tight management control exercised by UN headquarters in New York, in particular in budgetary matters. This has led to unnecessary delays if policy depended on the mobilisation of (often modest) financial resources.<sup>66</sup>

*Ensure early deployment and allocate resources necessary to carry out the mandate*

The potential dangers of a delayed mission deployment and its long term effects on the success of UNMIK have been described in chapter 1. It appears absolutely essential for any mission to deploy on the ground as soon as possible after the end of an armed conflict in order to avoid a power vacuum to be filled by unwanted political forces which later on can be removed at high cost only. It is also important to show a massive presence on the ground in the early days of any mission. The recruiting process for international peace- or state-building missions also needs reform. It has been suggested to decentralize the complicated and time consuming staffing procedure, away from HQs into the hands of the Missions proper.<sup>67</sup> Another suggestion has been to establish a roster of experienced

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<sup>64</sup> Interview with Karin Rudebeck, International Co-Head, UNMIK Department of Local Administration, Pristina, 23 July 2001.

<sup>65</sup> This could be done by requesting individual states and other donors to finance a common fund for particular activities, such as capacity building or economic development, under the authority of one executing organization, i.e. the UN, the EU, the OSCE or one particular NGO, who would then administer and co-ordinate all related programmes.

<sup>66</sup> Interview with Tom Koenigs, Deputy Special Representative of the Secretary General for Civil Administration, UNMIK, Pristina, 17 August 2001.

<sup>67</sup> During the first year on the ground, when UNMIK had relied on New York administered recruitment procedures, only 50% of its staffing table had been filled. After starting to hire staff through UNMIK directly, the staffing problem had been redressed within a few months. Interview with Tom Koenigs, Deputy Special Representative of the Secretary general for Civil Administration, UNMIK, Pristina, 17 August 2001.

international Mission members ready for quick deployment to any potential Mission.<sup>68</sup> The question of sufficient resources in the initial stage, matching political declarations to intervene (in terms of state-building) with the resources necessary to do the job properly is as old as international missions and seems unlikely to be resolved any time soon.

*Be credible and consequential*

There is no room for a half-hearted approach if international state-building missions are to be successful. An international mission with the mandate to temporarily assume executive (and other) power must do so. Law and order issues in Kosovo are a prominent example. Leaving entire areas of lawlessness unattended will undermine the credibility of those who are supposed to ensure law and order and create conditions in which the rule of law can become a basic principle. Violations of minority rights in Kosovo are a telling case. Likewise, on quite a few occasions, including civil administration procedures, UNMIK has been too relaxed about preaches of its own regulations by local counterparts which has had lasting effects on the credibility of the Mission and its mandate.

*Provide for early democratic legitimization*

Kosovo has shown that any UN Mission, regardless of its size, is unlikely to fully control a post conflict country or territory for various reasons, e.g. lack of resources and lack of determination to intervene decisively. If that is the case, it appears advisable to aim for an early legitimization of local institutions to share administrative and executive power once the UN has fully established its rule. This is not an argument for hasty elections but can be a valuable tool for dismantling existing illegitimate or obstructive structures and for ensuring involvement and ownership of legitimate local elements in running a protectorate.

*Set timeline and benchmarks for withdrawal*

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<sup>68</sup> An interesting initiative in this regard has been OSCE's REACT Project (Rapid Expert Assistance Cooperation Teams). Since 2001, a database, shared between the OSCE Secretariat in Vienna and the Ministries of Foreign Affairs of all 55 Participating States comprises at any given time a core group of experts in different key areas ready for deployment on short notice to build-up a viable nucleus mission structure in any post-conflict situation.

It appears also advisable to clearly outline a timeframe for the hand-over of authority, based on measurable benchmarks. In that context, international Missions should introduce quality control as a management instrument also for their political agenda. It appears furthermore essential to involve local players at an early stage. The UN at times seems too reluctant to entrust local actors with real power and responsibility. The experiences of Kosovo, and Bosnia to a lesser extent, have shown that local political/administrative actors are most usefully engaged in the process if given real authority and a certain freedom of action in a clearly defined framework.

International Missions should avoid indefinite and unconditional long-term engagement. The pressure of a predetermined withdrawal date as supposed to rendering assistance ‘as long as it may be required’ (UNSCR 1244) may also help triggering serious engagement by the local actors. One problem with regards to an early withdrawal is the fact that many international state building Missions become self-perpetuating. International staff, which are remunerated quite well, are interested in keeping their positions and departments and agencies, in their bureaucratic power struggle, fight for an extension of their programmes and funds beyond what is really necessary. These two aspects of international missions help create missions of long duration which in turn foster dependencies on the local side as Bosnia has most prominently shown. The “Kosovarization”, i.e. the increasing localization of international posts may also serve as a valuable tool in that regard. UNMIK has only recently started with a hand-over process of the power positions in the Mission. By the end of 2002, OSCE for its part, is planning to have handed over to OMIK’s local staff one in five professional jobs.<sup>69</sup>

*Is the glass half full or half empty?*

UNMIK has taken on a complex and difficult mandate covering all areas of state-building in Kosovo. Much has been achieved since June 1999 and this paper does not intend to downplay the many bigger and smaller success stories of the international interim administration mission which are often times difficult to see from the outside. It is easier

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<sup>69</sup> As a preparation, the OSCE has run a National Professional Officer trainee programme, where selected local staff is trained on the job for roughly one year before they can qualify for professional posts.

to point at shortcomings than to outline the numerous small successes achieved by many dedicated UNMIK staff. The overall assessment of the mission in general as well as in the field of civil administration is a mixed picture, in the end, ranging from “remarkable progress achieved”<sup>70</sup> to “a considerable failure, given the amount of engagement”<sup>71</sup>. The achievements are mainly in rebuilding effective administrative structures. “The people of Kosovo recognize that, today, most public things now work. The courts, schools, hospitals and health clinics, tax collection system, railways, roads, radio and television, the postal system, the cadastre and offices issuing public documents have long been up and running.”<sup>72</sup> The challenges are to make the new institutions at provincial level work and ensure proper involvement of Kosovars in the new administration. UNMIK must make an effort to provide for a responsible handover of administrative powers in the medium term. The biggest test for UNMIK and indeed the entire international community is yet to come. Despite the November 2001 central level elections, both Kosovo Albanians and Kosovo Serbs will soon confront the international community with their frustrations, namely that Kosovo in the near future will neither be an independent state nor will it ever again come under full Serbian rule.

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<sup>70</sup> Interview with Karin Rudebeck, International Co-Head, UNMIK Department of Local Administration, Pristina, 23 July 2001.

<sup>71</sup> Interview with a senior UNMIK official, Pristina.

<sup>72</sup> Hans Haekkerup, in: UNMIK at Two, Pristina, June 2001, p.1.

Annex

**OSCE's Institute for Civil Administration (ICA)  
Capacity Building Programmes for Kosovo's New Civil Service**

*Seminar Programme*

In operation since December 1999, ICA's Seminar Programme offers flexible, praxis-oriented 1-2 day training seminars to municipal staff across Kosovo. These seminars provide training in sector-specific, often technical issues and emerging topics in Kosovo's public management. Seminars are usually delivered regionally with attendees from several neighboring municipalities invited to a common location and trained in groups of 25-35 people.

To date, ICA's Seminar Programme has covered a variety of public management subjects, including Personnel Management and Human Rights Awareness in the Civil Service, Budget Planning and Citizen's Participation in Local Government, Project Planning, Effective Meetings Management, Water and Waste Management, Urban Planning, etc. and new topics are added to the programme reflecting the administrative dynamics in the Province. A total of 2120 mostly senior civil servants have attended these seminars as of late June 2001.

After the municipal elections in October 2000 all newly elected members of Kosovo's new Municipal Assemblies were invited to an intensive two-day "Post Election Municipal Assembly (PEMA) training" on the new UN Regulation on Self-Government of Municipalities. Out of a total of 895 newly elected Municipal Assembly members, 597 have been trained in the PEMA seminar. A similar exercise has been undertaken with the 120 members of Kosovo's new Assembly, elected on 17 November 2001.

By March 2001 every new municipal Chief Executive Officer (CEO) in all 30 municipalities received a comprehensive one-week management-training course in Norway to prepare them for their crucial role as leaders of the municipal executive.

For newly elected Municipal Assembly Presidents (mayors) the Institute is conducting a special series of seminars once every quarter during 2001. The first was in January on conflict resolution in “Kosovo after the Municipal Elections”. 25 municipalities were represented in this two-day seminar lead by the Norwegian peace researcher Johan Galtung. Other seminars included the “Role of the opposition in a parliamentary system”, “Economic development” and “Citizens participation and Human Rights in local administration”.

ICA’s Seminar Programme also provides training in basic computer skills, including word processing and database management, for municipal employees. Until the end of June 2001, 861 staff people have received basic computer training.

In all ICA’s short-term seminars from December 1999 until end of June this year a total of 2.120 people have received training.

#### *Medium Term Programme*

This is an in-service training program for senior and mid-level civil servants in municipalities and central administration. The Medium Term Programme provides a comprehensive introduction to the core competencies required of modern public managers. The Programme’s 20-day curriculum – distributed over six weeks – includes Law, Economics, Public Finance, Human Resource Management, Public Management, Urban planning/Rural development and Conflict Resolution.

The curriculum – which is designed after recommendations by a joint OSCE/Council of Europe training needs assessment mission and is in accordance with Western European training of civil servants – covers the basic areas of knowledge and skills needed for a multifunctional, generalist public servant. The participants have to attend the entire course and after each component they have an examination. At the conclusion of the course they are awarded certificates of completion noting their relative mastery of the subject.

Courses are taught by OSCE seconded staff with university teaching experience in their respective fields. Professional local staff joins them as counterparts, in order to achieve a good exchange, and transfer, of knowledge and lecturing skills. Lately, the Institute has hired four local Programme Managers for a “train the trainers” programme in order to gradually nationalize the teaching faculty.

Every fourth week one new course starts. A total of 179 senior civil servants from all municipalities of Kosovo have received the training until the end of February of 2001.

#### *Long Term Programme*

The Institute for Civil Administration’s Long Term Programme is still under discussion with the University of Pristina, which is a possible counterpart. The intention was to design a pre-service education for students who wish to enter Kosovo’s civil service. The plan was to create a one-year course of formal education in modern public administration theory and management knowledge. This plan has recently been dropped, due to the lack of interest of young qualified people for joining the public service. Unless Kosovo’s civil service manages to become more attractive for the younger generation, this puts the long term prospects for the creation of a modern civil service in the province in serious jeopardy.

#### *International Programmes*

Training programmes have also been arranged with the School of Public Administration of Slovenia in Ljubljana, the Galilee College in Israel, with the Swiss “Institut de Hautes Etudes en Administration Publique” (IDHEAP) for a “training of trainers” programme and with the “Deutsch-Franzoesische Jugendwerk”.