

**Disentangling the Impact of Peacebuilding:  
Intentionality, Consequences, and Responsibility**

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## **Declaration**

I hereby certify that this material, which I now submit for assessment on the programme of study leading to the award of PhD is entirely my own work, that I have exercised reasonable care to ensure that the work is original, and does not to the best of my knowledge breach any law of copyright, and has not been taken from the work of others save and to the extent that such work has been cited and acknowledged within the text of my work.

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*To Grace, for her love, support, and enduring patience*

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## Table of Contents

Abstract.....	vii
List of figures and tables .....	viii
Acronyms .....	ix
<b>Chapter I: Introduction.....</b>	<b>1</b>
Thesis argument .....	4
Methodology and case studies .....	7
Structure of thesis.....	9
<b>Chapter II: Peacebuilding Theories, Impact Assessment, and Discordance of Consequences.....</b>	<b>13</b>
Introduction .....	13
From liberal peace to liberal peacebuilding .....	15
Critique as alternative and the alternative of critique .....	21
The assessment of peacebuilding impact.....	26
Discordance of consequences in peacebuilding research.....	31
Conclusion.....	38
<b>Chapter III: Typological Framework of Peacebuilding Intentionality, Consequences, and Responsibility .....</b>	<b>40</b>
Introduction .....	40
Typological framework of peacebuilding intentionality, consequences, and responsibility .....	41
<i>Declared intentions</i> .....	43
<i>Critical turning points</i> .....	45
<i>Spectrum of consequences</i> .....	47
<i>Unintended consequences</i> .....	49
<i>Unanticipated consequences</i> .....	50
<i>Unprevented consequences</i> .....	51
<i>Responsibility</i> .....	54
Putting the typological framework into practice.....	58
<i>Critical practice tracing (CPT)</i> .....	59
Case study research .....	68
Conclusion.....	73

<b>Chapter IV: The Unintended Consequences of Police Reform in Bosnia and Herzegovina.....</b>	<b>76</b>
Introduction .....	76
Declared intentions, police reform, and peacebuilding in BiH .....	78
Critical turning point I: DPA arrangements and UN-led police reform .....	81
Spectrum of unintended consequences I .....	85
<i>Multiple decentralized, ineffective, and politicized police structures</i> .....	86
<i>Police forces in service of protecting war criminals and obstructing inter-ethnic reconciliation</i> .....	89
<i>Breeding chronic human insecurity</i> .....	92
Critical turning point II: Police restructuring under EUPM .....	96
Spectrum of unintended consequences II.....	103
<i>Nurturing of inter- and intra-entity political confrontation &amp; exclusionary politics</i> .	104
<i>A fragile rule of law and widespread organized crime and corruption</i> .....	107
<i>Loss of popular trust in local and international institutions</i> .....	110
Responsibility for unintended consequences.....	112
Conclusion.....	117
<b>Chapter V: The Unprevented Consequences of Peacebuilding in Kosovo.....</b>	<b>120</b>
Introduction .....	120
Declared intentions, rule of law and peacebuilding in Kosovo.....	123
Critical turning point I: The deployment of NATO and UNMIK in Kosovo .....	126
Spectrum of unprevented consequences I.....	133
<i>Creation of frozen conflict in the north of Kosovo</i> .....	133
<i>Obstruction of Serb integration in Kosovo's institutions and society</i> .....	139
<i>Creation of a malfunctioning legal and administrative environment, persistence of informality and organized crime</i> .....	141
Critical turning point II: Final status negotiations and the implementation of the Ahtisaari proposal.....	145
Spectrum of unprevented consequences II.....	152
<i>Failure to implement the Ahtisaari proposal in the north of Kosovo</i> .....	152
<i>Contestation of Kosovo's sovereignty in the north</i> .....	154
<i>Solidification of ethnic division</i> .....	156
Responsibility for unprevented consequences.....	158
Conclusion.....	163

<b>Chapter VI: The Unanticipated Consequences of Security Sector Reform in Timor-Leste .....</b>	<b>166</b>
Introduction .....	166
Declared intentions, security sector reform, and peacebuilding in Timor-Leste..	169
Critical turning point I: The establishment of F-FDTL and PNTL.....	172
Spectrum of unanticipated consequences I .....	178
<i>State failure and the recurrence of violence in April and May 2006.....</i>	<i>178</i>
<i>Police impunity, unaccountability and human insecurity.....</i>	<i>182</i>
<i>The emergence of spoiler groups .....</i>	<i>185</i>
Critical turning point II: Security sector review and reform.....	187
Spectrum of unanticipated consequences II.....	194
<i>Blurred lines of responsibility between the defence and police forces .....</i>	<i>194</i>
<i>The politicization and impunity of the police .....</i>	<i>197</i>
<i>Damaged relations and distrust between the UN and Timorese authorities.....</i>	<i>200</i>
Responsibility for unanticipated consequences.....	202
Conclusion.....	206
<b>Chapter VII: Conclusion: Peacebuilding in disguise? .....</b>	<b>209</b>
Introduction .....	209
Peacebuilding in disguise: intentionality, consequences, and responsibility .....	210
<i>Declared intentions as the 'original sin' of peacebuilding .....</i>	<i>211</i>
<i>The complexity of the spectrum of consequences .....</i>	<i>212</i>
<i>Responsibility for consequences.....</i>	<i>220</i>
Beyond liberal peacebuilding .....	222
Conclusion.....	225
List of interviews .....	226
Bibliography .....	229

## Abstract

This thesis disentangles the impact of peacebuilding in post-conflict societies, focusing on the intentionality, consequences, and responsibility that underline current peacebuilding practices. An examination of the consequences of peacebuilding has largely been ignored by peacebuilding organizations and is insufficiently explored by peace and conflict scholars. The overall argument of this thesis is that liberal peacebuilding is not fit for purpose. Peacebuilding organizations do not engage sufficiently with the spectrum of consequences that their actions produce. They are not capable of reaching intended goals, anticipating and preventing the consequences of their actions, and taking responsibility for their consequences. This makes peacebuilding a camouflaging enterprise. Peacebuilding organizations are pre-occupied with immediate impact, are motivated by self-interest, and operate with short-sightedness. However, the very ignorance of the long-term impact and consequences of peacebuilding conditions the failure of peacebuilding efforts in the short term, thereby delaying the consolidation of peace at the expense of prolonging human insecurity and local inertia into structural disadvantages and uncertainty. Accordingly, this thesis highlights an underexplored aspect of peacebuilding practice, and opens up space for peacebuilding critiques to explore new frontiers. It argues that local agency in its institutional, public and everyday forms counts and plays a crucial role in shaping, negotiating, and determining the prospects of peacebuilding. In this regard, the thesis shows that peace is also shaped by dislocated and dissociated events and interactions within and beyond peace infrastructure, as well as being determined by local agents directly and indirectly involved in peacebuilding endeavours.

In undertaking this complex task, this thesis develops a new integrated typological framework, which examines the following aspects of peacebuilding: the declared intentions; critical turning points; the spectrum of unintended, unanticipated, and unprevented consequences; and responsibility in the form of attributability, answerability and accountability. To facilitate this process, this thesis introduces 'critical practice tracing' as a new qualitative mixed method to guide the identification, examination, and evaluation of peacebuilding intentionality, consequences and responsibility in post-conflict situations. The typological framework is utilized to examine the unintended consequences of police reform in Bosnia and Herzegovina, the unprevented consequences of the emergence of Serb parallel structures in Kosovo, and the unanticipated consequences of security sector reform in Timor-Leste. To cope with complexity, uncertainty, and to reduce and avoid the potentially negative consequences of peacebuilding, acting and knowing about peacebuilding should create space for emancipatory, reflective, and precautionary peacebuilding. Accordingly, the main contribution of this thesis is to promote a critical local perspective on peacebuilding, problematize the ethos and agency of peacebuilding and expand critical epistemologies to capture the complexity of contemporary peacebuilding in post-conflict societies.



## List of Figures and Tables

Typological Framework of Peacebuilding Intentionality, Consequences, and Responsibility .....	43
The Application of Critical Practice Tracing to the Typological Framework .....	67
Two-tier approach to case selection .....	72

## Acronyms

BiH - Bosnia and Herzegovina

CNRT - National Council for the Timorese Resistance

DPA - Dayton Peace Accords

ESDP - EU Security and Defence Policy

EU - The European Union

EUFOR - EU Forces in Bosnia and Herzegovina

EULEX - European Union Rule of Law Mission in Kosovo

EUPM - European Union Police Mission

EUSR - EU Special Representative

F-FDTL - Defence Force for Timor-Leste

FALINTIL - The Armed Forces for the National Liberation of Timor-Leste

FRETELIN - Revolutionary Front for an Independent East Timor

HR - High Representative (Bosnia)

HRAP - Human Rights Advisory Panel

ICO - International Civilian Office

ICR - International Civilian Representative

ICTY - International Criminal Tribunal for the former Yugoslavia

IDP - Internally Displaced Persons

IFOR/SFOR - International Force / Stabilization Force (NATO)

IMF - International Monetary Fund

INTERFET - International Force for East Timor

IPTF - International Police Task Force

KFOR - Kosovo Force (NATO)

KLA - Kosovo Liberation Army

NATO - North Atlantic Treaty Organization

OHR - Office of the High Representative

OIK - Ombudsperson Institution in Kosovo

OSCE - Organization for Security and Cooperation in Europe

PDK - Democratic Party of Kosovo

PIC - Peace Implementation Council  
PISG - Provisional Institutional of Self-Government  
PNTL - National Police of Timor-Leste  
POLRI - Indonesian National Police  
PRC - Police Restructuring Commission  
RDTL - Democratic Republic of Timor-Leste  
RS - Republika Srpska  
RSNA - Republika Srpska National Assembly  
SAA - Stabilization and Association Agreement  
SDS - Serb Democratic Party  
SIPA - State Investigation and Protection Agency (BiH)  
SNC - Kosovo Serb National Council  
SOFA - Status of Forces Agreement  
SRSG - Special Representative of the Secretary-General  
UN-DPA - UN Secretariat - Department of Political Affairs  
UN-DPKO - UN Secretariat - Department of Peacekeeping Operations  
UNAMET - United Nations Mission in East Timor  
UNGA - United Nations General Assembly  
UNHCR - UN High Commissioner for Refugees  
UNMIBH - United Nations Mission in Bosnia and Herzegovina  
UNMIK - United Nations Interim Administration Mission in Kosovo  
UNMISSET - United Nations Mission of Support to East Timor  
UNMIT - United Nations Integrated Mission in Timor-Leste  
UNOSEK - UN Office of the Special Envoy for Kosovo  
UNOTIL - United Nations Office in Timor-Leste  
UNPOL - UN Police (also referred as CIVPOL)  
UNSC - United Nations Security Council  
UNSG - United Nations Secretary-General  
UNTAET - United Nations Transitional Administration in East Timor  
WB - World Bank

# CHAPTER ONE

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## Introduction

‘... there is no being without doing and  
no doing without consequences.’

(Margaret Archer, 1995)<sup>1</sup>

This thesis takes an analytical and critical explanatory approach in order to disentangle and assess the impact of peacebuilding actualities in three post-conflict societies: Bosnia and Herzegovina, Kosovo, and Timor-Leste. To disentangle the impact of peacebuilding, this thesis explores the three aspects: the intentionality, consequences and responsibility of peacebuilding. This thesis constructs a critique of peacebuilding around the presence or absence of peacebuilding potential and its ability to reach intended goals, to anticipate and prevent creating negative consequences. In doing this, the thesis reveals the power of local critical agency in shaping peace and the limits of liberal peacebuilding. The thesis explores the processual pathways that illustrate how the interconnection between complex intentionality and an uncertain choice of actions produces a spectrum of consequences, which were not intended, anticipated, or prevented. In order to ensure the ethical conduct of peacebuilding and to reduce harmful effects, it is of paramount importance to assign responsibility for such consequences.

The international responses to most violent conflicts that occurred during the past twenty years have involved a combination of statebuilding and peacebuilding instruments. While the ultimate goal of statebuilding is to establish self-sustaining, legitimate and effective state institutions, peacebuilding concerns primarily the establishment of self-sustaining peace through eradicating structural factors that trigger violence in the first place. These two parallel and intermeshed agendas are defined as liberal peacebuilding, where the goal of the international military and civilian presence is to build a sustainable peace through es-

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<sup>1</sup> Margaret S. Archer, *Realist Social Theory: The Morphogenetic Approach*, Cambridge: Cambridge University Press, 1995, p. 259.

establishing democratic institutions, rights, and civil society, and to install a neoliberal and market-oriented economy.<sup>2</sup> From Cambodia and Bosnia-Herzegovina, to Kosovo and Timor-Leste, the liberal peacebuilding framework was executed through the international administration of post-conflict societies. These new international administrations exercised full sovereignty over these societies for a transitional period of time in order to restore peace and order, rebuild political institutions, reconstruct the economy and create conditions for durable peace.<sup>3</sup>

Although the number of ethnic conflicts and civil wars has fallen in the past decade, the recent phenomenon of extensive UN administrations gave rise to substantial debates on the paths, strategies, and implications of reconstructing post-conflict states.<sup>4</sup> The record of contemporary liberal peacebuilding praxis so far indicates a mixture of success and failure.<sup>5</sup> In terms of success, liberal peacebuilding has contributed to initiating post-conflict political, economic and social recovery processes, such as establishing new constitutional and institutional frameworks, developing electoral choice, and setting up basic public services.<sup>6</sup> However, in several aspects liberal peacebuilding has fallen short in establishing conditions for sustainable peace. The most disturbing aspect is the fact that most of the post-conflict societies that have experienced international administration and liberal peacebuilding continue to suffer from weak democracy, fragile peace, and contested and fragmented sovereignty. Although liberal peacebuilding has envisaged building institutions based on consensual and wide representation politics, ruled by law, and promoting good governance, the state of peace in these countries reflects slow progress, where these war-torn societies continue to suffer from ethnic tensions and dysfunctional power-sharing institutions, the absence of social cohesion and trust, poverty and social inequality, the absence of ethnic reconciliation and deviated transitional justice.<sup>7</sup>

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<sup>2</sup> See: Edward Newman, et al. (eds.), *New Perspectives on Liberal Peacebuilding*, Tokyo: UN University Press, 2009.

<sup>3</sup> Richard Caplan, *The International Administration of War-torn Territories: Rule and Reconstruction*, Oxford: Oxford University Press, 2005.

<sup>4</sup> Roland Paris and Timothy D. Sisk (eds.), *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations*, London: Routledge, 2009.

<sup>5</sup> Susanna Campbell, et al. (eds.), *A Liberal Peace? The Problems and Practices of Peacebuilding*, London: Zed Books, 2011. See also: Dennis C. Jett, *Why Peacekeeping Fails*, New York: Palgrave, 1999.

<sup>6</sup> Paul F. Diehl and Daniel Druckman, *Evaluating Peace Operations*, Boulder: Lynne Rienner Pub., 2010.

<sup>7</sup> Oliver P. Richmond (ed.), *Palgrave Advances in Peacebuilding: Critical Developments and Approaches*, Basingstoke: Palgrave Macmillan, 2010.

Deriving from these anomalies of liberal peacebuilding, one of the most important challenges remains the assessment and evaluation of the long-term impact and effectiveness of peacebuilding praxis. However, questions on how to measure the impact of peace in the long-term, what counts as sustainable peace, and the reliability of existing assessments of peacebuilding impact, remain at the heart of peacebuilding problematique. So far, the measurement of wider impact remains elusive and is inadequate for capturing and tracing long-term consequences. Driven by a western logic of measurement, liberal indicators are unable to register cultural differences and the complex local process where most of the consequences could be embedded. They mainly register inputs and outputs of peacebuilding enterprise and do not measure appropriately the impact of peacebuilding. Impact assessment is not widely practiced by peacebuilding organizations because it is a costly, uneasy, and inconvenient exercise, which often reveals the limitations and consequences of any type of social action.<sup>8</sup> In particular, mainstream indicators of liberal peace that rely on a technocratic and routine logic of performance and impact assessment are unsuitable for measuring sensitive and complex questions related to dislocated and hidden consequences.<sup>9</sup> Often driven by conformist bias, the internal and external evaluations of peace operations have a tendency to seek out evidence that is supportive of the tools and strategies invoked by the intervening parties - focusing on intended effects and systematically chasing positive and desired impacts - while no attempt is made to examine other types of consequences.

Arising from this self-fulfilling liberal prophecy, the external, long-term, and unintended impact and consequences have been ignored and overshadowed. A broad spectrum of consequences and omissions, which could be of a negative nature with long-term consequences and collateral implications often remain unexplored. This raises a number of puzzling questions. Why it is important to explore peacebuilding consequences? What drives the absence of thinking and planning for the unintended consequences of peacebuilding? Do international peacebuilders have a clear understanding of the potential long-term unintended and unforeseen consequences of their decisions and actions? It remains puzzling why peacebuilding consequences are rarely studied, if not entirely ignored, be-

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<sup>8</sup> Marie Gaarder and Jeannie Annan, *Impact Evaluation of Conflict Prevention and Peacebuilding Interventions*, WBPR Working Paper No. 6496, Washington D.C.: World Bank, June 2013.

<sup>9</sup> Roger Mac Ginty, 'Indicators +: A proposal for everyday peace indicators', *Evaluation and Program Planning*, Vol. 36, No. 1, 2013, pp. 56-63. See also: Roger Mac Ginty, 'Routine peace: Technocracy and peacebuilding', *Cooperation and Conflict*, Vol. 47, No. 3, 2012, pp. 287-308.

cause they reveal the limits of policy planning, anticipation, and implementation, which in turn reduce the agency, capacity and ability of peacebuilders to accomplish desired outcomes.<sup>10</sup> It is also necessary to question how peacebuilding organizations cope with a mismatch between intentions and outcomes, an inability to anticipate and prevent unintended consequences, as well as the discontent between authority and unwillingness to take responsibility. These are some of the key questions that this thesis seeks answers for, while enhancing the analytical and empirical understanding of the long-term impact and consequences of peacebuilding in post-conflict societies.

### **Thesis argument**

This thesis makes a multi-layered argument. The overall argument is that liberal peacebuilding is not fit for purpose. Peacebuilding organizations do not engage sufficiently with the spectrum of consequences that their actions produce. They are not capable of reaching intended goals, anticipating and preventing the consequences of their actions, and take responsibility for their consequences. Peacebuilding organizations are pre-occupied with immediate impact, motivated by self-interest, and operate in short sight. Thus, liberal peacebuilding is not capable of building sustainable peace and deal with its consequences due to normative and organizational inconsistencies, imposing, linear, and universalist repertoires of toolkits and rulebooks, undemocratic and unaccountable practices, a problem-solving and externally driven orientation, and detachment from local needs, culture, and knowledge. This makes peacebuilding a camouflaging enterprise. Often liberal peace is prone to delaying peace, where liberal intentions are not translated in liberal actions and outcomes.

Hence, the very ignorance of the long-term impact and consequences of peacebuilding conditions the failure of peacebuilding efforts in the short-run, thereby delaying the consolidation of peace at the expense of prolonging the human insecurity and local inertia into structural disadvantages and uncertainty. In turn, local agency in its institutional, public and everyday forms counts and plays a crucial role in shaping, negotiating, and determining the success of peacebuilding.

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<sup>10</sup> See for example: Chiyuki Aoi, Cedric de Coning & Ramesh Thakur (eds.), *Unintended consequences of peacekeeping operations*, Tokyo: United Nations University, 2007; Ulrich Schneckener, 'Unintended consequences of international statebuilding', in Christopher Daase and Cornelius Friesendorf (eds.), *Rethinking Security Governance: The problem of unintended consequences*, London & New York: Routledge 2010.

This thesis argues that peace is shaped in general by dislocated and dissociated non-events and unintentional interactions within and beyond peace infrastructure, as well as being determined by local agents directly and indirectly involved in peacebuilding endeavours. Accordingly, prospects for peace undergo an unintentional, unanticipated and unprevented pathway, which is a product of complex interactions that occur within a context of everyday interactions of power, agency and structures spread across post-conflict habitus and societal fields.

This argument poses challenges for disentangling the figuration of peacebuilding consequences. Hence, the second argumentative strand of this thesis is of an epistemological nature. It is argued that to be able to capture peacebuilding impact it is necessary to go back and trace the declared intentions and key actions that have triggered and influenced the particular consequences and then assign appropriate forms of responsibility. Once these three aspects are elaborated, it becomes necessary to assign different types of special responsibilities for the spectrum of consequences. Through this complex process of inquiry, certain fragments of the mess created by peacebuilding in post-conflict societies can be registered. Hence, to operationalize this argument, this thesis introduces an integrated typological framework that seeks to advance the analytical and conceptual clarity of the intentionality, consequences and responsibility of peacebuilding, as well as to facilitate the methodological and pedagogical procedure for assessing the lifecycle of peacebuilding impact in post-conflict societies. This typological argument will be applied to three in-depth post-conflict cases: Bosnia and Herzegovina, Kosovo, and Timor-Leste.

The typological framework consists of four key components: declared intentions; critical turning points, spectrum of consequences; and variety of responsibilities. Declared intentions constitute the bedrock of liberal peacebuilding ideology and represent the reference point against which the construction of reality in post-conflict societies is investigated. Exploring the intentionality of peacebuilding is important as it reflects collective intentions, which contain implicitly self-interest as well as strategic, secret, and hidden intentions of different peacebuilding organizations, thereby creating a complex web of incompatibilities, contradictions, and chaos. The central aspect of this thesis is the examination of peacebuilding consequences, because most of the outcomes of peacebuilding are unintended, unanticipated, and unprevented consequences of purposive actions taken at initial and later stage of peacebuilding. Hence, examining the spectrum of peace-



building consequences helps to explore the cascading logic and non-linearity of peacebuilding processes as well as exploring the presence of path dependence evident with the complex sequences, embedded influence of early decisions and actions, and their imposition on later developments and outcomes.

While positive consequences are often highlighted in literature, it remains puzzling that other, more negative, consequences were produced but remain unaccounted for. It is this most ignored dimension of consequences that this thesis takes on and examines in order to explore the extent to which the consequences of their doings and non-doings remain externalized, hidden, and unaccounted for by peacebuilding actors and organizations. It is only in the act of examining consequences that the meaning of good intentions (normativity of peace) can be identified, particularly if it is used by decision-makers as a euphemism to justify their intervention, neutralize any negative consequences, and thereby evade responsibility. In response to this gap, the concept of unintended consequences will be unpacked to differentiate it from unanticipated consequences as well as what will be referred to in this thesis as 'unprevented' consequences. The pluralisation and differentiation of consequences and the totality of these three forms of consequences will be referred to as the spectrum of consequences. This differentiation is necessary because many of the effects that are described as unintended were in fact unanticipated or unprevented as a result of internal and external factors. Hence, putting an emphasis on the intentionality, anticipation, and preventability provides a better understanding of the agential capacity and responsibility in post-conflict societies, and their interaction with various social structures.

The last component of typology is of normative and ethical nature, which seeks to bring to the forefront the question of responsibility for each action and decisions taken whether they are intended or unintended, anticipated or unanticipated, prevented or unprevented consequences. Peacebuilding organizations do not take the responsibility for the negative consequences of their purposive actions. Hence, it is important to pursue new frontiers of thinking and to question whether the legitimacy and authority of the UN and regional organizations should be conditional on their willingness to accept responsibility for the spectrum of consequences that their actions produce. In responding to the difficult yet necessary question of responsibility for peacebuilding consequences, this thesis argues that the assignment of responsibility for the spectrum of consequences requires a differentiated account of responsibility. Drawing from moral philosophy this thesis

will examine three graduation of responsibility: a) attributability, b) answerability, and c) accountability.<sup>11</sup> Allocation of responsibility for peacebuilding consequences is crucial to problematize the normative entitlements and reshapes the legitimacy of international peacebuilders, as well as downgrading illusive expectations for their functioning in accordance with democratic standards. Accordingly, this thesis makes the case to assign attributability and answerability to responsible agents (individual and collective) in all the cases when unintended, unanticipated, and unprevented consequences of purposive actions emerge. In the case of unprevented consequences, a solid case is suitable to assign political accountability for those who have not prevented the emergence of the consequences when they have authority, resources, and capabilities in place.

### **Methodology and case studies**

The examination of the intentionality, consequences, and responsibility related to peacebuilding requires appropriate methodological tools. Driven by the research question of this thesis – which is the disentanglement of peacebuilding impact – there is a need to utilize existing methods while adding innovative combinations and advancements. In other words, a new epistemological inquiry as outlined in the typological framework requires the adaptation of adequate methodological tools. Accordingly, this thesis has developed a new derivative and integrated mixed method called ‘Critical Practice Tracing’ (CPT), which combines elements of critical discourse analysis with practice analysis, and qualitative process-tracing applied through case study research. CPT is a critical complementary approach that seeks to conciliate the existing level of academic knowledge about the theoretical and analytical conjectures and the impact of peacebuilding in practice, with a close examination of policy narratives, documents, and direct interactions in the field with the key actors and recipients of peacebuilding efforts in the countries under examination in this thesis.

The compatibility of three constitutive methodologies of critical practice tracing is illustrated by the support they provide when examining the research question of this thesis. First, critical discourse analysis is an appropriate epistemological

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<sup>11</sup> For a broader discussion of these aspects of responsibility in moral philosophy see: David Shoemaker, ‘Attributability, Answerability, and Accountability: Toward a Wider Theory of Moral Responsibility’, *Ethics*, Vol. 121, No. 3, 2011, pp. 602-632; Angela M. Smith, ‘Attributability, Answerability, and Accountability: In Defense of a Unified Account’, *Ethics*, Vol. 122, No. 3, 2012, pp. 575-589.

approach as it enables disentangling the application of declared intentions into practical actions and decisions through analysing textually the social construction of meaning, and then exploring the spectrum of consequences by delving into multiple observable and documentary sources of social practices to be able then to localize normative assertion of relational responsibility to a particular agent.<sup>12</sup> Second, parallel to the textual analysis, discursive practices, are essential to verify to what extent international and local actors are aware of the spectrum of consequences of their actions, to ascertain the level of their contextual knowledge, and to examine their routinized understanding of their expectations, their subjective articulation of achievements and successes, and technologies for neutralizing and diluting responsibility.<sup>13</sup> Practice-based inquiry provides the opportunity to look at a wide range of social practices and phenomena, to assemble their attributes to verify the connection between an inability to fulfil the declared intentions and the outcomes, and then to determine their fitness for one of the types of consequences, if applicable. Third, process-tracing helps to examine the critical turning points that have played a significant and observable impact on subsequent events and outcomes.<sup>14</sup> Critical practice tracing will not be used as a means for causal ascription and causal inferences, but rather to identify and illustrate the emergence of different consequences and the preventable, missed opportunities around critical and decisive moments, and the complexity of agent interactions.

This thesis applies the typological framework to three post-conflict countries and in each case it examines in more details one type of consequences. In the case of Bosnia and Herzegovina, the unintended consequences of police reform are examined illustrating inadequacies of peacemaking and peacebuilding after the war of Bosnia after 1996, which have unintentionally led to the creation of multiple decentralized, ineffective, and politicized police structures; breeding of informal policing and police support for criminality; police forces in service of protecting war criminals and obstructing inter-ethnic reconciliation; and breeding chronic human insecurity. In Kosovo, the emergence and development of Serb parallel structures is examined to illustrate the unprevented consequences of international peacebuilding in Kosovo. These parallel Serb institutions in Kosovo provided

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<sup>12</sup> See: Norman Fairclough, *Discourse and Social Change*, Cambridge: Polity Press, 1992; Teun A. Van Dijk, 'Critical Discourse Analysis', in Deborah Schiffrin, et al. (eds.), *The Handbook of Discourse Analysis*, Oxford: Blackwell Publishers, 2001.

<sup>13</sup> For a theoretical understanding of discursive practices see: Andreas Reckwitz, 'Towards a Theory of Social Practices', *European Journal of Social Theory*, Vol. 5, No. 2, pp. 243-263.

<sup>14</sup> See: Aleksander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, MA, Cambridge: MIT Press, 2005.

security, governance, and development services to Serb population in enclaves in defiance of international peacebuilding and statebuilding process in Kosovo. The failure to prevent the emergence and development of Serb parallel structures during 1999 and 2001 led to the creation of a frozen conflict in the north, delayed the establishment of effective and functional institutions, hindered the establishment of civic peace and ethnic reconciliation, and undermined socio-economic development. In the case of Timor-Leste, the development and reform of the security sector is examined to explore the emergence of unanticipated consequences, which had collateral damage for peace, democratic governance, and development of the country.

In undertaking this type of critical assessment of peacebuilding impact, field research is conducted in each of the three countries studies through around twenty interviews in each country with national government officers of relevant ranks, international officials, as well as local and international civil society activists. Field research has strengthened the confidence of the explanatory power of the key critical turning points identified in each chapter, and the accuracy of the identification and examination of the spectrum of consequences. Hence, critical practice tracing invoked to the three in-depth cases provides solid empirical substance for conceptual validity, fertile grounds for contingent generalizations, and an explanatory space for handling the complexity and multiplicity of social actors, processes, and structures.

### **Structure of thesis**

This thesis is structured as follows. After this introduction, the next two chapters explore the theoretical and methodological aspects of the thesis. The rest of the thesis consists of three chapters, which examine in details three types of consequences that have emerged from peacebuilding engagement in Bosnia-Herzegovina, Kosovo, and Timor-Leste. The concluding chapter draws some cross case comparisons and cumulative contingent generalizations. Chapter 2 provides a contextualized discussion of the key theoretical caveats that underpin peacebuilding debates and its impact in post-conflict societies. The first part of the chapter examines the emergence, development and implications of liberal peacebuilding as the mainstream theoretical framework for explaining and understanding dominant peacebuilding praxis. It also explores the emergence of alternative theoretical frameworks, mainly related to critical approaches to

peacebuilding. The second part of the chapter examines the inadequacies and politics of impact assessment to reveal how the external, long-term, and unintended impact is often overlooked, and instead a convenient logic of evaluation is invoked by focusing on intended effects and systematically searching for positive impacts. The third part of the chapter deconstructs the invocation of the discourse of consequences in peacebuilding debates, both by the propagators of liberal peace and its opponents. It identifies the ambiguous invocation of the notion of unintended consequences, reveals the reductionist understanding of consequences, and the prevalence of paradigmatic contempt for peacebuilding research on consequences.

Chapter 3 sets out the conceptual and methodological aspects of this thesis. The first part of the chapter introduces a new typological framework consisting of four components: declared intentions, critical turning points, consequences, and responsibility. Based on the method of differentiation, the typological framework expands the spectrum of consequences to include 'unintended', 'unanticipated', and 'unprevented' consequences. With regard to responsibility, the following aspects are elaborated: attributability, answerability, and accountability. These conceptual notions will form the analytical bedrock for guiding the case study research. The third part of this chapter elaborates the epistemological and methodological aspects of this thesis, including the introduction of a new conciliatory and mixed method 'critical practice tracing', case selection, and other sources of knowledge assemblage through field-based and empirical research.

Congruent with the theoretical framework developed in this thesis, Chapter 4 examines the spectrum of unintended consequences that have emerged as part of police reform in Bosnia and Herzegovina. The police reform process in Bosnia and Herzegovina was one of the most complex, protracted, and difficult post-conflict projects undertaken by the international community in the post-Cold War world. Police reform in Bosnia has undergone two major phases. The first phase took place from 1996 to 2002 led by the UN and IPTF, and the second phase took place from 2003 to 2012 led by the European Union. The failure to pursue a more centralist structure for police forces during the first critical turning point led to the unintended consequences of police becoming politicized, involved in organized crimes and protecting war criminals, and impeding the return of minorities and inter-ethnic reconciliation. During the second phase, the main challenge of police reform after 2003 when the United Nations handed over

responsibility to the European Union was how to make the police forces work with each other, free them from political control, make police more accountable, and increase coordination and effectiveness. The entire police reform experienced different levels of incompatibility and disagreement, which led to the unintended consequences the nurturing of political confrontation and exclusionary politics, strengthening of nationalist factions and suppressed political moderation, as well as discouraging cooperation and promoting obstruction.

Chapter 5 assesses the spectrum of unprevented consequences that occurred in Kosovo relating to the parallel structures in Serb enclaves. This chapter explores how the declared intentions of establishing the stable peace and the rule of law, effective governance and ethnic reconciliation have been delayed in Kosovo and focuses on two critical turning points. The first critical turning point examines the failure of the UN and NATO to prevent the formation and development of Serb parallel and illegal structures in Kosovo after June 1999. The second critical turning point for dismantling of Serb parallel structures in Kosovo and preventing the spectrum of consequences that this institutional parallelism was creating in Kosovo arose during the process of negotiating Kosovo's final status and the subsequent implementation of the Ahtisaari proposal, which took place between 2006 and 2008. The chapter illustrates that both NATO and UNMIK were well aware of the emergence and development, and challenges posed by the illegal operation of Serb parallel structures in Kosovo. However, no adequate and decisive measures were taken to dismantle these structures when the opportunity arose at different stages during a thirteen years period. Consequently, the failure to prevent these structures resulted in adverse effects for peacebuilding in Kosovo including: operational challenges for international authority, constraints for Kosovo's institutions and sovereignty, obstruction for the integration of the Serb community within Kosovo society, and the development of organized crime and informality.

Chapter 6 examines the unanticipated consequences of the development and reform of security institutions in Timor-Leste. During the process of security sector development and reform there were two critical turning points, which had a crucial and far-reaching impact on the stability of the country as well as long-term institutional development. The first critical turning point was the decision to establish the defence and police forces, which took place in 2001 and the modalities that followed in terms of recruitment policy, delineation of roles, institutional

framework, and allocation of resources. The second critical turning point took place after 2006 in the process of undertaking the restructuring of police and the supposedly comprehensive review of the security sector. The process of security sector development in Timor-Leste illustrates the clear failure of UN and Timorese institutions to maintain the rule of law and provide security. This chapter illustrates that the UN's good intention to bring security and long term stability to post-conflict Timor-Leste by developing the defence forces and equipping them to deal with external threats and by empowering the police service to enforce the law and maintain internal public security has adversely contributed to prolonging instability and insecurity, creating unaccountable and authoritarian police and defence forces, thereby developing institutionalized sources of conflict.

The concluding Chapter 7 assembles the key findings from the three case studies in a thematic and conceptual fashion. This concluding chapter draws a number of contingent generalizations for each component of typological framework. The chapter argues that the inability of peacebuilding organizations to achieve intended consequences and anticipate and prevent certain negative dynamics represents the liberal peacebuilding impossible. So, the wider impact of peacebuilding reveals that the potential of peacebuilding is compromised by default, remains incomplete, and is perpetually hybridized and transformed.

In light of the arguments outlined above, the overall contribution of this thesis is the problematization of the ethos and agency of liberal peacebuilding by disentangling the long-term consequences and impact on post-conflict societies. At the epistemological level this thesis develops innovative analytical and interdisciplinary tools for expanding the systematic critique of peacebuilding interventions. At the empirical level, this thesis reveals the pitfalls that peacebuilding creates in post-conflict societies and shows the limitations of international peacebuilding in reaching their intentions, the inability of anticipating and preventing most of the consequences, and avoiding responsibility for the consequences of their purposive actions. The argument of this thesis that having good intentions for peacebuilding is not sufficient contributes to redefining the order of things in peacebuilding. As will be illustrated in the following chapters, good intentions must be followed by cautious actions that have at their heart the anticipation and prevention of harmful consequences and those peacebuilding organizations must accept the responsibility for their consequences.

## CHAPTER TWO

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# Peacebuilding Theories, Impact Assessment, and Discordance of Consequences

“All systems of general ideas about man and society have unintended consequences when they are given practical effect, and it is a commonplace that the distance between doctrine and practice is nowhere wider or harder to bridge than in political life.”

(John Gray, 1993)<sup>15</sup>

### Introduction

As this thesis is primarily concerned with disentangling the impact of peacebuilding, it is important first to delve into the key theoretical dimensions that underpin peacebuilding in theory and practice, with a particular emphasis on how existing knowledge tackles the question of peacebuilding consequences and impact assessment. Hence, this chapter explores three questions. What are the dominant theoretical debates and practices underlining contemporary peacebuilding, and how do they envisage building peace in post-conflict societies? How is the impact of peacebuilding assessed by the community of practitioners and academics? How does the existing theoretical and policy literature grasp the question of peacebuilding consequences? In its classical meaning, peacebuilding seeks to change and transform conditions of structural violence and conflict.<sup>16</sup> As a new disciplinary strand and body of knowledge, peacebuilding is invoked to

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<sup>15</sup> John Gray, *Post-liberalism: Studies in Political Thought*, London and New York: Routledge, 1993, p. 73.

<sup>16</sup> Johan Galtung, *Peace, War and Defence: Essays in Peace Research, Vol. II*, Copenhagen: Christian Ejlertsen, 1976, p. 297.



explain the attempts to eradicate structural factors that trigger violence in the first place through a broad variety of loosely coordinated actions to implant, rearrange, and reconcile a set of norms, rules, and practices in a post-conflict society or fragile state that aim at achieving initially a stable peace as a precondition for establishing a more durable and sustainable peace.<sup>17</sup> Since its conceptual formation two decades ago, there are two main stands within peacebuilding theories that are gaining theoretical prominence, and undergoing social elaboration. Although with internal varieties and fractures, the dominant strand is referred to as liberal peacebuilding and the alternative strand belongs to the new, emerging critical approaches to peacebuilding.

Liberal peace currently dominates mainstream peacebuilding practices. Furthermore, the debates reinforcing this research programme undertake and develop positivist arguments that are mainly related to causality, problem-solving and policy-oriented approaches. Their core assumptions are that establishing peace and building a liberal state will produce a stable peace. However, since its inception, liberal peacebuilding has fallen short in establishing conditions for sustainable peace as most of the recipient societies continue to suffer from insecurity, weak democracy, fragile peace, and contested and fragmented sovereignty. On the other hand, alternative approaches dominated by the critical and emancipatory peace arguments take post-positivist and discursive approaches and seek to provide alternative views of peace and conflict in theory and practice. Most of the critical approaches to peacebuilding provide reflective analysis of how liberal peacebuilding facilitates a counterproductive environment that results in developing weak and unaccountable local polity, fragmenting local sovereignty, and maintaining fragile peace.<sup>18</sup> The alternative view of peacebuilding highlights the power of local agency, the primacy of local autonomy, as well as the importance of context, culture, welfare, needs, and interests.<sup>19</sup>

Beyond this, the evaluation of the impact of peacebuilding in post-conflict societies does not tackle adequately the question of the long-term consequences of peacebuilding. In particular, the contemporary politics of impact assessment dic-

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<sup>17</sup> For a broad variety of definitions on peacebuilding see: Roger Mac Ginty (ed.), *Routledge Handbook of Peacebuilding*, London: Routledge, 2013.

<sup>18</sup> David Chandler, *International Statebuilding: The Rise of Post-Liberal Governance*, London and New York: Routledge, 2010.

<sup>19</sup> See: Oliver P. Richmond, *A Post-Liberal Peace*, London: Routledge, 2011; and David Chandler, *Empire in Denial: The Politics of State-Building*, London: Pluto Press, 2006.

tated by the material dominance of donors and power holders, coupled with an inadequate assessment of peacebuilding consequences have contributed to the ignorance of different types of long-term consequences that peacebuilding interventions have produced in post-conflict societies. This chapter argues that systematic thinking on the consequences of peacebuilding is widely absent in contemporary peacebuilding debates. In a limited number of academic studies, the notion of unintended consequences is invoked implicitly, in a peripheral and semiotic context, without sufficient explanations regarding how they define and understand such consequences when applied to evaluating the impact of peacebuilding. Furthermore, the invocation of the discourse of peacebuilding consequences predominantly follows a paradigmatic demarcation and reflects contempt between the supporters of liberal peacebuilding and proponents of critical approaches to peacebuilding. The ontological positionality of each side determines what counts as consequences. While the existing research on peacebuilding sheds light on different outcomes of international peacebuilding, it also dilutes the question of responsibility for the negative consequences that have been produced, were unanticipated, and above all remained unprevented.

### **From liberal peace to liberal peacebuilding**

What we know today as liberal peacebuilding has its roots primarily in the enlightenment work of Immanuel Kant and his ingredients for perpetual peace transmitted to contemporary international affairs by Michael W. Doyle and his liberalist thinking during the early 1980s.<sup>20</sup> Kant argues that in order to achieve perpetual peace it is necessary to change the nature of states and make universal the republican political regime based on a civil constitution, which operates based on commerce and trade, judicial rights for citizens, and representative government with a clear division of powers.<sup>21</sup> To sustain this, he suggests an institutional framework of 'pacific unions', which will guarantee a just and global peace, expand economic cooperation and interdependence, and provide collective security.<sup>22</sup> To regulate the orderly functioning of this system, Kant suggests establishing cosmopolitan law, which will operate in conjunction with the pacific

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<sup>20</sup> Michael W. Doyle, 'Kant, Liberal Legacies, and Foreign Affairs', *Philosophy and Public Affairs*, Vol. 12, No. 3, 1983, pp. 205-35.

<sup>21</sup> Immanuel Kant, *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, New Haven: Yale University Press, 2006, p. 74-85.

<sup>22</sup> *Ibid*, p. 74-85.

union to foster universal hospitality and develop the rules for safeguarding peaceful international relations. Nevertheless, this utopian prescription of human conduct did not stop the many long and violent wars of modern history in Europe and beyond. In response to the dominance of political realism within international relations during the Cold War, Michael W. Doyle marks the liberalist revival by actualizing Kant's liberal legacies to explain the contemporary dynamics of war and peace.<sup>23</sup> According to Doyle, the key to the liberal peace thesis is the existence of domestic liberal democratic systems where political and civil rights are respected and advanced, governments are democratically elected and exercise limited powers, economic activity is largely free from state intervention, and the social welfare of citizens is protected.<sup>24</sup>

The institutionalization of the liberal peace ideology began initially with the UN mandate to maintain international peace and security.<sup>25</sup> Because of the dominant power-oriented collective-security, the UN during the Cold War undertook a relatively small number of limited peace operations - ranging from light preventive deployment to conflict management operations.<sup>26</sup> Between 1945 and 1987, the UN conducted fifteen peace operations in the Middle East, South-East Asia, and Africa.<sup>27</sup> All these operations had two tasks in common: observing the peace by monitoring and reporting on the maintenance of cease-fire, and keeping the peace by establishing zones of disengagement.<sup>28</sup> UN peace operations during the Cold War reflect the interest of the international community in establishing some common rules of conduct and highlight the gradual recognition for human rights, state responsibility, and democratization.<sup>29</sup> In the early 1990s, the suppressed internal conflicts combined with new types of ethnic cleavages were increasingly perceived as a serious threat to international peace and security.<sup>30</sup> This

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<sup>23</sup> For a more updated account on liberal peace see: Michael W. Doyle, *Liberal Peace: Selected essays*, London and New York: Routledge, 2012.

<sup>24</sup> Doyle, 'Kant, Liberal Legacies, and Foreign Affairs', p. 206-7; Michael W. Doyle, 'Three Pillars of the Liberal Peace', *American Political Science Review*, Vol. 99, No. 3, 2005, pp. 463-6.

<sup>25</sup> Thomas G. Weiss, et al. *The United Nations and Changing World Politics*, 6<sup>th</sup> ed., Boulder: Westview Press, 2010, p. 4-5.

<sup>26</sup> Norrie Macqueen, *The United Nations, Peace Operations and the Cold War*, London: Routledge, 2011.

<sup>27</sup> Alex Bellamy and Paul D. Williams, *Understanding Peacekeeping*, 2<sup>nd</sup> ed., Cambridge: Pluto Press, 2010, p. 86.

<sup>28</sup> Thomas G. Weiss, et al. *The United Nations and Changing World Politics*, p.35.

<sup>29</sup> Mats Berdal, 'The UN Security Council and Peacekeeping', in Vaughan Lowe, et al. (eds.), *The United Nations Security Council and War*, Oxford: Oxford University Press, 2008, p. 176

<sup>30</sup> Robert I. Rotberg (ed.), *When States Fail: Causes and Consequences*, New Jersey: Princeton University Press, 2004.

raised the necessity for international intervention and post-conflict peacebuilding.

Between 1988 and 1999, the UN conducted thirty-four peace operations. Moving beyond observational tasks, UN peacekeeping 'expanded to include the verification of troop withdrawal, the organization and observation of elections, voluntary surrender of weapons, and human rights verification'.<sup>31</sup> These peace support operations signified the official incorporation of liberal ideological caveats in the renewed UN peace operations and interventionism after the end of the Cold War. In 1992 the UN Secretary-General report '*An Agenda for Peace*' provided the landmark policy strategy on how to intervene in violent conflict and establish a liberal peace.<sup>32</sup> From this moment on, post-conflict peacebuilding started to be defined in terms of actions that seek to 'identify and support structures, which will tend to strengthen and solidify peace in order to avoid a relapse into conflict'.<sup>33</sup> The report highlighted that '[p]eace at home and the urgency of rebuilding and strengthening our individual societies necessitates peace abroad and cooperation among nations'.<sup>34</sup> The new multilateral agenda for peacebuilding came as a realization of previous limitations the UN discovered as they endeavoured to build a sustainable peace through light footprint missions in post-conflict situations, and the insufficiency of the UN to address complex problems emerging from the absence of functional states, a lack of welfare, and ethnic divisions.

Since then, liberal peacebuilding has assembled and constituted its characteristics based on the assumptions that building a liberal state and establishing peace will produce a stable peace. The caveats and impetus of the liberal peace project are mutually constituted and reproduced by the work of the liberal epistemic community and the practice of peacebuilding organizations. At its core, the expanded liberal peace project operates on a number of Western self-mirroring assumptions such as: democracies tend to be more peaceful; free elections produce democratic practices and political stability; establishing the rule of law promotes effective governance; power-sharing arrangements promote ethnic reconciliation; a neoliberal economy promotes a free-market and economic growth; and a vibrant

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<sup>31</sup> Thomas G. Weiss, et al. *The United Nations and Changing World Politics*, p. 50.

<sup>32</sup> Boutros Boutros-Ghali, *An Agenda for Peace*, UN Doc. A/47/277-S/24/24111, 17 June 1992.

<sup>33</sup> *Ibid*, para. 55.

<sup>34</sup> Boutros Boutros-Ghali, *An Agenda for Peace*, para. 80.

civil society promotes human rights and social inclusion.<sup>35</sup> This conceptual scope of liberal peacebuilding was adapted by the UN in 2001, stating that peacebuilding efforts should ‘focus on fostering sustainable institutions and processes in areas such as sustainable development, the eradication of poverty and inequalities, transparent and accountable governance, the promotion of democracy, respect for human rights and the rule of law and the promotion of a culture of peace and non-violence’.<sup>36</sup>

The liberal peace agenda has gradually expanded and has incorporated elements from the field of development, governance, and security. Some of the key constitutive elements of the expanded agenda of liberal peacebuilding in post-conflict societies include: reforming the security sector; creation of power-sharing institutions and determining electoral choices; establishing the rule of law and justice systems; building a new liberal civil society; and establishing a market-based economy. These liberal dimensions of liberal peace serve either as pre-conditions, enablers, or to reinforce the liberal peace project. These dimensions of liberal peacebuilding are derived from multiple ideological sources and interests, and have been applied universally with slight contextual nuances, while being reformed and reproduced in the course of the multiple trials and failures of peacebuilding practices.<sup>37</sup>

However, from all these dimensions of liberal peace, it is important to examine security issues and institutions because of the political implications of security and the quality of peace they produce. In the immediate phase after conflict, reforming the security sector is considered one of the main tasks of peacebuilding organizations.<sup>38</sup> Prior to the institution building process, the establishment of security infrastructure is considered fundamental for ensuring the stable consolidation of state institutions, as well as post-war social and economic recovery. Effective security is considered necessary to carry out credible elections, but equally electing legitimate political leadership is seen as crucial for establishing a credible security system. As evident in many cases, violent conflicts leave particular lega-

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<sup>35</sup> See: Edward Newman, et al. (eds.), *New Perspectives on Liberal Peacebuilding*, Tokyo: UN University Press, 2009.

<sup>36</sup> ‘Prevention of Armed Conflict, Report of the Secretary-General’, UN Doc. A/55/985-S/2001/574, June 7, 2001, p. 2

<sup>37</sup> See: Ashraf Ghani and Clare Lockhart, *Fixing Failed States: A Framework for Rebuilding a Fractured World*, Oxford: Oxford University Press, 2009.

<sup>38</sup> See: Robert Muggah, *Security and Post-Conflict Reconstruction: Dealing with fighters in the aftermath of war*, London: Routledge, 2009.

cies that make peace difficult to build and states hard to reconstruct.<sup>39</sup> The UN defines security sector reform as 'a process of assessment, review and implementation as well as monitoring and evaluation led by national authorities that has as its goal the enhancement of effective and accountable security for the State and its peoples without discrimination and with full respect for human rights and the rule of law.'<sup>40</sup>

As part of security sector reform, the UN and other peacebuilding organizations have undertaken activities to reform the police sector, to establish new security forces, reform the intelligence sector, to train border and prison guards, and to develop other necessary public security providers. Among the most important aspects of security sector reform is effective disarmament, demilitarization and the reintegration of former combatants, which is seen as crucial for ensuring reform that operates based on the rule of law, civilian control and democratic accountability.<sup>41</sup> However, reforming the security sector is a highly politicized process as it involves shifting power relations from informal security groups - who act as informal structures but are usually the former state security forces or from opposition groups - to institutionalized forms of security under democratic and civilian control.<sup>42</sup>

Under the institutionalization dimension, liberal peacebuilding privileges a set of actions to write a new constitution based on the peace settlement provisions, to change the electoral system to support power sharing, and a more inclusive, consensual nature of politics, and to establish legal and political order to regulate the functioning of governmental sectors.<sup>43</sup> The main local actors involved in power-sharing deals are ex-combatants, warlords, and self-proclaimed political and civil society elite.<sup>44</sup> While some see this as an opportunity to transform and control potential peace spoilers in the war-to-democracy transition, others contest it by ar-

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<sup>39</sup> Anja Ebnother & Philipp Fluri, *After Intervention: Public Security Management in Post-Conflict Societies – From Intervention to Sustainable Local Ownership*, Vienna: PfP Consortium Working Group, 2005.

<sup>40</sup> 'Securing peace and development: the role of the United Nations in supporting security sector reform, Report of the Secretary-General', UN Doc. A/62/659-S/2008/39, 23 January 2008, p.6.

<sup>41</sup> Mats Berdal and David H. Ucko (eds.), *Reintegrating Armed Groups after Conflict: Politics, violence and transition*, London and New York: Routledge, 2009.

<sup>42</sup> Barnett R. Rubin, 'The Politics of Security in Postconflict Statebuilding', in Charles T. Call and Vanessa Wyeth (eds), *Building States to Build Peace*, Boulder: Lynne Rienner Pub., 2008, p.35.

<sup>43</sup> Sunil Bastian and Robin Lackham (eds.), *Can Democracy be Designed? The Politics of Institutional Choice in Conflict-Turn Societies*, London: Zed Books, 2003.

<sup>44</sup> See: Christopher R. Mitchell and Landon E. Hancock, (eds.), *Local Peacebuilding and National Peace: Interaction between Grassroots and Elite Processes*, London and New York: Continuum, 2012.

guing that such a strategy ultimately excludes emerging moderate parties, civil society groups, and above all hinders effective accountability for past atrocities.<sup>45</sup>

Establishing the democratic rule of law in war-torn societies is a complex and difficult process. The rule of law is seen as an essential part of liberal peacebuilding.<sup>46</sup> The rule of law aims to replace local transitional, indigenous and customary laws and practices on the grounds that they are violent, illiberal, suppressive, unequal, and embedded in power structures. The rule of law is considered a distinct normative value of modern liberal democratic states, but also an instrumental principle to achieve political and social order as a precondition for post-war stability, peace and justice.<sup>47</sup> Thus, establishing the democratic rule of law through the establishment and enforcement of state-based structures such as judicial, penal and police bodies is considered essential for consolidating social trust and stability, promoting security and justice, and establishing democratic governance.<sup>48</sup> Although the rule of law is seen important in post-conflict societies, primacy is given to stability and peace over justice and reconciliation.<sup>49</sup>

While liberal peacebuilding has contributed to initiating post-conflict political, economic and social recovery, such as establishing new constitutional and institutional frameworks, developing electoral choice, and setting up basic public services, it has not entirely succeeded in most cases (such as Cambodia, Bosnia, Kosovo and Timor-Leste) to establish what it has intended in the first place: to build sustainable and lasting peace. Due to its inherent interventionist nature and desire for stability and control, liberal peace has tried to re-engineer post-conflict societies with political and economic models that did not fit the local context and culture and the democratic will of the people. Asymmetric power, the imposition of a political, economic and social system, unaccountable practices, and the positionality of colonial exploitation expressed by western-dominated states, organi-

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<sup>45</sup> Anna K. Jarstad, 'Power sharing: former enemies in joint government', in Anna K. Jarstad and Timothy D. Sisk (eds.), *From War to Democracy: Dilemmas of Peacebuilding*, Cambridge: Cambridge University Press, 2008, p. 107.

<sup>46</sup> 'The rule of law and transitional justice in conflict and post-conflict societies, Report of the Secretary-General', UN Doc. S/2004/616, 23 August 2004, p. 4.

<sup>47</sup> Carolyn Bull, *No entry without strategy: Building the rule of law under UN transitional administration*, Tokyo: UN University Press, 2008, p. 44.

<sup>48</sup> Jeremy Farrall, 'Impossible expectations? The UN Security Council's promotion of the rule of law after conflict', in Brett Bowden, et al. (eds.), *The Role of International Law in Rebuilding Societies after Conflict: Great Expectations*, Cambridge: Cambridge University Press, 2009.

<sup>49</sup> Chandra Lekha Sriram, 'Revolutions in Accountability', *American University International Law Review*, Vol.19, No.2, 2003, pp. 301-429.

zations and NGOs have left post-conflict societies exposed to multiple consequences, failures and anomalies. Putting a primary emphasis on shortsighted immediate results and relying on externally positioned intentions has ignored the possible negative and long-term consequences of liberal peacebuilding.

### **Critique as alternative and the alternative of critique**

As a result of the shortcomings of liberal peacebuilding in practice, including failures and different spectrums of consequences, a critical scholarship is emerging that seeks to examine the performance, effectiveness, and implications of mainstream peacebuilding praxis. Critical approaches criticize the inconsistent performance of liberal peacebuilding, particularly the contrast between its proclaimed goals, its unfulfilled promises, and failure to provide a sustainable peace. They provide a different ontological, epistemological, and methodological perspective, which signifies the emergence of a new alternative research programme, and a new mode of peacebuilding, which consequently marks a new generation of peacebuilding.<sup>50</sup> This 'critical turn' in peacebuilding follows Robert Cox's logic of challenging the dominant theories that adopt a problem-solving and instrumental rationality approach.<sup>51</sup>

In general, critical approaches to peacebuilding express their propositions by negating the mainstream liberal approaches to peacebuilding. Among the critical approaches to peacebuilding, two waves can be distinguished: critique-as-alternative and critique-with-alternative. Critique-as-alternative invokes critique as an end point, critiquing for the sake of critiquing and following the quest for the impossible and incomplete. The text and subtext of critique represent the alternative. On the other hand, critique-with-alternative invokes critiques as a process and pathway to come to an alternative solution without denying the importance and immanency of critique. The critique-as-alternative has concentrated largely on 'revealing the implicit political underpinnings of international peacebuilding, and demonstrated their flaws'<sup>52</sup>, such as ideological inconsistencies and flawed sources of legitimacy. They consider the contested nature of liberal peace-

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<sup>50</sup> See for example: Oliver P. Richmond, (ed.) *Palgrave Advances in Peacebuilding*.

<sup>51</sup> Robert W. Cox, 'Social Forces, States and World Orders: Beyond International Relations Theory', *Millennium*, Vol. 10 No.2, 1981, pp. 126-155.

<sup>52</sup> Shahrbanou Tadjbakhsh 'Introduction: liberal peace in dispute', in Shahrbanou Tadjbakhsh (ed.), *Rethinking the Liberal Peace: External models and local alternatives*, London: Routledge, 2011, p. 6.



building as the facilitator of an environment, which can develop weak and unaccountable local polity, fragment local sovereignty, and maintain fragile peace. So, in essence, they have described building peace in the present actualities as attempting the impossible.

Some of these critiques are related to the creation of an environment for delaying sustainable development by imposing good governance and a democratization agenda, by challenging local processes by imposing external conditionality, which reflects normative incoherence under the conditions of contested legitimacy. The exercise of sovereign authority by UN international administration is seen as running the risk of developing institutions that 'will be less the creations of the people in question, and more products of external interests.'<sup>53</sup> Although liberal peacebuilding aims to foster self-sustaining peace through effective, legitimate self-governance, the extensive external involvement 'can create new political and economic patterns in the host society that come to rely on the continuation of large-scale external aid and guidance'.<sup>54</sup> Critical approaches hold that liberal peacebuilding removes political authority from local political institutions, weakening their capacity to develop and implement public policy, and thereby creating a culture of dependency.<sup>55</sup> In addition to this, driven by security, economic and strategic self-interests, states and international organizations engaged in post-conflict reconstruction often demonstrate an unwillingness to commit sufficient resources, to operate in a coordinated and effective manner, and to be accountable for the human rights abuses and local damages directly caused by their international staff.<sup>56</sup>

An example of critique-as-alternative that represents the first generation of critical approaches to peacebuilding is David Chandler's notion of 'post-liberal governance'.<sup>57</sup> To Chandler, most of the classical liberal concepts - such as sovereign-

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<sup>53</sup> Christopher Bickerton, 'State-building: Exporting State Failure', in Christopher Bickerton, et al. (eds.), *Politics Without Sovereignty: A Critique of Contemporary International Relations*, London: Routledge, 2006, p. 96.

<sup>54</sup> Roland Paris and Timothy D. Sisk, *Managing Contradictions: The Inherent Dilemmas of Postwar Statebuilding*, Washington, D.C.: IPA, 2007, p. 6.

<sup>55</sup> Dominik Zaum, *Sovereignty Paradox*, p. 241.

<sup>56</sup> Simon Chesterman, 'Building democracy through benevolent autocracy: Consultation and accountability in UN transitional administrations', in Edward Newman and Roland Rich (eds.), *The UN role in promoting democracy: Between ideals and reality*, Tokyo: UN University Press, 2004, p.102; Daniel Philpott and Gerard F. Powers, *Strategies of Peace: Transforming Conflict in a Violent World*, Oxford: Oxford University Press, 2010.

<sup>57</sup> David Chandler, *The Rise of Post-Liberal Governance*, London and New York: Routledge, 2010.

ty, democracy and good governance, rule of law, civil society and economic development - no longer mean the same and cannot be judged by the same criteria as invoked earlier in the traditional or classical liberal framework.<sup>58</sup> In the paradigm of international statebuilding, Chandler points out that 'autonomy appears to be the problem which requires management rather than the unproblematic starting assumption'.<sup>59</sup> Accordingly, the post-liberal governance framework does not operate based on the principles of human rights, political legitimacy and the social contract, but instead it seeks, as Chandler asserts, 'to secure stability through balancing internal and external interests and concerns as matters of technical and administrative competences in the formulations of good governance'.<sup>60</sup> He defines this type of international regulation of non-Western states and societies as 'Empire in Denial', where 'the new forms of international control attempt to evade responsibility and accountability for the exercise of power'.<sup>61</sup> Chandler's critique uses post-positivist epistemology to decouple the weaknesses of mainstream thinking, but intentionally does not provide any alternative solution apart from implicitly favouring the human agency and political autonomy of the state as a form of political community. Accordingly, his work resists providing alternatives and preserves the permanent quest for the impossible.<sup>62</sup>

While the critique-as-alternative has been criticized by the gatekeepers of liberal peace for being exaggerated, unconvincing, and mis-characterizing<sup>63</sup>, a new type of critique-with-alternative has emerged in recent years. The critique-with-alternative first seeks to decouple the shortcomings of democratization and marketization policy in an attempt to suggest some modifications and alternative solutions. The attempts made by critique-with-alternative to provide alternative solutions to the shortcomings of democratization vary from those who favour inaction and non-intervention to those who suggest limited engagement. Some advocate for broader local ownership and consent, which will empower local agency and provide legitimacy for the external actors.<sup>64</sup> Others suggest adapting democratic principles that recognize the importance of the local context, empow-

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<sup>58</sup> Ibid, p. 2.

<sup>59</sup> Ibid, p. 2-3.

<sup>60</sup> Ibid, p. 15.

<sup>61</sup> David Chandler, *Empire in Denial*, p. 10.

<sup>62</sup> For a broader discussion see: Kimberly Hutchings, *Kant, Critique and Politics*, London: Routledge, 1996.

<sup>63</sup> Roland Paris, 'Saving liberal peacebuilding', *Review of International Studies*, Vol. 36, 2010, p. 362.

<sup>64</sup> Shahrbanou Tadjbakhsh (ed.), *Rethinking the Liberal Peace*, p. 128.

er local population, and accept indigenous forms of governance.<sup>65</sup> Another proposition advocates for a hybrid model of combining local indigenous principles with those of a more liberal and cosmopolitan nature.<sup>66</sup> This would incorporate local perspectives in the decision-making process, and bring the everyday processes of society to the forefront.

Concerning the marketization policy, most responses reflect that there is no standard model of economic growth and therefore neo-liberal economic models do not work in many post-conflict societies, suggesting that some dose of protectionism is necessary to protect vulnerable societies from the uncertainties of liberalizing markets and privatizing economic enterprises.<sup>67</sup> Responding to this, the critique-with-alternative advocates for societies and political communities to play a greater role in deciding on economic priorities and protecting local economic activities from the negative effects of neo-liberalism and globalization, as well as mixed economic models that adjust to post-conflict situations and build on social welfare models.

The most elaborate alternative to liberal peacebuilding to date is Oliver Richmond's post-liberal peace thesis that advocates for a new, critical research programme, which consolidates a more systematic and pragmatic conceptualization of peace. Richmond argues that as a result of focusing on peace at the international, regional, and state levels, liberal peacebuilding has failed to engage with the local context, or to explore the everyday forms of peace, care, empathy and emancipation.<sup>68</sup> Accordingly, he argues that 'without an engagement with needs and welfare, peacebuilding will not lead to a sustainable outcome because there are few peace incentives for citizens or elites'.<sup>69</sup> Richmond defines as a 'post-liberal peace' the transformation of liberal peace to engage proactively with the local, to recognize their needs and seek their support and consent.<sup>70</sup> For him, 'post-liberal peace' has a transitory and fluid nature, which seeks to emphasis 'the everyday' 'local agency' and 'local context' as a convenient space that re-

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<sup>65</sup> Volker Boege, et al, *On Hybrid Political Orders and Emerging States: State Formation in the Context of 'Fragility'*, Berghof Handbook Dialogue No. 8, BRCCCM, Berlin: Berghof Conflict Research, 2008.

<sup>66</sup> See for example: Roger Mac Ginty, *International Peacebuilding and Local Resistance: Hybrid Forms of Peace*, Basingstoke: Palgrave, 2011.

<sup>67</sup> Michael Pugh, et al. (eds.), *Whose Peace? Critical Perspectives on the Political Economy of Peacebuilding*, Basingstoke: Palgrave Macmillan, 2008.

<sup>68</sup> Richmond, *A Post-Liberal Peace*, p. 3-10.

<sup>69</sup> *Ibid*, p. 34.

<sup>70</sup> Richmond, *A Post-Liberal Peace*, p. 34.

claims a new social contract that recognizes the plurality of peace, remains open to customary governance, and prioritizes social welfare and empowerment. Recently, Richmond has suggested 'peace formation' as the derivative product of hybrid forms of post-liberal peace, which emphasises the primacy of local legitimacy and perspectives in conjunction with facilitative and constructive international engagement.<sup>71</sup>

Richmond suggests a number of policy changes that would lead to a more sustainable peace than the liberal peacebuilding agenda. First, any peacebuilding agenda should have a detailed understanding of local cultures, traditions, and needs. According to Richmond, they should see peacebuilding as 'an empathetic, emancipatory process, focused on everyday care, human security and a social contract between society and polity; as well as internationals, the latter two which act as providers of care rather than merely security'.<sup>72</sup> Second, the economic framework should focus on a locally led mixed economy, focusing on the needs, welfare, and empowerment of the most marginalized. Hence, Richmond suggests social democracy as a convenient political system where any economic liberalization should be based on local expert knowledge, local consensus, and should consider socio-economic implications and ensure that social safety nets and labour rights prevail.<sup>73</sup> Third, Richmond holds that 'local decision making processes should determine the basic political, economic, and social processes and norms to be institutionalized in context'.<sup>74</sup> Finally, Richmond argues for an 'international support for these processes, and guidance on technical aspects of governance and institution building without introducing or endorsing hegemony, inequality, conditionality, and dependency'.<sup>75</sup> In addition to this, Richmond holds that in order to engage with the local agency, context and the everyday manifestation of peacebuilding, a methodological shift should be adapted where local field research is a primary source of inferences together with ethnographic and anthropological methods.<sup>76</sup>

Thus far, critical approaches to peacebuilding have focused on decoupling the

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<sup>71</sup> Oliver P. Richmond, 'Failed statebuilding versus peace formation', *Cooperation and Conflict*, Vol. 48, No. 3, 2013, pp. 378-400. See also: Oliver P. Richmond and Audra Mitchell (eds.), *Hybrid Forms of Peace, From Everyday Agency to Post-Liberalism*, Basingstoke: Palgrave, 2011.

<sup>72</sup> Richmond, *A Post-Liberal Peace*, p. 112.

<sup>73</sup> *Ibid*, p. 40.

<sup>74</sup> *Ibid*, p. 112.

<sup>75</sup> *Ibid*, p. 112.

<sup>76</sup> Richmond, *A Post-Liberal Peace*, p. 112-4.

shortcomings of liberal peace, setting a new expanded interdisciplinary research programme, and undertaking an emancipatory perspective to empower the local. At the theoretical level of critique, the notion of emancipation and agency are appealing. However, when it comes to the practical applications of critical approaches, there is yet to be filled with evidence regarding their success and the potential consequences they might produce. More broadly, both liberal and critical approaches to peacebuilding have not yet been able to handle properly the question of the consequences of peacebuilding due to ontological and epistemological differences. Proponents of liberal peacebuilding have predominantly ignored peacebuilding consequences, as that would have been seen as a self-defeating prophecy and an undesired refutation of their theoretical propositions.

The liberal peace research agenda is more prone to tackle questions related to the removal of obstacles and the creation of conditions for enforcing the liberal peace, rather than looking at alternative perspectives or critically engaging with the consequences of their prior wrongdoings. Accordingly, this discussion of liberal and critical approaches to peacebuilding illustrates the need for methodological and epistemological pluralism, the need for analytical flexibility to overcome the entrenched logic of research programmes, and the need to pursue of new frontiers of critique to capture the impact of peacebuilding actualities and its consequences. This logic of inquiry affects also how impact assessment is conducted as well how peacebuilding consequences are examined, as illustrated by the remainder of this chapter.

## **The assessment of peacebuilding impact**

Impact assessment is one of the most difficult and complex types of evaluations, which look at the long-term effects and consequences that have been influenced by particular purposeful intervention. A recent study by the World Bank defines impact assessment as:

“... evaluations that draw from a set of methods designed to establish a counterfactual or valid comparison, to the intervention in question. The objective is to measure the net impact of the intervention, which in theory is the difference in outcomes for those receiving the intervention compared to what the outcomes would be for the same participants without the intervention”.<sup>77</sup>

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<sup>77</sup> Marie Gaarder and Jeannie Annan, *Impact Evaluation of Conflict Prevention and Peacebuilding Interventions*, p. 2.

In general, impact assessment serves multiple purposes, such as: fulfilling narrow procedural requirements, understanding the influence of certain interventions, and learning from mistakes to improve future interventions.<sup>78</sup> Impact assessment is also seen as necessary for organizational learning to be able to explore the relation between intentions and outcomes, as well as measuring the success of peacebuilding.<sup>79</sup> Impact assessment is a necessary aspect of peace and conflict sensitivity knowing that the number of conflicts is not reducing, and that peacebuilding efforts are not capable of developing sustainable peace in post-conflict societies. Although it is not the primary intention of this thesis to provide an in-depth analysis of various impact assessment approaches to peacebuilding practices, it is important to highlight the key features that are dominant and evident at the moment, especially, to illustrate the inadequacy of existing approaches towards impact assessment and the intentional ignorance for the spectrum of negative consequences.

First, the majority of peacebuilding evaluation exercises are conducted mainly as a procedural requirement by donors and the evaluation of performance is often the only element incorporated which often follows confirmation bias and overlooks broader factors, alternative indicators, evolving actors, processes, and structures, unintended effects, and alternative implementation options.<sup>80</sup> Impact assessments of peacebuilding practices only look at the micro-level but do not connect or look for the broader impact that a particular project has had over certain actors, processes, and places.<sup>81</sup> In most cases, the broader holistic social processes are not included in the peacebuilding impact assessment. Most of the impact assessment is conducted within the framework of projects, which are seen as universal, template-like, concrete and measurable units of activities limited in goals, activities, beneficiaries, time, and intended outcomes. So, the scope of events that this type of evaluation involves is largely limited and the timing of evaluation is often conducted immediately after the completion of the project.<sup>82</sup>

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<sup>78</sup> Larissa A. Fast and Reina C. Neufeldt, 'Envisioning Success: Building Blocks for Strategic and Comprehensive Peacebuilding Impact Evaluation', *Journal of Peacebuilding and Development*, Vol. 2, No. 2, 2005, p. 25.

<sup>79</sup> Susanna P. Campbell, 'When Process Matters: The Potential Implications of Organizational Learning for Peacebuilding Success', *Journal of Peacebuilding and Development*, Vol. 4, No. 2, 2008, p. 27.

<sup>80</sup> EuropeAid Co-operation Office, *Evaluation Methods for the European Union's External Assistance: Methodological Bases for Evaluation* Vol. 1, Brussels: EU, 2006, p. 59-81.

<sup>81</sup> Esra Çuhadar Gürkaynak, et al., 'Evaluation in conflict resolution and peacebuilding', in: Dennis J. D. Sandole, et al. (eds), *Handbook of Conflict Analysis and Resolution*, London: Routledge, 2009.

<sup>82</sup> UNDP, *Evaluation of UNDP Contribution to Strengthening of National Capacities*, Evaluation Office, New York: UNDP, 2010, p. 51.

In fact, impact assessment in peacebuilding is borrowed from the development community, which is different by nature from peacebuilding programmes.<sup>83</sup>

Needs assessments to guide programmatic interventions are often conducted based on a linear model of identifying a need and consequently outlining practical and affirmative actions to address that need. This type of reductionist logic often does not encounter 'complex interrelationships within a societal context, the multiple reasons a particular need exists and the multiple impacts, intended and unintended, a remedial action can have'.<sup>84</sup> Lederach rightly argues that 'peacebuilding activities do not always correspond smoothly with the categories of thinking established for relief, development, or other social projects', highlighting that peacebuilding impact assessment requires capturing long-term processes, dynamics, and relationships.<sup>85</sup> Lederach suggests that 'outcomes should be understood as dynamic – as a process of understanding and learning – rather than as static results that are seen as products and end points'.<sup>86</sup> He further maintains that '[w]hen we look for ways to measure peacebuilding outcomes as process-structures, we focus on that which is not immediately visible. Products are visible, but they rarely provide us with strategic indicators'.<sup>87</sup> In their examination of peace practices, Anderson and Olson find that success in a particular peace project does not necessarily mean success on a broader societal scale.<sup>88</sup>

Second, long-term effects of peacebuilding are often ignored in donor-directed impact assessments of peacebuilding. For example, the comprehensive study of the Carnegie Commission on preventing deadly conflicts does not make any reference to the spectrum of consequences of peacebuilding, nor to the need to prevent the consequences of international engagement in post-conflict societies.<sup>89</sup> The spectrum of consequences that emerges from peacebuilding operations is often excluded from the measurement indicators. The mainstream indicators of

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<sup>83</sup> Thania Paffenholz, et al. 'Peacebuilding and Development: Integrated Approaches to Evaluation, *Journal of Peacebuilding and Development*, Vol. 2, No. 2, 2005, p. 2.

<sup>84</sup> Robert Ricigliano, 'Planning for Systematic Impact', in: Daniela Korppen, et al. (eds.), *The Non-Linearity of Peace Processes – Theory and Practice of Systemic Conflict Transformation*, Opladen/Farmington Hills: Barbara Budrich Verlag, 2011, p. 183.

<sup>85</sup> John Paul Lederach, *Building peace: Sustainable Reconciliation in Divided Societies*, Washington D.C.: USIP, 1997, p. 130-1.

<sup>86</sup> Lederach, *Building peace: Sustainable Reconciliation in Divided Societies*, p. 132.

<sup>87</sup> John Paul Lederach, *Building peace*, p. 137.

<sup>88</sup> Mary B. Anderson and Lara Olson, *Confronting War: Critical Lessons for Peace Practitioners*, Cambridge, MA: CDA, 2003, p. 14.

<sup>89</sup> Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict: Final Report*, New York: Carnegie Corporation of New York, 2007.

peace that rely on technocratic and routine logics of performance and impact assessment are unsuitable to measure sensitive and complex questions related to unintended consequences.<sup>90</sup> Often driven by conformist bias, the internal and external evaluation of peace operations have a tendency to seek out evidence, which is supportive of the tools and strategies invoked by the intervening parties. Evaluations rarely question or disprove the logic of intervention. The external, long-term, and unintended impact is often overlooked, and instead a convenient logic of evaluation is invoked by focusing on intended effects and systematically searching for positive impacts. The UN and bilateral donors do not include impact assessments and the spectrum of consequences that have emerged as a result of their actions and non-actions.<sup>91</sup> The UN Secretary-General's periodical reports on Kosovo, East Timor, and Bosnia have ignored entirely this crucial dimension. Similarly, UN agencies, international NGOs, and bilateral donors have not dealt sufficiently with the unintended consequences of their programmes. Even UNDP, which has some of the most advanced analysis and evaluation tools, does not engage with analysing unintended consequences.<sup>92</sup>

The absence of impact assessment and the examination of consequences are shaped by a number of complex technical and political factors.<sup>93</sup> Technically speaking, tracing unintended consequences, side effects, and adverse outcomes is difficult as it requires in-depth analysis, for which there have not been clear methodological instructions to date, and the evaluation aspects of key actors are not equipped with adequate and capable people to undertake such a type of analysis. Furthermore, such a process is time consuming and requires a long-term perspective and thorough examination, for which international actors are not keen on due to their interests for short-term results and reporting. Politically speaking, an examination of negative effects is unwelcome because it is perceived as self-defeating and unacceptable as it could potentially reduce credibility and funding prospects, and damage the future role of particular agencies and agents in engaging with conflict situations. In addition, revelations of negative impacts

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<sup>90</sup> Roger Mac Ginty, 'Routine peace: Technocracy and peacebuilding', *Cooperation and Conflict*, Vol. 47, No. 3, 2012, pp. 287-308.

<sup>91</sup> 'Peacebuilding in the aftermath of conflict, Report of the Secretary-General', UN Doc. A/67/499-S/2012/746, 08 October 2012.

<sup>92</sup> Interview by author with a senior officer at the UNDP Brussels Office, September 2012.

<sup>93</sup> For a similar discussion see: Geoff Loane and Celine Moyroud (eds.), *Tracing Unintended Consequences of Humanitarian Assistance: The Case of Sudan*, Conflict Prevention Network (SWP-CPN) No. 60/9, Baden-Baden: Nomos Verlagsgesellschaft, 2001.



raises questions of responsibility for which actors need to take responsibility, provide answers, and be held accountable.

Such considerations notwithstanding, in recent years, the notion of long-term effects and unintended consequences of peacebuilding related programmes has begun to be included as an indicator in impact assessment studies. In their impact assessments, most international organizations adhere to the OECD definition of impact, where the notion of unintended consequences is included. Impact is defined as '[p]ositive and negative, primary and secondary long-term effects produced by a development intervention, directly or indirectly, intended or unintended.'<sup>94</sup> The OSCE equates unintended effects with risks and allows the identification and discussion of unintended effects but leaves the option open to exclude them from reporting.<sup>95</sup> However, apart from listing a number of indicators of impact, there is no conceptual clarity, systemic guidance on how to identify them, and almost no mention of the need to incorporate them in policy planning and precautionary considerations for preventive actions. Within academic research on peacebuilding, impact assessment is conducted mainly to identify cases where the peace process has either succeeded or failed and to ascertain conclusions concerning levels of violence and how to address it.<sup>96</sup> However, insufficient consideration is given for more complex examples of peace processes. There is little consensus on how to explore the spectrum of consequences, often attributed to the lack of agreed standards for assessing the negative and positive consequences of peacebuilding.<sup>97</sup>

A recent study on the evaluation of peace operations authored by Paul F. Diehl and Daniel Druckman argues that evaluations of long-term peacebuilding success operate based on different indicators from those short-term assessments.<sup>98</sup> Their analysis show that contemporary qualitative thresholds and standards for

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<sup>94</sup> OECD, *Glossary of Key Terms in Evaluation and Results Based Management*, Paris: OECD, 2002, p. 24. See also: OECD, *Guidance For Evaluating Humanitarian Assistance In Complex Emergencies*, Paris: OECD, 1999, p. 33; EuropeAid Co-operation Office, *Evaluation Methods for the European Union's External Assistance: Methodological Bases for Evaluation*, Vol. 1, Brussels: EU, 2006, p. 50

<sup>95</sup> OSCE, *Project Management in the OSCE - A Manual for Programme and Project Managers*, Vienna: CPC/PESU, 2010, p. 112.

<sup>96</sup> Hugh Miall, *Conflict Transformation: A Multi-Dimensional Task*, Berlin: Berghof Research Center for Constructive Conflict Management, August 2004, p. 16.

<sup>97</sup> Cheyanne Church and Julie Shouldice, *The Evaluation of Conflict Resolution Interventions: Framing the State of Play*, Derry/Londonderry: INCORE, 2002, p. 40.

<sup>98</sup> Paul F. Diehl and Daniel Druckman, *Evaluating Peace Operations*, Boulder: Lynne Rienner Pub., 2010, p.14-18.

measuring peacebuilding success are too modest and do not capture the dislocated and hidden consequences that peacebuilding creates, based on which the true impact can be inferred. As their study shows, existing measures of peacebuilding success are based on misguided indicators.<sup>99</sup> For example, to measure success with regard to local security, the number recruited and trained by national forces is noted, as well as the number of inter-ethnic incidents. In the field of the rule of law, measures of progress include: passing a new constitution; passing laws and codes of conduct; the number of courts established; the number of law enforcement forces and prisons available.<sup>100</sup> Indeed, these types of indicators might not be suitable to capture the long-term consequences of peacebuilding. Measurement of impact requires examining multiple inter-acting factors and processes over the same and different field to provide more accurate inference.

Consequently, inadequate engagement with assessing the spectrum of consequences reduces the ability to assess the impact and the ability of peacebuilding organizations to achieve the intended outcomes.<sup>101</sup> A number of peace evaluation studies suggest that the assessment of peacebuilding impact in relation to peace processes should be designed to serve for learning and improvement purposes.<sup>102</sup> While this constructive perspective is useful and necessary, it overshadows the function of impact assessment as a form of assigning responsibility as well as legitimizing or de-legitimizing the agency of peacebuilding. Equally important is to assert the worth, value, and merit of peacebuilding actions and to evaluate the practical and moral abilities of agents. Justifying impact assessment on the basis of the necessity to reveal failures facilitates organizational learning from past mistakes and affords the possibility to change the routine, making it more prone to caution and sensitivity.

### **Discordance of consequences in peacebuilding research**

In a number of limited studies, the notion of peacebuilding consequences has been discussed, but mainly in ambiguous, implicit, and semantic terms. Policy-

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<sup>99</sup> Diehl and Druckman, *Evaluating Peace Operations*, p. 115-132.

<sup>100</sup> *Ibid*, p. 115-132

<sup>101</sup> Susanna P. Campbell, '(Dis)integration, Incoherence and Complexity in UN Post-conflict Interventions', *International Peacekeeping*, Vol. 15, No. 4, 2008, p. 563.

<sup>102</sup> Hal Culbertson, 'The Evaluation of Peacebuilding Initiatives: Putting Learning Into Practice', In Daniel Philpott & Gerard Powers (eds.), *Strategies of Peace: Transforming Conflict in a Violent World*, Oxford: Oxford University Press, 2010.

makers invoke the notion of consequences to issue an unattributed apology, to emphasize the otherness of their agency, and to avoid responsibility. The epistemological differences between liberal and critical approaches have profoundly affected the way in which peacebuilding consequences are examined. While critical approaches have invoked the discourse of unintended consequences to signify the shortcomings of peacebuilding strategies, the same notions are used by liberal proponents to neutralize and weaken the responsibility for these consequences, and to soften the critique by presenting it in acceptable language.

When the notion of consequences is invoked in peacebuilding research, in most cases no explanation or reference is provided as to they are defined or understood and no criterion is used to guide how certain consequences are identified and analysed. Often, the notion of unintended and unanticipated consequences is used semantically and inter-changeably as an empty signifier, for which it is necessary to explore carefully the context and subject of discussion to excavate implicitly the meaning, causal relation, and the assignment of responsibility. An in-depth survey of literature illustrates this point. In 1999 Stephen J. Stedman, one of the first proponents of the liberal peace thesis, raised explicitly the problem of unintended consequences that emerges out of the scope of purposive actions of the international community in internal conflicts. He identifies four types of activities that unintentionally exacerbate conflict: international economic reform; humanitarian relief; humanitarian intervention; and preventive diplomacy.<sup>103</sup> Although Stedman does not clarify the invocation of unintended consequences, he implicitly shows that unintended consequences are directly caused by a variety of techniques in international conflict management intervention.

In *At War's End*, Roland Paris invokes the notion of 'unanticipated consequences' to describe the pathologies arising from democratization and marketization policy, which are undertaken by the international community to build sustainable peace in post-conflict societies, but ultimately, Paris argues, threaten to destabilize internal peace.<sup>104</sup> In another context, Paris and Sisk invoke interchangeably the concept of consequences and shortcomings with the notion of dilemmas and contradictions.<sup>105</sup> Similarly, the OECD does not make any reference to the criteria

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<sup>103</sup> Stephen J. Stedman, *International Actors and Internal Conflicts*, Rockefeller Brothers Fund, 1999, p. 7-8

<sup>104</sup> Roland Paris, *At War's End*, p. 159

<sup>105</sup> Roland Paris and Timothy D. Sisk, *Dilemmas of Statebuilding*, p. 309.

and definitional conditions for invoking the notion of unintended consequences.<sup>106</sup> In other instances, unintended consequences are equated with wider negative impacts.<sup>107</sup> The invocation of the notion of unanticipated consequences is not supported with any evidence regarding the absence of anticipation, foresight, and predictability among peacebuilding organizations.

An edited volume published in 2007 by Chiyuki Aoi, Cedric de Coning, and Ramesh Thakur marks the first explicit and systematic attempt to shed light on a number of unintended consequences of peacekeeping in post-conflict societies.<sup>108</sup> They define unintended consequences as 'acts that were not intended when these mandates were adopted or when they were executed'.<sup>109</sup> Aoi et al. explicitly distinguish unintended consequences from the failure to achieve intended consequences, as well as from mixed motives of the interveners.<sup>110</sup> This narrow definition of unintended consequences enabled authors to identify a number of negative peripheral outcomes of peacebuilding including: an increase in corruption; criminal activities and trafficking; human rights violations, and unaccountable practices from troop-sending states; distortion of the host economy; sexual violence against local women and children; and the spread of HIV/AIDS.<sup>111</sup> Although this study invokes a narrow definition of unintended consequences and disqualifies a large number of peacebuilding outcomes from being considered as failures, it is an important pioneering study.

However, several contributors to this volume define unintended consequences differently depending on their topic of study, thereby failing to bring conceptual clarity and provide useful guidance on how to trace and study the unintended consequences of peacebuilding. For example, Katarina Ammitzboell invokes interchangeably the notion of wrong policies, lack of policies, and unintended consequences.<sup>112</sup> Similarly, Shin-wha Lee equates unintended consequences with the

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<sup>106</sup> OECD, *Concepts and Dilemmas of State Building in Fragile Situations: From Fragility to Resilience*, Paris: OECD, 2008.

<sup>107</sup> Loane and Moyroud (eds.), *Tracing Unintended Consequences of Humanitarian Assistance: The Case of Sudan*, p. 11.

<sup>108</sup> Chiyuki Aoi, et al., 'Unintended consequences, complex peace operations and peacebuilding systems' in Chiyuki Aoi, et al. (eds.), *Unintended consequences of peacekeeping operations*, Tokyo: UN University Press, 2007.

<sup>109</sup> Chiyuki Aoi, et al., 'Unintended consequences, complex peace operations and peacebuilding systems', p.6

<sup>110</sup> *Ibid*, p. 6.

<sup>111</sup> *Ibid*, p. 3.

<sup>112</sup> Katarina Ammitzboell, 'Unintended consequences of peace operations on the host economy from

inadvertent outcomes of peace operations<sup>113</sup>, whereas Frederic Megret equates unintended consequences with those outcomes that fall entirely outside of the peacekeeping mandate.<sup>114</sup> This multiplicity of meanings and conceptual ambiguity shows that even the most explicit study on unintended consequences within peacebuilding research to date does not follow a coherent definition, or a procedure for identifying and assessing unintended consequences.

The invocation of peacebuilding consequences is largely influenced by the paradigmatic contempt between liberal and critical approaches to peacebuilding. The ontology of the critique of liberal peacebuilders is mainly to improve the performance and restore the effectiveness of the liberal peace project. Despite this, the intentionality behind exploring the unintended consequences of peacebuilding is derived by positivist epistemologies, which have driven the research to be affiliated with problem-solving logic and normative explanations of empirical evidence and state practices. For instance, Paris accepts the fact that liberal peacebuilding has suffered from a number of 'real' shortcomings, which he tends to justify by arguing that 'peacebuilding is tremendously a complex and prone to unanticipated consequences, yet it is also too important to lose or abandon'.<sup>115</sup> Aoi et al. place the studying of unintended consequences as instrumental means of improving the overall effectiveness of peace operations. Indeed such a reductionist conceptualization of unintended consequences leaves aside potentially important consequences and legacies that direct the intentional action of international peacebuilding in practice.

On the other hand, the invocation of unintended consequences by critical approaches represents a carefully worded attribution of negative effects of peacebuilding, which represent a balanced quest to reveal weaknesses to delegitimize contemporary peacebuilding practices in order to open up spaces for alternative forms of peacebuilding. David Chandler explicitly argues that his work *Empire in Denial* - which examined how the international community exercises extensive authority without responsibility and accountability towards the targeted subjects

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a people's perspective', in Chiyuki Aoi, et al. (eds.), *Unintended consequences of peacekeeping operations*, Tokyo: UN University Press, 2007, p. 75.

<sup>113</sup> Shin-wa Lee, 'Unintended consequences of peace operations on humanitarian action', in Chiyuki Aoi, et al. (eds.), *Unintended consequences of peacekeeping operations*, Tokyo: UN University Press, 2007, p. 91.

<sup>114</sup> Frederic Megret, 'The vicarious responsibility of the United Nations', in Chiyuki Aoi, et al. (eds.), *Unintended consequences of peacekeeping operations*, Tokyo: UN University Press, 2007, p. 250.

<sup>115</sup> Roland Paris, 'Saving Liberal Peacebuilding', p. 364-5.

- aims to 'draw out in greater detail the largely neglected elements of denial and evasion and, in so doing, develop an explanation of how these aspects have shaped and influenced policy practices and also to develop a broader understanding of the negative and unintended effects of these practices'.<sup>116</sup> Michael Pugh, another critical scholar, equates unintended consequences with the negative impact of liberal peacebuilding, arguing that neoliberal policies of self-reliant welfare together with the marketization and privatization of socially owned enterprises result in a number of unintended exacerbations. These consequences include: expanding the class of uninsured 'bare lives'; encouraging informal economic activity; providing selective services to few communities based on the sphere of influence; ignoring the entire population due to lack of capacity, mandate or incentives.<sup>117</sup> While Richmond recognizes the fact that unintended consequences are never-ending processes that occur in any type of power relationship, he suggests engaging with bottom-up social ontologies to understand the local context, and engage with the difference and hybridity of social practices.<sup>118</sup> Richmond's position represents a more balanced, adequate, and realistic attribution of unintended consequences than the previous invocations.

Another pattern of differences relating to how liberal and critical approaches have engaged with peacebuilding consequences is the spectrum of solutions and strategies they have offered to deal with unintended consequences. Compared to critical approaches to peacebuilding, the proponents of liberal peacebuilding are generally more explicit about how to prevent and deal with unintended consequences when they occur. Supporters of liberal peacebuilding identify the following main sources that give rise to unintended consequences: a lack of planning and coordination; insufficient resources; and a lack of multilateral commitment to transform promises into practices, as well as insufficient understanding of local context. Consequently, mitigating these weaknesses is considered a recipe for containing, managing, and reducing unintended consequences. On the other hand, critical approaches to peacebuilding often focus on revealing the weaknesses of liberal peacebuilding and rarely provide alternative peacebuilding solutions. The critique and eventual alternative of critical approaches to peacebuild-

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<sup>116</sup> David Chandler, *Empire in Denial*, p. 190.

<sup>117</sup> Michael Pugh, 'Welfare in War-torn Societies: Nemesis of the liberal peace?', in Oliver P. Richmond, (ed.) *Palgrave Advances in Peacebuilding*, p. 268. See also: Salil Tripathi, 'Corporate Social Responsibility'. In Michael Pugh, et al. (eds.). *Whose Peace?*.

<sup>118</sup> Oliver P. Richmond, 'Reclaiming Peace in International Relations', *Millennium*, Vol. 36, No. 3, 2008, p. 462.

ing is often a counterfactual solution to those of mainstream peacebuilding theories and praxis.

For instance, Aoi et al. suggest that although unintended consequences are inherent weaknesses of peace operations, we should 'enhance our capacity to prevent, contain and manage potentially negative unintended consequences by improving our understanding of how they come about and by exploring ways in which we can improve our ability to anticipate and counter them.'<sup>119</sup> In achieving this, Aoi et al. submit that:

... through research into past actions and by systematically thinking through the consequences our actions are likely to evoke, we should be able significantly to reduce some of the obvious negative consequences experienced in the past. Anticipating the potential unintended consequences of our actions should become a standard aspect of our planning procedures and processes.<sup>120</sup>

In the same line of reasoning, Ulrich Schneckener holds that 'unintended consequences are a frequent feature of international statebuilding efforts and are hard to avoid.'<sup>121</sup> He suggests managing these unintended consequences by reducing gradually the international engagement, showing a willingness to evaluate and learn from processes, and to remain flexible by trusting the local actors to manage the state structures and affairs.<sup>122</sup> In another study, Paris and Sisk argue that unintended consequences can be managed, if not resolved, by understanding local contexts, and paying attention to the long-term consequences of the short-term stabilization and recovery efforts.<sup>123</sup> They echo this when they argue that:

At best, the many dilemmas of postwar statebuilding can only be managed, not resolved. Occasionally, innovative policies or clever decisions can ameliorate them, but effective management must itself be based on a careful analysis of the underlying contradictions and tensions that give rise to these dilemmas. It must also be based on extensive knowledge of the host country, and careful consideration of the long-term consequences

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<sup>119</sup> Chiyuki Aoi, et al. 'Conclusion: Can unintended consequences be prevented, contained and managed?', p. 268.

<sup>120</sup> Ibid, p. 274.

<sup>121</sup> Ulrich Schneckener, 'Unintended consequences of international statebuilding', in Christopher Daase and Cornelius Friesendorf (eds.), *Rethinking Security Governance: The problem of unintended consequences*, London and New York: Routledge 2010, p. 77.

<sup>122</sup> Schneckener, 'Unintended consequences of international statebuilding', p. 77-9.

<sup>123</sup> Roland Paris and Timothy D. Sisk (eds.), *Dilemmas of Statebuilding*, p. 309.

of initial short-term stabilization and recovery efforts.<sup>124</sup>

While analysing the political economy of peacebuilding, Salil Ripathi comes to a similar conclusion that 'coherent conflict prevention also requires ably planned, implemented and coordinated strategies in order to anticipate and avoid, to the extent possible, unintended consequences that exacerbate rather than alleviate the causes of violent conflict in a given context'.<sup>125</sup> Stedman identifies the solution to manage unintended consequences as the need to increase strategic planning, and initiate a debate on 'the ethics of choice among tools, approaches, and cases of intervention - and the interests that are at stake'.<sup>126</sup> In addition, James Mayall argues that:

... the contemporary internationalist formula, with its emphasis on democratization, the empowerment of civil society and human rights, is likely to meet the same uncertain and inconsistent fate. Respect for the law of unintended consequences requires that those involved in post-conflict reconstruction should pay close attention to the particular cultural and historical conditions of the societies in which they operate.<sup>127</sup>

Accordingly, this short overview shows that the spectrum of solutions on how to deal with peacebuilding consequences mainly accept that potentially negative consequences occur and engage in developing instrumental mechanisms to respond to and manage the consequences and less to prevent them before they take place. The appropriate mechanisms to manage unintended consequences are considered: systematic thinking; learning from previous mistakes; developing innovative policies to understand the local context; and excavating local knowledge and past histories. Supporters of liberal peacebuilding have realized that dealing with unintended consequences requires engaging with the local context, culture, and knowledge, which represents the first meeting point and agreement with critical approaches to peacebuilding. Such realizations reveal artificial divides at the theoretical and paradigmatic level, and demonstrate a shared understanding at the factual levels. However, the comprehensive overview of existing literature on peacebuilding consequences reveals that although

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<sup>124</sup> Roland Paris and Timothy D. Sisk (eds.), *Dilemmas of Statebuilding*. p. 309.

<sup>125</sup> Salil Tripathi, 'Corporate Social Responsibility', in Michael Pugh, et al., (eds.). *Whose Peace?*, p. 65.

<sup>126</sup> Stephen J. Stedman, *International Actors and Internal Conflicts*, New York: RBF, 1999, p. 26

<sup>127</sup> James Mayall, 'The legacy of colonialism', in Simon Chesterman, et al. (eds.), *Making states work: State failure and the crisis of governance*, Tokyo: UN University Press, 2005, p. 52-3.



there is some awareness of peacebuilding consequences, it still remains conceptually unclear; it is not studied in a systematic manner.

## **Conclusion**

This chapter has examined the positionality of liberal and critical strands of peacebuilding on the question of peacebuilding consequences, the politics of impact assessment, and the discursive invocation of consequences in peacebuilding research. The current state of research on post-conflict peacebuilding studies unintended consequences at an insufficient level despite the importance and relevance of this issue. The few studies that invoke the notion of unintended consequences often do not clarify the analytical meaning of unintended consequences, are bound to certain paradigms and normative commitments, and rarely provide any solutions regarding how to deal with unintended consequences.

The contemporary impact assessment of peacebuilding practices undertaken by scholars and practitioners has been unable to engage sufficiently with peacebuilding consequences. Impact assessments of peacebuilding practices only look at the micro-level but do not connect or look for broader impacts that a particular peacebuilding project has had over certain actors, processes, and places. Impact assessment methodologies are inadequate to capture the complex, dislocated, dissembled, and long-term effects of peacebuilding projects. The external, long-term, and unintended impact is often overlooked, and instead a convenient logic of evaluation is invoked by focusing on intended effects and systematically searching for a positive impact. There are also serious anomalies with the conduct and empirical sources of impact assessment. Consequently, inadequate engagement with assessing the spectrum of consequences reduces the ability of peacebuilding organizations to achieve the intended outcomes and evaluate the success or failure of a mission.

From this chapter, it can be concluded that the research on peacebuilding consequences should advance in at least three aspects: 1) develop further conceptual and analytical clarity and expand study of the spectrum of consequences; 2) move beyond paradigmatic contempt for studying peacebuilding consequences and invoke the principle of pluralism, which will eventually enable a plurality of knowledge excavation and investigate the intertwined complex figuration of peacebuilding; and 3) conduct systematic research using multiple approaches

and move away from mainstream and conventional epistemological approaches.<sup>128</sup> Accordingly, the next chapters will seek to address this challenge of advancing knowledge on peacebuilding intentionality, consequences and responsibility by bringing conceptual clarity, developing analytical and methodological tools, and examining a number of post-conflict case studies systematically and in detail.

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<sup>128</sup> For a similar approach see: Robert Ricigliano, *Making Peace Last: A Toolbox for Sustainable Peacebuilding*, Boulder, CO: Paradigm Publishers, 2012.

## CHAPTER THREE

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# Typological Framework of Peacebuilding Intentionality, Consequences, and Responsibility

“Wherever men try to trace responsibility home to anyone, it is the instinct of punishment and of the desire to judge which is active. Becoming is robbed of its innocence when any particular condition of things is traced to a will, to intentions, and to responsible actions. The doctrine of the will was invented principally for the purpose of punishment – that is to say with the intention of tracing guilt.”

(Friedrich Nietzsche, 1889)<sup>129</sup>

### Introduction

The theoretical discussion of liberal and critical peacebuilding theories in the previous chapter revealed numerous anomalies that impede the ability to understand and study the long-term impact of peacebuilding. The discussion also established that it is essential to explore new alternative theoretical and methodological avenues in order to examine this ignored dimension of peacebuilding. To capture the complexity of peacebuilding consequences, it is necessary to develop more complex epistemological and methodological frameworks. Simplifying and essentialising the process won't do justice to the mess of peacebuilding in post-conflict societies. This chapter outlines a new conceptual and typological framework for studying the impact of peacebuilding in post-conflict societies. It is driven by the commitment to provide a pathway for registering the ignored dimensions of peacebuilding in theory and practice. The typology is constructed based on the logic of differentiation and the need for conceptual clarity and reality-adequate analysis. The typology is an integrative framework consisting of three core constitutive elements: intentionality, consequences, and responsibility.

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<sup>129</sup> Friedrich Nietzsche, *Twilight of the Idols with the Antichrist and Ecce Homo*, Hertfordshire: Wordsworth Editions Ltd., 2007, p. 35.

These three aspects constitute the most puzzling dilemmas of individual and collective social agents.

At the heart of the constitutive attributes of human agents, including organizations as collective agents are the notions of intentionality, anticipation, preventability, and responsibility. They represent the texture of the human condition and the social construction of the reality of peacebuilding. They constitute some of the most essential properties of social agents. While intentions give meaning and drive to an action, anticipation is the assurance of the appropriate conduct and execution of intent, and preventability is the re-assurance that obstacles during the performance of the act are addressed to satisfy the desired and reasoned intent. Responsibility is a regulatory moral mechanism that seeks to ensure the performance of the three previous attributes of agency. These concepts will be integrated together to consolidate a typological framework that will explore the declared intentions of peacebuilding organizations, examine critical turning points that shaped actions and decisions, and then look at the broad spectrum of different unintended, unanticipated, and unprevented consequences that have emerged to facilitate assigning different aspects of responsibility. Forging this new conceptual organization of critical assessments of peacebuilding impact seeks to develop a new ethos for peacebuilding critique rooted in new interdisciplinarity, pluralism and consilience of knowledge, and based on the pursuit of care, precaution, and responsibility in thinking and acting for peacebuilding. To substantiate the innovative typological framework and the necessary epistemological foundations, a new methodological approach is constructed referred to as 'Critical Practice Tracing' (CPT), a qualitative mixed method that integrates elements of critical discourse analysis, practice, and process-tracing. This breadth of conceptual and methodological tools will be applied to the three in-depth case studies of Bosnia and Herzegovina, Kosovo, and Timor-Leste.

### **Typological framework of peacebuilding intentionality, consequences, and responsibility**

The analysis of impact assessment and the discursive patterns of consequences in peacebuilding research in the previous chapter argue for the necessity for conceptual and analytical clarity concerning the notion of intentionality, consequences, and responsibility. The contextual and multi-disciplinary discussion of

the epistemology of intentionality, anticipation, preventability, and responsibility earlier in this chapter provided a comprehensive understanding of their key attributes and dichotomies (intended-unintended; anticipated-unanticipated; prevented-unprevented). Recognizing the necessity to provide conceptual clarity and study the multiplicity and complexity of intentionality, consequences, and responsibility in the peacebuilding context, this section presents a new typology framework, which conceptualizes these concepts to capture a complex pathway of interconnectedness and interactions as a systemic framework for assessing the impact of peacebuilding in post-conflict societies.<sup>130</sup> George and Bennett argue that typological theorizing has the 'ability to address complex phenomena without oversimplifying, thus clarifying similarities and differences among cases to facilitate comparisons, provide a comprehensive inventory of all possible kinds of cases, to incorporate interaction effects, and to draw attention to 'empty cells' or kinds of cases that have not occurred and perhaps cannot occur'.<sup>131</sup>

The typological framework has four components: declared intentions, critical turning points, spectrum of consequences, and responsibility.<sup>132</sup> These concepts enshrine the essential attributes to capture the form, matter, process, and the meaning of peacebuilding and its legacies in post-conflict societies.<sup>133</sup> Assessing the impact of peacebuilding requires exploring the linkages between outcomes in the form of consequences, traced back to the declared intentions and key actions and decisions, in order to assign responsibility for consequences. The typological framework is a linear-complex pathway simplified to capture key categorized concepts under examination (intentionality, consequences, and responsibility), while preserving and presenting details of the complex interconnection and interaction of multiple agents, processes, and structures. Linear and systemic depictions of non-linearity are applied here to guide the procedural exploration of the impact and consequences of peacebuilding actions in post-conflict societies.

The exploration of the typological elements in practices is highly complex, non-linear, and contingent on uncertainties, multiple deviations, and interconnec-

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<sup>130</sup> David Collier, et al., 'Typologies: Forming Concepts and Creating Categorical Variables'. In Jenet M. Box-Steffensmeier, et al., (eds.), *The Oxford Handbook of Political Methodology*, Oxford: Oxford University Press, 2008, p. 159-63.

<sup>131</sup> Aleksander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, MA, Cambridge: MIT Press, 2005, p. 233.

<sup>132</sup> A note of clarification: although the typology has four components, in essence it is embedded in three constitutive elements: intentionality, consequences, and responsibility.

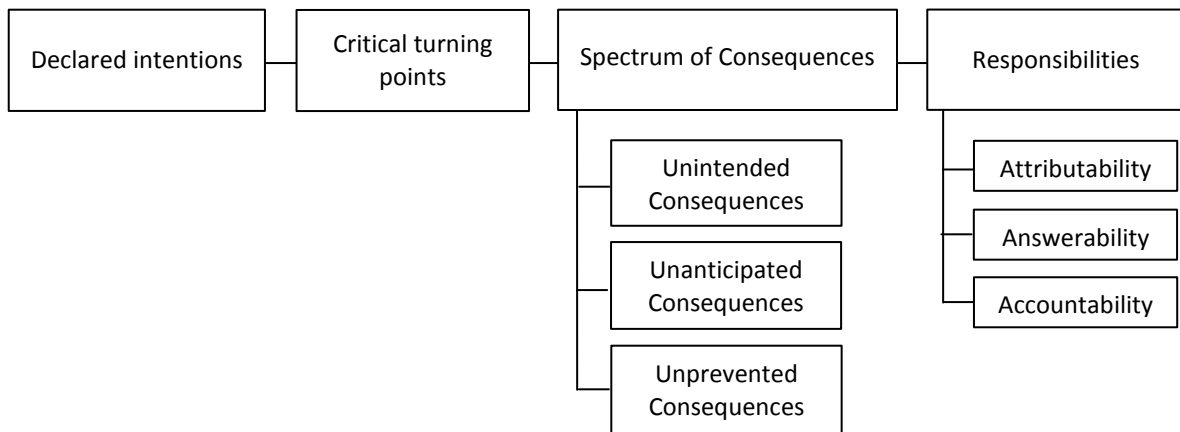
<sup>133</sup> F. Capra, *The Hidden Connections: A Science for Sustainable Living*, London: HarperCollins, 2002.

tions. However, the essential ontological intent of the typological framework is the de-complexification of key constitutive elements, capturing fragments of their non-linear self-organization, analysing the fitness of peacebuilding practices, and identifying the emergent features. In identifying critical turning points and the spectrum of consequences, the typology framework does not seek causality in positivist and Newtonian sense, but more to gain a complex understanding of causation as correlation. In other words, the typology identifies causation as being associated with contributing factors, triggers, ontological entities, structures, relations, conditions and process that contribute to the emergence of consequences and processes.<sup>134</sup>

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**Figure 1: Typological Framework of Peacebuilding Intentionality, Consequences, and Responsibility**

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*Declared intentions*

The first component of this typology is declared intentions. Intentionality and intentional action is closely related to the successful satisfaction of the content of intent, which undergoes a practical reasoning process.<sup>135</sup> Intentionality is a key ingredient of a socially constructed world.<sup>136</sup> In this typology declared intentions refers to the official mandate, goals and purposive social actions undertaken by

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<sup>134</sup> Milja Kurki. *Causation in International Relations: Reclaiming Causal Analysis*. Cambridge: Cambridge University Press, 2008, p. 295.

<sup>135</sup> John R. Searle, *Intentionality: An Essay in the Philosophy of Mind*, Cambridge: Cambridge University Press, 1983, p. 79-80.

<sup>136</sup> Mohamed Cherkaoui, *Good Intentions: Max Weber and the Paradox of Unintended Consequences*, Oxford: The Bardwell Press, 2007, p. 7-9.

the agents of liberal peacebuilding. What are described here as declared intentions are often referred to in peacebuilding theory and practice as a mandate, objectives and goals. Declared intentions are those goals and objectives that are made public, incorporated in policy and legal documents, and which officially guide the actions of international peacebuilders in post-conflict societies. In other words, declared intentions can be considered also intended consequences. The declared intentions of international peacebuilding missions constitute the normativity of peace, which consists of values, beliefs, and purposes that aim to be implanted, implemented, and sustained in post-conflict societies as foundations for new state structures, the rearrangement of social relations, and integration into broader global structures, process, and dynamics.

The normativity of peacebuilding lies within the idea of building peace by building democratic state institutions, establishing the rule of law and an impartial justice system, promoting human rights, and developing an open market-oriented economy. These values and norms are translated into purposes and are operationalized through practices and strategic actions that constitute the bedrock of international peacebuilding ideology, which is predominately affiliated with Western political culture. Declared intentions can include: local stability; economic reconstruction; public security and order; institution building, and developing human rights and legal systems.

The normativity of intentions is formed from a number of inter-linked factors: successful practice of the values and norms reflecting Western statehood; political and economic control of international system by Western states; and the moral and practical failure of local actors to maintain their internal peace without international engagement. Declared intentions are mainly collective intentions.<sup>137</sup> Declared intentions are created through a speech act and linguistic process. They are essential for guiding what Searle calls 'word-to-world' which are constituted in the first place by the reversed dialectic of forming intentions from experience.<sup>138</sup> A social institutional reality is created by the linguistic representation of declared intentions. Declared intentions of peacebuilding can be assessed by analysing the official mandate of liberal peacebuilders, which is often invoked within UN Security Council resolutions, mission implementation plans, and other oper-

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<sup>137</sup> There are also hidden and secret intentions, but they are difficult to trace and examine and accordingly are not part of the analysis in this thesis.

<sup>138</sup> Searle, *Making the Social World*, p. 11.

ative and regulative documents. The formation of intentions undergoes a complementary process between normative and practical aspects, the incorporation of the interests, input, and compromises of multiple actors, as well as contextual factors that underline the state of fragility, destruction, and problems in the post-conflict recipient state. While declared intentions are often set prior to action, they can also be expressed while performing the action. Declared intentions do not operate in a vacuum. They are connected with some other intentions and are also correlated with a set of abilities, capacities, dispositions, and ways of doing things, and know-how that mediate the translation of intentions into practice.<sup>139</sup>

### *Critical turning points*

The second component are critical turning points, which are defined here as the key decisions and actions as well as non-decisions and non-actions that have contributed to the emergence of the spectrum of consequences. Drawing from the complex systemic assumptions of non-linearity<sup>140</sup>, this thesis has based its critical practice tracing not on the proportionality between causes and effects, but considers critical turning points around which the deviation in the fulfilment of declared intentions and planned actions takes place. Critical turning points are those sensitive and influential chains of events, which can be large or small events, with the potential to have a significant impact on peacebuilding processes and the consequences that follow. Behind critical turning points are multiple cognitions related to the utilitarian, functional, power-related, and legitimization-based motives of actors.<sup>141</sup> Al-Rodhan et al. argue, '[t]urning points highlight accumulated trends and numerous on-going and intertwined causal conditions, rather than a fatal discontinuity with the past. They make underlying trends and tensions explicit, bring them to the surface and put them on view'.<sup>142</sup>

As part of the critical turning points, elements of path dependence and critical junctures are analysed as well as the influence of initial conditions, irreversibility,

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<sup>139</sup> Ibid, p. 31.

<sup>140</sup> Robert Jervis, 'Complexity and the Analysis of Political and Social Life', p.575.

<sup>141</sup> James Mahoney, 'Path dependence in historical sociology', *Theory and Society*, Vol. 29, 2000, p. 517, pp. 507-548.

<sup>142</sup> Nayef R. F. Al-Rodhan, et al. *Critical Turning Points in the Middle East: 1915-2015*, Basingstoke: Palgrave Macmillan, 2011, p. 11.



and inflexibility of the sequence of actions.<sup>143</sup> Path dependence in its broad meaning will be useful to trace back the critical turning points that influenced (rather than determined) the spectrum of consequences, while also looking backwards on the intentionality, anticipation, and preventability to assign attributive elements to the spectrum of consequences. Although the type of path dependence analysis will look at the influence of the previous choices, actions, and decisions, it will not treat the sequence of events as linear, causally linked or as necessarily determined by previous events. The analysis will cautiously explore how contingent events and interactions of narratives and practices influence the spectrum of consequences and inform other courses of actions. In this sequence of analysis, missed opportunities will be examined and consideration will be given to the reasons and factors that shaped the course of events, and how such a course of events correlated with the question of intentionality, anticipation, preventability, emergence of consequences, and the assignment of responsibility.

In exploring critical turning points, it is crucial to identify the key intentional actions and decisions of international and local agents that have shaped peace-building consequences. Intentional action is the product of agency, which is a continuous process that flows from reflexive monitoring, controlling, and coordinating, while also signifying the possession of capacities to undertake, change, and influence the sequence of conduct. In this whole process, the key aspect is the criteria and procedure for the identification of critical turning points. Critical turning points are identified based on the salience and importance of actions and decisions, which are seen as crucial in implementing the declared intentions. Critical turning points signify times when breaks and continuity with path dependence are possible and more likely. The historical events considered as critical turning points are those that strongly influence the fabric of history. Critical turning points are those moments where the agency and structure interact in a dialectical sense to allow new social elaborations. Decisive decisions are reached during key constitutional, political, policy, and legal processes, which have solidified the structural regulation of post-conflict societies, have accommodated the local power struggle, and have stabilized the governance practices of the particular segments of declared intentions. The key actions associated with these key decisions will be examined to explore the following scenarios: the reasoning behind

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<sup>143</sup> See: Paul Pierson, 'Increasing Returns, Path Dependence, and the Study of Politics', *American Political Science Review*, Vol.94, No.2, 2000, pp. 251-267; Scott E. Page, 'Path Dependency', *Quarterly Journal of Political Science*, Vol.1, 2006, pp. 87-115.

such actions; the influence of context; reactions and interactions with domestic agents; the availability of capabilities and authority to perform the actions; missed opportunities; and the limitations, constraints and the obstacles that have emerged during the performance of multiple actions in pursuit of the implementation of declared intentions.

### *Spectrum of consequences*

The third and main component of this typology is the spectrum of consequences. The approximation of the spectrum of consequences with particular actions and intentions requires a systematic and processual examination of the linkages and correlation between intentions, actions, and outcomes. For the purpose of this research, a spectrum of consequences refers to the various types of consequences, which are either directly caused by international peacebuilding actions, or indirectly caused when international peacebuilders did not take preventative action. Negative consequences are the main focus of case study research because the unintended positive effects are generally claimed *post facto* as being intentional, well-planned results of their actions.<sup>144</sup> For practical reasons, concepts such as 'consequences', 'effects' and 'impact', are used interchangeably as implicitly incorporated within the mainstreaming notion of consequences. The spectrum of consequences can also be associated with the complex notion of 'emergent features' or the critical realist notion of 'social elaborations'.<sup>145</sup> The idea of emergent features and social elaborations aims to capture those outcomes that have been produced by the interaction of units, but which cannot be reduced to the properties of the units.

The foregoing analysis clearly illustrated that the notion of consequences is used with extensive ambiguity, definitional inaccuracy, and paradigmatic contempt. An assemblage of different varieties of consequences and the absence of integration of cumulative knowledge can also be noted.<sup>146</sup> Driven by the theoretical guidance on differentiation within international relations, this thesis identifies

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<sup>144</sup> Ulrich Schneckener, 'Unintended consequences of international statebuilding', p. 64.

<sup>145</sup> Erika Cudworth and Stephen Hobden, *Posthuman International Relations: Complexity, Ecologism and Global Politics*, London: Zed Books, 2011, p. 64; Margaret S. Archer, *Realist Social Theory: The Morphogenetic Approach*, Cambridge: Cambridge University Press, 1995.

<sup>146</sup> Perri 6, 'When Forethought and Outturn Part: Types of Unanticipated and Unintended Consequences', in: Helen Margetts, et al. (eds.), *Paradoxes of Modernization: Unintended Consequences of Public Policy Reform*, Oxford: Oxford University Press, 2010, p. 48.

three types of consequences to guide the assessment of peacebuilding impact. These three types of consequences are: unintended consequences, unanticipated consequences, and unprevented consequences. As Buzan and Albert argue, differentiation enables us to 'distinguish and analyse the components that make up any social whole'.<sup>147</sup> In particular, the segmented and functional dimensions of differentiation are crucial for guiding the categorization of consequences within three essential attributes of the presence and absence of peacebuilders agency: intentionality, anticipation, and preventability. Differentiating between these forms of agency as demonstrated by this thesis has been inexistent thus far in peacebuilding studies, including in wider debates of international relations. A differentiated account of peacebuilding consequences brings more conceptual clarity and empirical accuracy. Differentiation is essential for reconstructing theoretical and empirical knowledge on the spectrum of consequences and also for guiding pragmatically reality-adequate critique and practice.<sup>148</sup>

The three types of consequences are differentiated based on the criteria of the absence of their affirmative attribution – the unfulfillment of intention, anticipation, and prevention. This is the essence of their discursive formation.<sup>149</sup> Ontologically, this form of social analysis could be referred to as 'anti-agency' within conceptual and empirical inquiry. Consequently, the epistemological dimension is far more complicated and hard to disentangle in practice. Similarly, methodological adequacy and calibration is challenging. However, this does not mean that it is impossible and undoable, as the conceptualisation of the typological framework in this chapter show. The spectrum of consequences informs the worlds of scholars and practitioners with the complexity and non-linearity that exists within agency and consequences. It also raises awareness about the need to create a new culture of thinking and practice where the spectrum of consequences, side effects, and multiplying consequences are considered during the planning stage when preventable measures can be taken. The spectrum of consequences can be used to build an alternative narrative and the necessary institutional memory to flag up

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<sup>147</sup> Barry Buzan and Mathias Albert, 'Differentiation: A sociological approach to international relations theory', *European Journal of International Relations*, Vol. 20, No. 10, p. 2; See also: Niklas Luhmann, *The Differentiation of Society*, New York: Columbia University Press, 1982.

<sup>148</sup> For a broader discussion see: Jorg Friedrichs and Fridrich Kratochwil, 'On Acting and Knowing: How Prmatism Can Advance International Relations Research and Methodology', *International Organization*, Vol. 63, 2009, pp. 701-31.

<sup>149</sup> Michel Foucault, 'Questions of Method', in: Graham Burchell, et al. (eds.), *The Foucault Effect: Studies in Governmentality*, Chicago: The University of Chicago Press, 1991, p. 56-57.

future challenges and to avoid unintended side effects that downgrade agency, damage social structures, and raise the contentious issue of responsibility.

### *Unintended consequences*

Unintended consequences are the most well-known of all types of consequences. In recognition of their inevitable emergence during purposive human conduct, reference is sometimes made to the 'law of unintended consequences', which reflects the advanced normative maturity of it as a practice and concept. In the broadest sense, unintended consequences can be defined as consequences that have emerged but were not intended by the conductor of the action (agent). Various definitions of unintended consequences have already been discussed earlier in this chapter, and their ill-defined invocation in peacebuilding research was elaborated on in the previous chapter. In the context of peacebuilding, unintended consequences can be defined as those consequences that have emerged as a result of the direct action of peacebuilding organizations, which are not goal-oriented and are not intended by the agents, and as such fall outside of the scope of intentionality and declared intentions.

Unintended consequences could often be foreseeable and desirable consequences. In principle, unintentionality is traced through the failure to fulfil the intended and desirable goals, and the outcomes that fall out of the rational and reasonable actions of international peacebuilding actors. However, describing an outcome or effect as unintended consequences creates tremendous challenges for understanding the factors behind unintentionality, the process whereby it occurred, and how the context and other intermediary factors interfered to impact the outcome. In other words, unless the unintended consequence is traced back to the responsible agent and the actions and decisions taken by him or her (or them), and unless the scope and conditions of unintentionality are verified there is a high risk that the unintended consequences will not be adequately identified and accounted for. Furthermore, this criterion of tracing retrospectively the consequences whose occurrence were not declared as intended is complicated in practice, particularly when there is limited access to resources, impediments to accessing policy documents, and difficulties with tracing responsible agents.

However, a practical way to overcome these epistemological and methodological

difficulties is look thematically at the outcomes of international peacebuilding engagement, to evaluate them against their declared intentions, and to verify the intentionality of the responsible agent. In a more practical explanation, the unintended consequences of peacebuilding activities can be identified and examined through the following guiding initiators:

- The occurrence of consequences within the field of declared intentions that were not intended to be achieved when the key decisions and actions were taken during critical turning points;
- Evidence of failures and inability to achieve the declared intentions and exploring the type of consequences they have produced;
- The critical comparison between the contested and problematic factors in evidence when the key actions and decisions were taken, and their approximation and interconnectedness with long-term outcomes;
- Evidence of the emergence of consequences within the field of declared intentions, and by spilling over into other social terrains, as well as the examination of side-effects in other fields, which are not necessarily strictly connected with the field of declared intentions;
- Evidence of reactions, criticism, and tendencies to try to change the course of unintended consequences with another sequence of actions and decisions within the realm of the same declared intention.

### *Unanticipated consequences*

The second distinct type of consequences incorporated in the typology is unanticipated consequences. Unanticipated consequences are defined here as those consequences that have emerged, which were not anticipated, not foreseen, and not predicted by peacebuilding organizations. Beyond the negative connotation of the spectrum of consequences, unanticipated consequences could be seen as positive and desirable outcomes. Equally, foreseen consequences are not necessarily intended.<sup>150</sup> An unanticipated consequence does not mean it is unpredictable. The literature on unanticipated consequences attributes their emergence to a number of factors, including: limited contextual knowledge; limited rationality and error; ignorance; and immediate interests. The anticipation and predictability

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<sup>150</sup> John Finnis, 'Intention and side-effects', in R. G. Frey and Christopher W. Morris, (eds.), *Liability and Responsibility: Essays in Law and Morals*, Cambridge: Cambridge University Press, 1991, p. 34.

of consequences is an extremely difficult task due to the agent's self-reflective character and capacity to change its position and behaviour in the course of interaction with other agents and other sources of knowledge and experience.<sup>151</sup> While in the case of unintended consequences, there is a case to be made about the emergence of anti-agency; in the case of unanticipated consequences the case is more about incomplete-agency. Compared to unintended consequences, unanticipated consequences are easier to conceptualize and the scope of factors that influence the spectrum of unanticipated consequences is resolved and evident to a large extent.

Regarding the identification of unanticipated consequences, this thesis identifies five conditions that facilitate their identification and examination:

- Evidence that peacebuilding organizations do not have sufficient and adequate knowledge about the complexity of an issue and the potential consequences that can emerge;
- Evidence that agents ignore the anticipation of consequences or have limited capacity to anticipate potential consequences;
- Evidence whereby the agent may erroneously assess the present and future situation before executing the chosen action, under the fallacy and assumption that outcomes experienced in the past will also continue in the future;
- Evidence of the immediate interest, where the agent displays paramount concern with the foreseen immediate consequences but fails to consider other future consequences of the same act;
- Evidence of the self-defeating prophecy, where the agent fears some consequences and thus attempts to find solutions before the problem occurs, thereby excluding the non-occurrence of the problem.

### *Unprevented consequences*

Unprevented consequences are a new type of consequences introduced in this typology, which have not been examined before in the context of peacebuilding studies, or in broader philosophical and social science inquiry. Even the word

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<sup>151</sup> Nuno P. Monteiro, 'We Can Never Study Merely One Thing: Reflections on Systems Thinking and IR', *Critical Review*, Vol. 24, No. 3, 2012, p. 345.

itself is new to the English language, as it is not incorporated to date in any dictionary. In this typology, unprevented consequences are seen from a non-determinist point of view and thus refer to the consequences that have occurred as a result of inaction by the agents of peacebuilding either at the stage before the effect is created or during an early stage of development, when the consequence would have been preventable and avoidable. The unpreventability of consequences is measured and assessed within the agential realm and possibility of the agents, which includes the availability of authority, and the presence of alternative possibilities for action.<sup>152</sup> A guiding criterion for demarking unprevented consequence is the availability of clear warning or signal of the potential consequence if appropriate action is not taken to prevent it. Unprevented consequences are not the same as unpreventable consequences. Unprevented consequences could have been intended, anticipated, or avoidable consequences. Inaction can be intentional or unintentional, as well as motivated by the individual, collective, or strategic interests of international and local peacebuilding agents. While any purposive action can generate unintended consequences, the failure to react and prevent certain effects before they take place can generate unprevented consequences. In terms of ethics and moral judgements, unintended consequences are relatively comprehensible and possibly excusable. However, in cases of unprevented consequences where the knowledge and capabilities were in place, the failure to prevent negative consequences cannot be justified, and therefore should be apprehended through the appropriate allocation of responsibility.

Following this definition of unprevented consequences, the notion of missed opportunities will be incorporated as a central component of unprevented consequences. Missed opportunities in the context of peace and conflict studies refer to those processes and events where there was a mismatch between the availability of early warnings and effective responses.<sup>153</sup> Within policy circles, there has been a problem that practitioners are sometimes not receptive to warnings, therefore important decisions are not taken, although they could have prevented negative consequences. Policymakers do not take early warnings seriously for a number of reasons: the 'low stakes perceived to be at risk'; a lack of analysis and interpretation of early warning signals; uncertainties regarding the appropriate response;

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<sup>152</sup> For a similar discussion see: Joseph K. Campbell, et al. (eds.), *Action, Ethics, and Responsibility*, Cambridge, MA: The MIT Press, 2010, p. 2.

<sup>153</sup> Alexander L. George and Jane E. Holl, 'The Warning-Response Problem and Missed Opportunities in Preventive Diplomacy', in: Bruce W. Jentleson (ed.), *Opportunities Missed, Opportunities Seized*, Lanham, MD: Rowman and Littlefield, 2000, p. 22.

reluctance for undertaking premature and unnecessary responses; and policy overload which induces passivity.<sup>154</sup> Alexander L. George and Jane E. Holl define missed opportunities as ‘failures to take timely, appropriate actions in response to early warning of an emerging crisis’.<sup>155</sup> While the failure to prevent might be an important factor when it comes to unprevented consequences and missed opportunities, there is often a much more complex reasoning behind non-action, which may reflect self-interest and is not considered as a failure from the perspective of the policymakers.

Cases of unprevented consequences and missed opportunities in peacebuilding contexts can unfold under different circumstances where: there can be inadequate analysis and inaccurate forecasts of the consequences; warnings are ignored; the response is slow, weak or absent; responses are ill-intentioned; or responses are incompatible, incomplete or contradictory with a complex situation.<sup>156</sup> However, to identify unprevented consequences it is also necessary to incorporate an explanation of the actual outcomes of the cases under examination. In practical terms, the criteria against which unprevented consequences can be evaluated are:

- The authority and responsibility of an agent to deal with the actions, decisions, and outcomes in the first place;
- The availability of alternative possibilities for action and the presence of decisive turning points when clear warning or signal of the potential consequence were present but not taken into consideration to prevent it;
- The absence of political commitment to mobilize sufficient human and material resources as a means to reach the intended goals and undertake preventive measures;
- The knowledge of deviation from intended goals and failure to act to prevent the unintended and unanticipated consequences during a stage of development when they would be controllable and preventable.

It is important to note that the attribution of the spectrum of consequences is relational to and contingent on the normative position taken and the social functions

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<sup>154</sup> Alexander L. George and Jane E. Holl, ‘The Warning-Response Problem and Missed Opportunities in Preventive Diplomacy’, p. 29

<sup>155</sup> *Ibid*, p. 33.

<sup>156</sup> *Ibid*, p. 34.



performed. In this thesis, unintended, unanticipated, and unprevented consequences are determined in relation to the failure to fulfil the declared liberal intentions set by international peacebuilders. However, seen from a different perspective, for instance, these consequences can also be intentionally produced by other (local) actors. For example, while we may consider that a particular failure of the international community led to unintended consequences, such consequences may have been perceived by locals as purposive achievements. The same logic can apply to cases of unanticipated and unprevented consequences.

### *Responsibility*

Putting an emphasis on the intentionality and on the capacity for anticipation and prevention provides a better understanding of agential capacity and responsibility in post-conflict societies, as well as their interaction in various social structures. However, the question of international responsibility and the establishment of adequate institutional mechanisms to hold international peacebuilders responsible for their actions has remained one of the less-frequently exported Western institutional mechanisms. Such typological theorizing opens the path for exploring the prospects for identifying the responsible agency, and to eventually hold them accountable for their actions. In this regard, an agent would be responsible for their actions and related outcomes while they are fulfilling certain responsibilities (implying here free will and autonomous agency), and have the capacity to perform actions and make decisions through a reasoning process.

Toni Erskine echoes this when he defines moral agency as ‘capacities for deliberating over possible course of action and their consequences and acting on the basis of this deliberation’.<sup>157</sup> Drawing on this logic, institutions as organizations that also embody persistent set of norms and practices can be considered agents due to their capacity to form intentions and undertake purposive actions. As Erskine argues ‘deliberative capacity manifest in an institution’s formal decision-making structure might be deemed enough to counter the charge that institutions lack the ability to form intentions’.<sup>158</sup> Assigning moral agency without allocating responsibility is purposeless; therefore, once the criterion for moral agency is clarified it is necessary to clarify the variety of measures associated with the notion of re-

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<sup>157</sup> Toni Erskine, ‘Making Sense of ‘Responsibility’ in International Relations’, p. 6.

<sup>158</sup> Erskine, ‘Making Sense of ‘Responsibility’, p. 7.

sponsibility. Assigning moral responsibility is to either prescribe or evaluate the actions of agents 'who are able to foresee, understand, and intended the outcomes of what they do or do not do'.<sup>159</sup>

Therefore, conceptual differentiation of aspects of responsibility is essential to bring clarity and open up space for reconstructing new concepts that are more reality adequate to practice; it facilitates the determination of how much and when to impute for bad consequences.<sup>160</sup> Assigning responsibility and judgment is performed in relation to the inability to fulfil the declared intentions, to uphold to the authority granted, and to take actions that result in negative consequences. A differentiated account of responsibility is more solid and provides a stronger basis for studying the current practices of international responsibility. For this reason, unpacking the notion of responsibility to its three aspects is essential. More importantly, a differentiated account of responsibility is more appropriate to impute for unintended, unanticipated and unprevented consequences. It provides the conditions under which different agents are imputed to different aspects of responsibility. In this regard, it is argued that in the case of post-conflict peacebuilding there is a strong case to hold international institutions responsible for the unintended, unanticipated, and unprevented consequences by invoking three types of responsibility: 1) attributability; 2) answerability; and 3) accountability. Imputing responsibility has both moral and consequentialist logic - to discount, discredit, and question the moral agency of peacebuilders, and to hope for changes in the current practices of irresponsibility. In essence, holding someone responsible and attributing to someone a moral fault is a matter of moral necessity to maintain the social order, and it is a demand to treat each other through certain social standards.<sup>161</sup>

Attributability implies the assignment of certain 'light attributes' to the conduct of the agent, such as blaming or excusing agents for the outcomes of their intentional decisions and actions, in proportion to the 'damage' and 'harm' caused. Attribution is in very essence a reaction to wrongdoing, which resulted in causing harm to someone. Attributability can lead agents to accept and acknowledge legitimate criticism, and commitment to apologise and find ways to compensate

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<sup>159</sup> Ibid, p. 7.

<sup>160</sup> Thomas E. Hill, Jr. *Respect, Pluralism, and Justice: Kantian Perspectives*, Oxford: Oxford University Press, 2000, p. 156.

<sup>161</sup> Peter Strawson, 'Freedom and Resentment'.

for harm through material and non-material means.<sup>162</sup> Often attributability is manifested through blaming, shaming, naming and charging for decisions, actions and outcomes. This is evident in academic, policy, and everyday life discourses. Blaming is in essence an interpersonal moral realm, which equates sanctions in the analogous case of objective criminal punishment and sanctions. Attributability is the easiest and most common way to hold international peacebuilding agents responsible for the consequences of their actions. It does not have any legal repercussions, but rather aims to bring about moral responsibility, to reveal the shortcomings of the actions of agents, to identify their moral agency, and to downgrade the legitimacy of international peacebuilding agents.

Answerability is associated with the obligation of the agent to clarify and justify his or her conduct to a particular social or political authority and general public. Being 'answerable' concerns the responsibility of political representatives to answer to their electorate or general public for their actions or (ab)use of power. In the case of peacebuilding organizations, they are obliged to be answerable only to the body that appoints them, whether that is the UN Security Council, a regional body, or individual sending states. Answerability is evident through policy reporting and monitoring, within the periodical report to the UN Security Council, or special research and review studies of overall peacebuilding and statebuilding policies. An example of answerability mechanism is the Iraqi Inquiry undertaken by the UK government. Another important dimension of answerability is transparency and publicity, which allows the involvement of various social groups in evaluating the actions of particular agents. Political representatives are expected to inform the general public about their actions and to explain and justify the rationale behind their political conduct. Answerability thus requires transparency in the political performance of public officials. So, a public official may be answerable for certain actions and decisions without being accountable for them.

Accountability is the most commonly known aspect of responsibility in post-conflict societies. In domestic and democratic polities, political accountability is seen as an effective shield to protect against potential abuses of power. Nevertheless, the discourse of responsibility is not absent from the peacebuilders' discourse. For example, the EU considers (at least rhetorically) that 'the international

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<sup>162</sup> Thomas E. Hill, *Respect, Pluralism, and Justice*, p. 156.

community has a political and moral responsibility to act to avoid the human suffering and the destruction of resources caused by violent conflicts'.<sup>163</sup> Political accountability can operate on different levels. Horizontal political accountability is a form of inter-institutional or intra-institutional checks and balances where accountability is related to the extent to which the designated tasks are fulfilled, while complying with legal provisions. Such actions include parliamentary questioning, internal auditing, monitoring and evaluation. On the other hand, vertical political accountability describes the accountability connection between governmental representatives and wider social forces operating outside of government, such as: civil society, the media, and other pressure groups. Beyond these aspects, the most important dimension of accountability is the enforcement aspect through rewarding or sanctioning certain political actions through (re)election prospects or judicial prosecution.

In tackling the question of responsibility, it is important to examine the possibility for holding peacebuilding agents responsible for the consequences of their actions under three options: attributability, answerability, and accountability. Nevertheless, assigning responsibility for certain acts is easier than imputing the consequences, which are dislocated in time and space from the performed act or non-performed act. Therefore, it is essential to trace carefully how certain acts have produced a spectrum of consequences upon which responsibility is assigned.<sup>164</sup> In the case of unintended consequences there is a need to invoke attributability and answerability because, despite the presence of unintentionality, there should be some assignment of light modes of responsibility. Holding someone to blame for an unintentional consequence is based on evidence that the actor has possessed legal authority and responsibility, and has been incapable of reaching the intended outcomes. The assignment of these two types of responsibilities would serve the purpose of uncovering the spectrum of unintended consequences, identifying the responsible agency, as well as identifying the mistakes and drawing moral lessons to avoid and handle more effectively negative unintended consequences.

In the case of unanticipated consequences, a lack of prediction and anticipation during the planning phase, as well as an ignorance of local knowledge and shortsightedness need to be scrutinized as part of the process of locating responsibility

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<sup>163</sup> Council of the EU, *Draft European Union Programme for the Prevention of Violent Conflicts*, Brussels, 7 June 2001, p. 2.

<sup>164</sup> Thomas E. Hill, *Respect, Pluralism, and Justice*, p. 158.

through attributability and answerability. Failing to anticipate and avoid the emergence of the spectrum of consequences needs to be attributed and the agent needs to provide answers for his choices and actions. Invoking the first two modes of responsibility is of a consequentialist nature, which aims to improve anticipation, planning, coordination, and to increase contextual knowledge before any action is taken in post-conflict societies. Finally, in cases of unprevented consequences there is a need to invoke three kinds of responsibility and hold the responsible agent accountable for not acting to prevent the occurrence of consequences. There is also a need to hold the responsible agency accountable for choosing non-action, which could be intentional or unintentional, and motivated by the individual, collective, or strategic interests of international and local peacebuilding agents. Therefore, there is a strong case for imputing the consequences of peacebuilding. The specific and relational account of responsibility, especially in the form of attributability and answerability is more suitable for addressing cases of unintended, unanticipated, and unprevented consequences. Due to the fact that peacebuilding actions and their consequences are triggered by collective actions, these differentiated accounts of responsibility should be allocated in the collective sense, to peacebuilding organizations as agents and to individuals when possible under the condition that clear evidence permits such imputation.

### **Putting the typological framework into practice**

The existing methodological approaches applied by scholars of peacebuilding vary from highly quantitative and statistical approaches as exemplified by the work of Doyle and Sambanis<sup>165</sup>, qualitative positivist and problem-solving modalities applied by Paris<sup>166</sup>, to more critical, constructivist, and poststructuralist work evident in the work of Richmond<sup>167</sup>, Chandler<sup>168</sup>, and Pugh.<sup>169</sup> All of these studies use different levels of analysis and also different numbers of cases and within-case cases. It is understandable that the ontological position combined

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<sup>165</sup> Michael W. Doyle and Nicholas Sambanis, *Making War and Building Peace: United Nations Peace Operations*, New Jersey: Princeton University Press, 2006; Michael W. Doyle and Nicholas Sambanis, 'International Peacebuilding: A Theoretical and Quantitative Analysis', *The American Political Science Review*, Vol.94, No.4, 2000, pp. 779-801.

<sup>166</sup> Roland Paris, *At War's End*.

<sup>167</sup> Oliver P. Richmond, *A Post-Liberal Peace*; Oliver P. Richmond (ed.), *Palgrave Advances in Peacebuilding*.

<sup>168</sup> David Chandler, *Empire in Denial*; David Chandler, *International Statebuilding*.

<sup>169</sup> Michael Pugh, et al. (eds.), *Whose Peace*.

with ideational and materialist interests shapes significantly the argumentative orientation, epistemological conveniences, and the methodological approaches. While this broad variety of methodological approaches to peacebuilding research provides interesting and valuable inferences, they often fall short in synchronizing and calibrating their theoretical and empirical arguments with adequate epistemological approaches and methodological tools. Constructing an adequate methodological approach is essential for putting the typological framework into practice. The complexity of the subject of inquiry in this thesis requires mixing existing methods with elements of innovative methodological advancement. In other words, new epistemological inquiry as outlined in the typological framework requires the adaptation of adequate methodological tools. Accordingly, this thesis has developed a new derivative and integrative mixed method, which combines elements of qualitative critical discourse analysis with practice, and process-tracing that will be applied through case study research.

#### *Critical practice tracing (CPT)*

Critical practice tracing (CPT) seeks to engage ontologically with an understanding that social reality is almost incomprehensible and only certain fragments of it can be captured through research inquiry. Critical practice tracing is proposed here to primarily deal with the peacebuilding actualities evident with fragments of our knowledge on: dislocated social articulations, unattributed consequences, multi-directionality and displacement of agency, and the persistence of harm, inequality, and injustice. In this complex situation, failures are reduced and neutralized, success has remained a measure of the dominant, and realistic analyses have remained lost in perennial suppression. Capturing the complexity of peacebuilding legacies in post-conflict societies requires an exploration of aspects such as: the metaphysical dimension of peacebuilding; undefined social practice; interjections between discursive and material aspects of social life; a multiplicity of networks of actors with distinct agendas; and exploring peripheries and the displacement of events and outcomes.<sup>170</sup>

Examining these aspects does not necessarily mean that there is a distinct reality out there ready to be discovered, independent of our actions, and perceptions. It

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<sup>170</sup> For a broader discussion see: John B. Thompson, *Critical Hermeneutics: A study in the thought of Paul Ricoeur and Jurgen Habermas*, Cambridge: Cambridge University Press, 1981.

is in the act of tracing the impact of peacebuilding that critical practice tracing seeks to follow the complex pathways of how certain intentions have been translated into action, where multiple processes have led to the emergence of unintended, unanticipated, and unprevented consequences. Based on this, it is possible to examine how special responsibilities have been assigned to the responsible agents. By combining these different stages and conceptual devices, it is possible to: examine the mess that peacebuilding has often created in post-conflict societies; balance our social reality; and avoid overstretching contextual circumstances in endless circles of generalizations. Critical practice tracing seeks to embrace complexity, apprehension, deliberate imprecision, and enactment.<sup>171</sup> Through this engagement, elements of justice can be served in this socially and epistemically constructed world.

The assembled notion of critical practice tracing can be best understood by disassembling and exploring separately each constitutive element: critique, practice, and tracing of processes through exploration. Critique is one of the central aspects in the philosophy of science, which seeks to: interrogate various bodies of knowledge; destabilize embedded theories and social practices; favour reflexivity, subjectivism and emancipation; and promote epistemological pluralism.<sup>172</sup> The *critical* dimensions of critical practice tracing build on the different forms of epistemologies of critical approaches, but methodologically it relies on Critical Discourse Analysis (CDA), which is a type of discourse research that studies issues of practical social relevance.<sup>173</sup> As a critical approach, CDA rejects value-free science and theoretical objectivity, thereby adapting a post-positivist approach of multi-disciplinarity that combines textual and social analysis. CDA is seen as a social practice that operates in a dialectical and mutually constitutive relationship with the social world, where discourse shapes the social world and the social world shapes discourse.<sup>174</sup> CDA disentangles the form and substance of argumentation.<sup>175</sup> Furthermore, CDA engages in the textual analysis of language and

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<sup>171</sup> John Law, *After Method: Mess in social science research*, London and New York: Routledge, 2004, p. 3.

<sup>172</sup> See: Jenny Edkins and Nick Vaughan-Williams (eds.), *Critical Theorists and International Relations*, London & New York: Routledge, 2009.

<sup>173</sup> Teun A. Von Dijk, 'Critical Discourse Analysis', in Deborah Schiffrin, et al. (eds.), *The Handbook of Discourse Analysis*, Oxford: Blackwell Publishers, 2001.

<sup>174</sup> Norman Fairclough, *Discourse and Social Change*, Cambridge: Polity Press, 1992, p.34.

<sup>175</sup> Isabela Fairclough and Norman Fairclough, *Political Discourse Analysis: A Method for Advanced Students*, London: Routledge, 2012.

seeks to explain its use within social interaction.<sup>176</sup> By its very nature, CDA is historical and can be understood only in relation to its particular context.<sup>177</sup>

While most discourse theory concentrate on textual analysis, Fairclough's discourse method is more appropriate for this research question as it takes an interdisciplinary perspective that combines textual, societal, and cultural processes and structures.<sup>178</sup> Fairclough applies the concept of discourse across three dimensions: discourse as text, discursive practice and social practice. At the textual level, the content and form of expression are analysed to examine how content is organized in particular forms, and how different contents imply different textual forms.<sup>179</sup> The function of discourse practices, seen as processes related to the production and consumption of the text, mediate the relationship between texts and social practice, and as such can be seen in function of a hegemonic struggle to transform the order and power relations of discourse.<sup>180</sup> The notion of intersubjectivity between text and context connects to the dimension of social practices, which seeks to explore the institutional context, and the wider group or social context.<sup>181</sup> Of relevance, Fairclough seeks to combine different inference logics: the textual level involves description, whereas the discourse practice follows an interpretive approach and the social practice and context follow an explanatory approach.<sup>182</sup>

In addition, critical hermeneutics will be applied in this thesis as a method of inquiry with the purpose of interpreting the intentions and meaning behind the appearances of an action.<sup>183</sup> However, the exploration of the intentionality behind a subject or a phenomenon is partial without historical context and broader structural dynamics that inform such thinking and acting processes. The hermeneutical approach is basically a form of empirical phenomenological research, which is closely related to the reflective-interpretative process, which includes 'not only a description of the experience as it appears in consciousness but also an analysis and astute interpretation of the underlying conditions, historically and aestheti-

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<sup>176</sup> Stefan Titscher, et al. *Methods of Text and Discourse Analysis*, London: Sage Publications, p.146.

<sup>177</sup> Marianne Jørgensen and Louise Phillips, *Discourse Analysis as Theory and Method*, London: Sage Publications, 2002, p. 62.

<sup>178</sup> Marianne Jørgensen and Louise Phillips, *Discourse Analysis as Theory and Method*, p. 66.

<sup>179</sup> Stefan Titscher, et al. *Methods of Text and Discourse Analysis*, p. 150.

<sup>180</sup> Marianne Jørgensen and Louise Phillips, *Discourse Analysis as Theory and Method*, p. 69-76.

<sup>181</sup> Stefan Titscher, et al. *Methods of Text and Discourse Analysis*, p. 151.

<sup>182</sup> Norman Fairclough, *Critical Discourse Analysis*, MA: Addison Wesley, 1995, p. 97.

<sup>183</sup> Jonathan Roberge, 'What is critical hermeneutics?', *Thesis Eleven*, Vol. 106, 2011, No. 1, pp. 5–22.



cally, that account for the experience'.<sup>184</sup> Interpretative analysis enables us to grasp meaning and action as part of an interrelated complexity and commonly situated whole.<sup>185</sup> Interpretative analysis enables making and remaking declared intentions as a point of entry set in a particular context, time and place. They also facilitate the exploration of counterfactuals and the interpretation of the spectrum of consequences.

The second dimension of critical practice tracing is *practice*. Practice as a theory and a method is adequate for capturing material and ideational dimensions, the complex interaction between insider and outsider agents, as well as normative, cultural and institutional aspects of peacebuilding. Practice is one of the core aspects in Bourdieu's sociological inquiries.<sup>186</sup> He sees practice as central for understanding the social world, social interactions, and social behaviour.<sup>187</sup> Practices are not consciously organized and orchestrated. They are characterized by fluidity and indeterminacy where there is no prescribed recipe of rules and normative models of behaviour, but it is a sort of a game that requires social competences. Theodore R. Schatzki defines practices as 'embodied, materially mediated arrays of human activity centrally organized around shared practical understanding'.<sup>188</sup> According to Adler and Pouliot, practices are 'patterned actions that are embedded in particular organized contexts and, as such, are articulated into specific types of action and are socially developed through learning and training'.<sup>189</sup> Most importantly, practices interweave the material setting with language and meaning within a social world. Practices are both structural and agential as they occur within a social structure and they enable agents to form intentions and perform acts, while being shaped by the knowledge and context the agents possess. Practices enable both change and continuity, whereby stability is perceived in the repeated nature of performances and change is perceived in the agential capacity to make social changes through practical acts.<sup>190</sup>

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<sup>184</sup> Clark Moustakas, *Phenomenological Research Methods*, p. 10.

<sup>185</sup> Robert Adcock, 'Generalization in Comparative and Historical Social Science: The Difference That Interpretivism Makes', in: Dvora Yanow and Peregrine Schwartz-Shea (eds.), *Interpretation and Method: Empirical Research Methods and the Interpretive Turn*, New York: M.E Sharpe, 2006, p. 60-1.

<sup>186</sup> Pierre Bourdieu, *The Logic of Practice*, Richard Nice (trans.), CA: Stanford University Press, 1990, p. 52-65.

<sup>187</sup> Richard Jenkins, *Pierre Bourdieu*, London and New York: Routledge, 1992, p. 41-5.

<sup>188</sup> Theodore R. Schatzki, 'Introduction: Practice theory', in Theodore R. Schatzki, et al. (eds.), *The Practice Turn in Contemporary Theory*, London: Routledge, 2001, p. 11.

<sup>189</sup> Emanuel Adler and Vincent Pouliot, *International Practice*, Cambridge: Cambridge University Press, 2011, p. 6.

<sup>190</sup> Emanuel Adler and Vincent Pouliot, *International Practice*, p. 12-18.

The third component of critical practice tracing is *process-tracing*. Process-tracing provides the opportunity to contextualize social events and investigate the emergence of the spectrum of consequences in a processual and systemic manner. In this thesis, process-tracing is used as a critical and non-linear genealogical method, which captures fragments of discursive formations and practices, power dynamics, and dominant events that lead to multiple and dislocated consequences.<sup>191</sup> Process-tracing explains ‘why a particular outcome happened in specific cases’.<sup>192</sup> George and Bennett define process-tracing as a method that attempts to ‘identify the intervening causal process - the causal chain and causal mechanism - between an independent variable (or variables) and the outcome of the dependent variable’.<sup>193</sup> Process-tracing provides an opportunity to overcome simplistic attitudes of positivist methodologies, which work on the logic of setting a limited number of pre-defined hypotheses and seeking to falsify, modify, and verify them against the existing theories through a structured and large amount of empirical evidence. Instead, process-tracing examines how certain outcomes have been influenced by certain causal factors, either in the form of initial and independent triggering conditions or in the form of intervening conditions that occur during an evolutionary stage before a particular outcome has taken place. Process-tracing offers more than historical explanations as it takes a social science approach by seeking to use the contextual and case-related inferences for theory testing and development.<sup>194</sup>

Process-tracing also recognizes the influence of path-dependent processes, which envisions that social events often follow a linear and narrow trajectory consisting of plausible alternatives and critical junctures that determine the prevailing alternative and the evaluation, as well as the social learning process that constrains actors to follow particular paths.<sup>195</sup> As part of process-tracing, counterfactual

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<sup>191</sup> Michel Foucault, *Discipline and Punish*, London: Allen Lane, 1977, p. 139. See also: Jennifer Milliken, ‘The Study of Discourse in International Relations: A Critique of Research and Methods’, *European Journal of International Relations*, Vol.5, No.2, 1999, p. 243.

<sup>192</sup> James Mahoney, ‘After KKV: The New Methodology of Qualitative Research’, *World Politics*, Vol.62, No.01, 2010, p. 141.

<sup>193</sup> Aleksander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, p. 206.

<sup>194</sup> Andrew Bennett, ‘Process Tracing: A Bayesian Perspective’, In Jenet M. Box-Steffensmeier, et al., (eds.), *The Oxford Handbook of Political Methodology*, Oxford: Oxford University Press, 2008.

<sup>195</sup> Andrew Bennett and Colin Elman, ‘Qualitative Research: Recent Developments in Case Study Methods’, *Annual Review of Political Science*, Vol.9, 2006, p. 464; James Mahoney, ‘Path Dependence in Historical Sociology’, *Theory and Society*, Vol. 29, No. 4. 2000, pp. 507-548.

analyses are also possible. Counterfactual thinking involves 'imagining alternatives to one or more features of a perceived event'.<sup>196</sup> While tracing the triggers of the outcomes, counterfactual analyses are also suitable for interpreting 'how various outcomes could have been prevented'<sup>197</sup> and that a 'slight change could easily have led to a different outcome'.<sup>198</sup> For these reasons, process-tracing sets the stage for identifying how social phenomena can rarely be explained with reference to simplistic and linear causality. Instead, process-tracing points to the undetermined, nonlinear, complex interrelationship and the blurred divide between different independent conditions, and the subsequent outcomes. Thus, process-tracing provides the opportunity to test certain theories, to eliminate alternative explanations, and to generate new theoretical and case-related knowledge.<sup>199</sup>

Critical practice tracing is a qualitative mixed-method approach that is suitable for addressing the research questions within this thesis. As illustrated in the table below, when CPT is applied to the typological framework it illustrates the analytical focus of each stage in the typology, outlines more precisely the objects and sources of analysis, and specifies the applicable methodological tools. CDA is an appropriate epistemological approach as it allows for disentangling the application of declared intentions into practical actions and decisions by providing a textual analysis of the social construction of meaning. CDA also facilitates the exploration of the spectrum of consequences by examining multiple observable and documentary sources of social practices, which can then allocate relational responsibility to particular agents. To disentangle declared intentions, a textual analysis is undertaken of the official discourse where the objects of analysis are the UN Security Council resolutions, mission statements, and other policy and strategic documents. Inter-textual analysis of the official discourses facilitates the identification of the declared intentions and to situate the discourse in a language that corresponds to reality. This approach also provides a lens through which key critical turning points can be analysed and the spectrum of consequences can be disentangled. Nevertheless, the narrative of the spectrum of consequences in each case study is developed through the analysis of multiple sources of infor-

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<sup>196</sup> David R. Mandel and Darrin R. Lehman, 'Counterfactual Thinking and Ascriptions of Cause and Preventability', *Journal of Personality and Social Psychology*, Vol. 71, No. 3, 1996, p. 450 (pp. 450-463).

<sup>197</sup> David R. Mandel and Darrin R. Lehman, 'Counterfactual Thinking and Ascriptions of Cause and Preventability', p. 461.

<sup>198</sup> Jack S. Levy, 'Counterfactuals and Case Studies', in: Janet M. Box-Steffensmeier, et al. (eds.), *The Oxford Handbook of Political Methodology*, p. 630.

<sup>199</sup> Andrew Bennett, 'Process Tracing and Causal Inference', in Henry E. Brady and David Collier, (eds.), *Rethinking Social Inquiry: Diverse Tools, Shared Standards*, Lanham: Rowman & Littlefield, 2004.

mation that include: official discourses, media reports, discourses of political opponents, sources of factual local knowledge, civil society perspectives, as well as marginal discourses of excluded groups.<sup>200</sup>

Parallel to the textual analysis, discursive practices are essential to verify the following issues: to what extent the international and local actors were aware of the spectrum of consequences of their actions; the level of their contextual knowledge; their understanding of their expectations; subjective articulations of achievements and success; and the methods and technologies used to neutralize and dilute responsibility.<sup>201</sup> Discursive and social practice can be captured and crosschecked through field research observations and interviews with a variety of international and local actors. Observing the complexity of multiple actions, the dynamics of critical turning points, and the emergence of the spectrum of consequences through the lens of practice provide a more effective, reality-adequate analysis. Practice-based inquiry provides the opportunity to explore a wide range of social practices and phenomena, and to assemble their attributes to verify the connection between observed outcomes and the inability to fulfil the declared intentions, and to apply the types of consequences when necessary.

Similarly, process-tracing can examine the key events and critical junctures that have played a significant and observable role on the outcomes. Critical practice tracing is not utilized to make causal inferences or ascriptions, but rather to identify and illustrate the emergence of different consequences, missed opportunities related to critical and decisive turning points, and the complexity of agent interactions. The cautious identification of critical turning points provides a solid basis for generating observable implications and tracing the outcomes. A larger number of casual chains do not necessarily increase the richness of observations, but an in-depth knowledge of individual cases increases the likelihood of a successful application.<sup>202</sup> Within the critical turning points of a particular case, multiple factors can be explored which provide a strong basis for drawing inferences related to the spectrum of consequences and to assign responsibility. In addition, process-tracing analysis can be used to identify the problems of peacebuilding

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<sup>200</sup> For a broader similar discussion of intertextual analysis see: Lene Hansen, *Security as Practice: Discourse Analysis and the Bosnian War*, London and New York: Routledge, 2006, p. 53-57.

<sup>201</sup> For a theoretical understanding of discursive practices see: Andreas Reckwitz, 'Towards a Theory of Social Practices'.

<sup>202</sup> James Mahoney, 'After KKV: The New Methodology of Qualitative Research', p. 131.

practices, as well as the features that have emerged outside the realm of intention, anticipation, and prevention.

Each methodological choice entails ontological politics because social inquiry is never a purely technical process.<sup>203</sup> Methodology is a social activity with political implications. In this spirit, critical practice tracing is constructed as an approach to disentangle the consequences of international peacebuilding organizations in post-conflict societies, to reveal the weaknesses and harmful outcomes of the liberal peace project, and to make a moral case for holding peacebuilders responsible for unintended, unanticipated and unprevented consequences. In this spirit, positivist tendencies for simplifying and quantifying complexity are avoided to make room for a more adequate combination of methods and knowledge. Critical practice tracing seeks to mediate new frontiers of critical local perspectives in pursuit of a more just, cautious, inclusive, and emancipatory peace. It gathers different types of knowledge in different modes to enact a rethinking of peacebuilding. Table 1 below illustrates the application of CPT in researching the key components of the typological framework by presenting clearly what is the analytical focus, objects and sources of analysis and the usefulness of the particular components of CPT. The remainder of this chapter and the next three case study chapters will illustrate critical practice tracing in practice. As the typological framework and methodology outlined so far in this chapter has been constructed to suit the research question, they inform the organization of the empirical chapters.

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<sup>203</sup> John Law, *After Method: Mess in social science research*, London and New York: Routledge, 2004.

**Table 1: The Application of Critical Practice Tracing to the Typological Framework**

	<i>Declared intentions</i>	<i>Critical turning points</i>	<i>Spectrum of consequences</i>	<i>Responsibility</i>
Analytical focus	<ul style="list-style-type: none"> <li>– Identification of peacebuilding intentions</li> <li>– Formulation process of declared intentions</li> <li>– Elaboration of the selected declared intention</li> </ul>	<ul style="list-style-type: none"> <li>– Identification of key critical moments when turning points occurred</li> <li>– Examination of reasoning, actions, and interaction of actors</li> <li>– Examine peacebuilding practices, controversies and challenges</li> <li>– Set the context for the elaboration of the spectrum of consequences</li> </ul>	<ul style="list-style-type: none"> <li>– Trace a broad variety of consequences by analysing the outcomes of the implementation of declared intentions and the controversies surrounding critical turning points</li> <li>– Elaborate the scope of consequences and the collateral implications</li> <li>– Assess whether consequences are unintended, unanticipated, or unprevented</li> </ul>	<ul style="list-style-type: none"> <li>– Correlate the type of consequences with agents' actions and propose the appropriate type of responsibility</li> <li>– Explore the availability of institutional mechanisms to hold insider and outsider agents responsible for the spectrum of consequences</li> </ul>
Objects and sources of analysis	<ul style="list-style-type: none"> <li>– UN official texts</li> <li>– Strategic policy documents</li> <li>– Policy statements</li> </ul>	<ul style="list-style-type: none"> <li>– Official texts</li> <li>– Legal and political documents</li> <li>– Historical records</li> <li>– Independent studies and assessments</li> <li>– Media texts and videos</li> <li>– Field research and interviews</li> </ul>	<ul style="list-style-type: none"> <li>– Official assessments and evaluation texts</li> <li>– Opinion polls</li> <li>– Historical records</li> <li>– Independent studies and assessments</li> <li>– Media texts and videos</li> <li>– Field research and interviews</li> </ul>	<ul style="list-style-type: none"> <li>– Official assessments and evaluation texts</li> <li>– Legal and policy documents</li> <li>– Historical records</li> <li>– Field research and interviews</li> </ul>
Methodological tools (CPT components)	<ul style="list-style-type: none"> <li>– Intertextual / interpretative discourses</li> <li>– Critical hermeneutics</li> </ul>	<ul style="list-style-type: none"> <li>– Process-tracing</li> <li>– Discursive and social practice</li> <li>– Counterfactual analysis</li> </ul>	<ul style="list-style-type: none"> <li>– Process-tracing</li> <li>– Discursive and social practice</li> </ul>	<ul style="list-style-type: none"> <li>– Process-tracing</li> <li>– Critical discourse analysis</li> <li>– Institutional/legal analysis</li> <li>– Critical hermeneutics</li> </ul>

## Case study research

The typological framework using critical practice tracing will be applied to a small number of in-depth case studies. Across the social sciences, case-based approaches are gaining relevance as the in-depth knowledge of a smaller number of cases provides a better understanding of the whole range of cases. In this context, John Gerring argues that variable-centred approaches are being replaced by causal and case-related approaches.<sup>204</sup> Most definitions of case study research highlight the flexibility, advantages, and the usefulness of conducting an in-depth examination of a number of contextual factors that provide fertile grounds for further generalizations.<sup>205</sup> George and Bennett define the case study approach as ‘the detailed examination of an aspect of a historical episode to develop or test historical explanations that may be generalizable to other events’.<sup>206</sup> In addition, Orum et al. comment that case studies ‘provide information from a number of sources and over a period of time, thus permitting a more holistic study of complex social networks and of complexes of social action and social meanings.’<sup>207</sup> Case study methods are considered adequate for theory development and theory testing.<sup>208</sup> George and Bennett identify four strong advantages of case methods that make them valuable for testing hypotheses and particularly useful for theory development: a) their potential for achieving high conceptual validity; b) their strong procedures for fostering new hypotheses; c) their value as a useful means to closely examine the hypothesized role of causal mechanisms in the context of individual cases; and d) their capacity for addressing causal complexity.<sup>209</sup>

Despite claims from positivists that case studies provide limited explanations and suffer from case selection bias<sup>210</sup>, George and Bennett argue that case study findings can be used to draw ‘middle-range contingent generalizations’, either by

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<sup>204</sup> John Gerring, *Case Study Research*, p. 3-4.

<sup>205</sup> Robert K. Yin, *Case Study Research: Design and Methods*, 3<sup>rd</sup> ed., London: Sage Publications, 2003, p. 13-4.

<sup>206</sup> Aleksander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, p. 5.

<sup>207</sup> Anthony M. Orum, et al., ‘Introduction: The nature of the Case Study’, in Joe R. Feagin, et al. (eds.), *A Case for the Case Study*, UNC Press, CA, 1991, p. 6.

<sup>208</sup> Aleksander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, p. 109.

<sup>209</sup> *Ibid*, p. 19.

<sup>210</sup> Gary King, Robert O. Keohane, and Sidney Verba, *Designing Social Inquiry: Scientific Inference in Qualitative Research*, New Jersey: Princeton University Press, 1994; Barbara Geddes, ‘How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics’, *Political Analysis*, Vol. 2, 1991, pp. 131-50.

broadening or narrowing their scope or by introducing new types and subtypes through within-case analysis that uses process-tracing, historical explanations and cross-case comparisons to increase the explanatory power.<sup>211</sup> Indeed, contingent generalizations, as advocated by George and Bennett, provide relevant inferences both for nuanced theories related to academic debates and for policy makers and practitioners. Alongside these advantages, case study research poses a number of challenges to existing theoretical debates and real world knowledge. As George and Bennett observe, testing and developing theories through case research aims to 'strengthen or reduce support for a theory, narrow or extend the scope conditions of a theory, or determine which of two or more theories best explains a case, type, or general phenomenon'.<sup>212</sup> Case study research is also considered suitable for situations involving a small number of cases with complex components.<sup>213</sup> It also enables dealing with a wide variety of evidence and observations that cover contemporary events.<sup>214</sup>

Drawing on the above support for the relevance of case study research, this thesis will examine three country case studies in detail, by exploring a number of criteria guided by the scope of research in this thesis. Case selection is an important component of good research design.<sup>215</sup> Selecting cases should always be based on a number of criteria and also correspond to the research question. Based on this, this thesis applies a two-tier approach for selecting cases. The first tier is based on a number of principal criteria concerning typical post-conflict states that have experienced protracted and extensive international peacebuilding engagement. The second tier of case selection follows a diverse case approach and focuses on a dimension of peacebuilding within the country cases established from the first tier process. The combination of typical cases with contextual uniqueness and diverse sub-cases increases the external validity of the contingent generalizations and the overall thesis argument.

Accordingly, the four principal criteria applied for case selection within the first tier are:

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<sup>211</sup> Aleksander L. George and Andrew Bennett, *Case Studies and Theory Development in the Social Sciences*, p. 124.

<sup>212</sup> *Ibid*, p. 109.

<sup>213</sup> David de Vaus, *Research Design in Social Research*, London: Sage Publications, 2001, p. 231.

<sup>214</sup> Robert K. Yin, *Case Study Research: Design and Methods*, p. 7.

<sup>215</sup> John Gerring, 'Case Selection for Case-Study Analysis: Qualitative and Quantitative Techniques', in Janet M. Box-Steffensmeier, et al. (eds.), *The Oxford Handbook of Political Methodology*.



1. Cases with extensive and protracted international peacebuilding engagement and where multiple peacebuilding missions occurred;
2. Cases where the liberal peace framework was implemented;
3. Cases that illustrate the complexity of international and domestic factors and the persistence of 'unstable liberal peace', with partially with successes and/or failures, despite extensive international support and assistance;
4. Cases that have been typical cases for developing and testing peacebuilding theories, but which also include unexplored and ignored dimensions that can be examined in order to expand the perspective of peacebuilding.

Before examining case studies based on the above selection criteria, it is important to provide a brief explanation of these criteria. The first criterion is to examine cases with extensive, protracted, and multiple peacebuilding missions. This includes those cases where the UN or regional peacebuilding organizations have temporarily taken over the entire governance of the country and have had a comparatively large civilian and military presence. An examination of these cases with a long and heavy footprint provides more opportunities to observe their impact over time and to trace the spectrum of consequences more thoroughly and accurately. The second criterion is more obvious and relates to the first criteria. As the sole purpose of this thesis is to disentangle the long-term impact of liberal peacebuilding, it is crucial to examine those post-conflict societies where liberal peacebuilding frameworks are explicitly implemented. Cases with this liberal peacebuilding framework can be identified when the mandate aims to achieve liberal peace objectives, such as: institution-building, security sector reforms, political reforms, democratization and marketization. The third criterion is more specific as it focuses on cases where there has been documented evidence of partial success in building peace and the renewed efforts to maintain peace at any cost. Focusing on such cases provides more space to examine the nuances that shaped peace, and to trace broader consequences of peacebuilding. The fourth criterion is related to the re-examination of typical cases of peacebuilding that have received extensive academic attention, which would provide an opportunity to revise the existing knowledge, expand the frontiers of critique, developing new theoretical perspectives.

Based on the first tier of case selection criteria, three cases are selected: Bosnia and Herzegovina, Kosovo and Timor-Leste. These three cases experienced violent conflicts and humanitarian intervention, underwent a period of international

administration and peacebuilding, and challenged the potential of liberal peacebuilding for building sustainable peace. Bosnia and Herzegovina is an important case as it has experienced protracted, extensive, and multiple international administrations since the end of war in late 1995, which was triggered by the dissolution of Yugoslavia. While Kosovo is geographically in the same region with Bosnia and Herzegovina, it has been a crucial case of heavy footprint international peacebuilding missions in circumstances of partially recognized statehood. The Kosovo war that ended in 1999 also arose within the context of the dissolution of Yugoslavia and the suppression of ethnic Albanians by the Milosevic regime. International peacebuilding in Kosovo aimed to correct the mistakes made in Bosnia and Herzegovina, but despite extensive international assistance, Kosovo endured instability, fragmentation, and political uncertainties, as the dedicated chapter explores. Timor-Leste rose from a colonial struggle for liberation and experienced a long civil war, which ended with a referendum on independence in 1999 and six subsequent UN statebuilding and peacebuilding missions with varied duration and scope of executive authority. These three country cases have provided experimental ground for developing peacebuilding approaches and as such they hold strong potential for exploring empirically the typological framework through critical practice tracing. However, the conceptual and methodological angle of this thesis facilitates the analysis and exploration of these three post-conflict country cases from a fresh, new perspective.

Exploring the impact of all dimensions of peacebuilding within these cases would involve a lengthy and potentially superficial examination of the main categories of activity. For this reason, the second tier of within-case selection is employed to identify particular and important dimensions of liberal peacebuilding, based on the criteria elaborated above, on which the typological framework can be applied. The second tier of case selection criteria include:

1. Within the broader context of a country case study, there is a sectoral dimension that relates to constitutive aspects of liberal peacebuilding (eg. rule of law, security sector reform, building political institutions). The sectoral dimensions chosen had negative impacts that, within the particular case, remain distinct for their political salience and destructive role in the peacebuilding process, having a consequentialist impact by delaying reconciliation and the consolidation of peace;

2. Within-case cases that illustrate the different types of consequences, which have emerged from similar declared intentions.

Based on the second tier criteria, the chapter on Bosnia and Herzegovina examines the unintended consequences of police reform in detail. Police reform falls under the liberal peacebuilding component of establishing the rule of law and stability as critical aspects of the post-conflict transition to stable peace and democracy. In the case of Kosovo, the emergence and the development of Serb parallel structures is examined to illustrate an unprevented consequences of international peacebuilding in Kosovo. Building effective government structures and advancing ethnic reconciliation are major component of liberal peacebuilding and the inability to prevent the emergence of parallel governance resulted in failing to achieve these intended goals. In the case of Timor-Leste, security sector development and reform is examined to explore the emergence of unanticipated consequences, which had collateral damage for peace, democratic governance, and development of the country.

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**Table 2: Two-tier approach to case selection**

Tier one: Typical post-conflict peacebuilding cases			
	<i>Bosnia and Herzegovina</i>	<i>Kosovo</i>	<i>Timor-Leste</i>
Tier two: Diverse sub-cases	Police reform	Serb parallel structures	Security sector reform

In undertaking this critical assessment of peacebuilding impact, field research has been conducted in the three case studies examined in this thesis. While field research was conducted in Kosovo during several visits between 2011 and 2013, field research in Bosnia and Herzegovina was conducted during May 2012 and the research visit to Timor-Leste was made during September 2013. During these visits to the field, the author conducted around 40 interviews in total with national government officers of relevant ranks, international workers, as well as local and international civil society activists. In each case, around fifteen persons were interviewed, who are implicitly and explicitly cited in this thesis. The interviews with relevant actors assisted in crosschecking key arguments within each chapter. Interviewees were asked a broad range of open and structured questions about peacebuilding intentionality, consequences, and responsibility.

Most importantly, field research strengthened confidence in the explanatory power of the key critical turning points identified in each chapter, and improved accuracy regarding the identification and examination of the spectrum of consequences. As this thesis tackles the long-term consequences of international governance in post-conflict societies, the field research visits to the three countries was conducted at an ideal time as most of the formal international administrations have left the country, the international presence has been visibly downsized, and the effects of peacebuilding and statebuilding can be observed more clearly. While the three selected case studies in this thesis have been widely researched by peace and conflict academics and are arguably subject to 'research fatigue'<sup>216</sup>, the identity of the author being from Kosovo has facilitated the access to more detailed information in relation to the Kosovo case. This perspective also informed the approach to the field research in Bosnia and Herzegovina and Timor-Leste.

## Conclusion

This chapter introduced a new analytical and typological framework of peacebuilding intentionality, consequences, and responsibility, as well as outlined a new mixture of qualitative methods that can be applied to three case studies. The assemblage and critical complementary approach taken in this chapter reveals that to deal with the complexity of peacebuilding intentionality, consequences, and responsibility it is necessary to combine a variety of existing and differentiated concepts and approaches and embrace them in the context of peacebuilding.

In this chapter, the assemblage of four key aspects of human agency, namely intentionality, anticipation, preventability and responsibility, provide a grounded understanding of the caveats that enable and obstruct the enactment of human agency, bringing about social change, and reaching desired outcomes. The linkage between intentionality, consequences and responsibility is crucial for undertaking a critical assessment of peacebuilding impact. The examination of consequences requires tracing back key triggering actions, and behind each action there is a dose of intentionality, which represents the starting point of a circle and

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<sup>216</sup> Kristine Hoglund, 'Comparative Field Research in War-Torn Societies', in Kristine Hoglund and Magnus Oberg (eds.), *Understanding Peace Research: Methods and Challenges*, London: Routledge, 2011, p. 123.

is influenced by previous knowledge, experiences and events. The identification of consequences enables the retrospective examination of the factors that led to its formation, especially the presence of intentionality, anticipation, and preventability. This helps to understand social actualities, and to attribute specific and relational responsibility for the consequences to responsible agents (as individuals and collectives). The complex interaction of these aspects enables us to embrace and harness the complexity and discontent of contemporary peacebuilding actualities, where intentionality does not match with actions taken, the consequences remain unaccounted for, and the appropriate assignment of responsibility is almost inexistent.

Therefore, the typological framework introduced in this chapter is constructed on solid foundations to capture a variety of key aspects, which are essential to critically assess the impact of peacebuilding. Although it may look simplified and linear, the framework is adequate for capturing the complexity of the formation and transformation of intentions in post-conflict situations. The framework also allows us to examine how internal and external factors shape critical turning points, and how such crucial developments have a spill-over effect to produce multiple consequences, the majority of which are unintended, unanticipated, and unprevented. The declared intentions of peacebuilding organizations are the basis against which the meaning and reasoning of peacebuilding is established. Deconstructing the intentionality of peacebuilding helps reveal the basis of action, the clashing agenda of local and international actors, and the incompatibility with other declared intentions. When translated into multiple actions, declared intentions start producing immediate and distant outcomes. It is the distant outcomes (unintended, unanticipated, and unprevented consequences) of peacebuilding that are the subject of inquiry in this thesis. However, the connection between the spectrum of consequences and declared intentions is only visible through embracing closely key critical turning points (important actions and events), which have served as enablers, barriers, and triggers of certain consequences. When the declared intentions are identified alongside the crucial turning points and spectrum of consequences, then it is possible to assign responsibility. In this regard, the assignment of responsibility is only possible through this systematic and non-linear process.

After this conceptual and methodological elaboration, the next three empirical chapters will explore the long-term impact of peacebuilding and also apply the

theoretical and methodological work developed so far in this thesis. Critical practice tracing will guide the empirical analysis as a combined new approach. While in the case of Bosnia and Herzegovina the unintended consequences of police reform will be examined, in the case of Kosovo the emergence and development of Serb parallel structures will be analysed to illustrate an unprevented consequence of peacebuilding. The case study of Timor-Leste will explore the unanticipated consequences of security sector reform. In each of the cases, the declared intentions are outlined, then two critical turning points and their spectrum of consequences are examined to analyse the performance and impact of peacebuilding activities, and to explore the attributability, answerability and accountability for the consequences to particular agents.

## CHAPTER FOUR

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# The Unintended Consequences of Police Reform in Bosnia and Herzegovina

“With hindsight, I think I should not have left Bosnia until this last great reform – the reform of Bosnia’s police force – was properly secured. To my regret, much of this has been allowed to unravel by the international community (and especially the EU). For this, I fear, Bosnia will pay heavily in the future.”

(Paddy Ashdown, Former High Representative for Bosnia, 2009)<sup>217</sup>

### Introduction

Following the end of the Bosnian war between Bosniaks, Serbs and Croats in 1995, multiple police forces served their own political and military groups and became involved in inter-entity ‘peaceful’ confrontation. These police forces were overcrowded, unprofessional, under political control, and acted against human rights standards. Richard Holbrooke, the broker of the Dayton Peace Accords (DPA) referred to the local police forces as ‘the worst and most extreme elements’ in all three communities.<sup>218</sup> These police forces consisted of over 44,000 persons across the territory of Bosnia and Herzegovina (BiH) and operated as mono-ethnic paramilitary units organized within three parallel ethnic structures, which made them unsuited for correct and effective civilian law enforcement. Police were viewed as the main actors involved in extensive human rights abuses and as enforcers of ethnic cleansing and political violence. After the war, these police forces became one of the main obstacles to peacebuilding as they continued violent practices associated with the war and advanced mono-ethnic policies of dis-

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<sup>217</sup> Paddy Ashdown, *A Fortunate Life: The Autobiography of Paddy Ashdown*, London: Aurum Press, 2009, p. 361

<sup>218</sup> Richard Holbrooke, *To End a War*, New York: Random House, 1998, p. 251.

crimination, harassment and intimidation of citizens from different ethnic groups.<sup>219</sup>

While there have been multiple important developments in Bosnia and Herzegovina (BiH)<sup>220</sup>, the struggle to reform police forces is unique and important for examining the processes and outcomes of such a complex undertaking.<sup>221</sup> Police reform, as part of security sector reform, has been one of the main components of liberal peacebuilding praxis in BiH. The police reform undertaken in BiH has been the first such experience for the UN and the EU in a post-conflict society. Both missions have been declared successful and were highly praised for their performance. However, the spectrum of consequences they produced has remained largely ignored and under-researched. Assessments of the wider impact remain elusive and have not been examined sufficiently, especially from the prism of unintended consequences.

This chapter examines two critical turning points of police reform in BiH from 1996 to 2008, which have been central to shaping the spectrum of unintended consequences. The first phase occurred from 1996 to 2002 and was led by the UN, and the second phase took place from 2003 to 2012 and was led by the EU. The first stage began with the initial work of the United Nations Mission in Bosnia and Herzegovina (UNMIBH) and International Police Task Force (IPTF) on certifying and structuring police forces without challenging the operation of multiple, overlapping, and fragmented police forces at the entity and cantonal level. The UNMIBH and IPTF focused on reforming the police service and re-establishing the rule of law. However, this policy of legitimizing the existing mono-ethnic police structures became one of the main obstacles to overcoming a number of issues, including: embedded nationalist politics in the country; the linkage between police and organized crime; addressing serious cases of war crimes; facilitating the return of refugees; and proceeding with peaceful inter-ethnic co-existence. The international community did not intend this spectrum of consequences, but it came as a direct result of the mistakes made during the initial stages after the

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<sup>219</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/2002/1314, 2 December 2002, p. 3. See also: Kaoru Okuizumi, 'Peacebuilding Mission: Lessons from the UN Mission in Bosnia and Herzegovina', *Human Rights Quarterly*, Vol. 24, 2002, pp. 721-735.

<sup>220</sup> The short acronym 'BiH' for Bosnia and Herzegovina will be used throughout this thesis, unless it is part of an official title or referring to a particular institution that bears the full name of the country.

<sup>221</sup> For a comprehensive critical account of statebuilding in Bosnia see: David Chandler (ed.), *Peace Without Politics? Ten Years of International State-Building in Bosnia*, London and New York: Routledge, 2006.



war. These consequences were further nurtured by insufficient international coordination, and a lack of cooperation, resources, and knowledge to comprehend the harmful effects that the police reform would bring to the peace process.

These unintended consequences during the UNMIBH mission later became the main obstacle to the peace process and informed the main goal of police reform within the EU Police Mission in Bosnia and Herzegovina (EUPM). After 2003, when the UN handed over the process to the EU, the main challenges of police reform included how to: make the police forces work together; remove them from political control; make police more accountable; and increase their coordination and effectiveness. The EUPM focused its activity on restricting police forces by assisting, mentoring, and monitoring local law enforcement forces in the fight against organized crime, as well as working on building institutional and technical capacities for police forces, making police forces free from political interference, and accountable to the public. A lengthy and contradictory negotiation process to reform police forces lasted for almost ten years. This EU-led police reform process changed its intentions and incentivising mechanisms several times, which resulted in nurturing of political confrontation and exclusionary politics, strengthening of nationalist factions and suppressing political moderation, as well as discouraging cooperation and promoting obstruction. The EU did not intend these consequences but it contributed to their emergence with badly chosen policies, shifting conditionality, and inherited legacies of structural barriers established in the DPA. However, the responsibility for consequences remains largely unaddressed. This chapter illustrates the absence of practices among the international and local stakeholders to take responsibility for the consequences of their purposive actions. In line with the earlier discussion in the methodology chapter, in this chapter aspects of attributability and answerability will be assigned to specific agents for the unintended consequences examined in this chapter.

### **Declared intentions, police reform and peacebuilding in BiH**

The foundation document that solidified the declared intentions for peacebuilding in BiH is the Dayton Peace Agreement (DPA) and its eleven annexes. The DPA annexes form the basis of all international intentional actions in BiH since the war ended in 1995, alongside specific modifications introduced continuously since then by the international community. In essence, the declared intentions of the international community included: establishing security, creating institution-

al and political conditions for stability, establishing democratic governance through elections, establishing federalized power-sharing, and promoting human rights and human security.<sup>222</sup>

As this chapter aims to explore the impact of police reform in BiH, it is important to examine briefly the formation and transformation of the security-related intentions in the country. In this regard, the international community identified five security-related areas for intervention: the establishment of an Inter-Entity Boundary Line; managing the armies' disintegration, disarmament, and defense reform; managing police reform and the establishment of institutional architecture for security institutions in the country. Later on, the Office of High Representative (OHR) and the EU modified the structure and content of declared intentions, as evident with periodical changes and reshuffling of Mission Implementation Plans.<sup>223</sup> In general, security sector reform faced a great deal of local resistance primarily related to contextual factors and war legacies in BiH, including ethnic division, organized crime, corruption, and unemployment. Within these complex circumstances and tendencies towards ethnic fragmentation, police reform was considered one of the most important aspects for securing a united Bosnia.<sup>224</sup> A major declared intention was to strengthen the management capacity of the police force to implement appropriate policing tasks, as would be required by a democratic society that has effective services to uphold and enforce law and order in an impartial way.<sup>225</sup>

As this chapter will examine, the police reform process in BiH was one of the most complex, protracted, and problematic post-conflict projects undertaken by the international community. During the first phase between 1996 and 2002, the UNMIBH and IPTF carried out initial work in certifying and structuring police forces without challenging the operation of multiple, overlapping, and fragmented police forces at the entity and cantonal level. The UNMIBH and IPTF focused on reforming the police service and establishing the rule of law by working on

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<sup>222</sup> 'The General Framework Agreement for Peace in Bosnia and Herzegovina', Ohio, Dayton, 14 December 1995. Available at: [http://www.ohr.int/dpa/default.asp?content\\_id=380](http://www.ohr.int/dpa/default.asp?content_id=380). See also: Ivo H. Daalder, *Getting to Dayton: The Making of America's Bosnia Policy*, Washington DC: Brookings Institution Press, 2000, p. 138.

<sup>223</sup> OHR, 'Mission Implementation Plan 2003', Sarajevo: OHR, 30 January 2003. Available at: [http://www.ohr.int/ohr-info/ohr-mip/default.asp?content\\_id=29145](http://www.ohr.int/ohr-info/ohr-mip/default.asp?content_id=29145).

<sup>224</sup> Interview by author with a local officer of OHR, Sarajevo, 24 May 2012.

<sup>225</sup> A. Walter Dorn and Jeremy King, 'Taking Stock of Security Sector Reform in Bosnia 1995-2002', in Charles C. Pentland (ed.), *Bridges To Peace: Ten Years of Conflict Management In Bosnia*, Montreal: McGill Queens University Press, 2005, p. 74.

three dimensions: individual police officers, law enforcement institutions, and the relationship between the police and the public.<sup>226</sup> In achieving this, IPTF was charged with the 'light' authority to monitor, observe, advice, train, facilitate, and assess the policing dynamics in BiH. The focus of these goals was driven mainly from contextual factors evident after the war in BiH.

Following the inability of the IPTF to reform successfully police forces and establish solid structures for democratic policing in BiH, the EU launched its first police mission abroad in 2003 to address this issue in BiH. The declared intentions of EUPM aimed at 'mentoring, monitoring and inspecting, to establish in BiH a sustainable, professional and multi-ethnic police service operating in accordance with best European and international standards'.<sup>227</sup> In doing so, EUPM's activities consisted of improving the capacities of local police forces and the institutional framework of police, as well as monitoring political control over the police.<sup>228</sup> The reasoning behind the non-executive mandate for EUPM was to avoid creating a culture of dependency within the local police on the international community, and to promote local ownership.<sup>229</sup> The intention behind the formation of EUPM was to establish and strengthen the institutional mechanism that would make the police forces efficient, functional, and accountable, as well to provide support for the European integration process of BiH. The ultimate goal for EUPM was to establish best European and international standards on policing. Beyond these declared intentions, the collective strategic and self-interested intentions of the EU were to: functionalize EU foreign policy, to increase its international agency for peace and stability abroad, to pre-empt risks coming from its neighbouring regions, and to utilize EUPM for the Europeanization and modernization of BiH police forces.<sup>230</sup> The primacy of external intentions made EUPM a successful mission not based on its impact or legacy, but based on its modest performance and its deployment ability.<sup>231</sup>

The main intention behind the police reform was to make the law enforcement

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<sup>226</sup> See: Article 3 of the 'Agreement on International Peace Force', Annex 11 of Dayton Peace Agreement.

<sup>227</sup> EU Council Joint Action 2005/824/CFSP of 24 November 2005 on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH), *Official Journal of the European Union*, L 307/55.

<sup>228</sup> EU Council Joint Action of 11 March 2002 on the European Union Police Mission, (2002/210/CFSP), *Official Journal of the European Communities*, L 70/1, Annex 1.

<sup>229</sup> Kevin Carty, EUPM Head of Mission, Press statement, in Sanela Osmanovic-Vukelic, *10 Years of EU Police Mission in Bosnia and Herzegovina*, Sarajevo: EUPM, June 2012, p. 34.

<sup>230</sup> Interview by author with a EUPM official, Sarajevo, 23 May 2012.

<sup>231</sup> Interview by author with a EUPM political advisor, Sarajevo, 23 May 2012.

agencies competent and capable of tackling organized crime in a professional, systematic, and effective manner. The EUPM changed its intentions and reoriented its strategic objectives according to domestic political circumstances and the dynamics imposed by the EU as part of the comprehensive approach that combines crisis management, enlargement conditionality, and development aid.<sup>232</sup> These constantly shifting intentions have made EUPM a one-stop shop for fixing and dealing with situational challenges in Bosnia. The EUPM initially dealt with police reform, then it moved to tackling organized crime, political accountability of police, and it later worked on visa liberalization and the facilitation of the EU integration process in the country.

### **Critical turning point I: DPA arrangements and UN-led police reform**

The first critical turning point for dealing with police reform in BiH was the period during the finalization of the Dayton Peace Agreement (DPA) provisions on police re-structuring and the subsequent organization and implementation of UN-led international police forces, which took place between 1996 and 1997. Later events related to police reform that followed this initial momentum followed a path-dependent trajectory for several years until new momentum was created. The initial conditions that later triggered multiple implications are reflected in the Constitution of BiH, which was included as an annex to the Dayton Peace Agreement. Therein, the parties and the international community agreed that a new police system would be introduced, which would institutionalize the existing police forces that were ethnically-divided and organized as separate and independent operations throughout the country. The responsibility for running police affairs in accordance with 'internationally recognized standards' was delegated to entities, cantons, and their respective ministries of interior. In such a widely decentralized police system, with thirteen law enforcement agencies, no competences were envisaged for the state level institutions. The decision to allow a decentralized police force and immediate local ownership over the police service was taken as the US and European partners could not agree to grant the IPTF an executive mandate and the authority to arrest people, fearing that this would trigger destabilization and ethnic violence.<sup>233</sup>

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<sup>232</sup> Interview by author with Deputy Head of EU Delegation in Bosnia and Herzegovina, Sarajevo, 28 May 2012.

<sup>233</sup> Richard Holbrooke, *To End a War*, p. 221, and p. 51. See also: Cidnamn, 'Envera Selimovic: Richard Holbrooke - To End a War'. Online video clip. YouTube, June 1998.

To assist in this transformation of a communist and post-conflict police force to a democratic police force, the international community agreed to establish an International Police Task Force (IPTF) that would operate as a civilian police component, managed by the UNMIBH.<sup>234</sup> This mandate was set during the first Peace Implementation Committee (PIC) meeting in London in December 1995.<sup>235</sup> In essence, the IPTF had fewer than 2000 international police officers and had a broad and vague mandate, limited resources, unqualified international personnel that had to deal with decentralized police structures entrenched in their political strongholds and uncompromising attitudes toward change and reconciliation.<sup>236</sup> To achieve this broad mandate, IPTF decided to focus its activity on a number of areas, such as the: reformation of police through training, selection, certification and de-certification procedures; and restructuring police forces by establishing policing practices that are de-politicized, impartial, human rights-oriented, and accountable to the public.<sup>237</sup> However, the operation of IPTF suffered from organizational problems, as well as challenging and competing relations with other loosely coordinated international organizations. It also lacked effective sanction mechanisms to punish the non-compliance of local police forces, apart from rhetorically rebuking them for the failure to provide public security in BiH and the ability to de-certify individual police.<sup>238</sup>

Between 1996 and 2002, IPTF struggled with the issue of how to deal with police forces and correct the mistakes made during the initial stages after 1996, when UNMIBH and IPTF certified and structured police forces without challenging the operation of multiple, overlapping, and fragmented police forces at the entity and cantonal level. The main activity of IPTF was to complete a full screening and certification of law enforcement personnel, and to make police in line with internationally accepted standards. From 44,000 personnel, UNMIBH registered 23,751 officers from which 481 officers failed to pass the certification proce-

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<sup>234</sup> See: 'Annex 11: Agreement on International Peace Force', Dayton Peace Agreement, 14 December 2005; 'Report of the Secretary-General Pursuant to Security Council Resolution 1026 (1995)', UN Doc. S/1995/1031, 13 December 1995.

<sup>235</sup> PIC, 'Conclusions of the Peace Implementation Conference Held at Lancaster House London', London: PIC Steering Board, 08 December 1995.

<sup>236</sup> 'Report of the Secretary-General Pursuant to Resolution 1035 (1995)', UN Doc. S/1996/210, 29 March 1996, p. 3.

<sup>237</sup> 'Report of the Secretary-General on the United Nations Mission In Bosnia and Herzegovina', UN Doc. S/1997/468, 16 June 1997, p. 1.

<sup>238</sup> Holbrooke, *To End a War*, p. 324.

dure.<sup>239</sup> For those who did not manage to pass the certification, an independent review panel was created to handle appeal cases, which had no overruling authorities but could suggest that the IPTF Commissioner reconsider his decision in case any additional information or evidence was not included in the certification process. The strategy of international community was that through vetting and screening of local police forces, they would be able to filter and reconstruct the police forces, remove the deviant and spoiler elements, and ensure compliance with international policing standards.<sup>240</sup> This process took effect in late 1998 when the IPTF was granted authority for human rights investigations and police force restructuring.<sup>241</sup> The IPTF also held training activities for all police forces that passed the certification requirement.

As the DPA already accepted the decentralized police structure in BiH, the IPTF was left with a weak assistance mandate, whose effectiveness was largely dependent on the consent of the Parties, which was absent at that time.<sup>242</sup> Between 1996 and 1997, the IPTF was mainly involved in observing the security situation and the performance of local police forces regarding population transfer, return of refugees, early elections, and public order. However, it had no authority to engage in reforming the policing culture in BiH, which was inherited from socialism and had radicalized during the war. The IPTF also had no clear strategy for ensuring that the rule of law would contribute to peacebuilding and the post-war stabilization of BiH. As the efforts for implementing security aspects of DPA were underway and the inter-boundary lines were being set, the challenge of working with local police forces became more obvious as they either withdrew from supporting international efforts, or became active protagonists of obstruction. As IPTF was vulnerable when facing local actors, they patrolled with IFOR and later SFOR troops for protection and enforcement. The UN Secretary General stated at some stage in 1996 that '[i]t is unrealistic to envisage a civilian police operation continuing its work without the framework of security provided by the

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<sup>239</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/2002/1314, 2 December 2002, p. 3-4.

<sup>240</sup> For a similar discussion see: Dusko Vejnovic & Velibor Lalic, 'Community Policing in a Changing World: A Case Study of Bosnia and Herzegovina', *Police Practice and Research*, Vol.6, No.4, 2005, pp. 363-373.

<sup>241</sup> Timothy Donais, 'The Limits of Post-Conflict Police Reform', in M. Innes (ed.) *Bosnian Security after Dayton: New Perspectives*, London: Routledge, 2006, p. 177.

<sup>242</sup> Mirko Pejanovic, *The Political Development of Bosnia and Herzegovina in the Post-Dayton Period*, Sahinpasic: Sarajevo, 2007.

presence of a credible international military force.<sup>243</sup> The First Deputy Commissioner of IPTF, Robert Wasserman, later explained the situation:

It appears the framers of Dayton perceived that the IPTF would somehow simply monitor local police to see they didn't get out of hand and then advise willing parties on how to professionalize the police with modern practices. There was no thought given to the fact that the ethnic rivalries meant there was no functioning police to protect minorities after Dayton.<sup>244</sup>

The final aspect of police reform included capacity building and training for all police that passed the certification requirement. However, a shortage of resources and professional trainers obstructed the complete fulfilment of this goal. The IPTF provided short training courses, which consisted of information about police reconstruction, human dignity, and community policing.<sup>245</sup> UNMIBH also established two police academies in BiH to train police and new cadets, including minority police. Parallel to UNMIBH's police restructure, which involved creating efficient institutional and organizational structures, reducing political interference in police work, establishing independent police commissioners, and deploying minority police officers to different regions of BiH, other activities included: strengthening police components within the criminal justice system, which included creating various institutional mechanisms to foster cooperation between police and judicial bodies in BiH,<sup>246</sup> and consolidating effective state law enforcement institutions and inter-police cooperation mechanisms, such as an integrated State Border Service, which manages the land and airspace borders on the whole territory of BiH. As part of this goal, UNMIBH also helped to strengthen the capacities for combating organized crime and human trafficking. In addition, UNMIBH prepared the Bosnian police and armed forces to participate in UN peacekeeping operations, such as in Timor-Leste, Ethiopia and Eritrea, and DRC.

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<sup>243</sup> 'Report of the Secretary-General Pursuant to Resolution 1035 (1995)', UN Doc. S/1996/210, 29 March 1996, p. 12.

<sup>244</sup> Michael Dziedzic and Andrew Bair, 'Bosnia and the International Police Task Force', in Robert B. Oakley, et al. (eds.) *Policing the New World Disorder: Peace Operations and Public Security*, Washington: INNSS-NDU, 1998, p. 270.

<sup>245</sup> Graham Day, 'The Training dimension of the UN Mission in Bosnia and Herzegovina (UNMIBH)', *International Peacekeeping*, Vol.7, No.2, 2000, p. 157-60.

<sup>246</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/2002/1314, 2 December 2002, p. 5.

Overall, UN-led police reform in BiH tried to build a democratic police, downsize the police forces, Westernize the local culture of policing, and build an independent and publically accountable police structure. However, these aims became problematic as they were implemented in the institutional and political environment created by the DPA, which facilitated the exploitation of political institutions by nationalist factions to halt progress, jeopardized the fate of an integrated Bosnian state, and resisted through institutional means the international peace-building agenda in the country. The structural constraints of DPA prolonged the fate of police reform and eventually provided institutional incentives for non-cooperation following the successful downsizing and re-structuring of the complex, decentralized, and multi-layered police structure in BiH.<sup>247</sup> Furthermore, the weak mandate of the IPTF that involved monitoring and assistance activities proved to be insufficient and inadequate for undertaking such a complex police reform. As Holbrooke rightly argues, an executive authority would have perhaps been necessary for ensuring a more successful police reform process.<sup>248</sup>

### **Spectrum of unintended consequences I**

Although in 2002, the UN declared the IPTF as a successful mission that managed to reform, downsize, reshuffle, train, monitor, and empower the local police forces<sup>249</sup>, a number of implications and consequences have emerged as a result of the intentions, actions, and outcomes of this process. The spectrum of consequences from the first critical phase of police reform arises from the contrasting agendas and intentions of local and international actors, as well as the incompatible conceptions of the organization and purpose of police forces. While the parties were obliged to accept and implement in full the DPA and its annexes, in practice the parties have continuously tried to re-interpret and revise the agreement, thereby resisting the reintegration of the Bosnian state. While the IPTF and IFOR were responsible for providing security, ensuring freedom of movement, facilitating the implementation of DPA, they suffered from internal problems and enforcement gaps, which eventually reduced their capacity to implement their declared intentions. Faced with multiple challenges, the IPTF lacked the direction, resources, and capacity to handle the issue it was mandated to conduct in

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<sup>247</sup> Sumantra Bose, *Bosnia after Dayton: Nationalist Partition and International Intervention*, New York: Oxford University Press, 2002.

<sup>248</sup> Richard Holbrooke, *To End a War*, p. 251.

<sup>249</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/2002/1314, 2 December 2002.



the first place. Holbrooke admitted that '[t]he creation of a weak International Police Task Force has especially serious consequences ... We had identified the problem before Dayton but could not overcome our internal difficulties'.<sup>250</sup> Hence, the main missed opportunity during this stage of police reform was the failure to pursue a more centralist structure for police forces, which led to numerous consequences that were not intended at various later stages. The spectrum of consequences that has emerged during this first phase of police reform varies from broader and structural issues to more concrete and immediate effects:

1. Multiple decentralized, ineffective, and politicized police structures;
2. Police forces in service of protecting war criminals and obstructing inter-ethnic reconciliation; and
3. Breeding chronic human insecurity.

Each of these consequences is treated individually below.

#### *Multiple decentralized, ineffective, and politicized police structures*

Despite the efforts of the IPTF to undertake comprehensive police reform, the police structure dictated by DPA with multiple interior ministries at the entity and cantonal level and weak state level cooperation and coordination left the security sectors in BiH fragmented and overstaffed with police, who failed to cooperate effectively, share intelligence or undertake joint operations. Nationalist factions in each entity had the authority to control cantonal and entity-based ministries of internal affairs, as well as police structures. The budget and oversight for police was left in the hands of cantonal and entity based parliaments, which were controlled by nationalist parties. These structures controlled networks of nationalist groups, criminal gangs, and corrupt activity. The formation of multiple police structures left room for structural political interference and control over the operation of police forces, and the instrumentalization of police to impede the implementation of DPA provisions. The very structures that the international community established in DPA became the main constraints in implementing the police reform. Between 1996 and 2002 when the UN led the police reform process, the leadership of ethnic communities in BiH demonstrated a lack of political will to improve the functioning of police and judiciary in accordance with international standards and uphold to their obligations outlined in the DPA annexes.

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<sup>250</sup> Richard Holbrooke, *To End a War*, p. 364.

The decentralized police structure provided opportunities for local police forces to delay police restructuring due to disagreement over the uniform insignias, minority representation in the police force and the multi-ethnic structure of police command at the canton level.<sup>251</sup> Motivated and orchestrated by political factions, local police forces mainly in Serb and Croat dominated parts of BiH, manned illegal checkpoints that aimed to obstruct minority returns, inter-entity freedom of movement, and harass citizens on an ethnic basis.<sup>252</sup> Local police forces, guided by municipal authorities, failed to respond to IPTF requests that high-ranking officials act to halt the organized patterns of preventing the return of displaced persons and orchestrating crimes against them and their property.<sup>253</sup> There are multiple reports of such activities in the region of Drvar and other localities in Republika Srpska. The preservation of decentralized police forces consequently provided space for creating parallel, unofficial, and ethnically-based police structures, which impeded the necessary cooperation for investigating ethnically motivated crimes and obstructed minority return.<sup>254</sup> Mono-ethnic police structures significantly increased insecurity in places that were ethnically mixed. The attempts of the IPTF to integrate police officers from minority communities faced the resistance and disobedience in the Croat-controlled areas of the Federation and in Republika Srpska.<sup>255</sup> Hence, the decision to create decentralized police forces in BiH and the inadequacies associated with the UN-led reform of police structures was unintentionally exacerbated by the initial international decision of Dayton's architects to leave police structures unchanged and partially reformed and reduced.

The rushed process for completing the certification of police officers often disregarded criminal records and illegal activity among police officers. As early as 1996, Holbrooke confesses that the main obstacle to the implementation of DPA civilian aspects was the presence of Serb 'secret police' under the stewardship of Radovan Karadzic who interrogated and threatened civilians and politicians that cooperated with the international presence after the war.<sup>256</sup> In relation to the re-

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<sup>251</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/1998/227, 12 March 1998.

<sup>252</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/1997/468, 16 June 1997, p. 2.

<sup>253</sup> *Ibid*, p. 4.

<sup>254</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/1998/227, 12 March 1998, p. 2.

<sup>255</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/1998/491, 19 June 1998, p. 15.

<sup>256</sup> Hoolbrooke, *To End a War*, p. 338.

turn of minority communities, an extensive number of police officers had occupied houses and properties of displaced people, thereby complicating the return process and sending an inappropriate message from supposed law enforcers.<sup>257</sup> Nationalist factions intentionally delayed the police reform process by exploiting the legal provisions of DPA by rejecting any attempt that would lead to strengthening the unity of BiH.<sup>258</sup> Human rights abuses committed by local law enforcement personnel were intentionally undertaken and were guided by nationalist political agendas.<sup>259</sup> Local political parties exploited the regular occurrence of elections as a pretext to delay police reform, arguing that police reform, minority recruitment, and refugee return would harm their election campaigns.<sup>260</sup> In other cases, they encouraged local police forces to delay issuing identification cards for ethnic minorities, thus delaying the re-integration of returnees to their pre-war homes.<sup>261</sup>

Backed by their political leadership, the Bosnian Serb police forces were the first to resist the police reform process with the justification that they were not consulted during the Dayton negotiations and that they had no ownership of the process. Bosniak police forces were more compliant, whereas Bosnian Croats were somewhere in between. Bosnian Serb police forces demanded over 6,000 police for Republika Srpska (RS) alone (as opposed to 11,500 designated for the Federation shared between Croats and Bosniaks), and refused to release the names of their police so that they could undergo a screening and vetting process for war crimes allegations. Until 1998, Bosnian Serb police loyal to Radovan Karadzic continuously worked against the implementation of DPA and defied the IPTF and other international organizations operating in BiH. Examples of the involvement of local police in criminal networks and abusing minorities - reflected negatively on the IPTF's ability to monitor the local police forces' compliance with international human rights standards. Cases are also reported of police arresting each other on war crimes allegations issued by ethnically affiliated

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<sup>257</sup> Crisis Group, *Policing the Police in Bosnia: A Further Reform Agenda*, Europe Report No. 130, Brussels: ICG, 10 May 2002, p. 27-54.

<sup>258</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/1997/468, 16 June 1997, p. 3

<sup>259</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/1999/989, 17 September 1999, p. 6.

<sup>260</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/1998/862, 16 September 1998, p. 2-14.

<sup>261</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/1999/989, 17 September 1999, p. 10.

courts.<sup>262</sup> As such incidents demonstrate, the IPTF was predominantly investigating irregularities and pleading with the parties to comply voluntarily with democratic policing standards. Due to these circumstances and their lack of professionalism, IPTF monitors were constantly discredited by different local police forces.

Even after passing the screening and certification process, local police were reluctant to investigate criminal offences and human rights abuses committed against minority returnees.<sup>263</sup> Layers of inefficiency enabled police to avoid combating organized crimes and corruption. These two crucial aspects of public order and good governance were unintentionally overshadowed by the priority given to police reform and the securitization of the return process. Police reform and the institutional design of the security sector were unsuccessful in developing a professional and accountable police service in Bosnia. Beyond their nationalist sympathies and defensive internal loyalties, police officers in BiH were poorly paid and continued to engage in corruption, trafficking in human beings, drugs, and other illegal activities.<sup>264</sup> This unfortunate situation was exacerbated by reports of UN personnel frequenting brothels and nightclubs and tolerating the operation of trafficking networks.<sup>265</sup>

*Police forces in service of protecting war criminals and obstructing inter-ethnic reconciliation*

The decentralized arrangement allowing multiple police forces has led to the unintended consequence of delaying the identification and prosecution of war crimes suspects throughout the country.<sup>266</sup> Police structures and entity-level security institutions protected indicted war criminals, including Radovan Karadzic and Ratko Mladic. As a Crisis Group report noted in 1999, 'police forces maintain a reputation for corruption, brutality, lawlessness, and often, as the private ar-

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<sup>262</sup> Michael Dziedzic and Andrew Bair, 'Bosnia and the International Police Task Force', in Robert B. Oakley, et al. (eds.) *Policing the New World Disorder: Peace Operations and Public Security*, Washington: INSS-NDU, 1998, p. 285.

<sup>263</sup> Interview by author with a EUPM officer, Sarajevo, 23 May 2012.

<sup>264</sup> Timothy Donais, 'The political economy of stalemate: organised crime, corruption and economic deformation in post-Dayton Bosnia', *Conflict, Security & Development*, Vol.3, No.3, 2003, pp.359-382.

<sup>265</sup> Human Rights Watch, *Hopes Betrayed: Trafficking of Women and Girls in Post-Conflict Bosnia and Herzegovina for Forced Prostitution*, New York: Human Rights Watch, November 2002.

<sup>266</sup> See: Human Rights Watch, *Looking for Justice: The War Crimes Chamber in Bosnia and Herzegovina*, Volume 18, No. 1(D), Sarajevo: HRW, February 2006.

mies of ruling ethnic parties'.<sup>267</sup> Local police were one of the most susceptible social categories for committing war crimes. Hence, the UN's failure to tackle police reform effectively meant that many indicted war criminals were hidden within new police structures, which provided protection to nationalist leaders and superior war crimes fugitives.<sup>268</sup> A large number of police in RS were prosecuted for war crimes after almost twenty years of hiding within local police structures. This illustrates that a network of war fugitives have infiltrated local police forces, despite the IPTF screening and certification process and EUPM involvement in mentoring and advising these police structures.<sup>269</sup> The IPTF managed to remove fewer than 40 police officers on the grounds of involvement with war crimes.<sup>270</sup>

Numerous examples point out the failure of local police to execute court orders, apprehend, and arrest war crimes suspects. An Amnesty International report highlights that 'enormous problems remain with police investigations of genocide, crimes against humanity and war crimes'.<sup>271</sup> Of particular importance, the report highlights that 'the presence and influence of present or former police officers may seriously undermine and compromise police investigations into war crimes carried out in the police area of responsibility where they are or were serving'.<sup>272</sup> Furthermore, the presence of war criminals within the police reduced public confidence in the police, especially among the minority returnees. Local police constantly failed to provide witness protection, which is essential for advancing war crimes cases.<sup>273</sup>

Later in 2005, Human Rights Watch asserted that '[p]olice assistance to war crimes prosecutors and investigative judges remains half-hearted at best, in part because police officers are often themselves implicated in the commission of war

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<sup>267</sup> Crisis Group, *Is Dayton Failing? Bosnia Four Years after the Peace Agreement*, Europe Report No. 80, Sarajevo/Brussels: ICG, 28 October 1999, p. 43.

<sup>268</sup> Massimo Moratti and Amra Sabic-El-Rayess, *Transitional Justice and DDR: The Case of Bosnia and Herzegovina*, New York: ICTJ, June 2009, p. 25.

<sup>269</sup> Bogdan Ivanišević, *The War Crimes Chamber in Bosnia and Herzegovina: From Hybrid to Domestic Court*, New York: ICTJ, 2008, p. 38.

<sup>270</sup> Gregory L. Naarden, 'Non-prosecutorial Sanctions for Grave Violations of International Humanitarian Law: Wartime Conduct of Bosnian Police Officials', *The American Journal of International Law*, Vol. 97, 2003, pp. 342-52.

<sup>271</sup> Amnesty International, *Bosnia-Herzegovina: Shelving justice - war crimes prosecutions in paralysis*, AI Index: EUR 63/018/2003, London: AI, November 2003, p. 21.

<sup>272</sup> *Ibid.*, p. 21.

<sup>273</sup> OSCE, *War Crimes Trials before the Domestic Courts of Bosnia and Herzegovina Progress and Obstacles*, Sarajevo: OSCE, March 2005, p. 27.

crimes'.<sup>274</sup> A well-known example of the police protecting war criminals in Republika Srpska is the case of Dragomir Andan, a senior RS police officer who was forced to resign in 2007 for not cooperating with ICTY in the hunt for indicted war criminals. He was accused of participating in wartime atrocities, protecting former Bosnian Serb military leader Ratko Mladic and cooperating with organized crime figures. The OHR decision to remove him from office clearly stated that: 'Dragomir Andan has, whether through his actions or his failures to act in a position of responsibility, contributed to shielding war crime indictees from justice and preventing the efforts of those who have tried to do so'.<sup>275</sup> The Chief Prosecutor of ICTY in her address to the UN Security Council on 23 November 2004 reiterated the connection between police restructuring and arresting war criminals:

"[The fact] that nine years after Dayton, the authorities of Republika Srpska have not apprehended a single individual indicted by the ICTY... confirms the existence of fundamental systemic weaknesses built into the law enforcement and security structures of BiH, and in particular Republika Srpska"<sup>276</sup>

The lack of inter-entity police cooperation, as well as the absence of standardized legal provisions across the country, resulted in a poor track record on war crimes cases. A 2005 OSCE survey of war crimes trials in BiH showed that some prosecutors confessed that 'it is very difficult to trace defendants' and that 'cooperation between entity police is not on a high level which has a considerable impact upon the ability to discover the defendants'.<sup>277</sup> Decentralized police structures complicated the exchange of information on war crimes cases between entity police services and their respective ministries of interior. The OSCE noted that 'the procedure for the issuance and circulation of arrest warrants is also deficient both within and between the Entities'.<sup>278</sup> The Bosnian National War Crimes Strategy published in December 2008 admitted that '[i]n the organizational structure of most district/cantonal courts and prosecutor's offices, as well as police bodies, there are no special departments for war crimes, nor is there a sufficient number

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<sup>274</sup> Human Rights Watch, *Justice at Risk: War Crimes Trials In Croatia, Bosnia and Herzegovina, and Serbia and Montenegro*, Vol. 16, No. 7(D), October 2004, p. 5.

<sup>275</sup> OHR, *Decision to remove Dragomir Andan from his position as Deputy Head of Administration for Police Education of the Ministry of the Interior of the Republika Srpska*, Sarajevo: OHR, 10 July 2007.

<sup>276</sup> OHR, 'Final Report on the Work of the Police Restructuring Commission of Bosnia and Herzegovina', Sarajevo: OHR, December 2004, p. 6.

<sup>277</sup> OSCE, *War Crimes Trials before the Domestic Courts of Bosnia and Herzegovina Progress and Obstacles*, p. 13.

<sup>278</sup> *Ibid*, p. 14.

of legal officers and advisors, that is, investigators who would assist the judges and prosecutors in the work on war crimes cases'.<sup>279</sup> The evidence presented here of unintended consequences suggests direct linkages between inadequacies of police reform, delayed transitional justice and protracted ethnic division. The desire to resolve an aspect of peacebuilding (police reform) had the unintentional spillover effect of delaying the prosecution of war criminals and serving justice for the victims and their families – essential aspects of post-conflict peacebuilding and reconciliation.

### *Breeding chronic human insecurity*

The failure of the architects of Dayton to anticipate the complications regarding police reform and the failure to effectively transplant international policing standards to the oversized, fragmented, and politicized local police forces through monitoring, and capacity building resulted in multiple unintended consequences. In the process of police reform, local police forces coordinated their activities with nationalist factions. This deepened ethnic insecurity, led to human rights abuses against the minority refugee returnees, impeded the formation of new mixed and secure communities, delayed the provision of basic public order and safety essential for social peace, political freedom, gradual reconciliation, co-existence and economic development.

The IPTF and UNMIBH dealt with over 1,000 cases of alleged police human rights abuses annually.<sup>280</sup> One of the major shortcomings of the IPTF was their failure to provide community-level security and order. This consequently led to chronic local insecurity, unsatisfactory election process, inter-ethnic tensions, delayed minority return, and a failure to protect human rights. The UN blamed local political structures for these obstructions. A UN Secretary-General report held that '[f]or almost two years, the authorities in the Republika Srpska have followed a policy of minimum implementation of the peace agreement. They have done little or nothing to reverse the effects of ethnic cleansing and to return refugees to their homes'.<sup>281</sup> Ethnic imbalances within the police affected the return of

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<sup>279</sup> Government of Bosnia and Herzegovina, 'National War Crimes Strategy', Sarajevo, December 2008, p. 27.

<sup>280</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/1998/862, 16 September 1998, p. 5.

<sup>281</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina, UN Doc. S/1997/694, 08 September 1997, p. 10.

refugees and the overall security of minority communities. In other words, the mono-ethnic composition of police forces also unintentionally shaped the mono-ethnic composition of communities. There are multiple cases where criminal networks exploited the lack of cross-entity police cooperation by moving operations between entities to avoid capture.<sup>282</sup>

Despite the police reform process, no progress was made by 1998 on dealing with police crimes against minority returnees. After 1998, the de-certification policy was slow and resistance from high-ranking local police officials constantly delayed the resolution of cases of police crimes. The return of refugees and displaced persons in BiH has been one of the most challenging tasks facing international peacebuilders. The process experienced many difficulties, including: the extensive number of refugees and IDPs, which exceeded over a million persons; resistance from nationalists and entity institutions; technical and material difficulties, as well as a lack of coordination and cohesion among the responsible international agencies. A number of factors contributed to this, including: limited freedom of movement; deep ethnic divisions and insecurity; the presence of land mines; the absence of housing and sheltering; property disputes; and limited resources.<sup>283</sup> However, the overarching impediment to the return process during this period has been the security problem caused by local police forces, resistance and non-cooperation of local authorities, and ineffective police services.<sup>284</sup>

The fragile conditions on the ground, which were preserved by the violence orchestrated by local police forces and the failures of the IPTF and IFOR/SFOR, made impossible the return of nearly two million refugees and IDPs to their original municipalities during 1996. This was reflected during the first elections where most IDPs were forced to vote in the district of their temporary residence, thereby solidifying the territorialisation of ethnicity in favour of extreme nationalist parties, and *de facto* ratifying the ethnic cleansing carried out during the war.<sup>285</sup> During this initial phase, UNHCR discouraged refugees and IDPs from returning to their place of origin, and IFOR/SFOR obstructed the return on the grounds that such processes would increase ethnic confrontation and cause ten-

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<sup>282</sup> Crisis Group, *Bosnia's Stalled Police Reform: No Progress, No EU*, Europe Report No. 164, Brussels: ICG, 6 September 2005, p. 2.

<sup>283</sup> 'Report of the Secretary-General Pursuant to Resolution 1035 (1995)', UN Doc. S/1996/210, 29 March 1996, p. 11.

<sup>284</sup> *Ibid*, p.11.

<sup>285</sup> Florian Bieber, *Post-War Bosnia: Governance, Inequality and Public Sector Governance*, Basingstoke: Palgrave Macmillan, 2006, p. 89.



sions, challenge the fragile peace and stability, and harm the post-conflict recovery process.

One of the approaches used to reduce the security threats was to create multi-ethnic and mixed police services, and send minority police officers to guard minority returnees. However, as a UN report reveals, even after two years of efforts to reconstruct the police services in BiH, 'there are still numerous instances where local police throughout BiH do not operate according to the principles of democratic policing, especially in areas designated for the return of minority refugees and displaced persons'.<sup>286</sup> The same report reveals cases of police beatings, failure to issue identity cards to minorities, house burnings and property cases that relate to returning minority displaced persons and refugees.<sup>287</sup> In pursuit of the goal of creating a multi-ethnic police force as a precondition for ensuring the security of returnees, UNHCR in cooperation with IOM encouraged refugees, who were former police officers, to return to BiH, assisting them to re-settle in their homes of origin, and arranging for the exchange of serving officers between the Republika Srpska and the Federation.<sup>288</sup> In 2002, Crisis Group reported cases where 'local police, prosecutors and courts often fail to bring those responsible for nationally motivated violence to book'.<sup>289</sup>

Police reform in BiH predominantly focused on tackling ethnically sensitive aspects of police reform, trying to reintegrate and restructure the various deviant political factions and ensuring their basic compliance with democratic policing. However, this strategy unintentionally overshadowed the gender dimension and quotas within local police forces and among international police monitors. An unintended consequence of the insufficient integration of female police was the failure to address wide spread cases of domestic and gender-based violence in BiH, as it was believed that a male-dominated local police force would not be sensitive and empathetic enough to investigate such crimes.<sup>290</sup> This failure arose due to the ethnic-based criterion for organizing the police, as well as a lack of awareness among UNMIBH in the early stages regarding the importance of in-

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<sup>286</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina (UNMIBH)', UN Doc. S/1998/227, 12 March 1998.

<sup>287</sup> Ibid.

<sup>288</sup> 'Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina', UN Doc. S/1999/1260, 17 December 1999.

<sup>289</sup> Crisis Group, *The Continuing Challenge of Refugee Return on Bosnia & Herzegovina*, ICG Balkans Report No. 137, Brussels: ICG, 13 November 2002, p. ii.

<sup>290</sup> Claudio Cordone, 'Police reform and human rights investigations: The experience of the UN mission in Bosnia and Herzegovina', *International Peacekeeping*, Vol.6, No.4, 1999, p. 196-7.

cluding a gender dimension in BiH's police reform. Moreover, the emphasis on recruiting minority police officers based on ethnic background has unintentionally enforced ethnic identity of police forces and jeopardized merit-based and professional capacity, which are essential for effective policing.

Driven by the tendency to assume that female police officers would be weak and face discrimination and harassment from radical factions in society, the long-term need to include women in community policing was unintentionally ignored. The primacy of the ethnic-based approach to regulating police structures also affected negatively the public perception, trust, and attitude towards public safety and law enforcement agencies in the country.<sup>291</sup> In addition, poor performance by IPTF police and ineffective management and oversight by UNMIBH led to the unintended consequence, when the IPTF police became involved in trafficking women for sexual exploitation in BiH, in close cooperation with local police forces.<sup>292</sup> These criminal acts alongside lacking accountability significantly downgraded the image and credibility of the UN and other major international actors in BiH.<sup>293</sup>

The discussion of the key actions and decisions surrounding the first critical turning point in the reform of police structures in BiH reveals how well-intentioned decision to accommodate the positions of three different parties in conflict resulted in the formation of new police structures, which were decentralized, mono-ethnic, and subject to political control from national factions. By agreeing to preserve old policing structures, international peacebuilders unintentionally contributed to practices such as: allowing political interference into law enforcement structures; informal policing and cooperation with criminal groups; protecting war criminals and obstructing transitional justice; and spreading human insecurity, human rights abuses, and discrimination against IDPs, minorities, and women. The linkage between the initial decisions on police reform and the consequences briefly discussed above were traced by examining the practice of the IPTF, which failed to restructure and democratize police forces, and facilitated the exploitation of local police by nationalist factions, thereby obstructing the implementation of DPA provisions. It was possible to identify these consequences

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<sup>291</sup> Gemma Collantes Celador, 'Police Reform: Peacebuilding Through 'Democratic Policing'', *International Peacekeeping*, Vol.13, No.3, 2005, p. 371.

<sup>292</sup> Jennifer Murray, 'Who will Police the Peace-Builders? The Failure to establish accountability for the participation of United Nations Civilian Police in the Trafficking of Women in Post-Conflict Bosnia and Herzegovina', *Columbia Human Rights Law Review*, Vol. 34, 2002-03, p. 503-4.

<sup>293</sup> Murray, 'Who will Police the Peace-Builders?', p. 505.

by examining the presence and absence of human and societal security, the extent to which the rule of law was enforced, and the way in which power was divided. The next round of analysis explores another critical turning point for police reform in BiH and traces the practices that led to unintended consequences to understand critically change and continuity in the practice of peacebuilding in relation to agency, intentionality, correction, reproduction, improvements on previous practices.

### **Critical turning point II: Police restructuring under EUPM**

The second critical turning point regarding the attempt to reform police structures in BiH arose during 2004 and 2005 under the EU. At this stage, the undeclared intention was to correct previous international mistakes to depoliticize the police forces, making them more centralized, effective, accountable, and congruent with European policing standards. Aware that police reform in BiH was far from complete when IPTF ended its operation in 2002, the European Union Police Mission (EUPM) was established in BiH on 1 January 2003, as a temporary mission with non-executive powers. The EUPM was the first EU mission aboard under the European Security and Defense Policy (ESDP).<sup>294</sup>

When IPTF completed its mission, it did not challenge the de-centralized, politicized, and ethnically-organized multiple police forces in BiH. Consequently, the main challenge for EUPM was to restructure the police, while addressing the fragmented, overstaffed, financially unviable and inconsistent nature of BiH police forces.<sup>295</sup> The EUPM also needed to deal with the legacies of IPTF's ineffectiveness, implementing a non-executive mandate, and merging European police who serving within the IPTF. Accordingly, the EU used its foreign policy tools, development conditionality and enlargement leverage as 'carrots and sticks', by making police reform one of the main conditions for advancing Bosnia's European integration process.<sup>296</sup> The EUPM took on a major challenge to restructure and centralize police forces, but failed to anticipate the complexity, political resistance, and longevity of the process. Before establishing the EUPM, an EU fact-finding mission visited BiH in late 2001 and early 2002 to assess the feasibility

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<sup>294</sup> See: The Joint Action of the Council of the European Union, 11 March 2002, on the European Union Police Mission (2002/210/CFSP), Brussels: EU, 2002.

<sup>295</sup> Interview by author with EUPM officer, Sarajevo, 23 May 2012.

<sup>296</sup> Michael Merlingen with Rasa Ostrauskaite, *European Union Peacebuilding and Policing: Governance and the European Security and Defence Policy*, London: Routledge, 2006.

and requirements prior to establishing the first ESDP mission. However, the fact-finding mission could not grasp the complex situation on the ground due to its short duration and limited scope to consult key local and international stakeholders.<sup>297</sup> Consequently, the proposal for the mandate, operational plan, and other technical and financial aspects allocated to EUPM were largely inadequate for the domestic conditions in BiH, as they were based on incomplete and inaccurate observations.<sup>298</sup>

To operationalize its mandate of reforming BiH's police forces for the second time, EUPM articulated its strategic planning by creating four areas to guide their activity. These strategic areas included: 'police independence and accountability; organized crime and corruption; financial viability and sustainability; and institutional capacity-building at management level'.<sup>299</sup> While the main preoccupation of EUPM was police reform, their efforts to fight organized crime were limited to providing institutional support to Bosnian police authorities. Regarding organized crime and corruption, EUPM mainly engaged in assisting local police to develop technical capacities and supported local police forces during major crime investigations. The EUPM engaged in soft approaches by trying to coordinate all local and international actors, networking and exchanging information, and promoting partnership with civil society.

However, multiple structural constraints effectively weakened the EUPM's ability to make a positive contribution. For example, a major task of EUPM was to operationalize State Border Services (SBS) and the State Investigation and Protection Agency (SIPA), building legislation for these two agencies and strengthening their role in relation to entity and canton level institutions, which resisted the centralization of police operation. The EUPM supported the Ministry of Security at the state level, which was established in December 2002, by helping to draft legislation and policies. Concerning the goal of police independence and accountability, the EUPM was unable to reach this strategic priority due to structural factors and negative legacies of 15 police forces at the entity and cantonal level, which had their separate and complex sets of laws and practices that were deeply entrenched in politicized and mono-ethnic networks. As the appointment

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<sup>297</sup> Ibid.

<sup>298</sup> Sanela Osmanovic-Vukelic, *10 Years of EU Police Mission in Bosnia and Herzegovina*, Sarajevo: EUPM, June 2012, p. 31.

<sup>299</sup> The Joint Action of the Council of the European Union, 11 March 2002, on the European Union Police Mission (2002/210/CFSP), Brussels: EU, 2002.

of senior police officers continued to be based on political affiliation and support from political parties, the EUPM was unsuccessful in depoliticizing the police forces and such ongoing practices did little to improve the accountability of BiH police.

Informing the four strategic priorities was the overall police restructuring process for which the mission was prolonged for several years. The rationale for police reform was to reduce complex political processes to technical issues, considering the decentralized, fragmented and politicized police structures as an impediment to BiH's EU and NATO integration, as well as an impediment to the implementation of the DPA.<sup>300</sup> In December 2003, the PIC Steering Board welcomed the intention of the High Representative (HR) 'to focus on implementing the effectiveness of the police in Bosnia, in close cooperation with EUPM'.<sup>301</sup> Accordingly, HR Lord Ashton took measures to establish an internationally-led commission to lead the policy discussion on sensitive aspects of police reform and devised a tangible and implementable proposal for reforming BiH's police structures. The Police Restructuring Commission (PRC) was established by a HR decision in July 2004, and justified the necessity for such a reform process with reference to Bosnia's failure to join NATO's Partnership for Peace, Republika Srpska's failure to arrest war crime indictees, and the lack of inter-agency cooperation. It followed the logic of resolving issues through commission that was applied during earlier reforms of indirect tax administration, and defence and intelligence services.

The PRC intention was to reach an agreement for 'a single structure of policing in BiH under the overall political oversight of a ministry or ministries in the Council of Ministers'.<sup>302</sup> This aimed to resolve the failure of IPTF to build an effective police service in BiH, and to respond to the growing demands from PIC Steering Board to implement urgently systemic changes in security and law enforcement structures. The HR's decision gave the PRC six months to finalize a report that would suggest a single police structure that would be free from political interference and organized into regions.<sup>303</sup> So the desired goal of this police restructuring process was defined from the beginning, which effectively jeopardized later the

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<sup>300</sup> European Union, 'Report from the Commission to the Council on the preparedness of Bosnia and Herzegovina to negotiate a Stabilization and Association agreement with the European Union'. Brussels: EU, 18 November 2003.

<sup>301</sup> PIC, *Communiqué by the PIC Steering Board*, Brussels: PIC, 11 December 2003.

<sup>302</sup> OHR, 'Final Report on the Work of the Police Restructuring Commission of Bosnia and Herzegovina', Sarajevo: OHR, December 2004, p. 2.

<sup>303</sup> OHR, Decision Establishing the Police Restructuring Commission, Sarajevo: OHR, 05 July 2004.

dynamics of PRC and their final deliberation. Before the reform started the HR set out twelve principles, which were intended to address the deficiencies and challenges in the work of the local law enforcement agencies.<sup>304</sup>

In the middle of the process, the EU emphasized that a successful police restructuring in BiH should centralize the competence for police matters, including legislation and budgeting, to the state level, while political oversight of police should be exercised by the Ministry of Security at state level, and finally the size and shape of local policing regions should be determined according to criteria that ensured effective policing rather than addressing political considerations.<sup>305</sup> To convince local actors that the EU was serious, the European Commissioner for External Relations, Christopher Patten, sent a letter to the Chair of the Council of Ministers on 16 November 2004, stating that the ineffective law enforcement in BiH posed threats to the EU's internal security, and the EU cannot consider as partners those police forces that do not operate and have broadly the same competences as police elsewhere in Europe.<sup>306</sup> Accordingly, the EU and the international presence in BiH strongly intended to reduce the police reform to a technical process and remove the political struggle behind it, while considering the reform crucial for an effective rule of law in the country.<sup>307</sup> A US report revealed that Bosnian interlocutors complained 'that EU mixed messages on SAA conditionality and shifting OHR approaches have hindered the conclusion of a police reform package, and have made it more difficult for us to follow a constantly changing EU lead'.<sup>308</sup>

However, reducing a highly sensitive political process to a technical process resulted in a number of problems that undermined prospects for a solution on police restructuring. The working methodology adopted by PRC did not allow for voting on conclusions, but was designed to reach consensus. The PRC met on seven different occasions where the details of reform were discussed. The Chair of PRC presented the report to the Chair of the Council of Ministers and

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<sup>304</sup> Ibid.

<sup>305</sup> Sanela Osmanovic-Vukelic, *10 Years of EU Police Mission in Bosnia and Herzegovina*, Sarajevo: EUPM, June 2012.

<sup>306</sup> Ibid, p. 56.

<sup>307</sup> Interview by author with a former EEAS desk officer for Bosnia & Herzegovina, Brussels, 06 May 2012.

<sup>308</sup> 'Bosnian Police Reform: A Troubled Process Comes Down To The Wire, Agreement Not Likely Soon', US Embassy in Sarajevo Cable, 27 November 2007. Available at: <http://wikileaks.org/cable/2006/11/06SARAJEVO2999.html>

HR/EUSR<sup>309</sup> on January 2005. In line with the pre-determined criteria and principles of police reform in the HR's decisions, the PRC's final report provided two broad recommendations: 1) vesting state level institutions with legislative and executive competences and giving the Minister of Security of BiH responsibility for overall political oversight of the single structure of policing in BiH; and 2) the territorial organization of police forces around three options regarding the geographical size, shape and location of local police areas.<sup>310</sup> Due to disagreement on this matter the Chair of PRC left the HR to take a decision on the options. While for the single structure of police there was complete international consensus, for the number of local police areas there was considerable flexibility. However, the PRC did not manage to reach a full consensus as some of the RS representatives rejected most of the recommendations for creating a single state structure, as they would lose direct political control over police operations in RS. The Chair of PRC differentiated between professional consensus and political consensus to ease the allocation of responsibility to RS representatives for rejecting the police reform proposal.

During 2005 several negotiations were held that concluded the 'Vlasic Agreement', which reflects three EU principles that: 1) all legislative and budgetary competences for police matters must be managed at the state level; 2) there should be no political intervention in operational police matters; and 3) police areas should be established according to professional technical criteria. However, this agreement was rejected by the RS national assembly (RSNA). While the EUPM strongly favoured the five-region model that was seen as technically the best option, the 'nine plus one' option was also accepted an alternative for reaching political agreement. On January 2005, HR/EUSR decided to adopt the nine plus one option. This represented the first setback and missed opportunity to build a unified police structure in BiH.<sup>311</sup>

During this time, EUPM was promoting the message that the failure to reach an agreement on police reform in 2005 'will have severe effects not alone on policing

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<sup>309</sup> After 2003 the EU and HR jointly led the international peacebuilding efforts in BiH. The High Representative acted also as the EU Special Representative.

<sup>310</sup> Three options on local police areas included: 1) 5 police areas, 2) 9 police areas and the Greater Sarajevo Metropolitan Police Area (GSMPA), 3) 10 police areas and the GSMPA.

<sup>311</sup> See: Kurt W. Bassuener, 'Lost Opportunities and Unlearned Lessons - the Continuing Legacy of Bosnia', in Anja H. Ebnother & Philipp H. Fluri (eds.), *After Intervention: Public Security Management in Post-Conflict Societies – From Intervention to Sustainable Local Ownership*, Vienna: Pfp Consortium Working Group, 2005, p, 124-5.

but also on the future of BiH in its aspirations to advance towards EU in the future'.<sup>312</sup> However, the RS Prime Minister Dodik rejected the police reform proposal in September 2005 and justified his rejection citing the lack of a mandate from the RSNA. From this point on, the EU strengthened its pressure by making the signing of an SSA conditional on accepting police reform. Consequently, one month later the RSNA accepted the agreement on restructuring of police structures and opened the path for transferring all the competences over police legislation and financial matters to the state level. The main institutional mechanism to deal with police reform was the newly-established Directorate for Police Reconstructing Implementation (DPRI). This opened the path for the State and Federation parliaments to adopt the same agreement.

The work of DPRI was short-lived as the implementation of police reform reached a new significant obstacle that came after Bonsia's October 2006 general elections. The new Prime Minister of RS, Milorad Dodik changed his policy although he had signed the 2005 police reform agreement, and took a strong stance against the agreed single police structure. This was an unexpected drawback for the EUPM and international actors, as they had not expected that a change of government would also affect the police reform process. A compromise was reached that created seven new police coordination bodies, which did not affect entity competences over police. In other words, the centralization of police was postponed in favour of a more incremental approach.

The new negotiation process lasted almost eight months until an agreement was reached on October 2007 with the so-called Mostar Declaration, whereby all parties reaffirmed the commitment for police reform, guided by the EUPM. However, the police reform legislation was not adopted until April 2008, marking the end of the longest and most difficult reform talks in the post-Dayton history of BiH, and the beginning of the complex implementation of police institutions and operational architecture.<sup>313</sup> In June 2008, the EU signed a Stabilization and Association Agreement (SAA) with BiH, which marked the beginning of a new phase for the country. Dimitrij Rupel, Slovenian Foreign Minister who presided as EU Council President at that time, declared that 'the adoption of laws on police reform is very satisfactory and an important step in enabling further progress in

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<sup>312</sup> EUPM, 'Negotiations on Police Reform Failed', Press Release, 17 May 2005. Available at: <http://www.eupm.org/Detail.aspx?ID=100&TabID=1>

<sup>313</sup> The proposed solution consisted in two laws on police reform: 1) *Law on Independent and Supervisory Agencies of the Police Force in Bosnia and Herzegovina*; and 2) *Law on Directorate for Police Agencies Coordination and Agencies for the Support to Police Structures*.



the integration process. It paved the way for the signing of the Stabilization and Association Agreement'.<sup>314</sup> The Head of EUPM, Brigadier General Vincenzo Coppola, declared that:

The adoption of the police reform legislation is of major importance for BiH as it not only moves the country out of the police reform deadlock, which represented a major obstacle on BiH's path towards Europe, but also represents a step forward towards the creation of a more efficient police structure.<sup>315</sup>

Despite this deal, the laws adopted remained in line with the existing constitutional arrangement in BiH and did not require greater centralization of police structures of law enforcement agencies. Autonomous cantonal police forces continue to be supervised by entity police structures, parallel to the existence of state-level police institutions.<sup>316</sup> This arrangement ultimately went against the 2006 EU principles on police reform, which questions the seriousness, consistency and the fluidity of EU conditionality. The former Head of European Commission Delegation in BiH openly admitted that the police reform was weakened and its implementation was uncertain.<sup>317</sup> In a broader sense, this signifies that the police reform was held hostage to failed constitutional reform, and effective police reform in BiH is dependent on the modalities of constitutional changes that have not occurred for almost 20 years since the end of the Bosnian war. This marks a failed decade of police reform in Bosnia, which ultimately did not achieve the declared intentions, but rather triggered multiple unintended consequences, some of which will be explored in the remainder of this chapter.

During this second critical turning point, police reform in BiH experienced the transformation and complementarity of declared intentions - moving from EU integration and peacebuilding to statebuilding. The EU did not pursue a coherent approach towards the Bosnian authorities as part of the police reform process, the HR/EUSR decision also changed approach, as evident with the example of

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<sup>314</sup> 'Forward by Minister of Foreign Affairs of the Republic of Slovenia and President of the EU General Affairs and External Relations Council', in 'Seminar on Police Reform in Bosnia and Herzegovina: Security Sector Reform and the Stabilization and Association Process, Sarajevo: Centre for European Perspective, 4-6 June 2008.

<sup>315</sup> EUPM, 'General Coppola Welcomes Adoption of Police Reform Laws', Press Release, 16 April 2008. Available at: <http://www.eupm.org/Detail.aspx?ID=518&TabID=1>

<sup>316</sup> Interview by author with local officer of OHR, Sarajevo, 24 May 2012.

<sup>317</sup> Michael Humphreys and Jasna Jelusic, 'A missed opportunity: State building in Bosnia and Herzegovina (October 2002 to October 2006)', in Steven Blockmans, et al., *The European Union and Peacebuilding: Policy and Legal Aspects*, The Hague: T.M.C. Asser Press, 2010, p. 451.

top-down approach. Internationally-led attempts to make constitutional changes and impose police reform were ineffective and further encouraged local resistance.<sup>318</sup> The failure of police reform was an unintended consequence of the priority given to short-term and immediate goals and results.<sup>319</sup> The HR and the international community failed to accept that police reform was a long-term process. Most importantly, police reform failed as on the surface the declared intentions were related to reforming the police structures that would improve the rule of law, free the police from political interference, and increase accountability, but in practice the entire police reform process tackled political issues, such as the constitutional rearrangement of entities, rather than dealing with technical aspects of policing.

## **Spectrum of unintended consequences II**

The protracted decade of police reform resulted in fulfilling partially the declared intentions, while producing numerous unintended consequences. The linkage and complementary of intentions, processes, and policy mechanisms led to many unintended consequences. As the intentions informing police reform were presented as 'expected outcomes', and the divided and inconsistent approach of the international community towards negotiations, alongside the entrenched political positions' within local Bosnian political factions, after 2003 police reform led to a number of consequences, some of which are examined here. The marathon police reform process officially ended in 2008, but the challenges and complexity remained. The Head of EUPM General Vincenzo Coppola admitted that 'in terms of police reform, it is not a secret that we did not reach our goals entirely'<sup>320</sup>, blaming the top-down approach of the international community in BiH, which had its limitations, and admitting that bottom-up approaches would have been more beneficial. In general, the April 2008 package of laws approved, which signified the end of police reform, continues to be partially implemented and police agencies at the state level remain weak and ineffective.<sup>321</sup> The outcome of the reform ran against the EU's three principles set in 2006, as there is no state level chain of command, nor state level police budget, and police operations are not

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<sup>318</sup> Dominik Tolksdorf, 'Police Reform and Conditionality', in Tobias Flessenkemper and Damien Helly (eds.), *Ten years after: lessons from the EUPM in Bosnia and Herzegovina 2002-2012*, Paris: ISS, 2013, p. 24-25.

<sup>319</sup> Interview by author with a local officer of OHR, Sarajevo, 24 May 2012.

<sup>320</sup> Sanela Osmanovic-Vukelic, *10 Years of EU Police Mission in Bosnia and Herzegovina*, p. 77.

<sup>321</sup> See: Tobias Flessenkemper and Damien Helly (eds.), *Ten years after: lessons from the EUPM in Bosnia and Herzegovina 2002-2012*, Paris: ISS, 2013.

free from political interference. Regarding functionality, police forces continue to be bound to entity government control. Police structures do not cooperate effectively with each other, which hinder the fight against organized crime at the local, regional and international level. Therefore, the spectrum of consequences that have emerged from the protracted, complex, and partially successful police reform process include:

1. Nurturing of inter- and within-entity political confrontation and exclusionary politics;
2. A fragile rule of law and widespread organized crime and corruption; and
3. Loss of popular trust in local and international institutions.

Each of these consequences is treated individually below.

#### *Nurturing of inter- and intra-entity political confrontation and exclusionary politics*

The police reform process kept political discourse and the political environment in BiH within a confrontational logic, which encouraged the preservation of ethnically-based political life, further securitizing and entrenching exclusionary and ethnic identity. When the first phase of negotiations concluded, the parties agreed to establish a Police Reform Directorate, which would address most of the reform aspects outlined in the PRC final report. However, an unintended and unanticipated problem occurred, when the newly-appointed Prime Minister of RS Milorad Dodik started questioning the decision-making capacity and competences of the Directorate. The parallel processes of police reform and constitutional reform nurtured further political confrontation and disagreement. Following the constitutional court decision on discriminatory provisions of Bosnian constitution, the Venice Commission critique, and increased pressure from the European institutions, in early 2005 a constitutional reform process was initiated in BiH.<sup>322</sup>

The constitutional reform agenda aimed at finding alternative arrangements for the state and entity level institutions and to move BiH towards a more centralized, harmonized and efficient state administration. In particular, the constitutional reform aimed at establishing a new format for electing the president, ex-

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<sup>322</sup> Council of Europe, 'Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative' adopted by the Venice Commission at its 62nd plenary session, Venice, 11-12 March 2005.

panding the competences and powers to state level institutions, creating two new ministries, strengthening the powers of the Council of Ministers, and increasing the number of parliamentarians in both chambers.<sup>323</sup> Dodik and other RS political structures rejected the constitutional reform by radicalizing further their political discourse and threatening to call a referendum on independence following the separation of Montenegro from Serbia in 2006. In this political stalemate, Dodik argued that he would choose preserving the RS Ministry of Interior ahead of European integration.<sup>324</sup> After 2006, the political confrontation between Bosniak and Serb leadership intensified, whereby Bosnians renewed the debate about the crimes committed by the Serbs, and the Serbs reaffirmed their resistance to abolishing entities.

Another unintended consequence of police reform in BiH was the radicalization of the political atmosphere, which discouraged cooperation and promoted ethnic exclusion. The most relevant example is the transformation of the Milorad Dodik and his party SNSD (Alliance of Independent Social Democrats) from cooperative politicians into radical nationalists who rejected and obstructed the police reform after 2005. The early involvement of RS President Dragan Cavic and the Prime Minister Terzic in police reform caused them and their party SDS (Serb Democratic Party) to be burned politically and excluded on the grounds of being traitors and compromisers, who acted against the interests of Serbs in Bosnia.<sup>325</sup> Their political withdrawal occurred when the RSNA challenged the October 2005 agreement, opening the path for Dodik to take power. This social and political dynamic enabled the previously moderate opposition to exploit the reform, change their political discourse, and gain political power by radicalizing and rejecting the police restructuring. While Cavic's intention behind changing the government in RS was to delay accepting the agreement and avoid political responsibility, it damaged political pluralism, which was essential for the overall progress in BiH.

The international community did not anticipate this dynamic and did not intend to arrive at such a situation, as they genuinely believed that Dodik would overcome the institutional problems and stalemates caused by SDS.<sup>326</sup> In this regard,

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<sup>323</sup> Florian Bieber, *Constitutional reform in Bosnia and Herzegovina: preparing for EU accession*, Brussels: European Policy Centre, April 2010.

<sup>324</sup> Florian Bieber, *Constitutional reform in Bosnia and Herzegovina*.

<sup>325</sup> Crises Group, *'Bosnia's Stalled Police Reform: No Progress, No EU'*, Europe Report No. 164, Brussels: ICG, 06 September 2005.

<sup>326</sup> Interview by author with a EUPM officer, Sarajevo, 24 May 2012.

the international community strongly supported the change in government, hoping to overcome the stalemate. However, they did not realise that Dodik would become a radical politician and preserve power for nearly ten years. The nature of police reform in BiH created a political dynamic whereby people supported politicians according to the extent of their non-cooperation with the international community and their ability to defend the interests of their entities. Such dynamics overshadowed all other aspects of governance, political responsibility to serve the public good, and provide employment and social services. Moreover, local support from the electorate and RS politicians remained very low for Bosnia's EU integration, as it was seen as an acceptable condition for abolishing the entities. Hence, the protracted police reform process politically exhausted all the willing reformist politicians with the unintended consequence of boosting the legitimacy and popular support for antagonistic and nationalist politicians.

While police reform had intended to reform the Dayton agreement, weaken nationalist factions, and free the police from political interference, its failure produced the opposite effect. For the Serbs, the perception that the deal between HR Ashdown and EU Commissioner Patten made police reform a criterion for BiH's eventual entry to the EU, triggered negative reactions and empowered Serb factions to criticise the transformation of this deal into an official policy.<sup>327</sup> Moreover, several EU ambassadors in BiH were discouraging Serb politicians to follow the police reform dynamics set by HR Ashdown. Former BiH Prime Minister Adnan Terzic testified that several ambassadors were against the EU principles, especially the Ambassadors of France, Spain and Luxembourg.<sup>328</sup> Ultimately the failure of police reform strengthened Serb nationalist parties as it provided them with an opportunity to unify against international pressure, gain political and popular legitimacy and support for resisting the centralization of police structures. Police forces remained decentralized, politicized, and affected by corruption. Thus failed police reform delayed the political moderation of BiH. This was also confirmed by a EUPM official who argues that 'The police reform lead to an enhancement and strengthening of the RS political establishment and resolve to maintain itself...'<sup>329</sup>

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<sup>327</sup> 'Bosnian Police Reform: A Troubled Process Comes Down To The Wire, Agreement Not Likely Soon', US Embassy in Sarajevo Cable, 27 November 2007. Available at: <http://wikileaks.org/cable/2006/11/06SARAJEVO2999.html>

<sup>328</sup> Daniel Lindvall, 'The Limits of the European Vision in Bosnia and Herzegovina: An Analysis of the Police Reform Investigations', *PhD Thesis*, Stockholm University, 2009, p. 114.

<sup>329</sup> Interview by author with a EUPM officer, Sarajevo, 24 May 2012.

*A fragile rule of law and widespread organized crime and corruption*

One of the unintended consequences of the prolonged and mismanaged police reform process has been a fragile rule of law and widespread organized crime, corruption and informal economic practices whereby police forces, in cooperation with ethnic elites, have been involved in criminal activity. The attempt to establish the rule of law through police reform resulted in accommodating the rule of deals and reinforcing ethnic divisions. While nationalism remained an underlining issue in BiH, the problem of criminality, corruption and unemployment represented major security concerns in the country. Numerous examples point out the direct connection between failed police reform and organized crime. As the international agenda focused on terrorism after 2001, the international civilian and military forces systematically ignored organized crime in Bosnia. A former EUPM officer admitted that there was a direct connection between traffickers, local police and the judicial system.<sup>330</sup> Similarly, reports from US Embassy in Sarajevo revealed that there was 'overlap between the Serbian war criminal support network, nationalist Serbian politician, RS police, SDS party and Serbian organized crime'.<sup>331</sup> The politicization of police during the Bosnian war and their collusion with organized crime followed after the war. The IPTF screening and certification process was insufficient to reduce police involvement in hidden and complex networks of organized crime.<sup>332</sup> The transformation of ex-combatants that had been excluded from the new police and defense structures were mobilized by private security companies, which were used by undemocratic regimes and transformed into international organized crime groups.<sup>333</sup>

As early as 2000, various reports illustrated that 'criminal leaders, many of whom are closely linked to ruling political parties, are ready to threaten judges, prosecutors, police officers, lawyers, or witnesses with violence, even death, to act in a particular way. Such influence over the courts often prevents cases involving organized crime and corruption from being heard.'<sup>334</sup> In 2003, it was estimated that

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<sup>330</sup> Sheelagh Brady, *Organized Crime in Bosnia and Herzegovina*, Sarajevo: Centre for Security Studies, 2012, p. 19

<sup>331</sup> 'Bosnia: Organized Crime and Corruption', US Embassy in Sarajevo cable, 25 July 2006, Available at: <http://wikileaks.org/cable/2006/07/06SARAJEVO1664.html>

<sup>332</sup> Sheelagh Brady, *Organized Crime in Bosnia and Herzegovina*, p. 14.

<sup>333</sup> *Ibid*, p. 167.

<sup>334</sup> Harold J. Johnson, *Bosnia: Crime and Corruption Threaten Successful Implementation of the Dayton Peace Agreement*, Testimony Before The Committee on International Relations, House of Representatives, Washington: US Congress, 2000, p. 4.

almost 50% of the Bosnian economy was based on the black market.<sup>335</sup> The deeply fragmented, uncoordinated, and decentralized national police forces were directly involved in numerous criminal networks that smuggled narcotics, petroleum, and people. Weak institutional structures and a politicized judicial system left police forces vulnerable if they investigated the involvement of political elites in organized crime.<sup>336</sup> The politicized police forces remained dependent on ethnic elites who had not invested in the professional development of police, or in developing internal disciplinary mechanisms or effective investigative capacity. Accordingly, the police had no capacity to control the situation and tackle organized crime systematically. Police reform was not in the interest of key political parties, who were deeply connected with organized crime groups and the unreformed police force played an important role in maintaining these power structures. Consequently, the political dependency of police on the key nationalist leaders facilitated a flourishing of organized crime and illegal economic activity in BiH.

The inability of IPTF and EUPM to create a single police force due to local political resistance reduced the ability of the state security apparatus to exercise its constitutional and legal obligations of enforcing the law and justice in the country. The lack of institutional cooperation between security forces made the efforts for law enforcement weak and incapable of tackling the problem of organized crime. Delays in establishing joint border police left the territory of BiH vulnerable to cross-border illegal activity. BiH is considered a major route for organized crime in the Balkans. There is evidence that many police in BiH accepted that ‘the current structure of policing agencies within BiH limits the capacity for close cooperation’.<sup>337</sup> Lack of cooperation between police, judiciary and prosecutors played a role in this situation, which is directly linked to the failure of BiH's international administrators to reform police structures.<sup>338</sup> In 1997, Transparency International's *National Integrity System* for BiH reported that communication and cooperation between different police structures in the country has ‘inhibited substantial systemic reforms’.<sup>339</sup> This clearly suggests that inadequate police reform

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<sup>335</sup> Sheelagh Brady, *Organized Crime in Bosnia and Herzegovina*, p. 18

<sup>336</sup> Nansen Dialogue Centre Sarajevo and Saferworld, *The missing peace: the need for a long-term strategy in Bosnia and Herzegovina*, Sarajevo: NDCS and SW, 2010.

<sup>337</sup> Sheelagh Brady, *Organized Crime in Bosnia and Herzegovina*, 2012, p. 44.

<sup>338</sup> Transparency International, *National Integrity Workshop “Institutional Cooperation And Coordination Mechanisms”*, 26 June 2013.

<sup>339</sup> Transparency International, *National Integrity System - Bosnia and Herzegovina 2007*, Sarajevo: TI, p. 17.

and restructuring has resulted in an ineffective police system that protects criminals and undermines the rule of law.

The failure to reform the police system meant that the harmonization of legislation and criminal codes was impossible and police cooperation remained unregulated. This significantly reduced the ability of law enforcers to undertake appropriate measures to combat organized crime. Difficulties in fighting corruption also arose from 'the collapse of anti-corruption laws, lack of final convictions for offenses of corruption and lack of implementation of strategic documents for the fight against corruption'.<sup>340</sup> For several years, EU reports on BiH revealed evidence of weakness in the judicial system and the hampering of police in investigating cases of organized crime. For example, the 2012 EU progress Report found that 'Bosnia and Herzegovina is still at an early stage in the fight against corruption', and little progress was achieved in fighting organised crime.<sup>341</sup> The report also highlighted that law enforcement agencies needed to improve systematic cooperation among themselves and with prosecutors and the wider judicial system. The presence of organized crime directly affected societal security, foreign investments and economic development, as well as BiH's EU integration dynamics.

Failure to reform the police structures and make the police more accountable has unintentionally resulted in the police engaging in bribery and corruption. A recent World Bank report showed that an overwhelming majority of Bosnians 'believe that corruption is endangering the security of the BiH government, limiting foreign investment, causing rising inequality, and leading to increases in crime'.<sup>342</sup> Between 1998 and 2013 HR has taken around 200 decisions for removing and suspending from office governmental officials many of which were on grounds for corruption and bad governance. Although the international administrators have used corrupt practises as discursive justifications to delegitimize local political factions and simultaneously legitimize its political interference, the discourse of anti-corruption and good governance have unintentionally strength-

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<sup>340</sup> Transparency International, '*B&H Continues to Stagnate in the Fight against Corruption*', Press Release, Sarajevo: TI, 03 December 2013.

<sup>341</sup> EU Commission, '*Bosnia and Herzegovina 2012 Progress Report*', Brussels: EU Commission, 2012, p. 15 and p. 55.

<sup>342</sup> World Bank, '*Bosnia and Herzegovina: Diagnostic Surveys of Corruption*', Sarajevo: WB, 02 January 2005.



ened the popular support for nationalist factions.<sup>343</sup> The inability to create depoliticized police structures unintentionally left room for entity governments to appoint loyalist persons from the ruling political parties to key policing positions.<sup>344</sup> Structural and legal impediments to tackling corruption and organized crimes are directly linked with the dysfunctional reform of police structures where the state level police have limited powers, there are multiple police agencies with no hierarchical subordination but only based on loose and ineffective coordination and information sharing.<sup>345</sup>

### *Loss of popular trust in local and international institutions*

The prolonged and failed police reform process in BiH led to the unintended consequences of losing popular trust in the local and international institutions present in the country. A recent World Bank report on public trust in Bosnian institutions showed that a large number of people considered the '[p]olice service ... as having low quality'.<sup>346</sup> In 2013 Transparency International showed that around 30% of people have paid bribes to police for their services.<sup>347</sup> The same report shows that public confidence in police and other public institutions has fallen, considering political and public authorities incapable and ineffective in combating corruption.<sup>348</sup> The HR and the wider international community also lost trust in local politicians due to protracted political infighting since the war ended. The international community used various measures to discourage the political agency of the entrenched political elites by undertaking media campaigns, encouraging the electorate to vote against them, using the HR's executive powers, as well as EU enlargement and developmental conditionality. On the occasion of the removal of Croat member of Bosnian Presidency by HR Ashdown in 2005, he stated that: '... BiH's institutions still have to win the trust of their citizens. And one of the reasons for that distrust, as every citizen knows, is the dangerously close connection between criminality and politics, as well as the high levels of corruption in BiH's political structures and governmental institutions.'<sup>349</sup>

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<sup>343</sup> David Chandler, 'Building trust in public institutions? Good governance and anti-corruption in Bosnia-Herzegovina', *Ethnopolitics*, Vol.5, No.1, 2006, pp. 85-99.

<sup>344</sup> Transparency International, *National Integrity System - Bosnia and Herzegovina 2007*, p. 147.

<sup>345</sup> Transparency International, *National Integrity System - Bosnia and Herzegovina 2013*, Sarajevo: TI, 2013.

<sup>346</sup> World Bank, *Bosnia and Herzegovina: Diagnostic Surveys of Corruption*.

<sup>347</sup> Transparency International, '*B&H Continues to Stagnate in the Fight against Corruption*'.

<sup>348</sup> *Ibid.*

<sup>349</sup> OHR, 'Remarks by the High Representative, Paddy Ashdown, at the Press Conference on the Removal of President Covic', Sarajevo: OHR, 29 March 2005.

Although the HR removed many senior politicians on the grounds that they were obstructing the implementation of peace arrangements, an unintended consequence of this interventionist policy was that nationalist representatives in the legislative body continued the practice of blocking legislation, delaying reforms knowing that the HR's executive powers would implement the laws anyway.<sup>350</sup> These fragments of international interference affected negatively the dynamics of legislating, electing representatives, and building trust between state and society. The failure of international and local actors involved in the police reform process to consult the citizens of BiH directly affected public support for political structures in the country, as well as their participation in elections and other public deliberations.<sup>351</sup>

The spectrum of consequences traced by looking critically at multiple practices represents the most pressing issues facing BiH for the last decade. The mistakes made by the international administrators during the two critical turning points have haunted Bosnian society for many years. The makers of stability became the unmakers of sustainable peace. In the second round of police reform, the declared intentions were not realised, and a whole new process emerged with political confrontation between nationalist parties, dysfunctional law enforcement agencies, increased organized crime and corruption, and a loss of public trust. Seen from an outsider's perspective, police reform also failed due to the deviant behaviour of nationalist factions. However, from an insider's perspective the local institutional agency could be portrayed as prevailing over international conditionality and interference. Despite these incompatible intentions, the unintended consequences that have emerged from decisions and actions during both critical turning points show that citizens of BiH are the main victims, as they were subjugated to a power struggle between insider and outsider agents. As the years pass, the political exploitation of the police force are less pronounced, they continue playing a role within criminal networks, protecting war criminals, obstructing inter-ethnic reconciliation, and nurturing ethnic insecurity – thereby reproducing subversive violence. In particular, non-dominant minorities, displaced persons, and women have been the main victims of this social and political inequality.

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<sup>350</sup> Crisis Group, 'Is Dayton Failing? Bosnia Four Years after The Peace Agreement', p. 23.

<sup>351</sup> Transparency International, *National Integrity System - Bosnia and Herzegovina 2007*, p. 58.

## Responsibility for unintended consequences

The declared intentions of international peacebuilders in BiH has been the reformation and restructuring of police forces that would enforce the law impartially, be independent from political interference, and operate effectively and accountably in service of citizens, peace, and democracy in the country. The discussion of two critical turning points reveals that these declared intentions were not accomplished to any significant degree. Hence, the two stages of attempts to reform police structures in BiH resulted in a number of unintended consequences, which were discussed earlier in this chapter. Therefore, congruent with the conceptual framework introduced in the previous chapter, the question of responsibility for unintended consequences needs to be examined.

At the outset, it is important to highlight that the international presence in BiH was one of the most extreme examples of post-conflict international governance, which had an executive mandate without appropriate responsibility mechanisms.<sup>352</sup> Despite its supreme and executive authority, the international community in BiH has not developed any political or legal mechanism for allocating responsibility for the outcomes and consequences of their decisions and actions. The OHR continues to be the leading entity that was established to implement the civilian aspects of the DPA. The OHR is headed by the High Representative (HR), who bears the main responsibility for interpreting the DPA on the civilian implementation of the peace settlement. As the scope of civilian aspects of the DPA are extensive and complex, so are the authorities designated to HR. In terms of responsibility, OHR is directly accountable and answerable to the Peace Implementation Council (PIC), which consists of 55 countries and agencies that support the peace process. The OHR is not held responsible to any of the Bosnian institutions, including the Constitutional Court. Concerning the HR's power, the Constitutional Court of BiH rejected all appellations that were brought to the Court to reconsider the decisions taken by the High Representative related to removing people from office and prohibiting them from performing public functions. In such cases, the Constitutional Court has no appellate jurisdiction in relation to the HR's decisions.<sup>353</sup> On several occasions, the democratically elected representatives in BiH boycotted the institutions in response to actions and deci-

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<sup>352</sup> Richard Caplan, 'Who guards the guardians? International accountability in Bosnia', *International Peacekeeping*, Vol.12, No.3, 2005, pp. 463-476.

<sup>353</sup> See: Constitutional Court of Bosnia and Herzegovina, Decision U-37/01, 2 November 2001.

sions imposed by the HR. Several European institutions have raised concerns about the lack of international accountability in Bosnia.<sup>354</sup>

In the case of UNMIBH and IPTF there was no independent and credible responsibility mechanism in place. The EUPM also lacked such a mechanism. The only system of responsibility was internal answerability mechanisms with rules and regulations varying between organizations, with different degrees of effectiveness and efficiency. During the police reform process, local counterparts had no appeals mechanism to scrutinize the decisions and actions of IPTF, apart from making a personal appeal to the IPTF Commission or other senior international officials. Cases when international police used excessive force, resulting in death, injury or human rights abuses were not investigated properly due to the lack of independent accountability mechanisms.<sup>355</sup> The EUPM only operated with internal accountability mechanisms. The EUPM Standing Operating Procedure (SOP) regulated the accountability of line managers on the basis of command responsibility, which meant that 'in order to ensure that all line managers fulfil their role and responsibilities as supervisors and managers, it is necessary for them to be responsible and accountable for the actions of EUPM staff members under their command'.<sup>356</sup> At a senior level, the Head of Mission who also acted as Police Commissioner reported to the Secretary General/High Representative for the Common Foreign and Security Policy (SG/HR) through the European Union Special Representative (EUSR) in BiH. Notwithstanding this, the Status of Forces Agreement (SOFA) between the EU and Bosnian authorities reveals that the EUPM performed an element of answerability to the Bosnian institutions by informing them about the activities and actions undertaken by the EUPM.<sup>357</sup>

Accordingly, there is a strong case to assign particular types of responsibility to particular agents for particular consequences. The first unintended consequence of police reform under UN and IPTF was the entrenchment of a decentralized, ineffective, and politicized police structure. Although the architects of Dayton intentionally agreed to leave the police competences to entity governments, they

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<sup>354</sup> European Commission for Democracy Through Law (Venice Commission), *Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative*, CDL-AD (2005) 004, Venice, 11 March 2005, p. 22-3.

<sup>355</sup> Claudio Cordone, 'Police reform and human rights investigations: The experience of the UN mission in Bosnia and Herzegovina', *International Peacekeeping*, Vol.6, No.4, p. 207.

<sup>356</sup> EUPM Standing Operating Procedure, Chapter V Code of Conduct, Sarajevo: EUPM, p. 3.

<sup>357</sup> Kari M. Osland, 'The EU Police Mission in Bosnia and Herzegovina', *International Peacekeeping*, Vol.11, No.3, 2004, p. 554.

did not intend to entrench an ineffective and politicized policing system. Accordingly, the key American and European partners who took the decision on policing structures in post-war Bosnia can be blamed for this negative consequence. This leading international group of states failed to provide IPTF with the necessary authority and explicit mandate to reform the police. The IPTF was not allocated sufficient resources, and explicit provisions for cooperation with international military forces. While international stakeholders indirectly admitted guilt, the responsibility for negative consequences was never properly addressed or imputed. Hence, there is a case for the international community, in particular those actors responsible for the harmful effects of their actions, to apologise to the Bosnian people, and provide sufficient answers regarding the reasoning behind such choices. Nevertheless, the primary responsibility for this unintended consequence lies with three nationalist parties in each of the entities who intentionally exploited the police to advance their political and nationalist agendas. The police officers that engaged in violence and crime need to be blamed and made accountable for their wrongdoings. The decision of the HR to avail of the Bonn powers to fire senior politicians can be considered as a measure of accountability for the obstructionist practices of nationalist leaders. But there was no accountability mechanism to hold the guardians of accountability responsible for their executive powers.

The IPTF, IFOR/SFOR (NATO) and the peacebuilding organizations in BiH that had executive mandates need to take responsibility for failing to prevent and avoid the emergence of informal policing practices and collusion with criminal gangs. The IPTF should be held answerable for their flawed screening and certification process, which allowed many police officers with criminal records to join the new police structures, which indirectly led to criminalising the police service. Avoiding international responsibility to enforce the law and maintain overall security also contributed to this unintended consequence. The involvement of IPTF police in human trafficking also needs to be addressed through attributive and answerability mechanisms. Last but not least, the primary responsibility for this consequence lies with Bosnian political structures that controlled local police and cooperated with criminal networks, as well with individual police officers for their wrongdoings. Although time has elapsed since these wrongdoings, attributing blame and failure to both local and international actors facilitates the allocation of responsibility. In an ideal scenario, an answerability mechanism would be the most suitable way to shed light on the many aspects discussed here.

The second unintended consequence discussed in this chapter was the exploitation of police forces to protect war criminals, obstruct inter-ethnic reconciliation, and delay transitional justice. While the primary responsibility for this unintended consequence lies with nationalist leaders and senior police commanders, IPTF and OHR bear a degree of responsibility-as-attribution for certifying police officers who were involved in war crimes and protected fugitives after the war, as well as to IFOR for unwilling to provide security during the hunt for war criminals. Most importantly, one of the main reasons why the police served war criminals was that institutional arrangements were conducive to such practices. Nevertheless, there are clear examples of the HR enforcing accountability in several cases where senior ministers and police officers were removed from their post for not cooperating in prosecuting war criminals. An answerability inquiry would be desirable to shed light on the responsibilities and failures of the international community related to transitional justice and war crimes.

The third unintended consequence was the failure to provide sufficient human security to the population, especially to minorities, vulnerable and displaced persons and women. The primary responsibility for this rests with RS political structures that intentionally obstructed the return of displaced persons, free movement of people and eventual reconciliation, due to the primary goal of enforcing their policy of ethnic separation. The IPTF and UN should be blamed for allowing the formation of mono-ethnic police forces, which were the main threat to post-war human security. For several years, the IPTF and local police failed to deal with crimes against minority returns. The IPTF and IFOR also bear responsibility and should be blamed for unintentionally exacerbating ethnic segregation and division in BiH through their failure to support the return of refugees. UNHCR also bears a portion of blame for failing to deal properly with refugee returns.

Following the partially successful reform of police structures under the IPTF, after 2003 the primary responsibility for police reform was passed to the EUPM, under the political guidance of the OHR. As elaborated earlier in this chapter, the prolonged process of police restructuring in BiH, which ended in 2008 triggered a number of unintended consequences. As with the consequences of previous critical turning point, there is a strong case to assign responsibility to the relevant actors for particular actions and consequences. The first unintended consequence

that derived from this round was nurturing intra- and inter-entity confrontation. In relation to this and the overall failure of the police restructuring process, there is a strong case for holding the HR answerable for his intrusive policy regarding the nature, mandate, and process of police restructuring, which failed to have the intended effect. Although there are many examples of the HR justifying his decisions through public statements, there has not been any appropriate answerability process on this matter. The EU's shifting conditionality is also responsible for the failure of several rounds of police restructuring negotiations. Regarding local actors, Serb nationalist leaders bear responsibility for entrenching an ineffective and fragile police system. The destructive behaviour of entity parliaments also needs to be attributed as a strong trigger of obstructionist practices that delayed police restructuring.

After 2003, the overarching unintended consequence was the failure to establish the rule of law and the associated flourishing of organized crime and corruption. While primary responsibility lies with law-enforcing agencies who failed to uphold the rule of law, the protracted police restructuring process can be attributed to the EUPM and other international actors who failed to strengthen the capacity of police forces to fight corruption and organized crimes, failed to make the police structures more efficient, accountable, and transparent, and above all failed to develop appropriate institutional mechanisms to reduce the effects of organized crime and corruption in the country. So far there has been no appropriate attribution of the responsibility to the EU for these consequences, nor any adequate external answerability mechanisms. Local media, civil society groups, and other social groups have raised the attributability of responsibility for unintended consequences of police reform in Bosnia.<sup>358</sup> However, the disparate nature of consequences and their dislocation in space and time complicated the appropriate attribution of responsibility.

So what can be concluded from this discussion? So far the responsibility for these consequences has been loosely addressed, mainly by disparate actors, such as critical civil society and excluded social groups. The responsible agents (collective and individual) are not held responsible for the unintentional consequences of their intentional actions. Imputing responsibility is almost impossible in this complex web of multiple actors, dislocated decision-making, organizations with high personnel turnovers, and the passage of time. However, it is necessary to

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<sup>358</sup> See for example: Sheelagh Brady, *Organized Crime in Bosnia and Herzegovina*.

assign responsibility in the form of attributability and answerability for unintended consequences and this could potentially still be possible. The multi-directional dimension of actions, events, and consequences complicates the assignment of specific responsibilities to appropriate agents. It would be possible to attribute collective responsibility to particular organizations and agents. Mechanisms of answerability would also be desirable to bring clarity and transparency to past actions and non-actions, which produced unintended consequences so that important lessons are drawn, and corrective measures are taken for future similar encounters.

## **Conclusion**

This chapter has examined the unintended consequences of police reform in BiH. Due to the complex context of the conflict in BiH, the bloody conflict was ended with a complex peace settlement. While the Dayton Peace Accords were designed as a deal to end the war, they had the unintended consequence of becoming the structural obstacle to rebuilding a functional state and a stable peace. Although the declared intentions for police reform have changed slightly over the course of events, in general the international community has intended to reform the police forces in the direction of democratic policing and compatibility with international policing standards where police are depoliticized, publically accountable, and enforce the rule of law. To enact these declared intentions, it was necessary to reform and restrict the existing police forces.

This chapter has examined two critical turning points relevant to the police reform process in BiH. During the first phase and as dictated by the DPA, the UN and IPTF left the police structures under the control of multiple interior ministries at the entity and cantonal level, with weak state-level cooperation and coordination. The resulting police forces were fragmented, overstaffed, and subject to structural political interference and control. The rushed process for certifying police officers failed to exclude police officers with criminal records and illegal activities. Instances where the HR removed local police from their positions led to the unintended consequence of breeding informal policing at the local level, whereby dismissed officers continued their extensive influence from the sidelines, and threatened the successor police, blurring and overlapping the lines of command and authority. Regarding war crimes, police structures in Republika Srpska and the Federation followed political orders to protect and hide war in-



dictees. A major shortcoming of the IPTF was their failure to provide community-level order and security. This consequently led to chronic local insecurity, an unsatisfactory election process, inter-ethnic fear and provocation, delayed minority return, and the failure to protect human rights. Providing policing services based on ethnic affiliation resulted in multiple cases where local police implicitly tolerated harassment, intimidation, and violence and the failure to prosecute the post-war crimes against minorities.

When the IPTF ended its mission in 2002, it was the largest UN police mission in a post-conflict society and was deemed a success. However, the anomalies of UN-led police reform became the main obstacles for EU-led police reform, which marked the second critical turning point. Since the EUPM inherited many problems from the IPTF, this haunted the EU's first crisis management mission abroad. With its non-executive mandate, the EUPM was unable to make the police more accountable, better structured, and compliant with European policing practices. Consequently, the main challenge for EUPM and OHR was the attempt to make multiple police forces more centralized and unified under state-level institutions, and less dependent on nationalist leaders and ethnic political factions. It took nearly four years of constant negotiations to finally reach a partially solution for police reform. In this context, the merging of police reform with Bosnia's European integration process might have been effective in the short run, but in the end it did not reach the intended goals. The lack of a single EU interlocutor complicated the police reform negotiations as different sources sent mismatching messages. Consequently, this prolonged process led to the unintended consequence of strengthening destructive and nationalist discourses within the entities, delaying constitutional reform, stalling the European integration of Bosnia, and finally enabling the entrenchment of organized crime and corruption in the country.

The responsibility for these consequences spreads across international and local actors and it can be assigned only in the form of attribution for failures and anomalies, as well as in the form of answerability to clarify why certain decisions and actions were taken by particular actor in particular time. The case of BiH illustrates the emergence of unintended consequences as a result of incompatibility of intentions among the interacting actors and the limits of shifting declared intentions over time. This deviation of intentionality alongside with the conflicting agenda of local actors resulted in weakening the bargaining power and credibil-

ity of the international community in Bosnia. The spectrum of consequences that emerged in BiH has not only undermined the declared intentions, but it has prolonged, complicated, and delayed the consolidation of peace.

## CHAPTER FIVE

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# The Unprevented Consequences of Peacebuilding in Kosovo

“When it starts in the beginning in the wrong way it is very difficult afterwards. So, the longer the situation was not changing, the more difficult it became to change the situation. What was possible in 1999 was not possible in 2002, what was possible in 2002 was not possible in 2004, and so on.”

(Yves de Kermabon, Former Commander of NATO/KFOR, 2013)<sup>359</sup>

### Introduction

Following the break-up of Yugoslavia, the conflict in Kosovo intensified after the peace was brokered in Dayton in 1995. After nearly two years of intensive conflict in Kosovo and the failure of peace talks in Rambouillet, NATO's humanitarian intervention opened the path for a fragile peace to be built in Kosovo.<sup>360</sup> In defiance of the international intervention and post-conflict governance of Kosovo, Serb community gradually organized a structured resistance against the peacebuilding and statebuilding project in Kosovo. These structures consisted of a chain of entities within sectors such as security, education, health and public services that were maintained and controlled politically and financially by the Serbian Government. These structures were created initially to boycott UNMIK, their main function became to resist the UN-created, Albanian-led self-governing local institutions. They were motivated by the 1990s Kosovo Albanian institutional parallelism in defiance of Milosevic regime and abolishment of auton-

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<sup>359</sup> Interview by author with Yves de Kermabon, former Commander of KFOR in Kosovo, Brussels, 15 October 2013.

<sup>360</sup> Marc Weller, *Contested Statehood: Kosovo's Struggle for Independence*, Oxford: Oxford University Press, 2009.

my.<sup>361</sup> The UN Interim Administration Mission in Kosovo (UNMIK) and NATO's Kosovo Force (KFOR) did not acknowledge explicitly and openly the activity of Serb parallel structures until October 2001, two and a half years after their deployment in Kosovo.<sup>362</sup> However, they are considered illegal entities by UNMIK and KFOR as they operated outside the UN Security Council Resolution 1244 (1999). In terms of timespan, these structures emerged gradually, but by 2001 their influence and network expanded through the Serb-inhabited enclaves in Kosovo. As of 2014, these Serb parallel structures are gradually being dismantled as part of the EU-facilitated Belgrade-Prishtina Dialogue on the normalization of inter-state relations.<sup>363</sup>

While international and local actors in Kosovo have articulated multiple declared intentions, this chapter explores how the declared intentions of establishing a stable peace and the rule of law has been compromised in Kosovo, by examining how Serb parallel structures have shaped peace in Kosovo. Most significantly, the chapter illustrates how the emergence and development of Serb parallel structures in the north of Kosovo is a significant case of the occurrence of an unprevented consequence arising from international peacebuilding in Kosovo. The chapter argues that the main consequence of ineffective security provision by KFOR and UNMIK was the failure to extend security and the rule of law to the north of Kosovo. Despite their self-established legitimate concerns, the emergence and development of Serb parallel structures to control these parts of Kosovo with the support of the Serbian government, challenged international authority, constrained Kosovo institutions and sovereignty, prevented the integration of the Serb community within Kosovo's society, nurtured organized crime and informality, and challenged the overall peace and stability in the country. By making this argument, the analysis in this chapter do not seek to portray in general Serb community as being negative and destructive and romanticize the Albanian community as constructive and peaceful. Rather, congruent with the typological framework, it seeks to take a critical stance and examine how international and local political processes shaped and impeded peacebuilding in Kosovo and illustrate empirically a case of unprevented consequences of peacebuilding.

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<sup>361</sup> Besnik Pula, "The Emergence of the Kosovar Parallel State, 1988-92," *Nationalities Papers*, Vol. 32, Nr. 4, 2004.

<sup>362</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2001/928, 02 October 2001, p. 10.

<sup>363</sup> The 'First Agreement of Principles Governing the Normalization of Relations' between Kosovo and Serbia was signed on 19 April 2013 as part of a EU-led facilitation of political and technical dialogue.

The chapter focuses the analysis in two critical turning points that shaped peace-building in Kosovo and looks at the particular unprevented consequences that have emerged thereafter. The first critical turning point in the formation and development of Serb parallel structures in Kosovo was the period between June 1999, when NATO and UNMIK deployed their military and civilian presence in Kosovo and 2001 when the emergency phase ended and the capacity and institution building started. This chapter argues that incompatibility of intentions, agenda, and actions among the international and local actors facilitated the emergence of Serb parallel structures and their spill-over effects by increasing insecurity, hindering ethnic reconciliation, obstructing institutional development, and delaying social peace in Kosovo. The second critical turning point for dismantling Serb parallel structures in Kosovo and preventing the spectrum of consequences that this institutional parallelism was creating in Kosovo arose during the process of negotiating Kosovo's final status and the subsequent implementation of the Ahtisaari proposal, which occurred between 2006 and 2008. Although the north was implicitly part of the final status negotiations, Serb parallel structures were not explicitly discussed during this process, which later proved to be a mistake with multiple consequences. It was hoped that these parallel structures would be dismantled as part of a decentralization process and upon reaching agreement with Serbia during the status negotiations. However, no such agreement was reached during the status talks and Kosovo declared its independence on 17 February 2008, in coordination with its Western allies. Thereafter, the Serb parallel structures institutionalized their activity, proactively obstructed the implementation of the Ahtisaari proposal, challenged Kosovo's empirical sovereignty, and constrained Serb participation in Kosovo, and promoted informality, criminality, and economic damage for Kosovo.

The impact of the failure of the international community and Kosovo authorities to handle Serb resistance in Kosovo has been significant, opening space for the creation of a frozen conflict in the north, and regionalizing the conflict to the neighbouring states. In 2004, the situation in the north provoked a violent reaction from Kosovo-Albanians, who were increasingly losing patience with the delayed status negotiations and inability of the international and local authorities to assert control over the whole territory of Kosovo.<sup>364</sup> Although preventative measures and actions are at the heart of UN diplomacy and responses to conflicts, in the case of Kosovo we can see the presence of intermeshed factors, struc-

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<sup>364</sup> 'A Comprehensive Review of the Situation in Kosovo', UN Doc. S/2005/635, 07 October 2005.

tures, actors, and events that have led to unprevented consequences, namely the emergence and development of Serb parallel structures in Kosovo. The evidence suggests that both NATO and UNMIK were well aware of the potential emergence and eventual development and operation of these parallel structures, as well as the challenges they would pose to building sustainable peace. However, no adequate and decisive measures were taken to dismantle these structures when the opportunity arose at different stages after 1999.

### **Declared intentions, rule of law and peacebuilding in Kosovo**

The declared intentions of international peacebuilding organizations in Kosovo after the 1999 conflict are widely influenced by the contextual circumstances combined with the broader conceptual and prescriptive framework of post-conflict peacebuilding and reconstruction.<sup>365</sup> The basis of the declared intentions in Kosovo is UN Security Resolution 1244 (1999), which served as a legal justification for UN involvement and outlined a detailed peacebuilding agenda. The core declared intentions of international peacebuilding in Kosovo are: restoring public security, establishing the rule of law, and demilitarizing armed forces; organizing and overseeing the development of provisional institutions for democratic and autonomous self-government pending a political settlement; facilitating a political process designed to determine Kosovo's future status; supporting economic reconstruction; and promoting and protecting human rights, and facilitating the return of refugees and IDPs.<sup>366</sup> When formulating these intentions, local actors were not consulted. The content of the peacebuilding mandate in Kosovo was negotiated in a short period of time towards the end of the NATO military campaign against Serbia in spring 1999. So, at the outset, the Serb community and their leadership did not welcome these intentions as they were affiliated with the NATO's intervention and removal of Serbia's sovereignty over Kosovo.<sup>367</sup>

One of the main declared intentions of the international presence in Kosovo was the restoration of public security, security sector reform, and the development of

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<sup>365</sup> Len R. Harwley and Dennis Skosz, 'Advanced Political-Military Planning: Laying the Foundation for Achieving Viable Peace', in Jock Covey, et al. (eds.), *The Quest for Viable Peace: International Intervention and Strategies for Conflict Transformation*, Washington, D.C.:USIP, 2005, p. 48.

<sup>366</sup> UN Security Council Resolution 1244 (1999), UN Doc. S/RES/1244 (1999), 10 June 1999.

<sup>367</sup> See: Sava Janjic, 'Chaos and Disorder: Kosovo and Metohija Four Years Later', in Dusan T. Batakovic (ed.), *Kosovo and Metohija: Living in the Enclave*, Serbian Academy of Sciences and Arts, Belgrade 2007, p. 269.

functional democratic institutions and an effective rule of law system.<sup>368</sup> In providing public security, KFOR (NATO) established a military presence in Kosovo, a UN civilian police contingent was deployed, alongside a local police force that was established afterwards. Security sector reform entailed the demilitarization of Kosovo Liberation Army (KLA) forces and the formation of civilian protection corps, called the Kosovo Protection Corps (KPC). Other measures involved the removal of Serb military and police forces from Kosovo as agreed in the Kumanovo Military-Technical Agreement between NATO and Serbia.<sup>369</sup> Regarding institution building, UNMIK organized elections, created new political institutions, and developed basic legislation in Kosovo. It is widely assessed that the engagement of NATO and UNMIK in Kosovo produced peace and stability, which is measured against the absence of relative ethnic confrontation, and overall institutional stability. Similarly, the institution-building component of UNMIK in Kosovo is praised for its overall success in establishing functional institutions in the executive, legislative and judiciary sectors.<sup>370</sup> However, most notably and undoubtedly the main consequence of security provision by KFOR and UNMIK was the failure to extend security and the rule of law to the north of Kosovo, and the emergence and development of Serb parallel structures in Kosovo.

There is evidence that these declared intentions had been formulated during a political-military planning process between the UN and NATO during spring 1999, several months before deployment. At the heart of this process was the identification and definition of intentions (expressed in the form of objectives, tasks, areas, and desired ends), clarification and forecast of issues that would emerge during the process. This process also included an outline of broad strategies and viable options for taking action, including preventive measures, the harmonization of inter-agency tasks, and mobilizing international support for the desired action.<sup>371</sup> Although this advanced policy planning might tackle the problem of unintended consequences as an anticipatory exercise, they were not explicitly mentioned or incorporated in the planning process. In this regard, there

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<sup>368</sup> UN Security Council Resolution 1244 (1999), UN Doc. S/RES/1244 (1999), 10 June 1999.

<sup>369</sup> Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia, Kumanovo: FYROM, 09 June 1999.

<sup>370</sup> See: Iain King and Whit Mason, *Peace At Any price: How the World Failed Kosovo*, London: Hurst & Company, 2006.

<sup>371</sup> Len R. Harwley and Dennis Skosz, 'Advanced Political-Military Planning: Laying the Foundation for Achieving Viable Peace', p. 41-2.

was no plan on how to deal with the north of Kosovo in case Serb forces would concentrate there, due to its geographical and demographical closeness to Serbia.

Although it is difficult to retrace the actual internal decision-making process within UNMIK, several testimonies from UNMIK senior political officials indicate that UNMIK operated in a complex environment wherein the necessary space for defining intentions, analysing key actions, and anticipating and preventing the potential consequences of actions was almost non-existent. In his memoirs on Kosovo, the first deputy SRSG of UNMIK Jock Covey, reveals that UNMIK had to adjust to a 'little country' policy, as they had to build and manage relationships with major international organizations involved in Kosovo, powerful states at the UN Security Council, and States that seconded most of the UNMIK senior personnel.<sup>372</sup> Covey also reveals that each State and organization involved in Kosovo tried to advance their national interests either through funding conditionality, or indirectly through their people that were part of UNMIK structures. Covey reveals an interesting practice that emerged in UNMIK, which could be formulated as 'actions precede intentions'. He confessed that:

We would shape actions based on our instincts of where the peace process ought to be headed rather than determine the policy up front. In some instances, we may have had only an inchoate sense of what the guiding policy should be... We began to articulate a policy that described the actions we had already taken, distilling the policy after the fact. This was unavoidable in the UN system because seeking the policy at the outset would have created paralyzing opposition before we could even get started.<sup>373</sup>

This is an indication of complex, multiple, and often conflicting intentions, as well as self-interested motives behind the actions of UNMIK in Kosovo. In this lacunae of complexity, local needs and perspective have largely been ignored, especially those among Serb community who have been perceived as supporters of the previous regime.

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<sup>372</sup> Jock Covey, 'The Custodian of the Peace Process', in Jock Covey, et al. (eds.), *The Quest for Viable Peace: International Intervention and Strategies for Conflict Transformation*, Washington, D.C.: USIP, 2005, p. 80-81.

<sup>373</sup> Jock Covey, 'The Custodian of the Peace Process', p. 86.



## Critical turning point I: The deployment of NATO and UNMIK in Kosovo

The first critical turning point in the formation and development of Serb parallel structures in Kosovo was the period between June 1999, when NATO and UNMIK deployed their military and civilian presence in Kosovo, and 2001 when the emergency phase was over and the capacity and institution-building phase started. Immediately after the war, ethnic violence erupted in the northern region of Mitrovica and the policy of international military and civilian presence was to keep both groups apart, and contain the situation by physically dividing Mitrovica, with the River Iber/Ibar marking the border between the northern and southern sides of the city.<sup>374</sup> Acts of ethnic violence occurred throughout Kosovo during these early days after the war.<sup>375</sup> During February 2000 there were a number of demonstrations and confrontations between Albanians and Serbs in Mitrovica, which resulted in eight deaths and over thirty people were seriously injured. These riots were triggered by an attack against a humanitarian shuttle bus carrying 49 Kosovo-Serbs, resulting in the death of two persons and the injury of three others.<sup>376</sup> These events triggered the expulsion of 1,650 Kosovo-Albanians from northern Mitrovica, the isolation of Serbs into enclaves, and attacks against KFOR soldiers and UNMIK police.<sup>377</sup> The extremist violence nurtured on both sides triggered the *de facto* partition of Mitrovica. In light of these events, the Serb parallel security structures started to emerge, such as Bridge Watchers, and Serb secret police forces. The division was driven by a small group of nationalists who pressured Albanians to leave the north and threatened the local Serb population not to cooperate with Albanians.<sup>378</sup> Later, they expanded their activity to the fields of justice, education, healthcare, welfare, and public services. These structures operated under the stewardship of the Coordination Centre for Kosovo and Metohija (CCK) as part of the Government of Serbia.

The parallel security structures in the north of Kosovo consisted of an informal structure called 'Bridge Watchers', and the Serbian Ministry of Interior Affairs (MUP), who are considered the main enforcers of decisions and policies of parallel structures in Kosovo. The role of bridge watchers was to prevent Kosovo-

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<sup>374</sup> Ray Murphy, *UN Peacekeeping in Lebanon, Somalia and Kosovo*, Cambridge: Cambridge University Press, 2007.

<sup>375</sup> Tim Judah, *Kosovo: War and Revenge*, New Haven: Yale University Press, 2000.

<sup>376</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2000/177, 03 March 2000, p. 5-6.

<sup>377</sup> NATO, Statement by the Secretary General, Press Release, PR/CP(2001)021, 16 February 2001. Available at: <http://www.nato.int/docu/pr/2001/p01-021e.htm>

<sup>378</sup> Interview by author with a former Commander of KFOR in Kosovo, Brussels, 15 October 2013.

Albanians from entering the north of Kosovo, gather information on KFOR and to gather information on Kosovo-Albanian living in the north.<sup>379</sup> They also engaged in criminal activities, organized crime, smuggling, trafficking of people and goods.<sup>380</sup> The Serb police has engaged mainly in secret intelligence activity, and issued Serb passports and identity documents. They also organized protests against Kosovo-Albanians and international troops, but could maintain order whenever it suited their interests.<sup>381</sup> The inclusion of former MUP officers into Kosovo's police service provided opportunities and risks for transforming security structures in the north. Serb police officials kept a low profile, and some of them have included in the Kosovo police service. Some measures were taken to include members of bridge-watchers in the Kosovo police service; however, due to vetting and recruitment criteria many of them eventually did not join the police force.<sup>382</sup>

Seen from a critical and pluralist point of view, the emergence of Serb parallel structures in Kosovo came as a result of a number of inter-related and interdependent factors. First of all, the imposed nature of UN Security Council Resolution 1244 (1999) and the NATO intervention in Kosovo resulted in hidden and open resistance by Serb population in Kosovo. As Serb military and police forces were obliged to leave Kosovo, local Serb population went from being a powerful, victorious community to humiliated and excluded minority in Kosovo. For Serbs the appearance of their parallel structures signified the continuation of pre-war state structures in Kosovo, disregarding thus new political reality after the placement of Kosovo under UN governance. This served as a structural precursor for the local Serbs to resist UN and NATO peacebuilding efforts in Kosovo. In addition, Milosevic regime that existed until late 2000 fuelled destructive and deviant factions and structures within Kosovo to hinder the success of NATO and UN in Kosovo. Moreover, the power-shift in Kosovo gave Kosovo-Serb power-holders the inconvenience of needing to integrate into Kosovo's new institutions.

However, the leveraging aspects of Serbs' pre-war power and on-going criminal and informal networks sustained the efforts of the Kosovo-Serb leadership to resist the international peacebuilding agenda in Kosovo. Through these structures,

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<sup>379</sup> OSCE, *Serb Parallel Structures in Kosovo 2006-2007*, Prishtina: OSCE, 2007, p. 24

<sup>380</sup> Crisis Group, *UNMIK's Kosovo Albatross: Tackling Division in Mitrovica*, ICG Balkans Report No. 131, Brussels: ICG, 03 June 2002.

<sup>381</sup> Ombudsperson Institution in Kosovo, *Third Annual Report (2002-2003)*, Prishtina: OIK, 10 July 2003, p. 26.

<sup>382</sup> Crisis Group, *UNMIK's Kosovo Albatross: Tackling Division in Mitrovica*.

the Kosovo-Serb community envisaged a temporary peace and the gradual return of their influence in Kosovo through return of refugees and the eventual re-incorporation of Kosovo within Serbia.<sup>383</sup> This frustrated the Kosovo-Albanians who emerged from a conflict as victims demanding independence, who consequently undertook violent acts against minorities in revenge for their losses and suffering during the conflict. In between these two polarized agendas, UNMIK and KFOR pursued a policy of containment through fragile stability, prioritizing immediate and short-sighted developments and ignoring the underlining structural processes that were undermining their efforts to establish the rule of law and democratic authority in Kosovo.

While incompatible intentionality provides a strong explanation for non-action, there were also strategic and operational weaknesses that impeded UNMIK and KFOR from responding effectively to the emergence of Serb parallel structures in the north of Kosovo. The early strategy invoked by UNMIK to tackle ethnic violence in the north and the non-cooperation of Serb parallel structures was a combination of confidence-building measures: providing justice through international police, prosecutors, and judges to fill the vacuum of distrust between Albanians and Serbs in the justice system; and the creation of local and national institutions to resolve the political conflict among local factions.<sup>384</sup> During its first two years, UNMIK had insufficient police, judges, and prosecutors to establish the rule of law across the whole territory of Kosovo. This was delayed by the slow recruitment of police, the reluctance of troop-sending states, bureaucratic procedures, and donors' slow financial support.<sup>385</sup> UNMIK was not operating at full capacity until 2002 and could not handle effectively the continuing unrest in Kosovo and the threat posed to the peace process by extremist groups.<sup>386</sup>

UNMIK police and KFOR had no contingency plan on how to respond to widespread civil disorder and interethnic violence.<sup>387</sup> At the political level, UNMIK was faced with incompatible priorities: maintaining peace and stability, and establishing justice and the rule of law. They did not anticipate the emergence of

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<sup>383</sup> See: Dusan T. Batakovic (ed.), *Kosovo and Metohija: Living in the Enclave*, Serbian Academy of Sciences and Arts, Belgrade 2007.

<sup>384</sup> Jasvir Singh, *Problem of Ethnicity, The United Nations and Kosovo Crisis*, India: Unistar, 2008, p. 187-88.

<sup>385</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/1999/987, 16 September 1999, p. 7.

<sup>386</sup> Michael J. Dziedzic, 'Kosovo', in William J. Durch (ed.) *Twenty-First-Century Peace Operations*, Washington DC: USIP, 2006, p. 361.

<sup>387</sup> *Ibid*, p. 362.

Serb parallel structures, and for the sake of neutrality and stability UNMIK tolerated their operation. Moreover, UNMIK tolerated Serb parallel structures due to sporadic ethnic violence committed by Kosovo-Albanians, the hesitancy of the Kosovo-Albanian leadership to integrate Serbs before resolving Kosovo's final status Kosovo-Albanian, and the lack of security and space for joint co-existence and integration.<sup>388</sup>

Immediately after the deployment of its troops in Kosovo, NATO declared that it was committed to providing human security in Kosovo, to protect the rule of law, and to support the international civilian presence in fulfilling its mandate.<sup>389</sup> In addition, NATO expected that all Serb military and police forces would withdraw from Kosovo, and that the KLA would demilitarize and restrain from violent acts of revenge against Serb populations. KFOR had the primary responsibility to provide security and maintain the rule of law in Mitrovica region in the early days after its deployment in Kosovo. Even after September 2000, KFOR continued to retain the primary responsibility for civilian protection and ensuring security in Mitrovica, showing the inability of UNMIK to take on responsibilities for criminal investigations and law enforcement throughout Kosovo. KFOR had around 57,000 troops in Kosovo in September 1999 and by 2005 they reduced to 16,600.<sup>390</sup> For example, the total cost of operating KFOR in 2003, was around \$22 billion, which represented over 80 percent of all international and domestic public spending in Kosovo during that period.<sup>391</sup> NATO Secretary-General rushed to pronounce KFOR's mission a success despite sporadic ethnic violence and the emergence of Serb parallel structures in early 2000.<sup>392</sup> This is important because even if UNMIK lacked resources to control the north of Kosovo in terms of police and civil administration, KFOR did not lack resources but it lacked political will to act. In many instances, KFOR supported the political goals of UNMIK, but it also obstructed them, especially with its strategy of non-action in Mitrovica, which tolerated the emergence and development of illegal and violent Serb paramilitary factions in the north of Kosovo.

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<sup>388</sup> Interview by author with a former UNMIK Regional Administrator for Mitrovica, Washington DC, June 2013.

<sup>389</sup> 'Chairman's Statement issued at the Extraordinary Meeting of Foreign and Defence Ministers of the North Atlantic Council held at NATO Headquarters Brussels on 18 June 1999'. Available at: <http://www.nato.int/docu/pr/1999/p99-097e.htm>

<sup>390</sup> Michael J. Dziedzic, 'Kosovo'.

<sup>391</sup> Ibid, p. 339.

<sup>392</sup> Statement to the Press by the Secretary General of NATO, Lord Robertson, following NAC Meeting on Kosovo, Press Release (2000) 018, 25 Feb. 2000. Available at: <http://www.nato.int/docu/pr/2000/p00-018e.htm>.

UNMIK and KFOR had a vague strategic vision of how to handle the situation in the north of Kosovo, particularly in Mitrovica. This is evident in the periodic report of UN Secretary-General of September 2000, which highlights the need for UNMIK and KFOR to develop a comprehensive strategy to reinforce the influence of the international community in this part of Kosovo.<sup>393</sup> Three months later, UNMIK reported that it had progressed in its strategy for confidence-building in the north of Kosovo through its security activities and efforts to build public administration and services in Mitrovica.<sup>394</sup> This strategy was not particularly effective, despite the good intentions of UNMIK to restore the rule of law and lay the foundations for democratic governance and the normalization of ethnic relations in the north of Kosovo.

Beyond this, UNMIK attempted to address the issue of political conflict and ethnic division after the conflict by establishing local and national consultative institutions and by incorporating local ownership and participation in the UNMIK decision-making processes.<sup>395</sup> As part of joint administrative structures, UNMIK managed to bring Kosovo-Albanian and Serb leaders together in a transitional council. However, the hostile ethnic relations within Kosovo obstructed the operation of joint schools, hospitals, and public services. The formation of Interim Administrative Council and the Joint Interim Administrative Structures divided the Serb leadership in Kosovo, whereby some groups joined these structures, others initiated the creation of parallel structures.<sup>396</sup> Following the 28 October 2000 municipal elections, UNMIK failed to establish local government in the north of Kosovo due to negligible voter turnout and widespread boycotts by Serb political structures there.<sup>397</sup> One of the challenges faced by UNMIK was the creation of municipal structures in Mitrovica. Kosovo-Serbs refused to serve alongside Albanian members who constitute the overall majority in the town.<sup>398</sup>

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<sup>393</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2000/878, 18 September 2000, p. 20.

<sup>394</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2000/1196, 15 December 2000, p. 4.

<sup>395</sup> Crisis Group, *Bridging the Kosovo's Mitrovica Divide*, Europe Report Nr. 165, Brussels: ICG, 13 September 2005.

<sup>396</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2000/177, 03 March 1999, p. 2.

<sup>397</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2000/1196, 15 December 2000, p. 1.

<sup>398</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2000/538, 06 June 2000, p. 3.

After 2001, the attempts of UNMIK and KFOR to deal with Serb parallel structures consisted of insufficient measures and attention focused on efforts to consolidate the Kosovo's state institutions and the pressure to open negotiations for resolving Kosovo's future status. Initial conditions dictated subsequent developments. However, an opportunity to dismantle and integrate Serb parallel structures in Kosovo arose in November 2001 when UNMIK and Serb authorities signed a common document, which highlighted that the implementation of UN Security Council Resolution 1244 (1999) required: joint coordination between Kosovo and Serbia; reaffirmed the supremacy of UNMIK authority in Kosovo; emphasized the need for human rights protection; and specified UNMIK's responsibility and role in protecting property rights, facilitating the return of refugees and IDP's, and resolving the fate of missing persons.<sup>399</sup> However, dismantling Serb parallel structures was not explicitly discussed in this common document. Despite this, the follow-up efforts of UNMIK were inadequate and insufficient to address the issue. Belgrade withdrew its cooperation with UNMIK on the grounds that the latter had not made sufficient progress on Serb returnees and on ensuring security for Serb minorities in Kosovo.<sup>400</sup> Meanwhile, UNMIK was overwhelmed with multiple processes of institution-building and transferring local ownership to Kosovo institutions, while trying to facilitate the needs and interests of Serb communities in constrained conditions, where Serb parallel structures obstructed these processes.

Later on, several windows of opportunity arose to address the problem of Serb parallel structures in Kosovo, but they were unsuccessful and conditioned by the initial conditions of UN and NATO failure to prevent their emergence and formation in the first place.<sup>401</sup> First, the arrest of Serb President Slobodan Milosevic and the democratic transition in Serbia under Vojislav Kostunica brought hopes and fears to ethnic relations in Kosovo. In 2000, Kosovo's former President Ibrahim Rugova rejected a call from Serbian President Vojislav Kostunica to discuss Kosovo's political status. Rugova demanded to have negotiations with Serbia on-

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<sup>399</sup> UNMIK-FRY Common Document, Belgrade, 5 November 2001.

<sup>400</sup> Statement by Dr. Nebojša Čović, Deputy Prime Minister of the Republic of Serbia and President of the Coordination Center of the Federal Republic of Yugoslavia and the Republic of Serbia for Kosovo and Metohia', UN Security Council, 24 April 2005.

<sup>401</sup> For detailed account of UNMIK insiders see: Iain King and Whit Mason, *Peace At Any price: How the World Failed Kosovo*, London: Hurst & Company, 2006.

ly as two independent states.<sup>402</sup> President Rugova further emphasized that enclaves were the best solution for Kosovo-Serb minorities, as the conditions for multi-ethnicity and reconciliation were not yet present only three years after the war.<sup>403</sup> A less attractive opportunity to dismantle Serb parallel structures arose as part of UNMIK's attempt to transfer governance authority to Kosovo's institutions through the benchmarks known as 'Standards for Kosovo' and later 'Standard before Status'. These benchmarks clearly stated that, as part of establishing functioning democratic institutions in Kosovo, UNMIK and the Provisional Institutions for Self Governance (PISG) should 'develop a strategy to reduce demand for and dismantle parallel structures and integrate them into PISG structures; to start implementation of a strategy and negotiate with Belgrade on technical issues'<sup>404</sup>

However, the overwhelming and ambitious agenda of Standards for Kosovo and later Standards before Status overshadowed the success of activities undertaken by UNMIK and Kosovo's government in integrating Serb parallel structures. Between 2004 and 2006, UNMIK and Kosovo's authorities focused their efforts on trying to address Serb parallel structures through the decentralization of power to local authorities, which aimed in return to integrate Serb communities within Kosovo's institutional system.<sup>405</sup> However, no explicit goal or plan to deal with Serb structures in the north of Kosovo was evident during this period. After 2006, UNMIK started to include reports about the obstructionist activity of Serb parallel structures in Kosovo, while not being able to undertake any effective measure to integrate them, as Serbia and its international allies saw this as an intrusive way of suppressing Kosovo Serbs.

Accordingly, the failure to prevent the emergence and development of Serb parallel structures signifies the international acceptance of these structures, despite the fact that activities of these Serb parallel structures undermined the authority of the UN and NATO in Kosovo. Driven by a 'conflict reduction and stability' paradigm, UNMIK tolerated the operation of these illegal structures in breach of

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<sup>402</sup> 'Rugova: Me Koshtunicën mund të bisedojmë vetëm si dy shtete të pavarura' (Rugova; With Kostunica we can talk only as two independent states), Prishtina: Qendra për Informim e Kosovës 09 December 2000. Available at: <http://www.kosova.com/arkivi1997/i001209.htm>.

<sup>403</sup> Ibid.

<sup>404</sup> PISG, 'Kosovo Standards Implementation Plan', Prishtina: PISG, 31 March 2004.

<sup>405</sup> Statement by Soren Jessen-Petersen, UNMIK SRSG, UN Security Council, Provisional Verbatim of the 5089th meeting to discuss the 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2004/907)', UN Doc. S/PV.5089, 29 November 2004, p. 3.

UNSC Resolution 1244 and the Technical Agreement between NATO and Serbia, which called for the immediate withdrawal of all Serb police, military and paramilitary forces from Kosovo. There is no doubt that UNMIK and KFOR were aware of the existence and activities of Serb parallel structures. However, the concerns with immediate stability and also multiple constraints within domestic and international spheres pushed UNMIK and KFOR to pursue a policy of non-confrontation and incremental attempts to deal with these parallel structures.

### **Spectrum of unprevented consequences I**

So far, it has been established that the emergence of parallel structures in Kosovo originate in Serb resistance against NATO and UN governance of Kosovo, which intended to undermine prospects for statebuilding in Kosovo in a hope to preserve Kosovo within Serbia and avoid popular claims for independence. In this regard, the UN and NATO were unwilling, incapable, and incoherent in providing security to Serb community and prevent the de facto partition of the north of Kosovo. Finally the Kosovo-Albanian leadership, driven by the desire to gain power and build an independent state of Kosovo ignored, underestimated, and neglected the emergence of these structures, while implicitly contributed to their emergence through negative examples of ethnic violence after the conflict. Beyond revealing the factors that enabled the emergence of Serb parallel structures, it is crucial to explore the spectrum of consequences that occurred subsequently. Related to this, there are at least three unprevented consequences, which were neither intended, nor anticipated or prevented by the international community in Kosovo. These include:

1. Creation of a frozen conflict in the north of Kosovo;
2. Obstruction of Serb integration in Kosovo institutions and society
3. Creation of a malfunctioning legal and administrative environment, persistence of informality and organized crime.

Each of these consequences is treated individually below.

#### *Creation of frozen conflict in the north of Kosovo*

The formation of Serb parallel structures consequently created the conditions for a frozen conflict in Kosovo, with the desire to obtain a certain form of partition



from Kosovo, or to gain special political status.<sup>406</sup> Beyond providing basic assistance, the political aim of these structures was to distance Kosovo-Serbs from Kosovo's institutions and to serve Belgrade's goal of obstructing Kosovo's path towards independent statehood.<sup>407</sup> During the early post-war years, UNMIK and local police were disturbed by Serb parallel structures when enforcing the rule of law and pursuing criminals in the north of Kosovo. For example, as a result of the re-emergence of violence and physical threats against international police, in June 2001 the UNMIK police temporarily stopped patrolling in north of Mitrovica.<sup>408</sup> KFOR had to take on police tasks, in spite of fact that it was not equipped or prepared to perform such a role. The slow deployment of international police, judges and prosecutors hindered significantly the security situation in the north and provided a lawlessness environment that facilitated the emergence of Serb parallel structures. Parallel security structures effectively replaced the ineffective and irregular presence of UNMIK police in that part of Kosovo between 1999 and 2001.<sup>409</sup> They created an embryonic microstate within what was to become the independent state of Kosovo. These structures exploited the occurrence of sporadic violence, which was branded as ethnically-motivated and deeply entrenched the conviction of Serbs regarding the necessity to be protected by these parallel security forces as opposed to KFOR, UNMIK police, or Kosovo's police.

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A confidential UNMIK report sent to the UN Assistant Secretary for Peacekeeping Operations in October 2007 admits that 'the spread of parallel structures contravenes UNMIK's authority to implement its mandate, thereby violating SCR 1244 and establishing preconditions for a *de facto* partition of Kosovo'.<sup>411</sup> The confidential report further states that '[a]ccelerating partition prejudices on-going political developments by creating a *fait accompli* where the K-Serbian-inhabited areas of Kosovo are both separate from the rest of Kosovo and made increasingly

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<sup>406</sup> For a similar argument see: Enver Hoxhaj, 'The Politics of Partition in Kosovo', *Sudosteuroopa*, Vol. 54, No. 3, 2006, p. 388.

<sup>407</sup> Hilde Katarine Haug, 'Kosovo in Serbian Politics since Milosevic', in Ola Listhaug, Sabrina P. Ramet & Dragana Dulic (eds), *Civil and Uncivil Values: Serbia in the Post-Milosevic Era*, Budapest: CEU Press, 2011, p. 329-252.

<sup>408</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2001/565, 07 June 2001, p. 3.

<sup>409</sup> OSCE, *Serb Parallel Structures in Kosovo*, Prishtina: OSCE, October 2003, p. 12.

<sup>410</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2001/218, 13 March 2001, p. 3.

<sup>411</sup> 'Development of new Parallel Structures in Kosovo – Serbian inhabited areas', UNMIK Outgoing Code Cable, UNMIK-159, Prishtina: UNMIK, 15 October 2007, p. 1.

reliant on Belgrade'.<sup>412</sup> The same report confesses that Serb parallel structures are undermining the rule of law in Kosovo, but 'UNMIK's ability to respond to this situation is limited due in large part to our reliance on the willingness of KFOR participating states to utilize force to achieve objectives beyond providing a safe and secure environment'.<sup>413</sup> Most importantly, the report states that '[t]o prevent further deterioration of both the factual and the political situation on the ground, as well as to avoid prejudicing political developments in the status process, UNMIK believes that effective action should be taken against the offending companies'.<sup>414</sup> Although this refers to the desire to undertake preventive measures, no concrete action, plan or strategy was taken afterwards to prevent the further worsening of the situation regarding Serb parallel structures in Kosovo.

Conflicting narratives by key international, Albanian and Serb actors in Kosovo provide multiple perspectives on the reasoning behind the creation of a *de facto* frozen conflict in the north of Kosovo by Serb parallel structures. At the internal level, the first deputy SRSG Jock Covey blames policy disagreement within UNMIK, which could not tackle the issue due to the involvement of numerous agencies (EU, OSCE, UN civilians, UNHCR, and KFOR) with diverse and multiple intentions and goals, who would argue endlessly about the options regarding the north of Kosovo.<sup>415</sup> In his memoirs on Kosovo, the first SRSG of UNMIK Bernard Kouchner, blames the KFOR troops for not assisting and securing UNMIK deployment in the north of Kosovo. Kouchner acknowledges that such a political mistake has led to the division of Kosovo, triggered reciprocal population displacement, and provided Serbs with an unexpected territory of their own on the border with Serbia, which was still ruled by Milosevic.<sup>416</sup> A former Regional Administrator of UNMIK in Mitrovica reflected that the reason why the French insisted on setting a *de facto* boundary in Mitrovica was to prevent the further expulsion of Kosovo-Serbs and create a situation of reverse ethnic cleansing, which would defeat the whole purpose of NATO's humanitarian intervention earlier that year.<sup>417</sup> He considers that the French approach was correct strategically but

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<sup>412</sup> *Development of new Parallel Structures in Kosovo – Serbian inhabited areas*, UNMIK Outgoing Code Cable, UNMIK-159, Prishtina: UNMIK, p. 1.

<sup>413</sup> *Ibid*, p. 1.

<sup>414</sup> *Ibid*, p. 2.

<sup>415</sup> Jock Covey, 'The Custodian of the Peace Process', p. 85-86.

<sup>416</sup> Bernard Kouchner, *The Warriors of Peace*, Paris: Grasset, 2004.

<sup>417</sup> Interview by author with a former UNMIK Regional Administrator for Mitrovica, Washington DC, June 2013.

tactically it contravened the entire purpose of UNMIK to establish the rule of law, security and justice throughout Kosovo.<sup>418</sup>

In early 2013, a former KFOR Commander who served during 1999 and 2000, General Klaus Reinhardt, revealed for Kosovo media that 'the partition of Mitrovica came as a consequence of international politics'<sup>419</sup> while stating that he - a military officer - was powerless to prevent it. General Reinhardt admitted that the north was intentionally divided, leaving the puzzle unsolved when he stated that 'unfortunately it was a state that obstructed the greater presence in the north of Kosovo, and for this reason we have missed the opportunity to improve the situation there, and I think it won't be resolved for a long period of time neither'.<sup>420</sup> In the same vein, Wesley Clark, a former US Army General, attributed this failure to political problems and disagreements within NATO and the EU on how to approach parallel structures in Kosovo.<sup>421</sup> The former head of KFOR and later of EULEX in Kosovo, French Army General Yves de Kermabon admits that '[t]he KFOR, UN and the entire community was aware of the illegal and criminal activity of Serb parallel structures in the north of Kosovo, and the usage of local population as a hostage'.<sup>422</sup> He confessed that Belgrade was supporting the parallel structures, so this made it difficult to deal with them, with multiple police, where parallel to the UN and local police, there were also Serb police forces.<sup>423</sup> However, de Kermabon considers the persistence of these structures for over 13 years because 'the international community was not sufficiently strong to say that we will never accept the partition of Kosovo'.<sup>424</sup> He accepts that 'from very beginning there was some ambiguity to this. Serbs always were thinking about partition and it was always on the table. So this created the illusive intention, for which they fought all these years'.<sup>425</sup> What these credible sources reveal is the

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<sup>418</sup> Ibid.

<sup>419</sup> 'Rajnhard: Ndarja e Mitrovicës – pasojë e politikës ndërkombëtare' (Reinhardt: Partition of Mitrovica – consequence of international politics), Prishtina: Indeksonline, 11 January 2013. Available at: <http://www.indeksonline.net/?FaqeID=2&LajmID=43695>

<sup>420</sup> 'Reinhardt: Një shtet e bëri KFOR-in të dështoi në veri të Kosovës' (Reinhardt: One state made KFOR fail in the north of Kosovo), Prishtina: Infokusi, 11 January 2013. Available at: <http://infokusi.com/lajme/11413/>

<sup>421</sup> 'Problemi i veriut, shkak i përçarjeve në NATO' (The problem of the north, caused by fragmentation within NATO), Prishtina: Kosova Press, 18 October 2012. Available at: <http://www.kosovapress.com/archive/?cid=1,86,154423>.

<sup>422</sup> Interview by author with a former Commander of KFOR in Kosovo, Brussels, 15 October 2013.

<sup>423</sup> Ibid.

<sup>424</sup> Ibid.

<sup>425</sup> Ibid.

unwillingness of the international community to deal with the north of Kosovo.<sup>426</sup>

Albanian political leaders suspect that the international community intentionally divided the north of Kosovo and subsequently tolerated the operation of Serb parallel structures there as a control mechanism against possible local resistance and also as an act to rebalance Serbia's lost sovereignty over Kosovo. The Speaker of Kosovo's Parliament, Jakup Krasniqi blamed the international community for lacking the commitment to integrate this part of Kosovo initially within the institutions ran by UNMIK and later by Kosovo institutions.<sup>427</sup> Deputy Prime Minister of Kosovo, Hajredin Kuçi blamed the international community's strategy to portray the problem of the north as a political problem, to delay political solutions and satisfy Serbia's desire for status quo, and not see the problem in the north as a technical problem related to the absence of the rule of law and justice.<sup>428</sup> A former senior Kosovo government official thinks that one of the reasons why UNMIK and KFOR tolerated the emergence and operation of Serb parallel structures in Kosovo immediately after the conflict was the fear that dismantling these illegal structures would be perceived as an attempt to strengthen the cause of Kosovo-Albanians for independence and their dominance of political life in Kosovo.<sup>429</sup> Consequently, in an attempt to maintain political neutrality, UNMIK and KFOR tolerated Serb parallel structures on the grounds that they were seen as local organizations, which emerged as a response to ethnic violence orchestrated by Kosovo-Albanians.

Seen from a Serb perspective, the emergence and development of Serb institutions structures came as a response of NATO's and UNMIK's inability to provide human, political, economic, and social security to Serb population in Kosovo, which was exposed to ethnic revenge and social isolation in the post-war Kosovo.<sup>430</sup> Justifying reference is provided to the displacement of Serbs from Kosovo

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<sup>426</sup> Crisis Group, *UNMIK's Kosovo Albatross: Tackling Division in Mitrovica*, ICG Balkans Report No. 131, Brussels: ICG, 03 June 2002, p. ii.

<sup>427</sup> Jakup Krasniqi, Speaker of the Assembly of Kosovo, Documentary 'Koha per Shtet', Prishtina: KTV, February 2013.

<sup>428</sup> Hajredin Kuci, Deputy Prime Minister of Kosovo, Documentary 'Koha per Shtet', Prishtina: KTV, February 2013.

<sup>429</sup> Interview by author with a former senior political official in Kosovo government, Prishtina, January 2013.

<sup>430</sup> Dusan T. Batakovic, 'Surviving in Ghetto-like Enclaves: The Serbs of Kosovo and Metohija 1999-2007', in Dusan T. Batakovic (ed.), *Kosovo and Metohija: Living in the Enclave*, Serbian Academy of Sciences and Arts, Belgrade 2007, 239-263.

and their organization in mono-ethnic enclaves, which required self-regulatory system of governance, much similar as the Albanian civil resistance during 1990s in Kosovo. Another justification for the emergence of Serb parallel structures had to do with the return to politics in Kosovo of the former KLA political and military leaders, which were not seen by Serbs as suitable for building a multi-ethnic and tolerant Kosovo.<sup>431</sup> Thus, from Serbian perspective, their parallel institutions in Kosovo primarily served to protect the national existence of Serb people in post-conflict Kosovo. In this regard, extensive criticism was directed by Serb leadership against NATO and UNMIK for failing to protect Serbs and for working in the interest of Kosovo Albanians.<sup>432</sup> Nevertheless, beyond these justifications, preserving Serb parallel structures in Kosovo was part of a political project in Serbia which was revealed by former prime minister Vojislav Kostunica in 2004, who explicitly proposed to use Serb institutions in Kosovo for creating an 'autonomy-within-autonomy', which would provide Serbs with substantial autonomy within Kosovo, while granting Kosovo as a whole a territorial autonomy within Serbia.<sup>433</sup> This plan aimed at dividing Kosovo into regional cantons with extensive political, economic, and cultural autonomy for Serbs within and outside these regions.<sup>434</sup>

Thus far, the discussion indicates that this unprevented consequence was intentionally not prevented, despite the availability of knowledge and awareness that the de-facto division of the north of Kosovo ran contradicted the international community's declared intentions. This also brings into question whether declared intentions are the guiding principles for peacebuilding actions, the relevance of the availability of knowledge for preventive action, and the revelation that preventive potential is not guided by precautionary principles and the pre-emption of harmful consequences. Even though the international peacebuilding organizations did not intend the *de facto* division of Kosovo, through their non-preventive-action they contributed to this unprevented consequence. This also brings into

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<sup>431</sup> 'Statement by Dr. Nebojša Čović, Deputy Prime Minister of the Republic of Serbia and President of the Coordination Center of the Federal Republic of Yugoslavia and the Republic of Serbia for Kosovo and Metohia', UN Security Council, 24 April 2005, p. 2.

<sup>432</sup> Statement by Dr. Nebojsa Covic, UN Security Council, New York, 06 February 2003. <http://www.arhiva.serbia.gov.rs/news/2003-02/07/327650.html>

<sup>433</sup> See for example, Government of Serbia, 'A Plan for the Political Solution to the Situation in Kosovo and Metohija', April 2014.

<sup>434</sup> Hilde Katarine Haug, 'Kosovo in Serbian Politics since Milosevic', in Ola Listhaug, Sabrina P. Ramet & Dragana Dulic (eds), *Civil and Uncivil Values: Serbia in the Post-Milosevic Era*, Budapest: CEU Press, 2011, pp. 329-268.

question the consistency of intentionality, as well as the trustworthiness of intentionality as a basis for measuring the actions and consequences.

*Obstruction of Serb integration in Kosovo's institutions and society*

While Serb parallel structures were created as a response to the lack of Serb early benefiting from post-conflict peacebuilding and institutional-building in Kosovo, by default their existence undermined international efforts to build inclusive political institutions, to enable minority integration, and eventually to achieve ethnic reconciliation in Kosovo. Throughout the years, the Serb parallel structures have kept local Serb population hostage to their political agenda, thereby creating extensive dissatisfaction with local public and social services.<sup>435</sup> The presence of UNMIK administration alongside Serb structures created confusion among the local population regarding the responsible authority for running local affairs. Most importantly, political agency of Serb population in Kosovo was centralized and controlled by Serbia's government, which intentionally prevented the activity of more moderate political factions within Serb communities, and obstructed their activity within the newly-established institutions that resulted from a new constitutional framework and subsequent democratic elections, which provided power-sharing and reserved privileges for minorities. For instance, the northern factions of the Serb National Council (SNC) have constantly challenged the work of Serb groups in Gračanica and other Serb areas within Kosovo. The formation of Interim Administrative Council and the Joint Interim Administrative Structures, divided the Serb leadership in Kosovo, with some groups joining these structures and others initiated the creation of parallel structures.<sup>436</sup>

Beyond Belgrade's interference, sporadic and (un)orchestrated acts of violence on the ground against Serbs have contributed to this consequence. For example, the recurrence of ethnic violence in Mitrovica in early 2000 discouraged Serb participation in UNMIK's joint administrative structures. In June 2000, UNMIK signed an agreement with SNC, which conditioned Serb participation as observers in joint structures on KFOR and UNMIK police protecting Serb populated areas of Kosovo, including Serb judges in district and local courts, assisting the return of Serb refugees, resolving the fate of missing persons, and providing public ser-

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<sup>435</sup> UNDP Kosovo, 'The Kosovo Mosaic: Perceptions of local government and public services in Kosovo', Prishtina: UNDP, March 2003, p. 15.

<sup>436</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2000/177, 03 March 1999, p. 2.

vices for the Serb population in Kosovo.<sup>437</sup> In response, Serb authorities in Belgrade have also openly criticized SNC agreement to cooperate with UNMIK.<sup>438</sup> On the other hand, Democratic Party of Kosovo (PDK), the main party that emerged from KLA's transformation also boycotted temporarily UNMIK's joint structures with local representatives on the grounds that the provision of municipal self-government for Serbs was an attempt to divide Kosovo on an ethnic basis.<sup>439</sup>

Following the first post-conflict local elections, which were held on 28 October 2000, UNMIK failed to establish local government in the north of Kosovo due to negligible voter turnout and widespread boycotts by Serb political structures there.<sup>440</sup> While UNMIK created favourable power-sharing and representative space for Serb minorities throughout Kosovo's municipal structures, such institutional opportunities were increasingly boycotted by Serb local leadership, who illegally created parallel municipal structures, thereby challenging UNMIK's attempts to build institutions in Kosovo. In 2001, Kosovo-Albanians living in Mitrovica region committed to peace and security, but the Serb community in north Mitrovica rejected this and issued a statement of non-compliance with UNMIK's call for respecting its authority, ensuring the freedom of movement, returning displaced people, and establishing functioning political structures.<sup>441</sup> One of the challenges faced by UNMIK was the creation of municipal structures in Mitrovica. Kosovo-Serbs refused to serve alongside Albanian members who constitute the overall majority in the town. They invoked ethnic violence as a pretext for such reluctance to engage in inter-ethnic cooperation.

However, there are reports that such resistance arose from the fear that cooperating with UNMIK and Kosovo-Albanians could affect their social benefits provided by Serb government, and also from threats received by Serb hardliners, who

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<sup>437</sup> 'Joint UNMIK-SNC Understanding on the Participation of the SNC in the JIAS', Prishtina, 29 June 2000. Available at: <http://www.kosovo.net/snc-unmik.html>.

<sup>438</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2000/538, 06 June 2000, p. 2.

<sup>439</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2000/878, 18 September 2000, p. 2.

<sup>440</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2000/1196, 15 December 2000, p. 1.

<sup>441</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2001/218, 13 March 2001, p. 2

participated in the emerging parallel structures.<sup>442</sup> Later on, when the new local authorities administered by UNMIK were established in the north, Serb structures were effectively incorporated into these new structures, but continued to use Serbian law as the basis for their administrative activity.<sup>443</sup> UNMIK was aware of this and subsequently did nothing to prevent this practice at a preventable stage. As these examples illustrate, the cost of unprevented consequences was gradually becoming greater, starting to undermine the entire international peacebuilding effort in Kosovo. Although with the previous unprevented consequence, the intentionality of international community was rightly questioned, in this consequence there is no doubt that international community did not anticipate or intended to encounter such resistance and obstruction in fulfilling their declared intentions, which were constantly undermined intentionally and unintentionally.

*Creation of a malfunctioning legal and administrative environment, persistence of informality and organized crime*

The Serb parallel structures undermined the functionality and integrity of international and local institutions in Kosovo, which fragmented the exercise of authority for over a decade, and facilitated the persistence of informality and organized crime. By default, Serbia's support for its institutions in Kosovo undermined the capacity of UN and Kosovar authorities to build local stable institutions. The institutional parallelism in the field of public administration, judiciary, education and healthcare further nurtured social divisions, undermining any chance for conflict transformation and societal healing. However, Serb government justified this support to Serbs in Kosovo with the failure of UN and Kosovo authorities to provide the socio-economic conditions, freedom of movement, and political space for Serbs to exercise their rights in Kosovo.<sup>444</sup>

The Serb government nurtured the activities of the Serb parallel structures by providing salaries and benefits to the Serb civil servants in the north, which were highly attractive and convenient, when compared to the lower salaries provided

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<sup>442</sup> 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo', UN Doc. S/2000/538, 06 June 2000, p. 3.

<sup>443</sup> OSCE, *Serb Parallel Structures in Kosovo*, p. 25.

<sup>444</sup> See: Statement by Dr Nebojsa Covic at the session of the National Assembly of the Republic of Serbia Belgrade, 27 August 2003. <http://www.arhiva.serbia.gov.rs/news/2003-08/28/330616.html>



by the UNMIK and Kosovo institutions.<sup>445</sup> This incentivizing mechanism proved to be effective for many years, but undermined prospects for peace and stability in Kosovo. With approximately €200 million spent annually by the Government of Serbia to maintain its parallel structures in the north of Kosovo, supplementary and alternative offers provided by the Kosovo Government to Serbs in the north remained poor and unattractive.<sup>446</sup> Serbia's funding of parallel structures served three purposes: 'to encourage them to remain in Kosovo; to provide visible evidence of the Serbian state's continued presence; and for politicians to maintain control through patronage networks'.<sup>447</sup> There was no transparency regarding how such aid sent from Serbia to Kosovo was spent, and whom the beneficiaries were. Indeed, the funds given by the governments in Prishtina and Belgrade empowered a group of Serb leaders who were controlled entirely neither by Serbia nor Kosovo.

Gradually, Serb factions in Kosovo consolidated their parallel justice system, using the Serbian legal framework and receiving administrative and financial support from them.<sup>448</sup> Due to UNMIK's delay in establishing local courts in the north, the local population was forced to use Serb parallel courts.<sup>449</sup> Consequently, the operation of multiple courts in Kosovo led to confusion, whereby the same criminal and civil cases were prosecuted and dealt with by Serb parallel courts and UNMIK courts at different times.<sup>450</sup> The multiple courts caused confusion and effectively regenerated interpersonal disputes due to ineffective resolutions by incompatible and mutually unrecognizable court decisions. UNMIK's legitimacy and popular support was further damaged by such irresponsible inactions to prevent the judicial complexity in Kosovo. Other overlapping administrative activities raised problems regarding the legal validity of their decisions and the way in which they undermined the efforts of the international community to build legitimate and legal administrative structures. For example, the cadastral activity of parallel structures also had a negative impact and property disputes

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<sup>445</sup> European Stability Initiative, 'Post-Industrial Future? Economy and Society in Mitrovica and Zvecan', Berlin/Prishtina: ESI, January 2004.

<sup>446</sup> Crisis Group, 'Serb Integration in Kosovo: Taking the Plunge', Europe Report No.200, Brussels: ICG, 12 May 2009, p. 15.

<sup>447</sup> Ibid. p. 15.

<sup>448</sup> See for example the presence of Serb District Court in Mitrovica which appears even nowadays as part of Serb court system: <http://www.portal.sud.rs/code/navigate.aspx?Id=815>

<sup>449</sup> Ombudsperson Institution in Kosovo, *Forth Annual Report (2003-2004)*, Prishtina: OIK, 12 July 2004, p. 12.

<sup>450</sup> OSCE, *Parallel Structures in Kosovo*, 2003.

arose when two conflicting decisions were issued by Serb parallel structure and those issued by UNMIK and Kosovo authorities.<sup>451</sup>

The Serb parallel schooling system operated separately from the internationally-supported and Kosovo-run education system.<sup>452</sup> The Serb parallel education system used Serbian textbooks and began issuing diplomas. They were formed as a response to the immediate insecurity prevalent in Kosovo and the lack of tolerance for arranging mixed or joint education systems.<sup>453</sup> The lack of protection for minority communities and inadequate social conditions for teaching minority languages and distinct cultural aspects were also invoked as legitimate reasons for forming an alternative education system among the Serb population.<sup>454</sup> Another reason for parallel education was the higher financial incentives offered by Serb government, with Serb teachers earning double the salary offered by the Kosovo system. A segregated education system with unrecognized diplomas certainly affected negatively the process of learning each other's languages, and severely affected cross-community communication and employment. Similarly, in the healthcare sector, Serb parallel structures operated in Serb-populated regions of Kosovo, mainly in the north, and relied on medical supplies and financial support from the Serb authorities in Belgrade.<sup>455</sup> Medical staff receives double salaries and often have little confidence in Kosovo's health system. UNMIK and Kosovo authorities have not shown any attempt to integrate Serb medical staff into facilities administered by the Kosovo government. While in relation to the Kosovo political system these structures represented institutional parallelism, from Belgrade's perspective these institutions were part of Serbia's legal and administrative system, operated based on the principles of legality, accountability, and legitimacy.<sup>456</sup>

Nevertheless, the northern side of Mitrovica was characterized by lawlessness during the post-war decade. With a backlog of between 100,000 and 140,000 cases, the court system in north has not been responsive to bring justice to the de-

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<sup>451</sup> OSCE, *Parallel Structures in Kosovo*, 2003.

<sup>452</sup> *Ibid.*

<sup>453</sup> *Ibid.*

<sup>454</sup> *Ibid.*

<sup>455</sup> Coordinators Office for the Strategy Regarding the North of Kosovo, 'Report on Parallel Institutions on North of Kosovo: Belgrade – With a Foot on the North and an Open Hand in Brussels', Prishtina, May 2011.

<sup>456</sup> OSCE, *Parallel Structures in Kosovo*, 2003.

fendants.<sup>457</sup> Reconciliation of inter-ethnic organized crime groups was facilitated by ethnic division among Albanians and Serbs. A former head of KFOR in Kosovo admitted, 'behind [Serb] nationalists, was a network of organized crime, which cooperated also with the Albanians in the south of Kosovo'.<sup>458</sup> A large percent of Serb citizens living in the north of Kosovo considered that organized crime networks were in charge of running local affairs.<sup>459</sup>

The Serb parallel structures also exercised control over non-dominant minorities in the north of Kosovo, such as Roma, who were forcefully stationed in IDP camps in a region with high levels of pollution, inhumane living conditions, and constant insecurity. The level of lead found in the IDP camps in the north of Kosovo was several times higher than acceptable levels of exposure, raising serious risks for a potential health catastrophe in an UN-administered refugee camp.<sup>460</sup> While criticising UNMIK for failing to provide basic conditions for the return of IDPs to their new accommodation, the Serb parallel structures threatened camp leaders to force them to reject the international proposal for a better location.<sup>461</sup> The Serb parallel structures feared that such resettlement would provide the opportunity for UNMIK and Kosovo institutions to extend their authority in the north and take hold of strategic locations around the divided zones of the city of Mitrovica. In addition, resolving the issue of minorities within minorities would complete international standards before determining Kosovo's final status. A source indicated that UNMIK did not understand what was going on. In reality, Serbian pressure could prevent Roma communities from moving. Serbian pressure was based on viewing these IDP camps as a former army base, which would have geographically represented a salient into their territory if held by Kosovo institutions (or vice versa).<sup>462</sup>

The inability of the international community to effectively create conditions to integrate Serb communities in Kosovo, alongside the unwillingness of the Kosovo-Albanian political leadership to accept a multi-ethnic Kosovo prior to inde-

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<sup>457</sup> Gezim Visoka and Adem Beha, 'Clearing Up the Fog Of Conflict: Actor-based Mapping of the Disputes in the North of Kosovo', Policy Study No. 1/2013, Prishtina: Kosovo Institute of Peace, February 2013.

<sup>458</sup> Interview by author with a former Commander of KFOR in Kosovo, Brussels, 15 October 2013.

<sup>459</sup> Kosovo Stability Initiative, '*Mitrovica: One City, Two Realities*', Policy Briefs, Prishtina: KSI, 17 December 2009, p. 7.

<sup>460</sup> Human Rights Watch, '*Poisoned by Lead: A Health and Human Rights Crisis in Mitrovica's Roma Camps*', New York: HRW, June 2009.

<sup>461</sup> Interview by author with a former international aid worker in Kosovo, Prishtina, November 2013.

<sup>462</sup> Ibid.

pendence, provided the Serb parallel structures with a convenient window of opportunity to extend their institutional parallelism and hinder new institutions in Kosovo. The early inaction of UNMIK in Kosovo later became the main barrier to international statebuilding in Kosovo. The persistence of these structures led to the naturalization, co-existence and normalization of institutional parallelism. The transformative nature of international intentionality moved towards accepting these structures and seeing them as community partners in minority population areas. While such compromises bought a fragile peace in Kosovo, they ran against the basic purpose of international community engagement, and the nature of consequences expanded to deviate from the peacebuilding agenda, prolong the international presence and redefine the limits of post-conflict peacebuilding. Beyond this, the unprevented consequences show that the presence of authority, clear intentions, and knowledge without political will and strong oversight and accountability for peacebuilding missions tend to deviate, lose control, remain in permanent state of transformation, lose direction, fail to achieve their goals and above all cause bad consequences.

### **Critical turning point II: Final status negotiations and the implementation of the Ahtisaari proposal**

Thus far, the analysis has illustrated how the declared intentions to establish the rule of law, order, and functional institutions throughout Kosovo have been hindered by the Serb parallel structures, which provide an example of unprevented consequences of international peacebuilding in Kosovo. However, as time passed these structures began undermining international agendas in Kosovo and brought peacebuilding to an impasse as no consensus was reached on Kosovo's status, with the parallel structures posing a threat to basic security. Accordingly, it is important to explore other opportunities for dealing with these structures in order to understand better the presence and absence of international commitment to achieve declared intentions in Kosovo, to reduce the harmful effects of the initial mistakes of the international community, and to preserve their agential credibility. Therefore, a second major critical turning point for dismantling and integrating Serb parallel structures in Kosovo arose during the process of negotiating Kosovo final status and the subsequent implementation of the Comprehensive Proposal for the Kosovo Status Settlement (Ahtisaari proposal), which occurred between 2006 and 2008.

The resolution of Kosovo's final status was also one of the core declared intentions of international presence in Kosovo, as outlined in UN Security Council Resolution 1244 (1999). Here, an opportunity arose for the north of Kosovo to become one of the issues to be discussed in the future status talks between Kosovo and Serbia mediated by the UN special envoy, and closely followed by the US, EU, and Russia. However, despite OSCE suggestion to include parallel structures in the final talks, they were not explicitly mentioned or discussed during the final status negotiations, which later proved to be a mistake with multiple consequences.<sup>463</sup> In August 2006, the Contact Group on Kosovo<sup>464</sup>, an informal group of States interested in Kosovo, issued a statement highlighting the necessity of including the problem of the north of Kosovo in the negotiation process, acting to ensure the stability of the region and that Mitrovica would be re-united by decentralizing local government, revitalizing the economy, protecting property rights, freedom of movement and the return of displaced persons, and re-establish the institutional functionality of Kosovo's authorities in that part of Kosovo.<sup>465</sup> By achieving this desired and intended goal, the Contact Group warned that an international presence would be necessary to ensure the implementation of these provisions for the north of Kosovo. This perspective was against Serbia's commitment to ensure that Kosovo's future status would be a substantive autonomy within Serbia, which would provide both Kosovo Serbs and Albanians the framework for co-existence, while allowing Kosovo as a whole to have its autonomous institutions, and limited competencies in the area of international relations.<sup>466</sup>

Hence, for foreign diplomats, it was expected that Serb parallel structures would be dismantled gradually and replaced by new Serb municipalities and extended decentralization.<sup>467</sup> It was also expected that Serbia would stop supporting these structures once Kosovo's final status was resolved and a compromise solution was reached. On the contrary, Serbia kept the parallel structures active to assure the eventual partition of Kosovo, or to use as a bargaining chip to gain as much

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<sup>463</sup> OSCE, *Parallel Structures in Kosovo 2006-2007*, Prishtina: Kosovo, 2007, p. 53.

<sup>464</sup> The Contact Group includes the United States, United Kingdom, France, Germany, Italy, and Russia.

<sup>465</sup> 'Contact Group Statement on the Situation in Northern Kosovo', 04 August 2006. Available at: [http://www.unosek.org/docref/2006-08-04\\_-\\_CG%20\\_Statement\\_on\\_the\\_situation\\_in\\_Northern\\_Kosovo-english.pdf](http://www.unosek.org/docref/2006-08-04_-_CG%20_Statement_on_the_situation_in_Northern_Kosovo-english.pdf)

<sup>466</sup> Government of Serbia, 'Platform on the Future Status of Kosovo and Metohija', 05 January 2006. [http://osce.mfa.gov.rs/images/stories/Kosovo/Other/kim\\_platform\\_january\\_2006.pdf](http://osce.mfa.gov.rs/images/stories/Kosovo/Other/kim_platform_january_2006.pdf)

<sup>467</sup> Bajram Kosumi, *Nje Vit Vendimtar: Permbledhje fjalimesh, letrash, dhe intervistash te Kryeministrit te Kosoves, z. Bajram Kosumi (mars 2005 – mars 2006)*, Tirana: Botimet Toena, 2007.

as possible from the decentralization process by expanding the number of new Serb-dominated municipalities in Kosovo, which effectively meant converting villages into new municipal units.<sup>468</sup> Effectively, the unprevented consequence of the previous stage analysed earlier provided Serbia with bargaining power during the final status negotiations. During these negotiations, the Kosovo delegation intentionally rejected discussing the Serb parallel structures and the north of Kosovo, despite Serbia's attempt to put those issues on the table.<sup>469</sup> Prior to 2008, the Kosovo-Albanian political leadership feared raising these two issues, as they perceived them as a serious threat against which they did not have strong bargaining power.<sup>470</sup> Paradoxically, after Kosovo's declaration of independence in 2008 and widespread recognition by major Western powers and the consolidation of statehood, it became in the interest of Kosovo to dismantle and integrate these structures to Kosovo institutions.<sup>471</sup>

The final status negotiations began in February 2006 and lasted for 14 months, with 17 rounds of direct talks between Kosovo and Serb delegations at the highest level, and 26 expert missions undertaken by the UNOSEK to Kosovo and Serbia as part of shuttle diplomacy to facilitate the negotiations.<sup>472</sup> Despite the intense, detailed negotiations only modest progress was reached on decentralization, religious and cultural heritage, minority rights and protection, economic and property issues, and security and justice system.<sup>473</sup> However, both parties remained divided when it came to the overall political status of Kosovo. The desired outcome for Serbia throughout the negotiations was extensive autonomy for Kosovo within Serbia with the possibility to re-negotiation after twenty years.<sup>474</sup> On the other hand, Kosovo Albanians strongly advocated for full independence from Serbia, with institutional safeguards for minorities, including extensive decentralization and local self-governance for Serb minority. The international community was divided between those who supported Kosovo's independence, those who were more neutral and open to a negotiated compromise,

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<sup>468</sup> Interview by author with a former adviser to the UN for final status talks, Brussels, November 2013.

<sup>469</sup> Interview by author with a former member of Kosovo delegation for final status talks, Prishtina, September 2013.

<sup>470</sup> Ibid.

<sup>471</sup> Interview by author with a senior Albanian politician in Kosovo, Prishtina, September 2012

<sup>472</sup> *Vienna High-level meeting concludes 14 months of talks on the future status process for Kosovo*, UNOSEK Press Release, UNOSEK/PR/19, Vienna: UNOSEK, 10 March 2007.

<sup>473</sup> Marc Weller, *Contested Statehood: Kosovo's Struggle for Independence*.

<sup>474</sup> Statement by Boris Tadic, President of the Republic of Serbia, UN Security Council, Provisional Verbatim of the 5373th meeting to discuss the 'Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2006/45)', UN Doc. S/PV.5373, 14 February 2006, p. 8.

and those who opposed Kosovo's independence due to their relationship with Serbia and/or the perceived repercussions that Kosovo could have on other secessionist and contested territories around the world.<sup>475</sup> However, the guiding principles of the Contact Group for Kosovo that set the broad framework for the final status negotiations, made it clear that '[t]here will be no changes in the current territory of Kosovo, i.e. no partition of Kosovo and no union of Kosovo with any country or part of any country'<sup>476</sup>, indicating support for a type of independence that would provide extensive rights and protection for minorities, ensure regional stability, and the sustainable development in Kosovo.

Following the two years of negotiations, in March 2007 the UN Special Envoy leading the negotiations, former Finnish president Martti Ahtisaari, published the key provisions of his proposal concluding that '[i]ndependence is the only option for a politically stable and economically viable Kosovo. Only in an independent Kosovo will its democratic institutions be fully responsible and accountable for their actions. This will be crucial to ensure respect for the rule of law and the effective protection of minorities'.<sup>477</sup> In his final report to the UN Security Council, Ahtisaari stated that the violence against Serbs in 1999 and 2004 had left profound legacies, indirectly acknowledging the spectrum of consequences that these two critical events have had over the years in Kosovo. However, it was also stated that 'Kosovo-Serbs need to engage actively in Kosovo's institutions. They must reverse their fundamental position of non-cooperation; only with an end to their boycott of Kosovo's institutions will they be able to protect effectively their rights and interests'.<sup>478</sup>

The Ahtisaari proposal sought to resolve the problem of Serb parallel structures, the inaccessibility of the north for Kosovo's authorities, and KFOR's inability to provide sufficient security through the extensive decentralization of local government, guaranteeing special rights and protection for Serb communities and other institutional and political privileges.<sup>479</sup> The Ahtisaari proposal emphasized the importance of addressing the needs and concerns of Kosovo-Serbs through

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<sup>475</sup> Marc Weller, *Contested Statehood: Kosovo's Struggle for Independence*.

<sup>476</sup> 'Guiding principles of the Contact Group for a settlement of the status of Kosovo', 07 October 2005. Available at: <http://www.unosek.org/docref/Contact%20Group%20-%20Ten%20Guiding%20principles%20for%20Ahtisaari.pdf>

<sup>477</sup> 'The Report of the Special Envoy of the Secretary-General on Kosovo's future status', UN Doc. S/2007/168, 26 March 2007, p. 4.

<sup>478</sup> *Ibid*, p. 4.

<sup>479</sup> See: 'Comprehensive Proposal for the Kosovo Status Settlement', 02 February 2007, annex II.

extensive government decentralization. Among the international and local politicians, it was largely accepted that decentralization and the creation of new Serb majority municipalities was essential for stabilizing and sustaining the Serb community within the new state and for breaking the status-quo in the north of Kosovo. According to the Ahtisaari proposal, Kosovo-Serbs would govern their own public affairs, including healthcare and higher education. Decentralized regions with Serbian majorities, would: be given extensive financial autonomy; be allowed to accept transparent funding from Serbia; and participate in inter-municipal partnerships and cross-border cooperation with Serbian institutions.

However, Serbia rejected the Ahtisaari proposal on the grounds that Kosovo's independence breached Serbia's sovereignty, was against international law, would set a negative precedent, and above all represented a one-sided imposition by the UNOSCEK, who was supposed to be a mediator rather than an arbitrator.<sup>480</sup> Subsequently, Serbia requested the continuation of negotiations with another neutral international mediator, which would find a mutually acceptable solution for Kosovo in line with their framework for giving Kosovo an autonomous status within Serbia. In an attempt to find a compromised solution to the Ahtisaari proposal, the Contact Group for Kosovo proposed additional talks undertaken by a Troika of diplomatic representatives from the USA, EU and Russia.<sup>481</sup> The proposal was accepted by the UN Secretary General, however after four months of unsuccessful talks between the Serbian and Kosovo authorities, the Troika concluded that 'the parties were unable to reach an agreement on the final status of Kosovo. Neither party was willing to cede its position on the fundamental question of sovereignty over Kosovo'.<sup>482</sup> During this short supplementary negotiation period, Serb parallel structures were not mentioned at all.

Following the failure of two rounds of negotiations and Serbia's rejection of the Ahtisaari proposal, in close cooperation with the US and major European states, Kosovo declared its independence on 17 February 2008 and began implementing the Ahtisaari proposal unilaterally. In the Declaration of Independence, demo-

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<sup>480</sup> Address by Prime Minister of Serbia Vojislav Kostunica to the UN Security Council, 3 April 2007. Available at: <http://reliefweb.int/report/serbia/serbia-rejects-ahtisaaris-proposal-un-security-council-and-requests-new-international>.

<sup>481</sup> Secretary-General's Statement on the new period of engagement on Kosovo, 1 August 2007. Available at: [http://www.unosek.org/docref/2007-08-01\\_-\\_Secretary-General%20Statement\\_on\\_the\\_new-period-of-engagement.pdf](http://www.unosek.org/docref/2007-08-01_-_Secretary-General%20Statement_on_the_new-period-of-engagement.pdf).

<sup>482</sup> 'Report of the European Union/United States/Russian Federation Troika on Kosovo', UN Doc. S/2007/723, 10 December 2007, p. 2.



cratically elected representatives of the Assembly of Kosovo committed to establish a 'democratic, secular and multi-ethnic republic, guided by the principles of non-discrimination and equal protection under the law'.<sup>483</sup> They agreed to the obligations contained in the Ahtisaari proposal and welcomed the new international presence. Serb legislators boycotted this historic event. One day after the Kosovo's coordinated declaration of independence; the Government of Serbia adopted a decision to annul the declaration of independence of Kosovo.<sup>484</sup> The decision stated that the independence of Kosovo violated international law, Serbia's Constitution, and jeopardized Serbia's sovereignty and territorial integrity. Consequently, it stated that the acts and decisions of Kosovo institutions would be nullified and therefore should not have any legal effect. This decision encouraged the intensification of the activities of Serb parallel institutions in Kosovo by stating that Serbs living in Kosovo did not have to obey the Kosovo authorities. Accordingly, Serbia was intending to continue implementing its laws in Kosovo, and demanded that all Serb public institutions continue their activities in Kosovo based on the Serbian constitution. Further to this, the decision of the Serbian Government also stated that, without the permission of Serbia and the UN, any new international presence in Kosovo would be considered invalid and unacceptable.<sup>485</sup>

Subsequent events were influenced by the logic of path dependence. Between 2008 and 2011, Kosovo completed the formation of new Serb municipalities, except in the north, thereby managing to effectively reduce ethnic tensions throughout Kosovo.<sup>486</sup> Kosovo's government invested over €150 million within three years to implement the Ahtisaari proposal, including the creation of new municipalities and new mechanisms for minority protection.<sup>487</sup> In the local and national elections organized in Kosovo in 2009, Serb participation was much higher than all previous elections held in Kosovo.<sup>488</sup> In the newly-formed Serb municipalities, Serb parallel structures reduced their activity or merged slowly

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<sup>483</sup> Kosovo Declaration of Independence, Prishtina, 17 February 2008. Available at: <http://www.assembly-kosova.org/?cid=2,128,1635>.

<sup>484</sup> 'Decision on the annulment of the illegitimate acts of the provisional institutions of self-government in Kosovo and Metohija on their declaration of unilateral independence', 18 February 2008. Available at: <http://www.srbija.gov.rs/kosovo-metohija/index.php?id=43159>.

<sup>485</sup> Ibid.

<sup>486</sup> György Hajnal and Gábor Péter, *Local Reform in Kosovo*, Prishtina: Forum 2015, 2010.

<sup>487</sup> Enver Hoxhaj, Kosovo's Minister for Foreign Affairs at the UN Security Council, *Provisional Verbatim of the 6604th Meeting*, UN Doc. S/PV.6604, 30 August 2011, p. 10.

<sup>488</sup> KIPRED, 'Kosovo National Elections 2010: Overview and Trends', Prishtina: KIPRED, April 2011, p. 23.

with the new structures, while maintaining a hidden, shadow operation of their own.<sup>489</sup> However, in the north of Kosovo the situation worsened and Serb parallel structures gained new momentum, strengthened and institutionalized their operations, thereby creating serious challenges for the implementation of the Ahtisaari proposal. Serb leadership in the north of Kosovo strongly opposed the tendencies to implement the Ahtisaari proposal, claiming that they do not accept Kosovo's unilateral secession from Serbia.<sup>490</sup> To ensure its implementation in the north, the proposal envisaged that it would be necessary to: establish a new municipality in the north of Kosovo, which could not be completed under the stewardship of the International Civilian Office (ICO); hold elections in the existing and new municipalities; dismantle parallel structures and establish the relevant Kosovo administrative and judicial institutions in the north; and deploy police and custom officers at border crossings.<sup>491</sup> Until 2010, Kosovo's government did not provide a concrete strategy on how to implement the Ahtisaari proposal in the north. In vague and general terms, Kosovo's government emphasized its joint commitment and close cooperation with the international community to extend Kosovo's sovereignty in that part of Kosovo, to increase economic development, and to establish the rule of law and democratic order there.<sup>492</sup>

By this stage, these parallel structures had become strong stakeholders that determined and controlled the socio-economic and political life in the north of Kosovo - often also challenging Belgrade's authority. They outmanoeuvred the international community and became a Trojan horse for Serbia to undermine and influence independent Kosovo from within, the same purpose served by Republika Srpska in BiH. The opportunities for the UN and Kosovo government to dismantle these structures through peaceful means faded away due to changed circumstances after Kosovo's independence. Representing an unprevented consequence of international peacebuilding in Kosovo, Serb parallel structures turned the peacebuilding project upside down and overruled international potential for achieving their declared intentions with an unparalleled level of resources and executive authority. The Serb structures obstructed the implementation of the Ahtisaari proposal, but this was made possible due to the inadequacies

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<sup>489</sup> Crisis Group, '*Kosovo: Štrpce, a Model Serb Enclave?*', Europe Policy Brief No. 56, Pristina/Brussels: ICG, 15 October 2009.

<sup>490</sup> Dan Bilefsky, 'In a Divided Kosovo City, a Resounding Vow to Remain Part of Serbia', *The New York Times*, 19 February 2008. [http://www.nytimes.com/2008/02/19/world/europe/19serbs.html?\\_r=0](http://www.nytimes.com/2008/02/19/world/europe/19serbs.html?_r=0)

<sup>491</sup> Comprehensive Proposal for the Kosovo Status Settlement, 02 February 2007, annex ix.

<sup>492</sup> See: Gezim Visoka and Grace Bolton, 'The Complex Nature and Implications of International Engagement after Kosovo's Independence', *Civil Wars*, Vol.13, No.2, 2011, pp. 189-214.

of the final status process, which left the resolution of this disputed issue unresolved.

## **Spectrum of unprevented consequences II**

The prospects for dismantling Serb parallel structures after Kosovo's independence became even blurrier due to Serbia's contestation of Kosovo's independence, the fragmented and overlapping reconfigured international presence, and Serbia's renewed interest in exploiting parallel structures to obstruct further Kosovo's statehood and eventually to renegotiate a more favourable special status for the north of Kosovo. In particular, the failure to resolve the issue of Serb parallel structures during the final status talks and the subsequent failure to implement the Ahtisaari proposal in the north of Kosovo led to the additional production and reproduction of the following unprevented consequences:

1. Failure to implement the Ahtisaari proposal in the north of Kosovo;
2. Contestation of Kosovo independence and empirical sovereignty in the north of Kosovo; and
3. Solidification of ethnic division.

Each of these consequences is treated individually below.

### *Failure to implement the Ahtisaari proposal in the north of Kosovo*

The main unprevented consequences, which were certainly anticipated but unintended, that have emerged as a result of the final status talks was the strengthening of the Serb parallel structures in the north of Kosovo, and the subsequent challenge to Kosovo's domestic security, institutional functionality, and social relations. Through its parallel structures in Kosovo, Serbia obstructed the implementation of the Ahtisaari proposal in the north. In other Serb populated regions, the Ahtisaari proposal was implemented effectively and successfully, resulting in: increased Serb participation in Kosovo's institutions and elections; the stabilization of inter-ethnic relations; and improved socio-economic conditions, including the return of refugees and protection of religious heritage.<sup>493</sup> By contrast, in the north of Kosovo inter-ethnic violence increased, ethnic reconciliation thwarted, return downsized, and overall security worsened. Practically, the failure to

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<sup>493</sup> Interview by author with an ICO senior officer, Prishtina, July 2011.

establish the Mitrovica North municipality, the lack of local support, and the defiance of Serb parallel structures towards Kosovo's statehood narrowed the options for either dismantling these structures either through Prishtina's unilateral actions or by entering a dialogue process with Kosovo-Serbs in the north and Serbia.<sup>494</sup> A major reason for Serbia's rejection of the Ahtisaari proposal was their perception that the international community started expressing a preference for independence as the future status of Kosovo during the Vienna negotiations.<sup>495</sup> This subsequently formed the basis for Serbia's rejection of the proposed implementation of the Ahtisaari proposal in the north of Kosovo and Serbia's action to strengthen its activity through parallel institutions in Kosovo. Serb parallel structures also rejected the Ahtisaari proposal because it would weaken their power basis and their network of influence by establishing the municipality of north of Mitrovica, thereby extending the rule of law and integrating the Kosovo-Serb community into Kosovo's institutions.<sup>496</sup>

The greatest challenge for ICO, which was given the responsibility to supervise the implementation of the Ahtisaari proposal, was the establishment of a new municipal unit in the northern part of Mitrovica. All other municipal units dedicated to minority-populated regions within Kosovo were successfully established and functional, except for the one in the north of Kosovo. Practically speaking, local support for creating a new municipality was low, as administrative needs were already fulfilled by Serb parallel municipal structures in the north of Mitrovica. An additional complication arose as the ICO had difficulty finding adequate, locally supported candidates that would run for municipal elections in the north. Serb political parties, such as SLS (Liberal Independent Party) that participated in Kosovo's government, did not have any presence in the north as their attempts to create branches had failed due to conflicting interests with the locals and Serb parallel structures.<sup>497</sup>

The inability to implement the Ahtisaari proposal in the north of Kosovo was primarily impeded by Serb parallel structures, which emerged due to the failure

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<sup>494</sup> Interview by author with an ICO regional officer, Mitrovica, July 2011.

<sup>495</sup> 'Resolution of the National Assembly on the protection of sovereignty, territorial integrity and constitutional order of the Republic of Serbia', 27 November 2007. Available at: <http://www.srbija.gov.rs/kosovo-metohija/index.php?id=42050>.

<sup>496</sup> Interview by author with a Kosovo Serb civil society activist, Mitrovica, November 2013.

<sup>497</sup> European Parliament, *The decentralization process in Kosovo and the creation of the new municipalities: a Kosovo-Albanian and a Kosovo-Serb minority view*, AFET Policy Study, Brussels, EP, July 2010, p. 33.

of UNMIK and KFOR to establish the rule of law and institutional order in that part of Kosovo and these parallel structures continued asserting their agency with Belgrade's support. However, the failure to resolve the fate of these structures during the final status talks played a role in radicalizing their activity. By this stage, the intentions and means of contentious politics that Serb parallel structures invoked to obstruct the extension of Kosovo's authority in the north became clear patterns that could have been anticipated by the international community. However, missed opportunities to dismantle these structures meant that this unprevented consequences would not be resolved through conventional means. Accordingly, at an early stage preventable consequences can become both unprevented and unpreventable consequences - signifying the limits of contemporary peacebuilding endeavours.

#### *Contestation of Kosovo's sovereignty in the north*

The presence of Serb parallel structures and the directive issued by the Serbian government rejecting the Ahtisaari proposal together profoundly shaped the attitudes of Kosovo-Serbs towards integrating with Kosovo after its declaration of independence. There are strong indications that Serbs living in the north of Kosovo never received adequate information about the benefits that the Ahtisaari proposal would bring to them in everyday life. They are largely unaware of the political and cultural rights they would enjoy at the local and central government levels that are included in the Ahtisaari proposal.<sup>498</sup> However, the overall reasons that Serbs rejected the implementation of the Ahtisaari proposal in the north is related to Kosovo's independence, the lack of efforts within Kosovo's institutions to genuinely support Kosovo-Serbs, the fear of being treated and seen as minority, the fear of losing benefits from Serbian-funded public jobs in the north of Kosovo, and fear of deterioration inter-ethnic relations when the international organizations leave the country.<sup>499</sup>

To undermine and further constrain Kosovo's empirical sovereignty in the north of Kosovo, Serbia has increased financial support to its parallel structures in Kosovo to weaken the attempts of Kosovo's government and the international community to integrate Serbs within Kosovo's political system. During 2010

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<sup>498</sup> ICO, *'Guests In Our Own House: The Comprehensive Settlement Proposal and the Serb Community in northern Kosovo'*, Prishtina: ICO, April 2012, p. 10-12.

<sup>499</sup> Interview by author with an OSCE community officer in Kosovo, Prishtina, June 2010.

alone, Serbia invested over €40 million in parallel structures in Kosovo.<sup>500</sup> Serb parallel structures constrained the work of newly established Serb municipalities established after 2008, as a way to jeopardize the success of the Ahtisaari proposal. There were cases where new Serb democratically-elected structures shared the same building as Serb parallel structures. Although sharing the same building, these two structures operated within different legal frameworks with no mutual recognition.<sup>501</sup> Furthermore, the new municipalities had insufficient human capacities due to a lack of experienced personnel and the stronger financial leverage provided by the Serbian government.

Following Kosovo's declaration of independence, Serb parallel structures withdrew their support for Serbs working within Kosovo institutions, thereby creating institutional fragmentation and crises, particularly in relation to the police force and the judiciary. The district court in Mitrovica ceased operations as the Serbs working there boycotted Kosovo's new institutions. During 2008, Serb members of the Kosovo police suspended their cooperation with the Kosovo Police commanders in Prishtina. One of the reasons why the Kosovo-Serb community continues to utilize the services provided by Serb parallel structures is their lack of trust in Kosovo institutions, including courts, public administration, and municipal authorities.<sup>502</sup> The situation was exacerbated by spontaneous inter-ethnic violence and non-ethnic social conflict, which were intentionally politicized to nurture fear and inter-ethnic distrust. After independence, Serbia increased the presence of its undercover police forces in Kosovo to over 200 security officers, who operated mainly in the north of Kosovo and are involved in organizing crowds, orchestrating attacks and harassing those who attempt to cooperate with Kosovo authorities, EULEX, KFOR and ICO.<sup>503</sup> The Serbian secret police also obstruct proactively the attempts of law enforcement agencies in Kosovo (KFOR, EULEX, and Kosovo Police) to extend the rule of law and justice to the north of Kosovo. These actions had a spill-over effect, producing other consequences, such as: impeding the normalization of inter-ethnic relations; impeding

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<sup>500</sup> European Parliament, *The decentralization process in Kosovo and the creation of the new municipalities: a Kosovo-Albanian and a Kosovo-Serb minority view*, p. 20.

<sup>501</sup> Crisis Group, *Kosovo: Štrpce, a Model Serb Enclave?*, Europe Policy Brief No. 56, Pristina/Brussels: ICG, 15 October 2009.

<sup>502</sup> OSCE, *Kosovo Communities Profiles 2010 - Kosovo Serbian Community Profile*, Prishtina: OSCE, 2010, p. 32.

<sup>503</sup> See: Crisis Group, *The Rule of Law in Independent Kosovo*, Europe Report No. 204, Brussels/Prishtina: ICG, 19 May 2010.

freedom of movement in the north of Kosovo, promoting economic informality and tax evasion; and contributing to the persistence of human insecurity.

### *Solidification of ethnic division*

The Serb parallel structures have not contributed to improving inter-ethnic relations, co-existence, and reconciliation in Kosovo. Instead, they have often reinforced fear, mistrust, and misconceived prejudices, as well as entrenched in-group pressure and control.<sup>504</sup> The sporadic, organized, and unorganized threats, incidents, and violent acts have also hindered ethnic confidence and discouraged political participation and dialogue.<sup>505</sup> It is observed that 'most inter-ethnic contacts occur in private individual relations as well as in business and trade'.<sup>506</sup> More significant levels of cooperation occur between Albanians and Serbs working for local and international NGO's, as well as those who engage with joint civil society activities or illegal businesses. Broader forms of interaction are often obstructed by Serb parallel structures.<sup>507</sup>

Serb parallel structures consolidated their operations in the political field by creating joint associations, organizing elections in Kosovo, and acting as consolidated political representatives of Serbs in Kosovo. They consistently obstructed Serb participation in Kosovo institutions, orchestrated violence against Albanian minorities in the north, and resisted the work of EULEX and KFOR regarding the rule of law, justice, customs, and public order. Following Kosovo's declaration of independence, Serb parallel structures strengthened their united structure by creating in June 2008 an 'Assembly of the Community of Municipalities of the Autonomous Province of Kosovo and Metohija', which consisted mainly of Serb-dominated municipalities in the north, as well as representatives of Serb parallel structures that operate throughout Kosovo. The primary purpose of this re-configuration of Serb parallel political structures was to strengthen their ties and representation in opposition to Kosovo's independence. Serbia's government openly supported this action.<sup>508</sup> The extension of Serb parallel administrative

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<sup>504</sup> ICO, Report of Focus Groups with citizens in northern Kosovo, Prishtina: ICO, August 2010.

<sup>505</sup> KIPRED, *Grass-Root Approaches to Inter-Ethnic Reconciliation in the Northern Part of Kosovo*, Policy Paper Series 2012/03, Prishtina: KIPRED, February 2012.

<sup>506</sup> *Ibid*, p. 11.

<sup>507</sup> *Ibid*.

<sup>508</sup> 'Serbs form rival Kosovo assembly', BBC News, 15 June 2008. Available at: <http://news.bbc.co.uk/2/hi/europe/7455737.stm>

structures into the political field effectively entrenched further the separation of the north from the rest of Kosovo.<sup>509</sup> An OSCE report highlights that '[s]ince 17 February 2008, the separation of the Kosovo Serb community increased through the establishment of parallel political institutions and the strengthening of parallel social institutions such as education, health care, social welfare and pensions'.<sup>510</sup> The same report submits that '[w]hile the Kosovo government showed some effort to integrate Kosovo Serbs in the civil service, overall there has been no significant progress in socially integrating the Kosovo Serb community'.<sup>511</sup>

The political economy of informally-structured anarchy in the north of Kosovo was maintained by Serb parallel structures that also hosted multiple networks of organized crime, which harmed Kosovo's economy and undermined international financial and political support for Kosovo. It is estimated that half of products that enter Kosovo reach the country through informal and illegal routes.<sup>512</sup> Experts estimate that around 35% of Kosovo's economic activity belongs to informal and illegal practices, and the main reason for this was the fragile security situation and the absence of the rule of law in the north of Kosovo.<sup>513</sup> According to the European Agency for Reconstruction, between 2004 and 2007 the informal economy represented an annual value of between €600 and €700 million; equivalent to almost one-third of Kosovo's total GDP.<sup>514</sup> Lack of control over the border in the north of Kosovo was a major concern for the business environment in Kosovo. Serbia's non-recognition of Kosovo has led to an arrangement whereby goods and capital that enter Kosovo from Serbia were not taxed on either side of the boarder. This lack of regulation provided a safe haven for smugglers and illegal traders, who benefited from the informality that prevailed in this part of Kosovo. Following Kosovo's independence and the demolition of border points in the north, Serb parallel structures and their networks were effectively exploiting the systemic loopholes to nurture informality throughout the north of Kosovo.<sup>515</sup>

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<sup>509</sup> OSCE, *Kosovo Communities Profiles 2010 - Kosovo Serbian Community Profile*, Prishtina: OSCE, 2010, p. 2.

<sup>510</sup> *Ibid*, p. 12

<sup>511</sup> *Ibid*, p. 9

<sup>512</sup> Government of Kosovo, 'Strategy for the Development of SME in Kosovo 2012-2016', Prishtina: GoK, July 2011.

<sup>513</sup> 'Ekonomia joformale po dërrmon ekonominë formale' (Informal economy is wrecking the formal economy), Radio Free Europe, Prishtina: RFE, 19 March 2012. Available at: <http://www.evropaelire.org/content/article/24520259.html>.

<sup>514</sup> Ivan Briscoe and Megan Price, 'Kosovo's new map of power: governance and crime in the wake of independence', The Hague: NIIR-Clingendael, May 2011, p.12

<sup>515</sup> Ivan Briscoe and Megan Price, 'Kosovo's new map of power', p. 27.



The spectrum of consequences that emerged after the definition of Kosovo's final status and declaration of independence represent the solidification of the non-preventative measures that could have been taken earlier. After Kosovo's independence, Serb parallel structures became the main obstacle to peace and stability in Kosovo. The failure of the international presence to take early action empowered these structures to challenge international authority beyond anticipation. However, this arose from the fact that international non-action gave these structures the grounds and power to resist and defy peacebuilding and statebuilding in Kosovo. Failing to take adequate measures at an early stage has a spill-over effect and creates path dependence, where no matter how effective later efforts are their preventive power is constrained by new developments, transformed intentions, and an acceptance of the new reality, which is not in line with the initially declared intentions.

### **Responsibility for unprevented consequences**

One of the primary declared intentions of the international community for building peace in Kosovo was to establish security, stability, and the rule of law throughout Kosovo.<sup>516</sup> The emergence and development of Serb parallel structures is an unprevented consequence of international governance in Kosovo. This was in fact a preventable consequence, but for the reasons outlined earlier in this chapter, there were incompatible intentions from multiple actors, inadequate early actions, and a preference for promoting stability over justice and the rule of law, and co-existence with contested local authorities. The presence of authority, capacity, resources, and knowledge are key conditions for enabling and articulating agency - essential ingredients for the capacity to undertake preventive actions. So, the non-action of UNMIK and KFOR despite having the necessary conditions to take preventative action means that the consequences discussed above were unprevented. Accordingly, there is a strong case and moral imperative to allocate the adequate aspects of responsibility. Although tracing personal responsibility is very difficult, if not impossible, there is a strong case for pursuing collective and institutional responsibility for the spectrum of unprevented consequences that have occurred as a result of the operation of Serb parallel structures in Kosovo.

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<sup>516</sup> UN Security Council Resolution 1244 (1999), UN Doc. S/RES/1244 (1999), 10 June 1999.

The typological framework elaborated in Chapter 3 suggests engaging three aspects of responsibility in cases of unprevented consequences. Contrary to the case of Bosnia and Herzegovina, where the international community had extensive authority but no responsibility mechanism, in Kosovo there were two mechanisms, which were quasi-judicial answerability mechanisms. UNMIK and KFOR enjoyed executive authority in their fields of responsibility. While UNMIK was the supreme authority on all matters concerning executive, legislative, and judicial powers, KFOR enjoyed supreme authority in security-related areas. The Ombudsperson Institution in Kosovo (OIK) was established in 2000 by UNMIK, and among other human rights related roles, this body was given 'jurisdiction to receive and investigate complaints from any person or entity in Kosovo concerning human rights violations and actions constituting an abuse of authority by the interim civil administration or any emerging central or local institution'.<sup>517</sup>

However, OIK only investigated limited complaints against UNMIK and KFOR, mainly concerning property issues, fair trial issues, and personal liberty and security issues. Despite this, OIK was largely ignored by UNMIK and KFOR and did not have any practical or legal potential to hold these institutions to account for their wrongdoings.<sup>518</sup> At best, OIK was an attributability body and a weak answerability body.<sup>519</sup> In 2006, UNMIK established a Human Rights Advisory Panel (HRAP) as the first ever answerability mechanism within a UN transitional administration in a post-conflict society.<sup>520</sup> HRAP was tasked to attribute the allegations for UNMIK's misconduct to the breaching of international human rights law, and seek answers from UNMIK on why certain actions were taken.<sup>521</sup> No compensatory or reparation for negative consequences was foreseen in this process. Notwithstanding the importance of these bodies, international peacebuilding organizations in Kosovo have not taken responsibility for the unprevented consequences examined in this chapter, nor have they been held accountable by any institutionalized body at the local or international level. Therefore, it is im-

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<sup>517</sup> UNMIK Regulation 2000/38, *On the Establishment of the Ombudsperson Institution in Kosovo*, 30 June 2000, Section 3.1.

<sup>518</sup> Interview by author with former Ombudsperson of Kosovo, Prishtina, September 2010.

<sup>519</sup> Gezim Visoka, 'The 'Kafkaesque Accountability' of International Governance in Kosovo', *Journal of Intervention and Statebuilding*, Vol.6, No.2, 2012, pp.189-212.

<sup>520</sup> Recently, scholars are mistakenly referring to HRAP as an accountability mechanism, which in essence its mandate illustrates that it is a typical answerability body. See for example: Aleksandar Momirov (2012): 'Local Impact of 'UN Accountability' Under International Law: The Rise and Fall of UNMIK's Human Rights Advisory Panel', *International Peacekeeping*, Vol. 19, No. 1, pp. 3-18.

<sup>521</sup> UNMIK Regulation 2006/12, *On the Establishment of the Human Rights Advisory Panel*, 23 March 2006.

portant to outline the responsibility of each organization for the consequences caused by their non-action to prevent the emergence and development of Serb parallel structures in Kosovo, which breached local and international laws for over a decade.

The first critical turning point during which the international community had the opportunity to prevent the emergence of Serb parallel structures was the time surrounding the deployment of KFOR and UNMIK to Kosovo and the immediate developments related to post-conflict institution-building. Both international and local agents share responsibility for the emergence and development of Serb parallel structures in Kosovo. The first consequence after this failure-to-prevent was the creation of a frozen conflict and the de-facto division of the north of Kosovo. The primary responsibility for the formation and growth of Serb parallel structures lies with the Serb political leaders in Kosovo and the Serb government in Belgrade who orchestrated, financed, governed and oversaw these structures. While Serb political leaders in Kosovo who ran these structures need to face political and legal accountability, the political leadership in Belgrade also needs to be held accountable for breaching intentionally and openly the UNSC Resolution 1244 (1999) and obstructing the path to peace in Kosovo.

Equally, the international peacebuilding missions share responsibility for the consequences. Although KFOR had the primary authority and responsibility for security and the rule of law in the north of Kosovo, it failed to prevent the emergence and growth of Serb parallel structures. Hence there is a strong case for KFOR and NATO structures to be held accountable for their unwillingness and intentional inaction to prevent the emergence and development of Serb security structures in the north, which operated illegally and in violation of the Kumanovo Technical-Military Agreement signed between NATO and FRY, as well as UNSC Resolution 1244 (1999). In addition to KFOR, there is a strong case for holding UN accountable for their inability and failure to extend their authority and establish effective local government in the north of Kosovo. UNMIK constantly tolerated the operation of Serb parallel structures in Kosovo, which challenged Serb participation in UNMIK institutions, and threatened peace and stability in Kosovo. Although there is extensive criticism towards UNMIK's failures in the north of Kosovo, there is a strong case for seeking accountability through a more formalized mechanism. There are multiple cases sent to the OIK and HRAP mechanisms regarding human rights violations as a result of UNMIK's non-

action or inadequate action towards Serb parallel structures in the north, especially related to property, court cases, documentation, and civil law issues.<sup>522</sup> However, UNMIK's response has been negligent and adequate remedial actions have not been taken. Indeed, these accountability mechanisms have served mainly as an empty shell to respond to and avoid international criticism of UNMIK's undemocratic governance in Kosovo.<sup>523</sup>

A portion of responsibility for the emergence and development of Serb parallel structures must also be allocated to the Kosovo-Albanian political and military leadership. The orchestrated and sporadic acts of revenge and ethnically-motivated violence have antagonized, stigmatized, and marginalized Serb and other non-dominant minorities to create enclaves, and to establish the north of Kosovo as a zone free from Kosovo-Albanian dominance. Nevertheless, key leaders of political parties and former heads of key central institutions need to answer to a special mechanism about their activity and role during the early stage after the war, when the Serb parallel structures began consolidating their activity in Kosovo.

The second unprevented consequence was the obstruction of Serb participation and integration in Kosovo institutions. While the primary responsibility for this lies with Serb parallel structures and the Serbian government more generally, UNMIK shared the responsibility for failing to integrate the Serb population in Kosovo. UNMIK's lack of investment in security and its failure to integrate the Serb community within Kosovo's education, healthcare, administrative, and legal system contributed to this second unprevented consequence. KFOR is also to be held answerable for its inability to provide effective security to minority communities in Kosovo. Both UNMIK and KFOR were aware of the physical location of these parallel structures and did nothing to prevent their illegal activity. The Kosovo-Albanian leadership also shares the responsibility in the form of attributability and answerability for their failure to create sufficient social and political space for the integration of the Serb community in joint schools, healthcare facilities, and judicial and administrative institutions. The failure to provide sufficient space and conditions to encourage participation contributed to ethnic distrust, the creation of alternative subsistence structures, and gradual alienation from Kosovo's consolidated institutions.

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<sup>522</sup> Ombudsperson Institution in Kosovo, *Second Annual Report 2001-2002*, Prishtina: OIK, 10 July 2002, p. 34.

<sup>523</sup> Gezim Visoka, 'The 'Kafkaesque Accountability' of International Governance in Kosovo'.

The third unprevented consequence that has emerged from Serb parallel structures activity was the creation of a malfunctioning legal and administrative environment, persistence of informality, and organized crime. Serbia's government, along with its satellite network of nationalist leaders in Kosovo should be held accountable for running illegal activities in Kosovo in the fields of security, education, healthcare, and public administration. There is a clear case for Serbia to be held accountable for the damages caused in the sphere of property, entitlements, and other damages caused to local populations. Serbian government is equally responsible for nurturing informality in the north of Kosovo. KFOR and UNMIK Police and civilian administration are responsible for not extending the rule of law to the north of Kosovo as they did throughout the country. They had the legal authority, human and material resources, and above all the detailed knowledge regarding the criminal activity of Serb parallel structures in the north and yet did nothing to prevent their negative impact in post-conflict Kosovo.

The second critical turning point in resolving the problem with Serb parallel structures was during Kosovo's final status negotiations and the subsequent implementation of the Ahtisaari proposal. This resulted in the failure to implement the Ahtisaari proposal in the north of Kosovo and to extend democratic authority within that contested part of the territory. There is clear and strong evidence that Serbian government has backed Serb parallel structures throughout the years. There has been no accountability measure taken in this regard, except attribution of blame by Kosovo authorities and certain instance of European and international community. Although Serb parallel structures are responsible for the failed implementation of the Ahtisaari proposal in the north of Kosovo, UNMIK and OSCE also bear a degree of responsibility for this not supporting this process. Through its regional office in Mitrovica, UNMIK has legitimized and defended the operation of Serb parallel structures, while using the budget from Kosovo's government that should have been used to develop a viable regional office in Mitrovica. Kosovo authorities should be attributed the blame for not trying to resolve the issue of parallel structures during the final status talks. Furthermore, Kosovo's authorities should be held answerable for not being able to attract the Serb community living in the north to participate in Kosovo's institutions. The criminal activity of Serb parallel structures after Kosovo's independence should not remain unaddressed. There is clear evidence for legal prosecution of responsible people organizing riots, smuggling, and other illegal activities.

## Conclusion

This chapter argued that the emergence and development of Serb parallel structures in Kosovo constitutes an unprevented consequence of international peacebuilding in Kosovo. One of the primary goals of international presence in Kosovo after 1999 was the establishment of security, justice, order and stability throughout Kosovo as a precondition for establishing and nurturing a stable peace in the country. The activity of Serb parallel structures has essentially undermined international and domestic efforts to build peace, consolidate state institutions, and find common grounds for ethnic reconciliation in Kosovo after 1999. Between 1999 and 2012, there were multiple missed opportunities to dismantle these structures. The discussion of two critical turning points, where the international community had the opportunity to dismantle them clearly illustrates how the lack of sensitivity for the consequences, despite the availability of authority, resources, and knowledge, created a mess and ultimately failed to achieve their declared intentions. While the first critical turning point for preventing the development of Serb parallel structures arose immediately after the deployment of UN and NATO civilian and military forces, the second critical turning point emerged during the definition of Kosovo's final status after 2006.

In each phase examined here, the spectrum of consequences varied from consequences that could be expected and anticipated, but were not prevented before and after their occurrence. The failure to prevent the emergence and development of Serb parallel structures during 1999 and 2001 led to the creation of a frozen conflict in the north, where the UNMIK failed to extend the rule of law and KFOR was unable to maintain security and ensure freedom of movement. The return of refugees to this part of Kosovo also became impossible, and the participation and integration of Kosovo-Serbs in newly established institutions was obstructed. Furthermore, the emergence of Serb parallel structures led to the creation of institutional and legal parallelism, which created social confusion and chaos, social disobedience and disorder, and informality. These consequences shaped significantly the political developments in Kosovo – becoming obstacles that led to other consequences, thereby creating a predictable pattern of processes where the key agents become in many instances mere spectators of their own doing and undoings.

The second critical turning point, which was less influential than the initial turning point arose during the definition of Kosovo's final status and the subsequent

implementation of the Ahtisaari proposal following Kosovo's declaration of independence in 2008. By the time the final status negotiations had started, Serb parallel structures were well consolidated and the north of Kosovo was under their control. The internationally set agenda and principles for the final status negotiations explicitly excluded the discussion of Serb parallel structures, as they meant to address this problem through the question of the status of Serbs in Kosovo and by pursuing extensive decentralization. However, the failure to reach a mutually agreed settlement resulted in the failure to implement the Ahtisaari proposal in the north of Kosovo, and led to the institutionalization and radicalization of Serb parallel structures. In other instances, these structures again obstructed the integration of Serbs into Kosovo's political life, divided the international presence, and expanded lawlessness, criminality, and informality in the north of Kosovo. So the previous non-actions created a new chain of consequences, which multiplied, complicated, and reduced the prospects for considering international peacebuilding in Kosovo a success.

Finally, the question of the responsibility of international and local actors for the spectrum of consequences has remained largely unaddressed and ignored. In terms of responsibility for the spectrum of unprevented consequences, this chapter has argued that there is a case to hold responsible both local and international actors for the emergence and development of Serb parallel structures. Equally, the Kosovo-Albanian leadership and relevant institutions should be attributed the role for failing to create the conditions for a multi-ethnic Kosovo, which would have indirectly reduced the destructive agency of Serb parallel structures.

In sum, the unprevented consequences examined in this chapter have effectively prolonged the international presence in Kosovo and undermined their authority and legitimacy, delayed the establishment of effective and functional institutions, hindered the establishment of civic peace and ethnic reconciliation, and undermined socio-economic development. The emergence of these consequences was unintentionally unprevented revealing the morale and seriousness of peacebuilding as well as the weak agency of the UN, NATO, and EU to remain loyal to the declared intentions and the obligations taken on behalf of the international community and the local population. It shows 'the triumph of the lack of will' to take timely and appropriate measures to prevent negative consequences in their field of responsibility. While the UN might have chosen non-action to prevent any

larger scale conflict, it has counter-intuitively prevented peace in the long-run. In this case, post-conflict 'conflict prevention' has become 'peace prevention'.



## CHAPTER SIX

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# Unanticipated Consequences of Security Sector Reform in Timor-Leste

“Let me be clear: it is my opinion that UNTAET was a success – relative, for sure, and I have always been the first to point out its shortcomings – but a success nonetheless... but no success is total and we should be equally clear on that: mistakes were made, things could have been done better, and opportunities were missed. We should acknowledge these.”

*(Sergio Vieira de Mello, SRSG-UNTAET, 2002)*<sup>524</sup>

### Introduction

Timor-Leste has endured a long history of colonization by Portugal and violent occupation by Indonesia, which left the territory in a state of insecurity and destabilization, with social and clannish divisions emerging under conditions of extreme poverty and economic exploitation.<sup>525</sup> UN involvement in Timor-Leste dates back to 1999 when almost three decades of Indonesian repression and systematic human rights abuses against the Timorese people ended as a result of a humanitarian intervention led by Australia and neighbouring countries. In order to establish a liberal peace and state institutions, this small island territory has hosted six UN successive peacebuilding missions in an intense period of thirteen years, one of the most intense UN engagements with any post-conflict country. The UN's main goal in Timor-Leste was to build a new state, and to establish political institutions, rules, and practices to govern the new country in a democratic

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<sup>524</sup> Nassrine Azimi and Chang Li Lin (eds.), *The United Nations Transitional Administration in East Timor (UNTAET): Debriefing and Lessons: Report of the 2002 Tokyo Conference*, UNITAR and IPS, Leiden: Mariunus Nijhoff Publishers, 2003.

<sup>525</sup> Geoffrey C. Gunn, *East Timor and the United Nations: The Case for Intervention*, Lawrenceville, N.J.: Red Sea Press, 1997; Damien Kingsbury, *East Timor: The Price of Liberty*, Basingstoke: Palgrave Macmillan, 2009.

manner. A central aspect of international peacebuilding in Timor-Leste was security sector development and reform, namely the defence and police forces. Until the outbreak of unanticipated violence in 2006, Timor-Leste was the definitive UN success story of peacebuilding, which was propagated all over multilateral forums. The UN leadership went as far as to consider that '[i]n peacekeeping anthologies there is no doubt that UNTAET (The United Nations Transitional Administration in East Timor) will be recorded in the column of the most successful peacekeeping operations ever'.<sup>526</sup> In 2005 the *Annual Review of Global Peace Operations* argued that 'Timor-Leste is rightly seen as a UN success story'.<sup>527</sup>

While the overall UN peacebuilding project in Timor-Leste provides valuable insights into the impact of peacebuilding, the process of security sector development and reform stands out as an exemplary case that illustrates how unanticipated consequences can be produced by initial decisions and the on-going failure to address shortcomings in successive UN missions. Securitizing Timor-Leste through developing new police and defence forces was seen as a major component of the UN peacebuilding project, a gradual exit strategy for international police and military forces, and a means to consolidate Timor-Leste as a viable post-conflict state. This chapter examines the spectrum of unanticipated consequences that emerged as a result of UN-led security sector reform and development in post-conflict and post-independence Timor-Leste, with reference to two critical turning points. It explores how UN's good intention to bring security and long-term stability to post-conflict Timor-Leste by developing the defence and police forces produced multiple unanticipated consequences that adversely contributed to the prolongation of instability and insecurity, the creation of unaccountable and authoritarian police and defence forces, and the development of institutionalized sources of conflict.

The analysis in this chapter reveals that each UN peacebuilding mission has experienced particular shortfalls, and almost all of them were unable to anticipate the consequences of their actions.<sup>528</sup> The first half of this chapter examines the

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<sup>526</sup> Dennis McNamara, Former Deputy SRSG for East Timor, UNTAET, in Nassrine Azimi and Chang Li Lin (eds.), *The United Nations Transitional Administration in East Timor (UNTAET): Debriefing and Lessons: Report of the 2002 Tokyo Conference*.

<sup>527</sup> Centre for International Cooperation, *Annual Review of Global Peace Operations 2005*, Boulder, Co: Lynee Rienner, 2006, p. 66.

<sup>528</sup> Ian Martin, *Self-Determination in Timor-Leste*, New York: IPA, 2001, p. 127-8; 'Progress report of the Secretary-General on the United Nations Mission of Support in Timor-Leste', UN Doc. S/2005/99, 18 February 2005, para. 63; Michael G. Smith with Moreen Dee, *Peacekeeping in East Timor: The Path*

critical turning point that occurred while the defence and police forces were being established, and explores the key developments until the sudden outbreak of violence in April/May 2006, which represented a major failure for international peacebuilding in Timor-Leste. During this stage, UNTAET led the process of developing a new police and defence force from scratch and attempted to build an institutional and legal architecture for their operation. However, the recruitment process of police and defence forces, alongside inappropriate capacity building for new security forces and undefined institutional framework and democratic oversight of security forces led to a number of unanticipated consequences. The critical process tracing of the key events illustrate that these anomalies led to the unanticipated state failure in 2006, it triggered impunity, unaccountability, and human security among the security forces, and it stimulated the expansion of spoiler groups.

The second half of the chapter examines another critical turning point that emerged after 2006, when the international community had the opportunity to review and reconstruct the whole security system within Timor-Leste. The analyses look at the attempts of UN to reform and review the security sector after the unanticipated violence of 2006. In doing this, a UN Integrated Mission in Timor-Leste (UNMIT) was established to reform the security system, which undertook a restructuring of police forces, mentoring of police, and reviewing the institutional security system. However, the post-2006 security sector reform in Timor-Leste did not succeed in reaching its intended goals as the UN did not manage to implement its mandate entirely and the local counterparts rejected cooperating fully in reforming security institutions. As a result of these developments it was not unanticipated that the police and defence forces will continue to operate with blurred lines of responsibility, the police forces became deeply politicized, and the entire process damaged the relations between UN and local authorities.

Accordingly, evidence in this chapter shows that the UN was unprepared to undertake sufficient actions and decisions informed by strategic and anticipatory systems in order to ensure that its endeavours do not create multiple adverse consequences. The chapter argues that the UN is inappropriately equipped to exploit the narrow windows of opportunity to change the course of events, processes, and structures in post-conflict societies before local power is reshuffled.

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to *Independence*, Boulder: Lynne Rienner, 2003; 'Report of the Secretary-General on Timor-Leste pursuant to Security Council resolution 1690 (2006)', UN Doc. S/2006/628, 8 August 2006.

Consequently, missed opportunities often become obstacles for successive UN missions and become limited by the logic of path dependence. Accordingly, it would be necessary to trace such processes in order to attempt to reduce and correct the harm arising from misguided policies.

### **Declared intentions, security sector reform, and peacebuilding in Timor-Leste**

When the international military and civilian presence was established in 1999 in Timor-Leste, the country did not have the rudimentary state, administrative and security institutions. An atmosphere of chaos and disorder dominated the public sphere with widespread criminality, the destruction and occupation of property, an informal economy and no functioning public service.<sup>529</sup> Following the independence ballot in 1999, the unexpected violence that occurred during the summer left the UN with a very short time period to plan the UNTAET mission and to envisage the potential challenges they would encounter during the transitional path to independence.<sup>530</sup> The UN formulated the declared intentions for Timor-Leste largely according to 'template logic', drawing on UNMIK structure in Kosovo and under internal tensions of short time for preparing the mission, shortage of staff within UN Secretariat, and disagreements between UN-DPKO and UN-DPA over the internal responsibilities within UN. Consequently, UNTAET suffered from inadequate strategic planning prior to its establishment in Timor-Leste, and particularly lacked the necessary anticipatory context-driven understanding of how to handle security sector reform and how best to accommodate ex-combatants within Timor-Leste.<sup>531</sup> Despite these anomalies in the early stage, a major priority for the international community in Timor-Leste was to develop stable security institutions that would contribute to the new country's stability, promote security, enforce the rule of law, and protect democratic institutions.

Driven by good intentions to bring stability and develop a solid security structure, the UN worked to establish and strengthen the police and defence forces in Timor-Leste. However, in formulating these intentions, local actors were exten-

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<sup>529</sup> Damien Kingsbury, *East Timor: The Price of Liberty*.

<sup>530</sup> Conflict, Security and Development Group, *A Review of Peace Operations: A Case for Change – Timor-Leste Study*, London: KCL, 10 March 2003, p. 16.

<sup>531</sup> Conflict, Security and Development Group, *A Review of Peace Operations*, p. 18.

sively excluded from the planning and decision-making process.<sup>532</sup> UNTAET intentionally decided to keep local stakeholders away from the mission planning process and the formulation of declared intentions because they wanted to avoid being influenced by local political dynamics, which they feared would complicate the decision-making process and also lead to a time-consuming consultative process, which would delay the immediate deployment of the international military and civilian troops.<sup>533</sup> However, lack of participatory processes later triggered strong local resentment and unanticipated consequences.

Four UN Security Council resolutions outline the declared intentions for developing and reforming security institutions in Timor-Leste. UN Security Council Resolution 1272 (1999) gave UNTAET the primary role 'to provide security and maintain the law and order throughout the territory of East Timor'.<sup>534</sup> In January 2001, UNTAET established the Defence Force for Timor-Leste (F-FDTL), which was tasked with providing military defence for Timor-Leste's people and territory, as well as to provide 'assistance to the civilian community at the request of the civilian authorities during natural disasters and other emergencies'.<sup>535</sup> Parallel to establishing defence forces, UNTAET established the Timor-Leste Police Service (PNTL) in August 2001 for the purpose of 'maintaining law and order in the territory of Timor-Leste'.<sup>536</sup> In more precise terms, the UN's ultimate goal was to develop a police service that would reduce crime, maintain public order and improve the safety of Timorese people, while remaining efficient, accountable to the public and free from political interference.<sup>537</sup> Although national defence and police forces were established, the UN Police and the International Forces (INTERFET) preserved executive authority over the provision of public security and law enforcement. For many Timorese military leaders, the development of the defence force served to ensure the survival of the FALENTIL (The Armed Forces for the National Liberation of Timor-Leste), while the internationals saw the new defence force as an opportunity to transform and reintegrate ex-

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<sup>532</sup> Rogue Rodrigues, Secretary of State for National Defence, East Timor, in Nassrine Azimi and Chang Li Lin (eds.), *The United Nations Transitional Administration in East Timor (UNTAET): Debriefing and Lessons: Report of the 2002 Tokyo Conference*, UNITAR and IPS, Leiden: Mariunus Nijhoff Publishers, 2003, p. 29.

<sup>533</sup> Conflict, Security and Development Group, *A Review of Peace Operations*, p. 19.

<sup>534</sup> UN Security Council, Resolution 1272 (1999), UN Doc. S/Res/1272, 25 October 1999, 2(a).

<sup>535</sup> UNTAET Regulation No. 2001/21, *On the Establishment of a Defence Force for Timor-Leste*, UN Doc. UNTAET/REG/2001/1, 31 January 2001, Sec. 2.

<sup>536</sup> *Ibid.*, Sec. 2.1.

<sup>537</sup> Luis Manuel Andre Elias, Deputy Commissioner, ETPS – UNMISSET, in Nassrine Azimi and Chang Li Lin (eds.), *The United Nations Transitional Administration in East Timor (UNTAET)*, p. 71.

combatants. Equally, for the international presence, developing local police and defence forces served the purpose of tackling the illegal and cross-border violence, smuggling, and provocation emanating from Western Timor, where a large number of pro-Indonesian refugees, ex-militia, and spoiler groups were placed in refugee camps.<sup>538</sup>

After Timor-Leste's independence, the primary intention of the United Nations Mission of Support to East Timor (UNMISSET) outlined in UN Security Council Resolution 1410 (2002) was to 'provide interim law enforcement and public security and to assist in the development of a new law enforcement agency in East Timor'.<sup>539</sup> Subsequently, the UN Office in Timor-Leste (UNOTIL) main role was to strengthen the rule of law, including justice and human rights, and providing support for the Timor-Leste police.<sup>540</sup> For both of these missions, the intention was to strengthen capacities to prepare for the UN's successful exit from the country after creating stable and functioning institutions. Following the April 2006 events, the United Nations Integrated Mission in Timor-Leste (UNMIT) was given primary responsibility for reforming the police and defence forces.<sup>541</sup> During this second stage of security sector reform, the UN entered into a complex arrangement with the government, which involved screening and certifying all police officers to address potential past misconduct, to restructure PNTL command and control structures, and to provide a comprehensive review of the security situation in the country. The UNMIT Mandate Implementation Plan set out six related tasks involving: a comprehensive review of the security sector; monitoring and analysis of developments in PNTL and F-FDTL; liaison with bilateral donors; coordinating advisers placed within the institutions.<sup>542</sup> The mandate of UNMIT was extended on an annual basis, but its goals and underlying intentions remained the same. Towards the end, the discourse shifted more towards invoking normalcy and self-sufficiency as an indicative benchmark of progress and to prepare an exit strategy.

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<sup>538</sup> Damien Kingsbury, *East Timor: The Price of Liberty*.

<sup>539</sup> UN Security Council, Resolution 1410 (2002), UN Doc. S/RES/1410 (2002), 17 May 2002.

<sup>540</sup> UN Security Council, Resolution 1599 (2005), UN Doc. S/RES/1599 (2005), 28 April 2005.

<sup>541</sup> UN Security Council, Resolution 1704 (2006), UN Doc. S/RES/1704 (2006), 25 August 2006.

<sup>542</sup> 'Report of the Secretary-General on Timor-Leste pursuant to Security Council resolution 1690 (2006)', UN Doc. S/2006/628, 8 August 2006.

## Critical turning point I: The establishment of F-FDTL and PNTL

Following the 1999 referendum for independence, the military intervention, and the deployment of UN civilian administration, the first important moment in shaping the nature of security architecture in Timor-Leste occurred between 1999 and 2001. This was the critical time during which the fate of the security sector, namely the defence forces and the police, was determined. The designated official in UN-DPKO instructed the UN Transitional Administrator to treat all local leaders and factions equally to avoid alienating anyone in the country.<sup>543</sup> This benevolent ignorance later triggered local resistance and resentment towards UN's declared intentions. During its short planning activity, UNTAET did not have a clear idea on how to handle FALINTIL. When the INTERFET arrived in Timor-Leste in 1999, one third of the FALINTIL forces (around 500) were interned in Aileu region outside the capital city and treated as potential peace spoilers, while the rest were disarmed and sent back to their home communities to reintegrate into civilian life.<sup>544</sup> UN Security Council Resolution 1272 (1999), mandated INTERFET to enforce a ceasefire in the territory but it did not clarify the role of INTERFET regarding the disarmament of FALINTIL. However, INTERFET justified disarmament by identifying FALINTIL as a militia and an illegitimate group of armed civilians.<sup>545</sup> During the containment of FALINTIL, the UN reported that 'difficult living conditions, lack of supplies and lack of clarity about their current and future role have recently led to concerns over discipline and morale'.<sup>546</sup> This critical turning point started to create negative perceptions among the local stakeholders regarding the true intentions of the international presence, shifting their image from liberators to overlords.<sup>547</sup>

While UNTAET was not keen to build an armed force and rather intended to focus on developing a new police service, the persistence of key local leaders obliged UNTAET to find a solution for the ex-combatants. The situation of disparity regarding the interned FALINTIL forces, together with the fragile situation along the border with West Timor caused by militia elements located in refugee

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<sup>543</sup> Samantha Power, *Chasing the Flame: Sergio Vieira de Mello and the Fight to Save the World*, London: Penguin Books, 2008, p. 306.

<sup>544</sup> Damien Kingsbury, *East Timor: The Price of Liberty*.

<sup>545</sup> La'o Hamutuk, 'An Overview of FALINTIL'S Transformation to F-FDTL and its Implications', Vol. 6, No. 1-2, April 2005, p. 5.

<sup>546</sup> 'Report of the Secretary-General on the United Nations Transitional Administration in Timor-Leste', UN Doc. S/2000/738, 26 July 2000, p. 8.

<sup>547</sup> Interview by author with Brigadier General Filomeno da Paixao de Jesus, Vice Chief of F-FDTL, Dili, 10 September 2013.

camps and lack of security across the borderline, created a new political consensus among the international and local actors that it was necessary to reform the defence and security structure of Timor-Leste after the restoration of independence and withdrawal of international presence.<sup>548</sup> Although the UN did not originally have a mandate to develop the defence forces, the UN Transitional Administrator took the decision to establish the defence forces, following consultations with Timorese political elites.<sup>549</sup> Timor-Leste's Transitional Cabinet endorsed an option for an armed force comprised of 1,500 soldiers and 1,500 volunteer reservists, where priority was given to FALINTIL as the core force.<sup>550</sup> However, during the early stage of discussions a number of important Timorese leaders were not consulted. When the decision was taken, UNTAET had no clear operational plan of how to functionalize the formation of armed forces, nor did they have any legal basis or political strategy to deal with them.<sup>551</sup> They only envisaged that the budgetary responsibility would lie with Timor-Leste's government and that UNTAET would be in charge of the process.

On January 2001, UNTAET established the Defence Force for Timor-Leste<sup>552</sup>, which was tasked to provide military defence for Timor-Leste's people and territory, and provide 'assistance to the civilian community at the request of the civilian authorities during natural disasters and other emergencies'.<sup>553</sup> The UN Secretary General considered the act as '[a]nother innovation is the involvement of UNTAET in the creation of the Timor-Leste Defence Force as a consequence of its responsibility to prepare Timor-Leste for independence'.<sup>554</sup> Significantly, the UNTAET regulation did not allow for F-FDTL to be mobilized for internal public order, police issues, or social conflicts, but rather envisaged that the Defence Force would act in accordance with international human rights law. The Defence Force was placed under the direct control of the UNTAET Transitional Administrator who acted as the supreme command, control and administrative authori-

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<sup>548</sup> Sven Gunnar Simonsen, 'The role of Timor-Leste's security institutions in national integration – and disintegration', *The Pacific Review*, Vol. 22 No. 5, 2009, p. 579.

<sup>549</sup> La'o Hamutuk, 'An Overview of FALINTIL'S Transformation to F-FDTL and its Implications'.

<sup>550</sup> 'Independent Study on Security Force Options and Security Sector Reform in Timor-Leste', Centre for Defence Studies, London: KCL, August 2000.

<sup>551</sup> 'Report of the Secretary-General on the United Nations Transitional Administration in Timor-Leste', UN Doc. S/2001/42, 16 January 2001, p. 4.

<sup>552</sup> Later the name of defence forces was changed to 'F-FDTL', signifying and reproducing the legacy of FALINTIL's in to the new defence force.

<sup>553</sup> UNTAET Regulation No. 2001/21, *On the Establishment of a Defence Force for Timor-Leste*, UN Doc. UNTAET/REG/2001/1, 31 January 2001, Sec. 2.

<sup>554</sup> 'Report of the Secretary-General on the United Nations Transitional Administration in Timor-Leste', UN Doc. S/2001/42, 16 January 2001, p. 9.



ty.<sup>555</sup> However, the UNTAET Regulation failed to establish civilian oversight mechanisms within the new Timorese defence structures.<sup>556</sup> This would later have serious consequences.

The selection process for both the defence forces and police was problematic and later triggered multiple unanticipated consequences. Edward Rees explains that UNTAET intentionally 'agreed that the FDTL selection process would remain an internal FALINTIL matter'.<sup>557</sup> UNTAET left the selection process to locals due to the desire to build local legitimacy of and their dependency on Timor-Leste's political elite not to defy UN transitional rule over the territory, especially the FRETELIN party, who had the majority in the government and parliament.<sup>558</sup> As most of the FRETELIN military commanders were from the eastern part of the country, when the F-FDTL was formed the main senior positions were given to eastern commanders while low-ranking positions were left for the westerners.<sup>559</sup> Concerns were also raised that the formation and recruitment of the armed forces was carried out confidentially from interned FALINTIL members who were excluded from the decision-making process. The lack of a participatory and inclusive process when planning and forming Timor-Leste's armed forces later created discrepancies and dissatisfaction among the veteran groups regarding the non-recognition of their contribution in the liberation of the country.<sup>560</sup>

The central problems facing the defence force was the three-track operational approach and a lack of inter-agency cooperation, whereby Timor-Leste's government was in charge of administering the force, while the funding was provided by bilateral assistance and donor contributions, and the practical authority and leadership in developing the force was under the control of UNTAET's civilian and military components. The bilateral donor assistance provided to the defence and security sector in Timor-Leste left the sector institutionally weak and lacking a clear political framework.<sup>561</sup> No ministry of defence was established during the first three years, which significantly affected the administrative and institutional

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<sup>555</sup> UNTAET Regulation No. 2001/21, *On the Establishment of a Defence Force for Timor-Leste*.

<sup>556</sup> Conflict, Security and Development Group, *A Review of Peace Operations*, p. 32.

<sup>557</sup> Edward Rees, 'Security-sector reform and transitional administrations', *Conflict, Security & Development*, Vol.2, No.1, 2002, p. 152.

<sup>558</sup> *Ibid.*

<sup>559</sup> Interview by author with a UNDP justice specialist, Dili, 11 September 2013.

<sup>560</sup> Conflict, Security and Development Group, *A Review of Peace Operations*, p. 40.

<sup>561</sup> IRI, *Discussion with UN Special Representative and head of UNMIT Dr. Atul Khare*, 13 February 2009. <http://www.eastwestcenter.org/ewc-in-washington/events/previous-events-2008/feb-13-dr-atul-khare>.

development of F-FDTL as well as its political responsibility and obligation to be subject to civilian oversight. Furthermore, each donor country had different bureaucratic procedures and there was lack of coordination, leading to the duplication of trainings.<sup>562</sup> Little was done to transform the F-FDTL logic of guerrilla operations into the mentality of a modern army, which adheres to the law and respects civilian command.<sup>563</sup>

The second major dimension of security sector reform was the police forces. In August 2001, UNTAET also established the Timor-Leste Police Service (PNTL) for the purpose of maintaining law and order in the territory of Timor-Leste, outlining a broad list of general duties and competences in line with international democratic policing standards.<sup>564</sup> The responsibility of leading the PNTL was placed on an international police commissioner. While UNTAET left the recruitment and selection of defence troops to the locals, it did not coordinate the recruitment of police with the leaders of the resistance movement in Timor-Leste, nor with the first transitional government. During the first round, UN recruited former police officers that served under the Indonesian regime. The recruitment criteria were not compatible with the context of Timor-Leste. Setting professional experience as a criterion ultimately meant that the former Indonesian police would be more qualified than other applicants.<sup>565</sup> The UN ignored the fact that some of these police had committed serious human rights abuses, were widely rejected by the local communities, and often served as double agents during the Indonesian occupation.<sup>566</sup> Former Prime Minister Mari Alkatiri confessed that 'the UN was partially successful in building the security sector in Timor-Leste, as they started from the wrong basis taking the former Indonesian police on board.'<sup>567</sup> The UN was not aware and did not anticipate the multiple problems that this controversial recruitment process would bring.<sup>568</sup> This and the employment of former Indonesian police marked the beginning of fragmentation within

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<sup>562</sup> Human Rights Watch, *Tortured Beginnings: Police Violence and the Beginnings of Impunity in Timor-Leste*, Vol. 18, No. 2 (c), April 2006, p. 53.

<sup>563</sup> Interview by author with a civil society activist, Dili, 09 September 2013

<sup>564</sup> UNTAET Regulation No. 2001/22, *On the Establishment of the Timor-Leste Police Service*, UN Doc. UNTAET/REG/2001/22, 10 August 2001, Sec. 6 & 7.

<sup>565</sup> Interview by author with former Chief of Intelligence in Timor-Leste's Government, Dili, 10 September 2013.

<sup>566</sup> *Ibid.*

<sup>567</sup> Interview by author with Mari Alkatiri, former Prime Minister of Timor Leste, Dili, 13 September 2013.

<sup>568</sup> Interview by author with a director of local think-tank, Dili, 10 September 2013.

PNTL, between those who supported independence and those who remained in favour of autonomy under Indonesia.

The PNTL remained institutionally weak and under-resourced largely due to the inadequate planning and deficient mission design of UNTAET, weak and inadequate UN Police leadership, and the UN's failure to involve the local stakeholders in building an effective police service.<sup>569</sup> The UN did not have a strategic plan on how to build a new police service from scratch, nor it did develop a police department within its mission. It did not ensure that the UN civilian police recruited to serve in Timor-Leste had appropriate experience and were committed to developing an indigenous police service in the country. The weak UN leadership and inadequate UN Police commissioners were unable to develop the institutional aspects of police in Timor-Leste. For almost two years, UNTAET delayed developing legislation on police and the entire local police structures were under the direct control of CIVPOL Commissioner and the UNTAET Deputy SRSG. When the country gained independence in 2002, a Ministry of Interior was established that gradually began playing a role in police management and oversight.

For many years, the UN's main mechanism to build the capacity of local police forces consisted of short basic trainings on conflict management, human rights, and domestic violence, as well as the dissemination of leaflets and learning materials.<sup>570</sup> However, for Timor-Leste, this was the wrong approach. While the Timor-Leste police service mainly needed the resources to carry out their mandate, such as transportation, communication and other equipment, the UN only provided them with training and non-material assistance. This failed to achieve the goal of building a police force capable of reaching out to communities, providing public safety throughout the country, and gaining the respect of the local population.<sup>571</sup> The UN retained most policing responsibilities until late 2004 with the justification that the local police forces had not reached the standards of accreditation and certification.<sup>572</sup> Even after 2004, the PNTL continued to operate under

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<sup>569</sup> Ludovic Hood, 'Security Sector Reform in Timor-Leste, 1999 – 2004', *International Peacekeeping*, Vol.13, No.1, 2006, p. 70.

<sup>570</sup> 'Report of the Secretary-General on the United Nations Transitional Administration in Timor-Leste', UN Doc. S/2002/80, 17 January 2002, p.4.

<sup>571</sup> 'Report of the Secretary-General on the United Nations Mission of Support in East Timor', UN Doc. S/2002/1223, 06 November 2002, p.7.

<sup>572</sup> 'Report of the Secretary-General on the United Nations Transitional Administration in Timor-Leste', UN Doc. S/2002/80, 17 January 2002, p.12.

the supervision of the UN Police Commissioner, together with 200 police advisers who assisted the development of various aspects of police in the country.<sup>573</sup>

Equally, after independence the Timorese government constantly failed to define the specific roles of PNTL and F-FDTL for internal security, and failed to develop a clear policy, legal framework and institutional mechanisms to coordinate activities among themselves. The UN failed to create inter-institutional cooperation as it pursued a strategy of working individually with the police, defence, and justice institutions.<sup>574</sup> The absence of these necessary measures left the security sector vulnerable and exposed to confrontation. Timor-Leste's government passed decree-laws for FDTL and PNTL in 2004. The government's lack of will to establish genuine accountability and civilian oversight mechanisms is demonstrated by the fact that the entire regulation of defence and police forces was done at the level of presidential decrees, which bypassed parliamentary debates and approvals.<sup>575</sup> Decree-Law No. 7/2004 of May 5 2004 on the Organic Structure of the F-FDTL tried to clarify the command structure and institutional communication mechanisms. However, the issues of inter-institutional cooperation and the discipline of the armed forces were not sufficiently dealt with, and needed to be developed further through secondary legislation.

Developments surrounding the establishment and development of defence and police forces provide strong ingredients to trigger unanticipated consequences. The lack of early communication between the UN and local leadership created mutual misunderstandings and reduced their ability to anticipate the outcomes of each action undertaken. UNTAET's strategic direction for developing the security sector was flawed due to a lack of expertise regarding the local language, culture, context and local power dynamics. In particular, the short-sighted and differentiated recruitment policy for defence and police personnel was not executed with adequate strategic foresight for potential consequences. Moreover, the failure to establish law and institutions for the police and defence was counterintuitive to the declared intentions and the priority given to preparing an exit strategy distracted from concerns about long-term consequences. Consequently, the UN

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<sup>573</sup> 'Special Report of the Secretary-General on the United Nations Mission of Support in East Timor', UN Doc. S/2004/177, 13 February 2004, p.8.

<sup>574</sup> Interview by author with a former UN employee in Timor-Leste, New York, 23 August 2013.

<sup>575</sup> Crisis Group, *Timor-Leste: Security Sector Reform*, Asia Report No. 143, Dili/Brussels: ICG, 17 January 2008, p. 9.

and other international peacebuilding organizations did not anticipate many later developments.

### **Spectrum of unanticipated consequences I**

The process of security sector development in Timor-Leste reflects the clear failure of UN and Timorese institutions to maintain the rule of law and provide security. In particular, the UN failed to deliver on its declared intention of building 'a credible, professional and impartial police service'.<sup>576</sup> The comprehensive, ambitious, and ambiguous mandate (reflecting declared intentions) of UNTAET and successive UN missions led to multiple unanticipated consequences. Equally, the local dynamics and political fragmentation contributed to the exacerbation of cycles of violence and insecurity. While the sole purpose of creating defense and police forces was to provide security and order in post-conflict Timor-Leste, these two forces ultimately became sources of insecurity, destabilization, and violence culminating in the 2006 crisis and state failure. Key to the emergence of the spectrum of consequences was the low levels of local government involvement and local ownership of the security sector reform process. The key actions and decisions explored above regarding the treatment of ex-FALINTIL combatants, the development of defense and police forces, the legal and institutional ambiguity, the absence of donor support, limited resources, and an unclear division of roles led to the following consequences:

1. State failure and a recurrence of violence in April and May 2006;
2. Police impunity, unaccountability and human insecurity; and
3. Emergence of spoiler groups.

Each of these consequences is treated individually below.

#### *State failure and the recurrence of violence in April and May 2006*

The most visible and influential unanticipated consequence that has emerged as a result of the security sector development was the violence in April and May 2006. Many international and local actors did not anticipate the sudden outbreak of vi-

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<sup>576</sup> 'Report of the Secretary-General on the Situation in Timor-Leste', UN Doc. S/1999/1024, 4 October 1999.

olence in the country.<sup>577</sup> Prior to this, between 2002 and 2006 there were a number of confrontations between police and defence forces, which provided solid grounds for anticipating an eventual large-scale outbreak of violence in Timor-Leste. However, as the Deputy UN Police Commissioner argued: 'the UN rushed to consider UNTAET Police component as a success based on the absence of serious security incidents on the ground, development of local police forces, and hand-over process'.<sup>578</sup> Although low-level violence was on-going, the catalyst to widespread violence occurred when 594 soldiers from F-FDTL were dismissed for abandoning their service, and they then organized a number of anti-government protests that turned into violent riots. The group known as the 'petitioners' consisted of soldiers coming mainly from the western part of Timor-Leste who claimed to suffer from long-standing discrimination, suppression and unequal treatment within FDTL.<sup>579</sup>

The government's response was slow and the protesters' impatience was reflected on Dili's streets, with youths and gangs joining them. This dissatisfaction stems from the UN's decision to leave the recruitment of defence troops to one political faction, which favoured ex-combatants from the eastern regions of the island and marginalized the western regions. The Council of Ministers called in F-FDTL to restore public order, which on the contrary ignited more confrontation, especially with the police forces that were already disintegrating. This triggered a violent clash between factions within the army and police who remained loyal to the government and those who rebelled to express embedded grievances. The armed forces opened fire on the police, resulting in the death of eleven policemen, who at that particular time were under the protection of UN police. This confrontation came as a result of overlapping roles of F-FDTL and PDTL, as well as differences regarding the legitimacy of Timor-Leste's leadership, and the role each force played during the protracted resistance under the Indonesian occupation.<sup>580</sup>

The violence then spread as gang warfare between groups either loyal to the deserters or the F-FDTL, and a sporadic and highly fluid conflict emerged between

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<sup>577</sup> Interview by author with a UN officer, Dili, 12 September 2013.

<sup>578</sup> Luis Manuel Andre Elias, Deputy Commissioner, East Timor Police Service (ETPS) Development, UNMISSET. In Nassrine Azimi and Chang Li Lin (eds.), *The United Nations Transitional Administration in East Timor (UNTAET)*, p. 79-80.

<sup>579</sup> 'Report of the Independent Special Commission of Inquiry for Timor Leste', UN Doc. S/2006/822, 02 October 2006, p. 30-33.

<sup>580</sup> *Ibid*, p. 41.

changing groups, with shifting alliances and locations, spreading beyond Dili to rural districts.<sup>581</sup> In parallel, grievances regarding land and property disputes prompted people to attempt to reclaim their lost property, seek revenge, or to destroy others' property.<sup>582</sup> The violence spread all over the country and it continued for nearly six months, resulting in 38 fatalities, the burning of 1,650 houses and the internal displacement of around 150,000 people.<sup>583</sup> The violence resulted in gang warfare between regional groups to gain control over economic resources and employment. As a consequence of the failed security sector reform in Timor-Leste, the government fell after the 2006 crisis, leading to a change of government and a power shift in the subsequent elections. The society-wide violence undermined international investment in the country and marked a serious reversal in the post-conflict recovery, economic stability, and social reconciliation.

A UN Independent Special Commission of Inquiry for Timor-Leste concluded that the 2006 crisis came as a result of 'the fragility of State institutions and the weakness of the rule of law'.<sup>584</sup> While the UN's entire purpose in Timor-Leste was to build self-sufficient state structures, these very structures nearly turned the state and society upside down. The crisis of April and May 2006 is primarily attributed to a political conflict between state institutions and the police and defence forces.<sup>585</sup> The 2006 violence revealed the fragility of state institutions, evidenced by a lack of loyalty to the authority and hierarchy as well as the constitutional rules. Solutions to manage the crisis were sought outside the legal and institutional framework. This was evident with the disagreement between the President and the Prime Minister, and also by the Minister of Defence and Internal Affairs who did not effectively coordinate the response in an appropriate manner.<sup>586</sup> For example, the order by the Council of Ministers led by the Prime Minister to mobilize the military and to restore public order after the failure of PNTL was not given in writing and no formal declaration of a state of crisis was made.<sup>587</sup> A number of people who were struggling to preserve or regain govern-

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<sup>581</sup> 'Report of the Independent Special Commission of Inquiry for Timor Leste', UN Doc. S/2006/822, 02 October 2006, p. 65.

<sup>582</sup> Interview by author with a UNDP justice specialist, Dili, 11 September 2013.

<sup>583</sup> James Scambray, 'Anatomy of a conflict: The 2006-7 communal violence in Timor-Leste', in Vanesa Harris and Andrew Goldsmith (eds.), *Security, Development and Nation-Building in Timor-Leste: A Cross-sectoral Assessment*, London and New York: Routledge, 2011, p. 66.

<sup>584</sup> 'Report of the Independent Special Commission of Inquiry for Timor Leste', p.3.

<sup>585</sup> *Ibid.*, p. 33.

<sup>586</sup> *Ibid.*

<sup>587</sup> *Ibid.*, p. 21.

mental positions played a destructive role in fragmenting the defence forces and police, making them fight each other.

The UN's failure to develop applicable and implementable legal frameworks and institutional mechanisms for the police and military between 2001 and 2005 played a strong role in the occurrence of the violence in 2006. The early problems of F-FDTL related to recruitment and the exclusion of sectors of society, as well as limited resources were later exacerbated 'by the failure to develop a legal framework governing its activities, mechanisms for civilian oversight and an overarching national security policy'.<sup>588</sup> UNMISSET and the Timorese Government failed to develop a legal framework for defense and police forces until 2005. This effectively kept the Ministry of Defence and the Ministry of Interior underdeveloped; it prevented any opportunity for effective civilian institutional oversight; the institutional roles of police and defence remained unclear, leading to possible overlap, friction and disagreement; and left Timor-Leste without a clear national security policy to guide the conduct and the development of each force.<sup>589</sup> Consequently, the defence forces that were mobilized during 2006 crisis took uncoordinated and misinformed collateral actions and decisions against the police based on rumours that the police were shooting F-FDTL soldiers.<sup>590</sup>

The Ministry of Interior failed to develop an institutional framework for PNTL and for itself, leaving its affairs to be governed by personal and situational circumstances without a legal framework or standardized procedures. A UN report clearly admits that 'the provision of international assistance to PNTL since 1999, although substantial, was insufficiently coordinated and not tailored to adequately support its institutional development in the longer term.'<sup>591</sup> These weaknesses played a negative role during the 2006 cycles of violence where police commanders gave inadequate orders and did not manage to keep the situation under control. The police structures dissolved and regrouped around certain cleavages determined mainly by geographical identity, political affiliation with certain political leaders and narrower material interests. Finally, the UN Commission of Inquiry noted that 'there were shortcomings in the preparedness and approach of UNOTIL to this intervention. No crisis management team was assembled to facil-

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<sup>588</sup> 'Report of the Secretary-General on Timor-Leste pursuant to Security Council resolution 1690 (2006)', UN Doc. S/2006/628, 08 August 2006, p. 17.

<sup>589</sup> See: Katsumi Ishizuka, 'Peacekeeping in East Timor: The Experience of UNMISSET', *International Peacekeeping*, Vol. 10, No. 3, 2003, pp.44-59.

<sup>590</sup> 'Report of the Independent Special Commission of Inquiry for Timor Leste', p. 26.

<sup>591</sup> *Ibid*, p. 18.



itate the pooling of relevant information and the identification of a clear strategy, including a communication strategy with the domestic authorities. No collective plan was devised for the intervention. Sufficient channels of communication were not established prior to or during the intervention, which could have facilitated the exercise of effective control by the senior UNOTIL leadership.<sup>592</sup>

The events of April and May 2006 were unanticipated consequences of early anticipatable developments. Critical traces of key developments prior to the crisis provided sufficient evidence on the potential for violence as a result of circumstances including strong resentment regarding the composition of the police and defence forces, the poor resources and unprofessional conduct of police, as well as weak institutional mechanisms for civilian oversight and a depoliticized security sector. Small-scale confrontations between police and defence forces were intentionally ignored and inadequately addressed by the UN and local authorities.<sup>593</sup> Although the 2006 crisis was neither intended nor intentionally produced through previous failures, it was a product of these developments that did not anticipate what could happen later and prevent their occurrence. It was also the product of a policy of short-sightedness and the short-term involvement of UN missions, which paid insufficient attention to the long-term consequences of their purposive actions.

#### *Police impunity, unaccountability and human insecurity*

One of the unanticipated consequences of security sector reform in Timor-Leste was the development of an ineffective police service, which did not perform their intended primary tasks but engaged in controversial, abusive and unaccountable practices. PNTL developed ineffective mechanisms for dealing with internal inspection and disciplinary measures, which significantly hindered the investigation of incidents of violence and abuse of authority committed by police.<sup>594</sup> After May 2004, UN reports show that police misconduct increased, while the lack of police transparency and slow investigation of cases where the police abused their authority contributed to a lack of accountability, which in turn reduced public confidence in the reliability of the police service and in their ability to maintain-

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<sup>592</sup> 'Report of the Independent Special Commission of Inquiry for Timor Leste', p. 49.

<sup>593</sup> Edward Rees, 'Under Pressure – Three Decades of Defence Force Development in Timor-Leste 1975-2004', Geneva: DCAF, 2004, p. 32; Amnesty International, 'The Democratic Republic of Timor Leste: A new police service - a new beginning', ASA 57/002/2003, 30 June 2003, p. 2.

<sup>594</sup> 'Progress Report of the Secretary-General on the United Nations Mission of Support in East Timor', UN Doc. S/2004/888, 09 November 2004, p. 9.

ing order and enforcing the law.<sup>595</sup> Individual police officers were individually responsible for human rights abuses but in many cases were unaware that their misconduct constituted human rights abuses. Since the laws were written mainly in Portuguese, the police were often unfamiliar with the legislation.<sup>596</sup> Police with no formal education and only three months of training were unable to comprehend what was expected of them.<sup>597</sup>

One of the main unanticipated consequences of the failure to institutionalize and establish civilian oversight systems for the police was the presence of impunity and human rights abuses perpetrated by police officers on the civilian population. In such cases, no sufficient measures to ensure accountability for misconduct were taken either by the UN mission or Timorese authorities. The 2006 Human Rights Watch report provides an unquestionable testimony to police violence. The report examines in details how police abuse became a serious human rights problem in Timor-Leste, despite the UN's extensive governance authority and their leading role in creating the police service.<sup>598</sup> Similarly, the UN High Commissioner for Human Rights reported on human rights abuses in the country and the absence of adequate accountability mechanisms.<sup>599</sup> Violent police practices include arbitrary detention, excessive use of force and torture against suspects, unauthorized use of firearms, and impunity for rape.<sup>600</sup> This situation arguably arises due to poor training provided by UNTAET and UNMISSET, the failure to develop accountability and oversight mechanisms for police, the failure to implement PNTL Code of Conduct, and the lack of institutionalized responses to police brutality even six years after the formation of the PNTL.<sup>601</sup> This police violence significantly eroded public respect and support for the police and damaged public faith in Timor-Leste's state institutions.

Equally, the persistence of police violence exacerbated the situation further where people feared reporting cases or registering complaints. Such instances of the police abusing their power and violating the constitution and laws guiding

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<sup>595</sup> 'Progress Report of the Secretary-General on the United Nations Mission of Support in East Timor', UN Doc. S/2005/99, 18 February 2005, p. 9.

<sup>596</sup> Interview by author with a director of local think-tank, Dili, 10 September 2013.

<sup>597</sup> Ibid.

<sup>598</sup> Human Rights Watch, *Tortured Beginnings: Police Violence and the Beginnings of Impunity in Timor-Leste*, Vol. 18, No. 2 (c), April 2006.

<sup>599</sup> 'Report of the United Nations High Commissioner for Human Rights on technical cooperation in the field of human rights in Timor-Leste', UN Doc. E/CN.4/2005/115, 22 March 2005.

<sup>600</sup> Human Rights Watch, *Tortured Beginnings*, p. 16-37.

<sup>601</sup> Ibid, p. 6.

their activity also undermined Timor-Leste's international human rights commitments and obligations. Another irresponsible police practice included the culture of verbal orders, especially related to arrests, the authorization and dissemination of ammunition, which complicated arms control and facilitated potential misuse, as well as promoting a culture of unaccountability and inability to track down those responsible.<sup>602</sup> Three UN missions in a row (UNTAET, UNMISSET, and UNOTIL) failed to create a police force that observed democratic policing standards while serving the community, but rather created a police force that promoted fear and violence. The UN also failed to implement disciplinary measures for police and to prevent the emergence of violent practices within a police service over which it exercised executive authority. UNTAET also failed to create the conditions for sufficient civilian oversight of the F-FDTL, to avoid politicizing the police and to prevent a single group of local actors from dominating the armed forces.<sup>603</sup> Civilian oversight of the defence forces was never articulated clearly in the constitution of Timor-Leste. The institutional structure to oversee the security sector in Timor-Leste was poorly organized by the UN and the subsequent Timorese governments.<sup>604</sup>

Police impunity regarding misconduct, abuse of power and violations of human rights was related to cultural factors but also to the process of how the UN police trained and monitored these forces. The UN did not intend to create a violent and abusive police force nor did it anticipate that the police would abuse their position.<sup>605</sup> However, ignoring individual cases where the police violated human rights, as well as the UN's belief that the behaviour of the police would improve over time has been a costly endeavour. The trajectories of police performance based on their everyday conduct and institutional maturity provide a sufficient basis to anticipate future actions. The possible development of a violent and unruly police force was certainly known to the UN, but steps were not taken to redirect this trajectory during a preventable stage of development. This signifies that anticipation without affirmative action is only partially useful and does not serve the purpose of preventing the harmful effects of purposive action.

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<sup>602</sup> TLAVA, 'Dealing with the kilat: An historical overview of small arms availability and arms control in Timor-Leste', Issue Brief, Timor-Leste Armed Violence Assessment, No. 1, Dili: TLAVA, October 2008, p. 7.

<sup>603</sup> Edith Bowles and Tanja Chopra, 'East Timor: Statebuilding Revised', in Charles T. Call & Vanessa Wyeth (eds.), *Building States to Build Peace*, Boulder: Lynne Rienner Pub., 2008, p.295.

<sup>604</sup> Edward Rees, 'Security Sector Reform (SSR) and Peace Operations: "Improvisation and Confusion" from the Field', New York: UN Peacekeeping Best Practices, March 2006, p. 12.

<sup>605</sup> Ibid.

### *The emergence of spoiler groups*

As a consequence of the exclusionary process of developing the defence and police forces, as well as the inappropriate provision of security and enforcement of the rule of law, a large number of spoiler groups emerged consisting of disaffected former FALENTIL fighters intermeshed with criminal and clandestine groups, which threatened everyday peace, undermined state institutions, and nurtured communal division and conflict.<sup>606</sup> Enshrined in cultural and indigenous roots, martial arts groups in Timor-Leste played an important role in the public and community life. Various martial arts groups have over 40,000 members, some of whom were mobilized during the 2006 crisis and during prior incidents.<sup>607</sup> The UN largely ignored them, while during 2005 the President engaged in a failed effort to unite these groups in a pledge to resolve conflicts peacefully and to establish a mediation mechanism to resolve disputes.<sup>608</sup> The defence and police forces' poor management of weapons stockpiles, followed by a lack of political oversight regarding the procurement, storage and distribution of small arms resulted in the armament of gangster groups who illegally created zones of insecurity.<sup>609</sup> This mismanagement is also directly linked to the UN's inability to control the possession of weaponry among the defence and police forces, as part of the local ownership process. It is rightly argued that the ability to access small arms resulted in the proliferation of martial arts groups and gangs.<sup>610</sup>

The first signs of the emergence of spoiler groups arose during the internment of FALINTIL troops. The UN and INTERFET did not anticipate the consequences that would arise from the removal of ex-combatants from public life. Many former combatants left Aileu, acquired weapons and began disregarding the rules and weakening their discipline. The radicalization of ex-combatants came as a result of UNTAET's exclusionary practices towards the former members of FALINTIL.<sup>611</sup> The decision to delay establishing the defence forces came as a result of institutional ambiguity within the UN and shortages of qualified international staff to continue developing the force. One study reveals that this delay

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<sup>606</sup> Edward Rees, *Security-sector reform and transitional administrations*, p. 153.

<sup>607</sup> James Scambary, 'Anatomy of a conflict: The 2006-7 communal violence in Timor-Leste'.

<sup>608</sup> The Asia Foundation, *Conflict Management and Prevention in Timor-Leste*, Dili, 01 August 2007, p.2.

<sup>609</sup> TLAVA, 'Dealing with the kilat', p. 2-3.

<sup>610</sup> *Ibid*, p. 7.

<sup>611</sup> Conflict, Security and Development Group, *A Review of Peace Operations*, 10 March 2003, p. 27.

'had negative repercussions on the relationship with the Timor-Leste leadership and resulted in a loss of credibility of UNTAET'.<sup>612</sup> Furthermore, when the conditions were in place, the process of establishing FDTL, including the registration and selection process, suffered several shortcomings leading to the unanticipated consequence of forming disenfranchised groups who constantly challenged the new defence force.

The recruitment for F-FDTL ran against the cultural setting in Timor-Leste, which created social divisions and undermined the principle of national unity, which had guided the struggle for liberation. Furthermore, the re-integration programme ran by IOM and World Bank did not help the process as the intended targets were not reached and inadequate assistance was provided to ex-combatants, creating mounting frustration and anger among the unemployed demobilized groups.<sup>613</sup> In particular, UNTAET did not sufficiently anticipate and prevent the emergence of independent security groups that operated in the rural areas, engaged in criminal and clandestine activities, posed continuous threats to public safety and challenged the state institutions.<sup>614</sup> The IOM FALINTIL Reinsertion Assistance Programme and the establishment of an Office of Veteran Affairs at the Timorese Government were insufficient measures to deal with these groups. A more transparent, socially acceptable, and accountable process would have created a greater sense of local ownership, and security sector reform that reflected consensual transformation and reconciliation in the country. Another unanticipated consequence of the closed process of recruiting the defence forces and involving ex-Indonesian police in the new police structures resulted in the denial of community-level support for new security forces by the excluded veteran groups organized around marital arts groups or gangs, who had close ties with community leaders that were the most trusted agents and main sources of information.<sup>615</sup> The presence of several informal and parallel structures between the citizens and state security apparatus served as the main obstacle to the western-oriented logic of law enforcement and the rule of law over traditional forms of justice.

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<sup>612</sup> Ibid, p. 32.

<sup>613</sup> World Bank, *East Timor Building a Nation: A Framework for Reconstruction and Development*, Joint Assessment Mission, Macroeconomics Background Paper, Dili: WB, November 1999.

<sup>614</sup> Interview by author with a UNDP justice specialist, Dili, 11 September 2013.

<sup>615</sup> TLAVA, *Dealing with the kilat*, p. 6.

The UN and other international agencies involved in Timor-Leste did not anticipate sufficiently that their early choices on how to deal with ex-combatants and dissatisfied groups would contribute to strengthening of martial arts groups, which challenged the rule of law, order, and stability of the new nation. Inadequate small arms control also provoked the growth and expansion of these groups. Beyond this, most of the consequences that occurred as a result of security sector reform in Timor-Leste were neither anticipated, nor intended and prevented. The predominant reason for this was a lack of mature contingency planning, a mandate with inadequate resources, insufficient staff with the necessary skills and local knowledge, and inadequate communication and ineffective working relationships between local and international stakeholders. Even the UN Secretary-General Kofi Annan admitted that 'the number and quality of police officers in East Timor was far from adequate ... there were different policing doctrines and procedures at work simultaneously, which hampered the unity and effectiveness of the force'.<sup>616</sup> Consequently, the good intentions to establish a security infrastructure in Timor-Leste were not translated into adequate actions, where the negative consequences were not anticipated and prevented during preventable stages.

## **Critical turning point II: Security sector review and reform**

Following the 2006 crisis, the main concern in Timor-Leste was to restore security and reform the security institutions. This formed the bedrock for the declared intentions, which were the reform, restructuring and rebuilding of PNTL and to conduct a comprehensive security sector review. After the 2006 crisis, UNMIT police reassumed the responsibility for restoring peace and enforcing public order in Timor-Leste, although their authority was not extended to the sub-district level. A joint agreement between the Government of Timor-Leste and UNMIT outlined the executive policing task granted to UNMIT police.<sup>617</sup> UNMIT was vested with 'all police powers which are conferred on and enjoyed by PNTL police officers by and pursuant to the national laws of Timor-Leste' and were also granted the authority to for arrests, detention, entry, search, seizure, and investi-

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<sup>616</sup> 'Message from Secretary General', in Nassrine Azimi and Chang Li Lin (eds.), *The United Nations Transitional Administration in East Timor (UNTAET)*.

<sup>617</sup> 'Arrangement on the Restoration and Maintenance of Public Security In Timor-Leste and on Assistance to the Reform, Restructuring and Rebuilding of the Timorese National Police (PNTL) and the Ministry of Interior, Dili, 01 December 2006.

gations.<sup>618</sup> Nevertheless, civil society considered the joint agreement illegal under the applicable Timorese law, as it was not ratified by the national parliament.<sup>619</sup> The UN took almost a year to deploy its police, who were located throughout the country. This delay left Timor-Leste without an effective law enforcement agency on the ground for nearly a year during which time crime and violence were widespread. Indeed the number of killings after 2006 was much higher than during the peak of the April/May violence. Until 2008, Dili was the main battlefield for constant political, communal and gang violence. Multiple sources confirm that around 150 persons died as a result of this small-scale but repetitive cycle of violence.

After 2006, F-FDTL developed its capacities alone without much involvement or assistance from UNMIT, mainly through bilateral military cooperation programmes. However, accountability for the 2006 violence instigated by F-FDTL members remained unresolved and ignored by the national and international actors. In 2007, F-FDTL developed its own defence strategy 'Force 2020' where it outlined the key threats and its vision for military development.<sup>620</sup> The document was highly criticized by the UN and other international stakeholders for failing to delineate and define the role of military forces within the state security infrastructure. In 2011, the government produced a development plan for F-FDTL envisaging the recruitment of an additional 600 members.<sup>621</sup> The support and contribution of UNMIT military liaison officers was peripheral and insignificant.

This initial assessment of PNTL revealed institutional, policy and capacity weaknesses, and even six-month trainings provided by UNMIT police did not help over half of the national police to pass the final certification test.<sup>622</sup> The key challenges to the security sector, identified by UNMIT included 'the need to improve relations between the security forces, strengthen the legal framework, increase operational capabilities and enhance civilian oversight'.<sup>623</sup> In January 2007, the UN Police completed an assessment of technical and administrative capacities of

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<sup>618</sup> Ibid, sec. 3.1.

<sup>619</sup> See: Bu V.E. Wilson and Néelson De Sousa C. Belo, *'The UNPOL to PNTL 'handover' 2009: what exactly is being handed over?*, Dili: Conflict Prevention and Peace Forum, 2 October 2009.

<sup>620</sup> Ministry of Defence of Timor-Leste, *'Force 2020: Strategic Blueprint for the Development of the Armed Forces of Timor-Leste 2005-2020'*, Dili 20 July 2006.

<sup>621</sup> 'Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste', UN Doc. S/2011/32, 25 January 2011, p. 9

<sup>622</sup> 'Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste', UN Doc. S/2007/513, 28 August 2007, p. 8.

<sup>623</sup> Ibid, p. 9.

the PNTL, including internal accountability mechanisms. However, the Timorese Minister for Interior rejected the assessment on the grounds that local actors were not consulted; the report contained considerable duplications, inconsistencies and weaknesses and was not oriented to the local context.<sup>624</sup> Parallel to UNMIT's engagement in SSR, bilateral donors established their own programmes to assist the police and the defence forces, which were loosely coordinated among them.

The screening and mentoring of PNTL occurred mainly during 2007 when 3,110 police were registered and vetted for previous activities and criminal records. This was three-step process consisting of a background check on each police officer followed by issuing a provisional certification, attending a one-week training course and then a six months' probation phase under the mentorship of a UN police officer.<sup>625</sup> However, the vetting process to screen for participation in crimes and violence in 2006 suffered from multiple challenges and ineffective management. The mentoring process was also slow due to technical and human limitations within UN Police, which frustrated the national police as well as governmental officials. The mentoring was conducted according to multiple modes, standards, and criteria, which led to different assessments and incoherent certification dynamics. The frequent rotation of UN Police further complicated the mentoring process, undermining institutional continuity, consistency, and coherence. Frustrated with the process the Ministry of Interior of Timor-Leste had initiated in late 2006 its own parallel vetting process, which created conflicting, dual and overlapping outcomes. The UN Police rarely interacted with local police, as they could not communicate in local languages. Like in many post-conflict societies, international police antagonized local counterparts due to unequal working conditions, significant differences in salaries, power relations, and cultural differences. There were no joint patrols and community policing was very weak.<sup>626</sup>

In 2008, a UN expert mission found multiple problems with the certification process, criticizing the process for being 'relatively unsystematic' and lacking a 'clear certification strategy that outlined target numbers over a defined period of time and did not prioritize the certification of commanding officers'.<sup>627</sup> The expert mission also noted the absence of a 'defined certification policy outlining the cer-

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<sup>624</sup> Bu V.E. Wilson and Néilson De Sousa C. Belo, *The UNPOL to PNTL 'handover' 2009*, p. 3.

<sup>625</sup> Crisis Group, *Timor-Leste: Security Sector Reform*, p. 7.

<sup>626</sup> Gordon Peake, 'Playing Pool in Hard Rock Coffee', *Local-Global: Identity, Security, Community*, Vol. 11, 2012, p. 32-35.

<sup>627</sup> 'Report of the expert mission to Timor-Leste on policing', UN Doc. S/2008/329, 17-27 March 2008, p. 11.



tification process as well as detailed certification criteria and decision-making modalities'.<sup>628</sup> The screening and mentoring process did not have a corrective impact, as multiple cases illustrate police misconduct, abuse of power, and threats against civilians by the very same police that successfully underwent the reform process.<sup>629</sup> The UN Police antagonized the PNTL by undertaking police screening for all districts, despite the fact that the 2006 crisis and police misconduct was centred mainly on the Dili region. Accordingly, those who worked in peripheral districts felt that they were being punished.<sup>630</sup> Another problem was that the local police who could understand English or/and Portuguese were passing the screening process more quickly, while those who were potentially more professional but only spoke Tetum faced a prolonged verification and certification process.<sup>631</sup>

A major aspect of post-2006 developments in Timor-Leste was the comprehensive review of the security sector, which was not implemented as expected. Although the Timorese government formally led the process, UNMIT also claimed ownership of the process, while blaming the government for the delay.<sup>632</sup> The review process required finding ways to 'improve inter-operationability between the security institutions, increase operational capabilities, strengthen legal frameworks, and enhance civilian oversight mechanisms'.<sup>633</sup> A major problem with the review process was a lack of clarity regarding what to review and how to do it. To establish how to handle the security sector review, UNMIT established a Security Sector Review Unit (SSRU), which was not functional until August 2007 due to delays in recruiting the international staff. By the time UNMIT-SSRU managed to secure its presence toward the end of 2007 and to consolidate sufficient donations, the national actors no longer had sufficient interest to review the security sector. For almost six years, the security sector in Timor-Leste was handled loosely through weak cooperation between the governmental ministries in charge of defence, police, and security, the F-FDTL, PNTL, and the in-

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<sup>628</sup> *Ibid*, p. 11.

<sup>629</sup> 'Politicization, Cronyism Persist in National Police', US Embassy in Dili cable, 05 July 2007. Available at: <http://wikileaks.cabledrum.net/cable/2007/06/07DILI219.html>

<sup>630</sup> Interview by author with a director of local think-tank, Dili, 10 September 2013.

<sup>631</sup> *Ibid*.

<sup>632</sup> 'Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste', UN Doc. S/20007/50, 1 February 2007, p. 12

<sup>633</sup> 'Report of the Security Council mission to Timor-Leste, UN Doc. S/2007/711, 06 December 2007, p. 9.

ternational presence.<sup>634</sup> The short, yet sequential extension of UNMIT's mandate left little room for policy planning and sustainable engagement, but rather led to short-term policies and perspectives.

In December 2009, an internal UN audit revealed that the support provided by UNMIT to security sector review and reform in Timor-Leste has not been fully effective.<sup>635</sup> The critical report found that there was lack of coordination between the other partners and no consolidated methodology, or a plan of action developed in conjunction with other national and local stakeholders.<sup>636</sup> Due to unnecessary delays, UNMIT failed to involve PNTL in the early process of police reform, restructuring and rebuilding, which then resulted with the rejection of the latter's endorsement of UNMIT's plan and actions.<sup>637</sup> Another deficiency was the recruitment of inadequate international advisers who were unable to provide support to the national government, while the latter had intentionally tried to keep them away from any consultative or joint collaborative process. Consequently, in adverse circumstances, advisers were not involved in drafting the legislative framework for the security sector.<sup>638</sup> Another independent review of this project found numerous weaknesses and shortcomings regarding efforts to conduct the security sector review, starting from the lack of national ownership, the absence of baseline assessment, inappropriate staffing, and systematic disagreements between UNDP and UNMIT (UN-DPKO).<sup>639</sup>

Although security sector reform was a priority for UNMIT and Timor-Leste's Government, during a personal visit to Dili the Assistant Secretary-General Dmitry Titov admitted that the concept and activities were elusive, that the government did not have clarity on the need to undertake a comprehensive and holistic security sector review, and that the undefined role between F-FDTL and PNTL 'may present a long-term security danger'.<sup>640</sup> In 2010, a UN technical assessment mission concluded that the comprehensive review of the security sector

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<sup>634</sup> Gordon Peake, *A Lot of Talk But Not a Lot of Action: The Difficulty of Implementing SSR in Timor-Leste*, In Hans Born and Albrecht Schnabel (eds.), *Security Sector Reform in Challenging Environments*. DCAF Yearbook, Berlin: LIT Verlag, 2009.

<sup>635</sup> OIOS, 'Audit Report: Management of the Security Sector Support Programme in UNMIT', UN Doc. AP2009/682/02, 23 December 2009.

<sup>636</sup> *Ibid*, p. 2.

<sup>637</sup> OIOS, 'Audit Report: Management of the Security Sector Support Programme in UNMIT', p. 3.

<sup>638</sup> *Ibid*, p. 3.

<sup>639</sup> Anna Powles, *Independent Evaluation of the UNDP Security Sector Review*, Dili: UNDP-CDF, December 2010, p. 42-3.

<sup>640</sup> DPKO-ORLSI, *Visit to Timor-Leste and Australia*, OASG/ORLSI/DPKO, 01 December 2008, Confidential, p. 2.

had progressed slowly and there were insufficient results regarding civilian oversight, the formulation of national security policies, the delineation of roles between F-FDTL and PNTL, and institutional and logistical capacities remained weak.<sup>641</sup> The Timorese did not appear to understand security sector reform and the UN failed to reform the security sector.<sup>642</sup> Most senior civilian personnel in the Timorese government still do not understand the meaning of a security sector review. Members of parliament understood little about security and defence affairs, partially as they did not have security related backgrounds, and were excluded from the consultative processes by the UN and the Timorese government. While civilian oversight aims to reduce and address the abuse of power, this mechanism was not developed in the Timorese case.<sup>643</sup>

Facing growing dissatisfaction regarding UNMIT's ineffective police reform process and slow progress on security sector reform, UNMIT prematurely transferred responsibilities to PNTL between early 2009 and May 2011. To make the process look efficient, UNMIT outlined conditionality regarding the hand-over of the police responsibilities to PNTL based on three factors: completing the registration and certification of police in all districts; achieving PNTL reform, restructuring, and rebuilding; and establishing general law and order in Timor-Leste.<sup>644</sup> The UN Secretary-General explicitly admitted that 'the resumption of responsibilities does not mean that the national police has successfully completed its development nor that it is prepared to take on those responsibilities without continuing international assistance'.<sup>645</sup>

By 2012 when UNMIT ended its mission, the security sector review was incomplete and the civilian oversight of security forces remained ineffective, and the command and control structures remained highly politicized. Despite the fragile security institutions, a 2012 UN Security Council mission found national consensus among all Timorese interlocutors that UNMIT should conclude its mandate and no longer needed to be on the UN Security Council agenda.<sup>646</sup> From the

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<sup>641</sup> 'Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste', UN Doc. S/2010/85, 12 February 2010, p. 9.

<sup>642</sup> Interview by author with a former UN employee in Timor-Leste, New York, 23 August 2013.

<sup>643</sup> Interview by author with a civil society activist, Dili, 09 September 2013.

<sup>644</sup> 'Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste', UN Doc. S/2007/513, 28 August 2007, p. 14-15.

<sup>645</sup> 'Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste', UN Doc. S/2008/501, 29 July 2008, p. 7.

<sup>646</sup> 'Report of the Security Council mission to Timor-Leste, 3 to 6 November 2012', UN Doc. S/2012/889, 28 November 2012, p. 5.

Timorese perspective, the country would have an unstable image as long as the UN was there. An adviser to the President admitted that 'this is one of the reasons why Timor-Leste's prime minister wanted to end UNMIT, although they asked to extend their mandate, and of course they did not get it'.<sup>647</sup> UNMIT publicized their perceived successes including: stabilizing internal security; re-establishing police activities; certifying PNTL members; transferring policing responsibilities; securing the 2007 electoral processes; and restructuring the PNTL in 2012.<sup>648</sup> These highlights serve more as indicators of input rather than impact. They are not signifiers of positive legacies in the country. In a rather cynical discourse on the departure of UNMIT, UN Police Commissioner Luís Miguel Carriho stated that PNTL officers are 'confidently out on the streets, maintaining law and order, investigating crimes, controlling traffic, accompanying VIPs, patrolling border areas and keeping communities safe'.<sup>649</sup>

The second critical turning point that provided an opportunity to deal effectively with security structures in Timor-Leste arose after the 2006 violence, when the need for a comprehensive security sector reform and review was widespread. However, as the evidence suggests here, this was another missed opportunity for the UN and the national authorities to reform, restructure and rebuild police and defence forces, and to undertake a comprehensive and holistic security sector review. Although the Timorese government invited the UN and international presence and agreed upon comprehensive police reform and a security sector review<sup>650</sup>, once the 2006 emergency phase concluded, the Timorese authorities were driven by a desire for national ownership and embedded distrust in the UN. They intentionally avoided their obligations and did not cooperate with the efforts of UNMIT or the UN Police to reform the police and review the security situation.<sup>651</sup>

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<sup>647</sup> Interview by author with an advisor to the President of Timor-Leste on strategic issues, Dili, 13 September 2013.

<sup>648</sup> UN-DPKO, UN Police Magazine: Special Timor-Leste Edition: Duty Completed, 10<sup>th</sup> Ed., January 2013, p. 13. Available at: [http://www.un.org/en/peacekeeping/publications/unpolmag/unpolmag\\_10.pdf](http://www.un.org/en/peacekeeping/publications/unpolmag/unpolmag_10.pdf).

<sup>649</sup> UNMIT, Securing the future: Timor-Leste National Police and the United Nations Police, 2012. Available at: <http://momentum.tl/docs/momentum-garante-futuru.pdf>.

<sup>650</sup> 'Letter dated 11 June 2006 from the President, the President of the National Parliament and the Prime Minister of Timor-Leste addressed to the Secretary-General', UN Doc. S/2006/383, 13 June 2006.

<sup>651</sup> Gordon Peake, 'A Lot of Talk But Not a Lot of Action', p. 223.

## **Spectrum of unanticipated consequences II**

This analysis of the key actions and decisions taken by the international and domestic actors to address the security situation after the 2006 violence and to reform the security sector has revealed numerous problems, failures and paradoxes. After 2006, the UN was unable to fulfil its declared intention of reforming the security sector in Timor-Leste due to internal problems regarding a lack of capacity, their failure to engage effectively with the Timorese government, and the domestic obstacles set by local actors who were reluctant to return temporary control over uniformed forces to the UN. On the other hand, while the national authorities required international support to restore peace and stability, they missed the opportunity to strengthen the police and defence forces, thereby entrenching political control and interference in the police and defence forces; they missed the opportunity to develop democratic and civilian oversight over the security sector, and to make these institutions sources of human security rather than catalysts for conflict. In this regard, three major unanticipated consequences emerged during this phase:

1. Blurred lines of responsibility between the defence and police forces;
2. The politicization and impunity of the police; and
3. Damaged relations and distrust between the UN and Timorese authorities.

Each of these consequences is treated individually below.

### *Blurred lines of responsibility between the defence and police forces*

The blurred lines of responsibility between the defence and police was one of the underlying causes of the 2006 violence and subsequently became a serious issue that needed to be addressed seriously by UNMIT during security sector reform. However, little was achieved and after twelve years of operation, PNTL and F-FDTL continue to have blurred responsibilities, as each force has a unit within their structures that could fulfil the role of the other organization. To a large extent it was not anticipated and expected that police and defence would continue to suffer from undefined roles after extensive UN support for reforming police since 2006. While the police should deal primarily with maintaining public order and law enforcement, and the defence forces remain the entity responsible for

dealing with external threats, in Timor-Leste, the police continue to have special rapid response units, while the defence force has an active military police sections. A predominant view exists among the F-FDTL ranks that PNTL remains a threat to the army and to the wider Timorese society.<sup>652</sup>

After many delays, the national parliament of Timor-Leste passed three essential security laws: on internal security; on national defence, and on the police. Although the lengthy law on national defence primarily attributed the defence functions to F-FDTL, it also paid detailed attention to the national defence policy, civilian oversight, disciplinary measures, and the institutional structure of the sovereign organs that are responsible for national defence, including civilian-military cooperation. The Decree-Law No. 9/2009 of 2009 on the Organic Law of PNTL redefined the police as 'a security force whose mission is to defend democratic legality, guarantee people's security and property, and safeguard citizens' rights in accordance with the Constitution and the Law'.<sup>653</sup> Although it explicitly referred to past mistakes, the decree-law holds that the PNTL 'shall have the characteristics of a community police, its nature shall be identical to that of the military insofar as its organisation, discipline, training and personal status are concerned without however constituting a force of a military nature.'<sup>654</sup> The PNTL decree-law again authorizes PNTL to use force and weapons in self-defence and in special circumstances when facing 'illegitimate' public resistance. A Special Unit Force with military attributes was regulated to function as part of PNTL. However, the existence of this new body of security legislation is not of much use in practice as the PNTL's limited understanding of the new laws posed a serious challenge for implementing them in practice. The legislation was often drafted in Portuguese and English, while most national police only speak Tetum and Indonesian.

Among the key security stakeholders, it is widely perceived that these unbalanced capabilities between the police and defence forces would raise new institutional and security dilemmas.<sup>655</sup> However, it was not anticipated that local stakeholders would fail to define further security responsibilities in the country. Blur-

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<sup>652</sup> Néelson De Sousa C. Belo, Mark R. Koenig, and Silas Everett, *Institutionalizing Community Policing In Timor-Leste: Exploring the Politics of Police Reform*, The Asia Foundation, Occasional Paper, No. 9, Dili: AF, December 2011, p.12.

<sup>653</sup> Council of Ministers, Government of Timor-Leste, The Decree-Law No. 9/2009 of 18 February 2004 on Organic Law of PNTL. Article 1.

<sup>654</sup> Ibid.

<sup>655</sup> Interview by author with a civil society activist, Dili, 09 September 2013.

ring lines between security institutions leaves room for confrontation and interference in each other's primary responsibilities. In December 2008, a confidential post-visit report of the UN Assistant Secretary General for the Rule of Law and Security Institutions concluded that 'despite progress made recently, the country remains weak and a potential for rapid deterioration is still there'.<sup>656</sup> The report criticized the fact that the whole political landscape is controlled by four persons (President Ramos-Horta, Prime Minister Gusma, FALENTIL leader Alkatiri, and F-FDTL Commander Rauk), revealing the lack of influence of recently established laws and institutions, including the parliament. Regarding security institutions, the report concludes that 'major underlying fault lines persist, albeit at a diminishing level', while highlighting that 'the mistrust between the F-FTDL and the PNTL is still obvious, with the former claiming that the police are not yet ready to resume responsibility for law and order'.<sup>657</sup> PNTL suffers from 'tremendous institutional gaps', including weak management and command, core investigative capacity, and the absence of logistics systems.<sup>658</sup>

The slow progress in reforming the police was stalled further in February 2008, when the President and Prime Minister were attacked by an armed group led by fugitive Alfredo Reinado, the former Military Police Commander of the armed forces of Timor-Leste (F-FDTL).<sup>659</sup> This was not anticipated nor effectively prevented beforehand when the fugitive was operating illegally after 2006. The assault resulted in the death of Reinado and serious injuries for the President. This constituted one of the gravest threats to peace and security since independence in 2002. Following this, a state of siege was announced in the country, which limited the freedom of movement and imposed a widespread curfew. A joint command between F-FDTL and PNTL was established to restore peace and stability after the assassination attempt, which was largely considered effective. The handling of the situation was praised as a successful example of cooperation between security forces and a positive indicator of resilience within Timorese institutions. However the state of siege resulted in violations of civilians' human rights. UNMIT human rights observers reported 'excessive use of force and intimidation, against civilians during operations by the Timor-Leste security forces in the

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<sup>656</sup> DPKO-ORLSI, Mission Visit to Timor-Leste and Australia, OASG/ORLSI/DPKO, 01 December 2008, Confidential, p. 1. Available at: <http://wlstorage.net/file/titov-unmit-timor-report-2009.pdf>

<sup>657</sup> Ibid, p. 2.

<sup>658</sup> Ibid.

<sup>659</sup> 'Report on Human Rights Developments in Timor-Leste: The security sector and access to justice 1 September 2007 – 30 June 2008', UN Doc. Dili: UNMIT, 2008, p. 3.

aftermath of the attacks'.<sup>660</sup> In this regard, the February 2008 Joint Command weakened the efforts to delineate the responsibilities between the police and defence forces and adversely blurred further the lines of responsibility. However, it can be argued that due to UNPOL's lack of effective command and control over PNTL, the February 2008 Joint Military Police Command was formed without UNMIT permission.

Almost twelve years after the establishment of security institutions in Timor-Leste, the rules and protocols of cooperation and coordination between police and defence remain undefined in case crisis situations arise again. No secondary legislation was enacted to address these issues. Despite calls by local UN workers, UNMIT resisted developing such rules of engagement. Although effective consultations are currently held between police and defence forces, this only takes place when there is a problem. Under normal circumstances, there is no consultation or information-sharing regarding security-related issues. The Vice Chief of F-FDTL admits that theoretically, the relationship between F-FDTL and PNTL is very good but accepted that the relationships need to improve further stating that 'the original sin in the security sector in Timor-Leste is leaving unclear the responsibilities between police and defence forces'.<sup>661</sup> Blurred lines of responsibility between police and defence forces were exploited by local political leaders for political and instrumentalist purposes to safeguard their power and to ensure the presence of an armed wing to defend their interests. This is directly related to the early failure of the UN to divide effectively the roles and create institutional safeguards that would ensure effective operations to uphold the rule of law and democratic standards.

#### *The politicization and impunity of the police*

The incomplete security sector reform and the failed attempts to restructure PNTL unintentionally and with little foreign enabled the creation of embedded political influence over PNTL. Knowing the extensive UNMIT investment it was not anticipated after 2006 that police would continue to be politicized and unaccountable. The legacy of unaccountability and politicization persists. Facing multiple problems with individual screening and certification, UNMIT and UNPOL

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<sup>660</sup> Ibid, p. 3.

<sup>661</sup> Interview by author with Brigadier General Filomeno da Paixao de Jesus, Vice Chief of F-FDTL, Dili, 10 September 2013.



were unable to engage in institutional reform within PNTL structures. The disciplinary mechanisms within PNTL are still unsatisfactory and ad-hoc in nature. Diplomatic reports portrayed PNTL as having 'an institutional culture in which accountability is less important than political and/or personal interests; a politicized police force where commanders, particularly at the district level, are beholden to their political masters; and regional divisions that emerged last year as the destructive East versus West dynamic shows signs of becoming entrenched'.<sup>662</sup>

Due to multiple irregularities during the screening and certification process, a large number of PNTL officers were in service, which had not passed any procedures, including officers with records of human rights abuses and criminal involvement. The absence of a disciplinary system and a mechanism to remove PNTL members who were unsuitable undermined significantly the seriousness and integrity of the certification process. The UN did not anticipate this. On another level, the UN police screening process was undermined when President Ramos-Horta nominated to senior positions two police inspectors who were considered unsuitable for certification due to previous records of human rights abuses. The former UN SRSG for Timor-Leste Atul Khare furiously considered this as negating several months of the certification process and drew attention to the 'severe impact on morale of those PNTL officers who have been found suitable to return to duty', as they could now 'come under the command of individuals who have past cases against them'.<sup>663</sup>

Although UNMIT police conducted multiple trainings during the certification and reformation of PNTL, annual figures since 2007 catalogue thousands of cases of misconduct among 3,108 police officers that had passed the certification process.<sup>664</sup> This is a clear indication of the limited impact of UNMIT police on the impunity and culture of violence among local police forces. Between 2006 and 2010, UNMIT human rights officers observed weak discipline and human rights violations in the ranks of F-FDTL and PNTL, as well as illegal use of firearms, cruel and degrading treatment of civilians and arbitrary arrests.<sup>665</sup> Despite all this

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<sup>662</sup> 'Politicization, Cronyism Persist in National Police', US Embassy in Dili cable, 05 July 2007. Available

<sup>663</sup> Office of the SRSG-UNMIT, SRSR/07/03/025, 27 March 2007. Available at: <http://wlstorage.net/file/un-complaints-pntl.pdf>.

<sup>664</sup> 'Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste', UN Doc. S/2008/26, 17 January 2008, p. 8.

<sup>665</sup> See: 'Report on human rights developments in Timor-Leste, August 2006-August 2007', UN Doc. Dili: UNMIT, 2007, p. 18; 'Report on human rights developments in Timor-Leste: The security sector

explicit evidence, to date no effective accountability mechanism is in place to address alleged cases of misconduct by F-FDTL and PNTL members. The work of an F-FDTL-PTNL Joint Command, F-FDTL Military Discipline Regulations, and the newly established Professional Ethics Office within PTNL have provided insufficient accountability measures, because limited resources and insufficient investigative expertise hampered their intended goals.<sup>666</sup> Furthermore, despite recent attempts to reform the police service, including the certification and resumption process and the approval of the Organic Law of the Police in 2009, there is still no clear division of tasks thereby leaving space for ambiguity and potentially conflicting duties between the police and armed forces.<sup>667</sup> Weak civilian oversight does not provide incentives for police to obey the new laws. Consequently, the violent behaviour of police and armed forces has created distrust between the population and the security institutions. A 2010 investigative report on the situation of human rights in Timor-Leste observed that people declined to file official complaints, due to a 'lack of confidence that their complaints would be taken seriously by PNTL, fear of repercussion, and a preference for resolving the case through informal mechanisms'.<sup>668</sup>

UNMIT was unsuccessful in its attempts to reform the police and the post-2006 screening, training, and certification process of local police forces has been inconsistent, ineffective and unproductive. The handover process was premature and undermined the reforms initiated after 2006. These inadequacies have encouraged local police forces to continue abusing their police authority abuse the human rights of civilians. UNMIT failed to anticipate that their gradual handover of policing responsibilities after 2006 would not result in more effective and accountable police forces and it missed the last opportunity to reform these structures before its exit in 2012.

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and access to justice, 1 September 2007 – 30 June 2008' UN Doc. Dili: UNMIT, 2008, p. 6; 'Report on Human Rights Developments in Timor-Leste: 1 July 2008 to 30 June 2009, UN Doc. Dili: UNMIT, 2009, p. 6; 'Facing the Future: Periodic Report on Human Rights Developments in Timor-Leste: 1 July 2009 – 30 June 2010', UN Doc. Dili: UNMIT, 2010, p.7.

<sup>666</sup> 'Report on human rights developments in Timor-Leste: The security sector and access to justice ,1 September 2007 – 30 June 2008', p. 7.

<sup>667</sup> 'Report on Human Rights Developments in Timor-Leste: 1 July 2008 to 30 June 2009', p. 5-8.

<sup>668</sup> 'Facing the Future: Periodic Report on Human Rights Developments in Timor-Leste: 1 July 2009 – 30 June 2010', UN Doc. Dili: UNMIT, 2010, p. 8.

*Damaged relations and distrust between the UN and Timorese authorities*

Following the cycles of violence during 2006, the relationship between UNMIT and Timorese government, including here F-FDTL and PNTL were fragile and extensively damaged. This is largely due to the fact that a significant portion of responsibility for these persisting weaknesses within the police can be attributed to the UNMIT police, who lacked specialized police trainers and advisers. An unanticipated consequence of the prolonged process of police certification and reform was the increased resentment among local police commanders who considered that the related delay to their operational policing had weakened the public trust in the police.<sup>669</sup> Due to the subordinated position of local police, the relationship between PNTL and UNMIT police remained fragile throughout the certification and reformation process. Such a fragile relationship weakened the impact of UNMIT police training, capacity building, and institutional development.<sup>670</sup> Equally, distrust at the highest political level intensified, where the entire political spectrum agreed to an early UN exit in spite of limited progress achieved after 2006.

The UN Police lost credibility when interacting with the PNTL and national Timorese counterparts as a result of the lack of qualified police personnel and serious concerns regarding their ability to assist and mentor the PNTL. Many UNPOL officers came from countries that suffer from poor policing capacity, had no training skills, and had no knowledge of English or other locally spoken languages.<sup>671</sup> A significant number of UNPOL were deployed from countries with poor human rights records, which significantly reduced their leverage and ability to inculcate local police with democratic values and respect for human rights. National leaders openly acknowledged the limitations of UNPOL officers.<sup>672</sup>

A direct consequence of the damaged relationship and distrust between UNMIT, UNPOL and Timorese authorities was the limited leverage and impact that UN advisers placed within these institutions could play in the long run. UNMIT staff

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<sup>669</sup> 'Report of the Security Council mission to Timor-Leste, 24 to 30 November 2007', UN Doc. S/2007/711, 06 December 2007, p. 3.

<sup>670</sup> 'Report of the Security Council mission to Timor-Leste, 24 to 30 November 2007', UN Doc. S/2007/711, 6 December 2007, p. 8-9.

<sup>671</sup> Some of the countries that contributed to UNMIT included: Gambia, Nigeria, Uganda, Yemen, and Zimbabwe.

<sup>672</sup> Interview by author with an advisor to the President of Timor-Leste on strategic issues, Dili, 13 September 2013.

working on justice and security as well as human rights advisers, was not given sufficient access to Timorese institutions. A UN adviser admitted that after departure of UNMIT in 2012, the remaining UN agencies suffered from the legacies of previous UN missions in Timor-Leste, as the national authorities do not cooperate sufficiently with them due to the distrust and antagonistic relationship developed with UNMIT.<sup>673</sup> Consequently, the legacy of the decade of the UN's heavy footprint presence in Timor-Leste is local non-cooperation with the UN agencies. The locals claim that they know how to manage alone and that they don't need the UN.<sup>674</sup>

The distrust also seems to be driven by a national consensus among the Timorese political, civil society and security leadership that the 2006 and 2008 crisis were overcome without support from the international community, which is not entirely congruent with the facts on the ground - considering the renewed international civilian and military presence in the country. Therefore, a sense of self-sufficiency, normalcy, and resiliency is present among the key national leaders, who articulate it with pride but thereby undermine and downgrade the investment and agency of the international community in Timor-Leste.<sup>675</sup>

The UN involvement in Timor-Leste after 2006 came as a result of unanticipated consequences caused by earlier decisions and other actions that followed within the police and defence sectors. After 2006, UNMIT did not seem to have learnt the lessons of previous UN failures. As examined in this chapter, security sector reform after 2006 ended before completion due to UNMIT's delays and inadequacies, and the lack of commitment for cooperation and change among the local leaders. Consequently, the process left the whole police and defence sectors with unclear responsibilities and with space for mutual disagreements. The issue of police impunity remains unresolved, and the UN's whole investment has been undermined as a result of distrust and antagonism developed over the years between the UN and local stakeholders. The permanent state of contingency within the UN and the constant pursuit of an exit strategy was the overarching problem in Timor-Leste after 2006. Consequently, the UN lacked anticipatory engagement to reduce the consequences of their actions.

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<sup>673</sup> Interview by author with a UN officer, Dili, 12 September 2013.

<sup>674</sup> Ibid.

<sup>675</sup> Interview by author with Mari Alkatiri, former Prime Minister of Timor-Leste; Brigadier General Filomeno da Paixao de Jesus, Vice Chief of F-FDTL; and a civil society activist, Dili, September 2013.

The above analysis of two critical turning points and their unanticipated consequences in Timor-Leste illustrates that the UN and the broader international presence in Timor-Leste did not have effective and systematic anticipatory early warning systems. If internal analysis was conducted, it was not translated into effective action that would prevent deviations from the original declared intentions. Some justify this by emphasizing that the UN did not have an intelligence or research office.<sup>676</sup> Almost no policy, academic authority, or governmental entity conducted impact assessment in Timor-Leste. This is justified with the absence of sufficient knowledge and access to the beneficiary communities, as well as the necessity to observe the dynamics and changes over a long period of time.<sup>677</sup> Furthermore, the frequent extension of UNMIT's mandate left insufficient room for prediction, planning, and sustainable actions. Monitoring and evaluation systems across all these agents were weak, sporadic, unsystematic, and isolated from their programmes.

### **Responsibility for unanticipated consequences**

One of the main declared intentions of international governance in Timor-Leste was to establish security, the rule of law and remove external threats through creating new police and defence forces. While the UN's first attempt to establish police services occurred in Bosnia-Herzegovina, Timor-Leste represented the first time the UN led the process of creating an army for a territory that was to become an independent state. In implementing these declared intentions, consecutive UN missions have avoided taking responsibility for the unanticipated consequences of their purposive actions, while exercising absolute authority, alongside the unsupportive local culture of tolerating impunity at the institutional level and prioritizing forgiveness at the societal level. In Timor-Leste the UN exercised authority without a clearly defined mandate and without taking responsibility for their actions and the related consequences. On substance, the UN did not have a clear legal mandate to deal with the establishment of defence and police forces, but nonetheless took the key decisions concerning their establishment (through UNTAET regulations), the selection process and exercise of favouritism towards FALINTIL ex-combatants, as well as retaining direct control over the local police service through the UN Police Commissioner.

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<sup>676</sup> Interview with UNDP justice specialist, Dili, 11 September 2013.

<sup>677</sup> Interview by author with an international NGO working Timor-Leste, Dili, 11 September 2013.

However in the performance of such duties, there were no sufficient institutional mechanisms in place, except for an ineffective and temporary Ombudsperson alongside several UN-led ad-hoc commissions and observation missions, which mainly carried attributability functions. The Ombudsperson, which was established in 2001 as part of the UNTAET, had elements of an attributability mechanism, whereby it could recommend 'changes to any policies, procedures, regulations, programs and institutional decisions that are unfair, discriminatory, and unjust or which violate human rights'.<sup>678</sup> However, due to a lack of support from the Transitional Administrator, the Office of the Ombudsperson remained largely ineffective, marginalized, and restricted to protecting human rights and holding the international presence responsible for their actions and decisions.<sup>679</sup> It also remains unclear on what basis the Office of the Ombudsperson operated, as there was no formal legal document issued to regulate its operation and jurisdiction.<sup>680</sup> Parallel to this, UNTAET had a Human Rights Unit, which served as a mechanism where the East Timorese could file complaints against UNTAET. However, in practice this body dealt more with capacity-building and trainings than serving as a remedial action mechanism for human rights abuses.<sup>681</sup>

The first critical turning point examined in this chapter occurred immediately after the establishment of UNTAET in 1999 and continued until 2001 when the police and defence forces were established and gradually consolidated. As a result, a number of unanticipated consequences occurred. The first major unanticipated consequence of the inadequacies in recruiting and developing the capacities of police and defence forces was the violence in 2006, which resulted in widespread destruction. While the primary responsibility for these events falls with the local leaders, police and defence forces, the UN also shares a portion of responsibility. In practice, only attributability practices have been invoked for the 2006 violence. A UN Independent Special Commission of Inquiry for Timor-Leste compiled a report on the facts that led to the 2006 violence and explicitly attributed various types and proportions of responsibility with particular local agents and institu-

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<sup>678</sup> UNTAET Daily Briefing 01 June 2001. Available at: <http://reliefweb.int/report/timor-leste/untaet-daily-briefing-01-jun-2001>.

<sup>679</sup> Markus Benzing, 'Midwifing a New State: The United Nations in East Timor', *Max Planck Yearbook of United Nations Law*, Vol.9, 2005, p. 339.

<sup>680</sup> Linda C. Reif, *The Ombudsman, Good Governance, and the International Human Rights System*, Leiden: Martinus Nijhoff Publishers, 2004.

<sup>681</sup> Markus Benzing, 'Midwifing a New State: The United Nations in East Timor', p. 340.

tions.<sup>682</sup> The nature of crimes and injuries for which individual responsibility was ascribed varied from civilian fatalities, serious injuries from firearms and grenades, attacks against public and private property, unlawful orders from senior officers, and non-action to prevent acts of collateral damage and violence, despite having the necessary knowledge.<sup>683</sup>

Institutional responsibility is attributed for 'acts and omissions of institutions which materially contributed to the events'.<sup>684</sup> Specific to the emergence and handling of the 2006 crisis, the report finds that the handling of the petition and subsequent dismissal of the petitioners contributed to the crisis since the government failed to address the demands of petitioners in a timely, inclusive and appropriate manner.<sup>685</sup> Similarly the collective dismissal of almost one third of the defence forces was premature and did not anticipate the repercussions and consequences such a decision would produce. In relation to all these ascribed events and institutional failures, the UN report only attributes responsibility to particular political and institutional leaders.

However, the UN commission of inquiry attributed only weak and vague responsibility to UNOTIL while entirely ignoring the role of UNTAET and UNMISSET for the consequences that occurred as a result of their executive decisions to establish and build the capacities of the police and defence forces. Attributability is articulated in the following format:

...there were shortcomings in the preparedness and approach of UNOTIL to this intervention. No crisis management team was assembled to facilitate the pooling of relevant information and the identification of a clear strategy, including a communication strategy with domestic authorities. No collective plan was devised for the intervention. There do not appear to have been sufficient channels of communication established prior to or during the intervention to enable effective control to be exercised by the senior UNOTIL leadership. No specific directions were given to those who volunteered to intervene. Great reliance appears to have been placed on the personal military and police experience of certain individuals. A more coordinated approach might have permitted greater use of the collective resources of UNOTIL in the intervention.<sup>686</sup>

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<sup>682</sup> 'Report of the Independent Special Commission of Inquiry for Timor Leste', UN Doc. S/2006/822, 02 October 2006.

<sup>683</sup> *Ibid*, p. 35-40.

<sup>684</sup> *Ibid*, p. 40.

<sup>685</sup> *Ibid*, p. 42.

<sup>686</sup> 'Report of the Independent Special Commission of Inquiry for Timor Leste', p. 49.

The other unanticipated consequence of the poor development of police forces was the persistence of impunity, unaccountability and human rights abuses committed by police forces. These abuses occurred during the time UN had an extensive police presence and tolerated such misconduct. The failure of the UN in this regard needs to be attributed and the UN was not held answerable for these consequences. The UN is also responsible for failing to develop timely safeguards to ensure the clear delineation of roles between the police and defence forces. Equally, the UN should be held responsible for not establishing civilian oversight of security institutions, particularly for failing to strengthen parliamentary scrutiny over the police and defence forces. Nevertheless, there is a strong case to hold answerable local political leaders, who instrumentalized both the police and defence forces for political interests thereby threatening peace and stability during Timor-Leste's transition to independence and subsequent consolidation of statehood. Equally, there is as strong case to attribute responsibility to the UN for failing to handle the expansion of martial arts groups due to inadequate reintegration of former combatants along with an exclusionary recruitment policy that privileged a particular faction of local leaders.

For the spectrum of consequences that has resulted from the failed security sector reform in 2006, the question of responsibility has remained almost entirely unexplored. Driven by their desire to end the UN presence in the country, local actors praised the success of UN in building self-sufficiency, normalcy, and resiliency in Timor-Leste. Equally, the UN was driven by a self-justificatory discourse and self-praising attitude which entirely ignored their responsibility for the consequences that occurred after 2006. The first major consequence of the inadequate and incomplete security sector reform was the blurring of responsibilities between police and defence forces. While the primary responsibility for the fragility of security institutions remains with the Timorese political leaders, the UN also is guilty for its inability to develop a professional and successful security sector. The UN's failure to anticipate the consequences of handing over policing responsibilities prematurely to local institutions also needs to be attributed. There is a linkage between police misconduct and weak training and mentoring by the UN in early stages when UNTAET exercised executive powers. The unanticipated deviation of police forces after 2006 is directly linked with UNMIT's inability to handle properly the restructuring of PNTL, the screening process, and inconsistent training and mentoring by UN police. The rush to complete UNMIT's mandate as early as possible did not leave room to anticipate the long-term con-



sequences of their actions, which in turn contributed to the creation of a police service that was incapable of enforcing the law in accordance with democratic standards.

In view of the above analysis, the UN in Timor-Leste and the local leadership have not treated adequately the question of responsibility for the unanticipated consequences of their purposive actions. Fragments of attributability seem to be evident through UN reporting, but no answerability or accountability aspects were assigned at any stage over the past 14 years. This signifies the nature of post-conflict governance where democracy is preached but not practiced by the international community and that authority is exercised without taking responsibility for the consequences. The language of international reporting in Timor-Leste was vague, multi-meaning, self-justificatory, confusing, and pitched mainly to external audiences and consumption. No space was given to reflexive reporting where the impunity of responsibility for consequences could be explored.

## **Conclusion**

This chapter examined the unanticipated consequences and limitations of the UN's extensive and protracted governance in developing and reforming the security sector in Timor-Leste. International peacebuilding in Timor-Leste had extensive authority during a relatively short mission presence, with mandates undergoing constant reconfiguration and transformation. The UN's declared intention to build state institutions and establish the rule of law in Timor-Leste through the development of police and defence forces did not achieve the intended results. Instead, the security sector reform process and decisions taken by the UN during two critical turning points have adversely worsened the security situation, deepened and broadened the confrontation between uniformed forces, and failed to develop the political and institutional framework for a security infrastructure that serves the safety of citizens and the rule of law, rather than serving power-holders and clan-based groupings.

The chapter explored two critical turning points that were crucial in shaping the security sector in Timor-Leste, with a particular emphasis on the spectrum of unanticipated consequences to which they contributed. The first critical turning point was the establishment of defence and police forces until 2005. The initial conditions under which the UN established the defence and police forces influ-

enced the course of outcomes and subsequent decisions. For example, the key actions and decisions related to the treatment of ex-FALINTIL combatants, the process of developing defense and police forces, the legal and institutional ambiguity, the absence of donor support, limited resources and an unclear division of roles led to a numerous adverse and unanticipated consequences. The most significant consequences include: state failure and violence in April and May 2006; impunity, unaccountability and human insecurity; and the emergence of spoiler groups.

In order to anticipate, prevent and mitigate conflictual situations, it is important to have the ability to capture fragments of dislocated, yet inter-connected, and patterned developments. The second critical turning point unavoidably arose after the 2006 crisis, when the UN needed to restructure and reform the security structures that it has created several years before. However, the problems created during the first phase became unbreakable obstacles for security sector reform. The UN was unable to fulfil its post-2006 declared intention of reforming the security sector in Timor-Leste due to internal problems with the lack of capacity, the failure to engage effectively with the Timorese government, and the domestic obstacles set by local actors who were reluctant to return temporary control over the armed forces to the UN. The local collective memory and consensus regarding the UN's failed peacebuilding between 1999 and 2005, as well as power politics and interests pushed them to resist the UN and reject their assistance to restructure the police and defence forces and to undertake a security sector review. As a result of this failed process of security sector reform, three major unanticipated consequences can be highlighted that emerged during this phase: blurred lines of responsibility between the defence and police forces; the politicization and impunity of the police; and damaged relations and distrust between the UN and Timorese authorities.

This chapter has illustrated that the spectrum of unanticipated consequences that emerged in Timor-Leste was enabled by a number of factors. First, inadequate planning and performance during the early stages of involvement set the stage for path dependence and for anticipating the course of developments. Second, inconsistencies between intended outcomes, the implementation on the ground, and varied capabilities to achieve the mandate reduced the UN's ability to engage in anticipatory reasoning and to align its actions with strategic foresight. Third, focusing mainly on building state institutions without sufficient consideration for

local needs, contexts, and cultural appropriateness reduced the UN's ability to assess realistically the situation on the ground and to anticipate potential consequences. Finally, the structure of international governance where authority was exercised without democratic accountability reduced the urgency for peacebuilding organizations to reach expected performance levels and avoid unanticipated consequences. A lack of anticipation reduced the practical and normative possibility for peacebuilding in Timor-Leste, and undermined the credibility, authority, and legitimacy of the UN in general.

## CHAPTER SEVEN

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### Conclusion: Peacebuilding in disguise?

“Only the man who wills something strongly can identify the elements which are necessary to the realization of his will.”

(Antonio Gramsci, 1971)<sup>687</sup>

#### Introduction

This thesis aimed to provide a critical assessment of peacebuilding impact in post-conflict societies by exploring the intentionality, consequences and responsibility underlying current peacebuilding practices. To facilitate the theoretical and empirical understanding of peacebuilding impact, this thesis developed an original theoretical framework; a new integrated methodological approach; and generated new empirical perspectives from three in-depth cases studies of post-conflict peacebuilding. Chapter 1 provided a critique to the dominant peacebuilding theories, surveyed existing impact assessment approaches within the field, and deconstructed the discursive invocation of the different notions of consequences. Chapter 2 developed the typological framework, outlined the new integrated methodological approach and explained the case selection, research design, and procedure of analysis. The second part of the thesis consisted of three chapters and provided a detailed examination of the unintended consequences of police reform in Bosnia and Herzegovina, the unprevented consequences of the emergence of Serb parallel structures in Kosovo, and the unanticipated consequences of securitization in Timor-Leste. To conclude the analysis, this chapter brings together in a thematic and conceptual fashion the key findings from the three case studies and draws a number of contingent conclusions.

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<sup>687</sup> Antonio Gramsci, *Selections from the Prison Notebooks*, Quintin Hoare and Geoffrey N. Smith (ed. and trans.), London: Lawrence & Wishart, 1971, p. 171.

## **Peacebuilding in disguise: intentionality, consequences, and responsibility**

The critical impact assessment of peacebuilding practices in post-conflict societies has shown that peacebuilding missions in Bosnia, Kosovo, and Timor-Leste were prematurely declared as successful missions, revealing the politics of impact in contemporary peacebuilding practices. The three post-conflict cases examined in this thesis clearly illustrated the mismatch between good intentions and bad consequences. What were intended as liberal solutions to conflict outcomes gave rise to other problems and triggered new illiberal responses and dynamics.

The inadequate engagement with the spectrum of unintended, unanticipated, and unprevented consequences is derived from the ontological politics of peacebuilding organizations and the epistemological discontent of research in peacebuilding. International peacebuilders try to avoid encountering the unintended and negative impacts of their actions. The ontological politics of ignoring the consequences of peacebuilding are related to the desire to preserve the undeserved moral legitimacy of peacebuilding organizations while suppressing true encounters of failure, and the desire to exercise power, maintain dominant hierarchies of order, and to achieve externally constructed intentions. This indeed constitutes the immorality of peacebuilding – a particular form of governing political affairs without care and self-constraint for the harm of their intentional conduct. Ignoring the registration of peacebuilding consequences leaves social events poorly explored, excludes impunity from responsibility, and dismisses the meaningful and corrective reformation of individual and collective agency. Moreover, peacebuilding consequences call into question the utilitarian good that liberal peacebuilding brings to post-conflict societies, revealing the disproportionality of good intentions and harmful consequences.

In an attempt to overcome these contemporary practical and theoretical anomalies, this thesis developed a new innovative conceptual and methodological framework, which critically traced different practices of peacebuilding, starting from the translation of declared intentions into actions, and then examining the consequences they produced, to finally be able to allocate different dimensions of responsibility. The discussion of intentionality, consequences, and responsibility as guiding conceptual devices for assessing the impact of peacebuilding has shown the complexity, multiplicity, non-linearity, contingency and limitations of human agency, rationality, and materiality. Notwithstanding these aspects, this thesis has illustrated that it is possible and, above all, necessary to tackle the most

ignored dimension of peacebuilding – the consequences of peacebuilding – in a systematic way, supported by a solid theoretical basis, new methodological approaches, and rich empirical evidence. Overall, the analyses in this thesis show that peacebuilding is a camouflaging enterprise, where intended outcomes are not pursued sufficiently, the potential pitfalls are not anticipated, the known irregularities are not prevented, and responsibility for the consequences is evaded.

### *Declared intentions as the 'original sin' of peacebuilding*

The first aspect analysed by this thesis was peacebuilding intentionality. In the context of post-conflict peacebuilding, intentions take on a central function to understand the motivation behind international engagement, the actions pursued to implement those intentions, and the consequences produced as a result of the combination of intentions and actions. In three case studies, declared intentions constituted the bedrock of international peacebuilding ideology and represented the reference point against which the state of peace was measured. The meaning, formation, and the transformation of declared intentions have serious implications for peacebuilding practices and the consequences they produce. They constitute the hamartiology of peacebuilding – the 'original sin' for the occurrence of consequences. The declared intentions of international peacebuilding missions constitute the normativity of peace, which consists of values, beliefs, and purposes that aim to be implanted, implemented, and sustained in post-conflict societies as foundations for new state structures, the rearrangement of social relations, and integration into broader global structures, process, and dynamics. Although the fabric of declared intentions belongs to liberal ideology, their tailoring and texture is contingent on local and contextual circumstances. Despite the potential utilitarian reach of the declared intentions to bypass political elites and reach local communities directly, they are primarily directed towards fulfilling external interests and needs.

The formation of intentions undergoes a complementary process between normative and practical aspects, incorporating multiple actors' interests, inputs, and compromises, as well as contextual factors that underline the state of fragility, destruction, and problems within the post-conflict recipient society. The formulation of collective intentions for post-conflict Kosovo required a complex negotiation process among the international community where disagreement was widespread. Equally, local resistance profoundly shapes peacebuilding intentions

opening thus space for renegotiating and redefining the character of peace to respond to local context. As much as declared intentions represent a collective will and desire to contribute to installing a liberal peace in a post-conflict society, they also represent the self-interest of outsider agents. The superficially consensual nature of declared intentions hides deeply rooted disagreement, which affects the political will, the adequacy of actions, and levels of concern for the consequences. However, declared intentions are often euphemisms, stating something that is neither truly intended nor expected to be achieved. Discourse on the rule of law, democratic policing, sustainable peace, and justice is often invoked broadly to leave space for manoeuvring and modifying the measurement of progress and success. They are more reflections of what is ought to be said rather than what was truly intended.

The intentionality of declared intentions changes over time. While this is obvious, the evidence in this thesis shows that transcending the intentions of intentions can lead to multiple consequences, which defy, suffocate and have effects counter to the original declared intentions. Changing the declared intentions reduces the credibility of international peacebuilding organizations, while change and transformation is essential for adapting to the evolving circumstances and preventing the spectrum of consequences. The exogenous and continuous transformation of declared intentions for police reform in BiH reduced the power of normativity of liberal peace, encouraged local resistance, and opened up avenues for contesting peacebuilding activities. The paradox of declared intentions in post-conflict societies is that it holds, in its textual articulation, elements not only of desired outcomes but sometimes also of the pre-determined outcomes. The pathway of such intentions to outcomes without a processual pathway rarely manages to reach the intended outcome.

#### *The complexity of the spectrum of consequences*

The second and main contribution of this thesis was the examination of the spectrum of peacebuilding consequences. The discussion of the spectrum of consequences in three case studies illustrated the complexity, non-linear linkage and hybridisation of issues, sources of consequences, as well as the multiple forms of consequences. The spectrum of unintended, unanticipated, and unprevented consequences is often triggered by the interaction of complex incompatibility between an extensive mandate and a large list of declared intentions. This is further

exacerbated by a short period of time to prepare the mission, limited advanced planning, the unavailability of resources, a lack of political willingness at various decision-making levels to implement the declared intentions, conflicts between self-interest and objective normativity, and the prevalence of short-term approaches to processes and outcomes coupled with an ignorance of long-term effects.

The emergence of consequences shows the complex figuration and hybridization of peacebuilding processes. The spectrum of consequences occurs in a cascading logic of emergent features. They follow a non-linear pattern between the intended impact and the consequences that emerge, often transcending the social field and affecting other fields of social interactions. The processes are not only influenced and driven by the international actors, but local actors and factors play an essential role in shaping the nature of processes. Nevertheless, the production of consequences is a symptom of powerlessness among the international peacebuilders. Often peacebuilding organizations witness the emergence of effects they don't want, don't have the ability to know, and they cannot prevent their occurrence. What we encounter as consequences are non-linearly assembled aspects of different fields. The spectrum of consequences reveals the hybridization process that occurs during critical moments. Hybridisation signifies the processual and relational interactions and practices between local and international agents with different ratios of power and agential positioning, but with mutually constitutive roles. This poses difficulties in understanding and explaining social events. Hybridisation practices challenge the very notion of intentionality and intended outcomes. The processual and interdependent nature of any social interaction reveals the limits of bounded rationality and control over intended actions. This in turn makes the hybridisation process the mechanism that interposes itself and prevents the intended actions from achieving their intended outcomes.

The three case studies examined here suggest that the spectrum of consequences contain elements of path dependence evident with the complex sequences, embedded influence of early decisions and actions, and their influence over later developments and outcomes. The habitus of post-conflict societies immediately after the war provides multiple opportunities for changing the order of things, including social structure, power relations, and the dynamics of peacebuilding. The evidence suggests that the UN is inappropriately equipped to exploit the narrow windows of opportunity to change the course of events, processes, and



structures in post-conflict societies before the local power is reshuffled and entrenched. Missed opportunities for peacebuilding, which occur during critical turning points and initial conditions, have significant influence over the course of future actions and outcomes. Initial conditions, which set the course of developments in a negative trajectory, can include slow deployment, constrained authority, unclear intentions, as well as lack of inter-agency coordination and cooperation. Failure to operate due to the initial conditions narrows down the window of opportunity to achieve the desired change, and offers the opportunity for local actors to exploit the weaknesses of the system to their advantage. The chain effect of missed opportunities that produces certain consequences creates yet another layer of consequences.

Across three case studies it was possible to observe that incorrect policy choices during critical turning points undermined and delayed the prospects for building sustainable peace. As examined in the case of Serb parallel structures in Kosovo, the unprevented consequences from the first missed critical turning point became obstacles, shaped the next stage of political developments, and unavoidably became influential factors in shaping the operationalization and modification of declared intentions, which subsequently led to another layer of consequences, thereby creating an almost predictable pattern of processes where the key agents become in many instances mere spectators rather than true agential actors. In other words, firstly unprevented consequences had a spill-over effect on subsequent actions, which conditioned the nature of further decisions, ultimately leading to the emergence of new consequences.

The examination of critical turning points in Bosnia and Herzegovina showed that the solution of one peacebuilding organization (UN) became the problems of the following organization (EU). The spectrum of consequences arising from the UN's actions became the foundations of EU intentionality in Bosnia. The evidence from the critical assessment of multiple and successive missions in Timor-Leste suggest that the UN was unaware and unprepared to undertake sufficient actions and decisions informed by strategic and anticipatory systems to ensure that its endeavours would not create multiple adversary consequences. Consequently, missed opportunities haunted successive UN missions and reflecting the logic of path dependence, the UN needed to try and correct the harm of its own earlier wrongdoings. Failing to learn lessons and translate them into corrective action

deepens further the failure of peacebuilding and makes it more difficult to anticipate the future course of events.

The unintended consequences of peacebuilding were the first type of consequences examined in this thesis. In BiH, unintended consequences were those outcomes that arose from distinct political agendas and incompatible intentions between the local and international actors. A lack of consensus and compromise influenced the political antagonism and institutional struggle between the local and international stakeholders. Accordingly, the outcomes of such institutional hybridization were unintended consequences affecting all parties as nobody's intentions were completely realized. The outcomes of post-conflict peace processes, negotiations, and confrontations are predominantly the unintended consequences of individual actor's purposive actions. Accordingly, social elaborations and structures are unintentionally produced by individual actions, illustrating the character of society influenced by everyone, yet by no one.

One of the key issues explored in this thesis was how the notion of unintended consequences was mixed and confused discursively with unanticipated consequences and arguably also unprevented consequences. The failure to prevent the emergence and development of Serb parallel structures between 1999 and 2001 led to the creation of a frozen conflict in the north, where UNMIK failed to extend its authority and the rule of law, and KFOR was unable to maintain security and ensure the freedom of movement. Furthermore, the emergence of Serb parallel structures led to the creation of institutional and legal parallelism, which created social confusion, social disobedience, disorder, and informality. These consequences shaped significantly the political developments in Kosovo after independence. So, the previous non-actions created a new chain of consequences, which multiplied, complicated, and constrained further opportunities for building peace. Accordingly, unprevented consequences prevented peacebuilding in Kosovo.

The Kosovo case illustrates that, in the quest for preventing consequences, the availability of early warning and anticipation systems are critical, but it is equally important for actors to be willing to take necessary preventive actions and respond during a preventable stage. This calls into question the relevance of the availability of knowledge for preventive action, and the revelation that preventive potential is not guided by the precautionary principle and pre-emption of

harmful consequences. Furthermore, the presence of multiple and incoherent intentions complicates the possibility for undertaking preventive actions. Equally, the lack of legal and political authority, the contextual complexity, and disagreements within peacebuilding structures reduces the ability to undertake preventive acts. A particular formulation of declared intentions also limits the course of potentially preventable actions at a later stage.

The third type of consequences examined in this thesis was the unanticipated consequences of security sector reform in Timor-Leste. The process of security sector development in Timor-Leste represents a clear failure of the UN and Timorese institutions to maintain the rule of law and provide security. The spectrum of consequences that emerged as a result of the UN's failed securitization process between 2001 and 2005 led to: state failure and a relapse into violence in 2006 in April and May 2006; fragmentation and confrontation between the police and defence forces; police impunity and a lack of accountability; human insecurity; and the emergence of spoiler groups. After 2006, as a result of this failed process of security sector reform, new consequences emerged, including: blurred lines of responsibility between the defence and police forces, the politicization and impunity of police, and damaged relations and distrust between the UN and Timorese authorities. What the three cases reveal is the banality of peacebuilding actualities and the striking absence of reflection on and reacting to the consequences of peacebuilding.

In Timor-Leste, unanticipated consequences occurred as a result of the lack of early communication and mutual understanding between local and international stakeholders regarding their intentions and political positions reduced the ability of peacebuilding organizations to anticipate the course of consequences arising from their purposive actions. Lack of engagement with the local context, language, and culture reduced the UN's ability to capture local dynamics and orient strategically its actions towards the avenues that would produce intended results. Furthermore, the 'permanent temporality' of the UN presence reduced the desire and ability of agents to foresee the consequences of their actions. The 2006 violence was not anticipated clearly by the UN's contingency planning and exit strategy. As the discussion of Timor-Leste illustrated, although most of the consequences were not anticipated, there was evidence that early acts of violence and confrontation between the police and defence forces, as well as the poor institutional and operative performance of the police, left room for acts of violence

to be suspected. Ignoring these acts had detrimental effect on the state of peace in Timor-Leste.

The critical practice tracing of peacebuilding practices in the case studies provides sufficient evidence to make contingent generalizations concerning the impact of peacebuilding in post-conflict societies and the implications they have for the agency of peacebuilding organizations. First, timing plays a crucial role. The temporality of peacebuilding operations, short-term involvement of agents does not provide space for the clarity and stability that are essential for predictability, planning, and cautious operations. The contingency and short time frame of operations in post-conflict societies gives insufficient attention to the spectrum of consequences, and especially for anticipation and prevention among peacebuilding organizations. Against this background, short-term consequences are more important than the long-term impact. This logic is based on the need to provide evidence for good performance, which can be measured with reference to short-term objectives and achievements. Consideration of long-term performance and quality assurance is compromised as a result of the need for results that can be measured immediately. Tomorrow's consequences are ignored. A pre-occupation with entry strategies and the establishment and maintenance of peacebuilding missions arguably overshadow concerns with long-term consequences. However, as this thesis has shown, ignoring the long-term impact and consequences of peacebuilding paves the way for the failure of peacebuilding efforts in post-conflict societies and delays consolidation of peace at the expense of the local population. A preoccupation with stability led to accommodating spoiler groups in Kosovo, BiH and Timor-Leste, thereby undermining the declared intentions for establishing the rule of law, justice, and security. However, these short-term issues became the significant sources of instability and injustice. Making choices regarding long-term thinking is essential to avoid distractions from reaching intended outcomes.

The case studies illustrated that there is a dialectical relation between the duration of peacebuilding and the spectrum of consequences. The duration of UN peacebuilding operations has an impact on the willingness of international actors to care about the consequences of their actions, the establishment of relations with local political factions, and how they approach the local context, culture, and needs. The collateral scope of the spectrum of consequences prolongs the efforts for peacebuilding and exhausts the constructive conflict resolution momen-

tums. While the ambiguity and contingency of short missions produces certain consequences, a long-term presence creates consequences related to creating a culture of dependency, externally generated local political legitimacy, and the promotion of irresponsible politics. On the other hand, the spectrum of consequences examined in this thesis have effectively prolonged the international presence, undermined their authority and legitimacy, delayed the establishment of effective and functional institutions, hindered the establishment of civic peace and ethnic reconciliation, and undermined socio-economic development. The longer the problems dragged on in BiH, Kosovo, and Timor-Leste the higher the costs became for the international presence in these countries. Equally the prospects for overcoming state fragility and normalization became weaker, and it became harder to escape the cycles of conflict to reach economic stability and social peace.

Peacebuilding organizations have largely ignored local knowledge arguing that it is primitive, illiberal, and not useful for building peace in post-conflict situations, as it is rooted in distinct cultures and ethnicities that were the source of conflict in first place. Accordingly, when peacebuilding organizations are far removed from the local communities, they have weaker local knowledge, lower capacity and less ability to anticipate, prevent, and reduce the harm of peacebuilding interventions. Ignoring the consequences is a clear indicator and precondition for the possibility of the emergence of unanticipated consequences arising from non-action. In the case of Timor-Leste, a number of indicators pointed to the aggravation of dissatisfaction and troubles, which culminated in the outbreak of violence in 2006. In Timor-Leste, the UN's failure to anticipate the complexity of issues they would need to address meant that they improvised their policy response and undertook ad hoc actions without considering the consequences that they would later produce.

Furthermore, the dislocated loyalty, absence of empathy with local people and their culture, as well as the primacy of materialism (concerns for career and high salaries), serve as distractions that undermine the potential of peacebuilding. Foreign workers see post-conflict societies as an attractive career move bringing high salaries, and diplomatic privileges and immunities. They often do not interact with insider agents in an empathetic manner, but typically behave as privileged individuals who believe themselves superior to insider agents, thereby undermining local cultural practices and ignoring local knowledge. Foreign work-

ers often create their own habitus in post-conflict societies, interact only among themselves, and avoid the everyday life and complex reality of post-conflict people. Diplomats and senior officials of peacebuilding organizations are among the most influential agents that shape political processes in post-conflict places. They are primarily interested in advancing the interests and agenda of their respective institutions or seconding States, with little empathy for the legacies they leave behind in post-conflict societies. Under such conditions, consideration for the potentially harmful effects of peacebuilding decisions and actions are virtually inexistent.

The spectrum of consequences also emerges from short-sighted and historical routines of thinking and acting within the same repetitive dynamic for different types of situations and circumstances. The hierarchies of bureaucratic decision-making reduce the ability for engagement in heuristic thinking, to explore alternative pathways, and to anticipate the possible consequences of peacebuilding programmes. Uncertainty regarding peacebuilding consequences cannot be tackled by formality, because consequences are dislocated across a broad network of social fields, which are difficult to capture within routine and formalized procedures. The emergence of unanticipated consequences is facilitated by a number of factors, including: faulty assumptions, the 'template' logic of problem-solving, the tendency for the universal application and decontextualization of policy tools and mechanisms, inaccurate information and flawed situational and analytical knowledge. The processes of adaptation, learning, and change are often very slow and are often not part of peacebuilding practices. Consequences are also influenced by the common flawed assumption generally shared by international actors that liberal peacebuilding, which produced intended outcomes in the past, will have the same outcome in all post-conflict contexts. When transferred to a different post-conflict society, best practices and lessons learnt from other contexts, might not work as intended and expected.

Last but not least, the spectrum of consequences also emerges as a result of the absence of coordination between different international peacebuilding organizations. Among different peacebuilding organizations there are tendencies for domination, hierarchical supremacy, and diverse interests, which reduce honest knowledge-sharing regarding the consequences of peacebuilding. The battle for coordination and consent between field-based operations, their headquarters and other international community stakeholders, consumes a considerable portion of

strategic thinking and planning time available to international peacebuilders. Such frictions reduce the ability of field-based peacebuilders to anticipate and prevent the consequences of their actions. The complex hierarchy of peacebuilding decision-making erodes the possibility for key decision-makers to listen and act upon the early warning signs communicated by field-based peacebuilders. For example, in Bosnia IFOR/SFOR was unwilling to assist IPTF by providing security for the return of refugees, which resulted in the permanent entrapment of hundreds of thousands of refugees and IDPs outside their home communities. This also had a negative spill-over effect onto the composition of electorates and community representation, leading to the dominance of nationalist parties, and delayed reconciliation. Equally, in Kosovo, KFOR acted independently of UNMIK's authority, as did the EU and OSCE in their semi-independent operation as UNMIK pillars. In Timor-Leste, UNTAET was not in control of INTERFET.

### *Responsibility for consequences*

The third dimension examined in this thesis is the question of responsibility. In particular, two aspects were discussed: how responsibility is conceived and treated within current practices, and how it should be dealt with normatively. Current peacebuilding organizations reject taking responsibility for the spectrum of consequences arising from their purposive action and show little concern for their wrongdoings and the mess they leave behind in post-conflict societies. This is evident from the absence of appropriate mechanisms to address the responsibility for taking wrong decisions and actions, for failing to uphold their obligations, and for causing social harm. Nevertheless, the dislocated nature of consequences (in time, place, and scope of authority) complicates imputing the right proportion of responsibility to the responsible agent. Accordingly, the typological framework introduced in this thesis acknowledges the differentiated and graduated conception of responsibility - in the form of attributability, answerability, and accountability - to provide a more nuanced and reality adequate assignment of responsibility. However, the analysis of three case studies illustrates that attributability and answerability aspects have not been addressed sufficiently in practice. In this regard, the identification of the spectrum of consequences was not registered properly, and graduated responsibility was not assigned to the responsible agents. This reflects a complete disregard for the outcomes of their conduct and the careless engagement of the international community when attempting to build peace.

Regarding current practices, contemporary peacebuilding missions operate without appropriate responsibility safeguards. This is partially affected by the politics of unaccountable international governance evident from the diplomatic privileges and immunity, which protect actors from legal and political responsibility, and from the indirect political power they exercise over internal and external forces. This is exacerbated by the ineffective system of national balance among the UN staff members in sending troops to peace operations and the prevalence of the clientistic politics of donor countries. In the current reality, there is no adequate approach to allocate responsibility for the spectrum of consequences, whether intended or unintended, anticipated or unanticipated, avoided or unprevented. Internal disciplinary mechanisms, frequent changes of personnel in charge of political decisions, and the loosely-defined and partially implemented codes of conduct render internal accountability in peacebuilding organizations a technocratic necessity rather than a genuine attempt to ensure the responsible behaviour of agents. The absence of legal and institutional mechanisms to hold international actors responsible can be explained as arising from the desire of power-holders to avoid mirroring the ethos of democratic responsibility prevalent in their own home country and to preserve the political and practical supremacy over the local subjugated agents. This partially explains the international unwillingness and ineffectiveness when dealing with allegations of human rights violations by international civilian and military personnel in post-conflict settings. Above all, it shows the prevalence of the tendency to uphold authority while avoiding responsibility, which speaks itself for the moral maturity and agential character of international governance.

Although it is very difficult, if not impossible, to trace personal responsibility there is a strong case for pursuing collective institutional responsibility for the spectrum of consequences that occurred. In this regard, the evidence across three case studies suggests that multiple local and international actors are responsible for the spectrum of consequences arising from their actions and non-actions. Across all three case studies examined in this thesis, there is clear evidence that the primary responsibility for the individual consequences, whether in the form of answerability and accountability falls with the national stakeholders and their critical agency. However, the international community also shares responsibility for enabling and facilitating the occurrence, development, and escalation of the spectrum of consequences. Across three case studies matching concrete conse-



quences with particular responsible agents shows that the international peacebuilding organizations should be subject to attributability and answerability aspect of responsibility. In relation to the initial decisions taken and actions implemented, there is a strong case to explore aspects of responsibility for the spectrum of consequences. However in this thesis, the exploration of assigning responsibility has only focused on cases of unintended, unanticipated, and unprevented consequences.

While it is unrealistic to expect that international peacebuilding missions will retrospectively accept to be held accountable for the consequences of their actions, at the very least problematizing the issue of responsibility for consequences could serve to redirect the future conception of peacebuilding practices – moving from ‘authority-without-responsibility’ to ‘authority-with-responsibility’. Developing answerability and attributability mechanisms to avoid repeating past mistakes is better than blindly ignoring the past. This suggests that there is a case to redefine the current nature and extent of responsibility, to reduce normative entitlements and to reshape the legitimacy of international peacebuilders, as well as to critically review the extent to which such missions function in accordance with democratic standards. From the perspective of moral and consequentialist logic, the legitimacy and authority of the UN should be conditional on their willingness to accept responsibility for the spectrum of consequences produced by their purposive decisions and actions. In particular, the failure to prevent consequences despite possessing the necessary authority, capacity, resources, and knowledge presents a strong case and moral imperative to allocate the responsibility. Hence, in terms of normative necessity and consequentialist logic, the allocation of differentiated responsibility for the spectrum of consequences would serve as a crucial element to reframe the politics of agency and encourage actions, which are well-thought-out and avoid the emergence of negative side effects.

### **Beyond liberal peacebuilding**

The analysis presented in this thesis provides substantive material to draw a number of observations regarding peacebuilding in general. The evidence presented here illustrates that liberal peacebuilding in the broader sense is not capable of building a sustainable peace and dealing with its consequences for a number of reasons including: peacebuilding's inherent pathologies related to normative and organizational inconsistencies; the linear and universalist repertoire of

peacebuilding toolkits and rulebooks; undemocratic methods of operation; an orientation towards problem-solving; and a detachment from local needs, culture, and knowledge. Seen from the perspective of complex systems, current practices of building peace in post-conflict societies can be referred to as linear peacebuilding, whereby the desired outcomes are projected and predicted, and the implementation tends to follow logical frameworks and action plans, with evaluation being projected in a suitable fashion. In practice, liberal peacebuilding is projected prior to an intervention by agents who are detached from the place and context of engagement, thereby operating with insufficient knowledge regarding cultural sensitivity and local dynamics. Liberal peacebuilding disregards the contingent and contextual nature of events, but rather applies technocratic considerations and anticipates practices based on comparison, embedded assumptions, the logic of 'template thinking', and projecting expectation. Driven by the fallacy of efficiency and professionalism, adapting this projected linearity to local circumstances is seen as an organizational and competitive weakness. However, liberal peacebuilding does not leave space for preventive measures nor is it suitable in precautionary terms.

As discussed in this thesis, local agency has profoundly shaped the intentions and actions of liberal peacebuilding, contributing thus to the emergence of unintended, unanticipated, and unprevented consequences. Local resistance and cooption of liberal peace in its positive and negative gradation has been constantly ignored and suppressed by international organizations. In the quest of avoiding the creation of harmful and negative consequences, peacebuilding organizations should create more space for local agency through enabling bottom up processes to take currency, where external actors would take more facilitative and supportive role. This would enable creating more sustainable peace, ingrained in local culture, needs, and practices.

In this regard, future consideration of peacebuilding and its application in practice unavoidably needs to engage with a number of precautionary dimensions examined in this thesis. In this regard, thinking on peacebuilding should make space for the potential negative and harmful consequences while further elaborating on questions of intentionality, anticipation, and prevention. There is a strong case to raise awareness of the consequences arising from the absence of anticipation and to propagate contingent reflections on how certain aspects of social activity can be planned, anticipated, and prevented through reflexive and

empathic agency, as well as attributably relevant to particular context, place, and time. In view of this, tendencies to unquestionably believe in our ability to foresee the future results of our actions could itself have unintended consequences. Future approaches to peacebuilding may not always reach the intended outcomes, or anticipate and prevent certain consequences, but it may help to reduce the potential for negative unintended, unanticipated, and unprevented consequences.

Moreover, thinking about peacebuilding should accept the persistence of uncertainty, the multiplicity of futures, the contingency of agency, the evaluative and incomplete nature of power, and the necessity for reflexive flexibility and the need to adjust policy-making process and institutional arrangements. Greater attention should be paid to the cultural sensitivity and non-linearity of peacebuilding programmes, the contextual suitability of the methods applied, and the strategic thought process that is invoked. A culture of precautionary reasoning should be installed throughout the lifecycle of peacebuilding programmes. Consideration of the potential consequences and side effects, should be incorporated before, during, and after a peacebuilding programme is implemented. If the spectrum of consequences is only encountered during the stage of programme evaluation, it could be too late. Peacebuilding consequences are deeply contextual and standardising the lessons learnt may not be an effective tool for sharing knowledge.

Finally, an understanding of the complexities of the uncertain consequences produced by any peacebuilding actions can lead to improving ethical practices and can increase the likelihood of delivering on the declared intentions. However, accepting and legitimizing uncertainty provides a perennial escape route for decision-makers to explain why their best intentions failed to deliver. Equally, considering the risk of producing unintended consequences could mobilize the ability of peacebuilding actors and organizations to anticipate, prevent and, when necessary, change or reverse the course of actions to avoid producing unintended consequences arising from their purposive actions. Under the conditions of the perceived risk of consequences and liability, peacebuilding agents and organizations can incentivize evaluating the outcomes and reflexively engaging in their peacebuilding activities - while preserving the emancipatory potential, freedom, equality, plurality, and co-existence with difference.

## Conclusion

This thesis has contributed to broadening our understanding of the long-term impact of peacebuilding in post-conflict societies and the various types of consequences which are not intended, anticipated, or prevented, which delayed and undermined the prospects for sustainable peace. The critical impact assessment of peacebuilding has shown that good intentions do not flow seamlessly into good actions, and even less seamlessly into good outcomes. The rocky road to sustainable peace is dark, and full of bends, twists and turns. Current cultures and practices of peacebuilding enshrined in Western ontologies and patronizing attitudes towards the local subjects and driven by self-interest are careless about the consequences of their actions and shun responsibility for any harmful consequences. Liberal peacebuilding is prone to delay the building of peace. Peace is delayed by the very acts that try to bring peace. Liberal intentions are not translated into liberal effects. The liberal peace 'will to peace' remains immanently incomplete. This thesis has provided the first systematic critique on the subject of the intentionality, consequences and responsibility related to peacebuilding and has tried to articulate a new local critical perspective on peacebuilding. Although it has revealed the negative impacts, this thesis also serves as a cry to improve human agency. It is a call for change. It is a call to be careful with peacebuilding, because it affects human lives and changes social structures. Surveying the mess created by past attempts to build peace, it is difficult to save liberal peacebuilding. New and less harmful alternative approaches to peacebuilding need to be developed to enshrine the right and responsibility to advance the cause of peace.

## List of interviews

### *General:*

Interview by author with a senior officer at the UNDP Brussels Office, September 2012.

### *Bosnia and Herzegovina:*

1. Interview by author with a local officer of OHR, Sarajevo, 24 May 2012.
2. Interview by author with an EUPM official, Sarajevo, 23 May 2012.
3. Interview by author with an EUPM Political Adviser, Sarajevo, 23 May 2012.
4. Interview by author with senior officer in the EU Delegation in Bosnia and Herzegovina, Sarajevo, 28 May 2012.
5. Interview by author with a former EEAS officer for Bosnia and Herzegovina, Brussels, 06 May 2012.
6. Interview by author with an OSCE officer, Sarajevo, 24 May 2012
7. Interview by author with a EU officer at the EU Delegations in BiH , Sarajevo, 28 May 2012
8. Interview by author with the Director of Human Rights Centre at the University of Sarajevo, Sarajevo, 24 May 2012.
9. Interview by author with a local officer at the EU Delegations in Bosnia and Herzegovina, Sarajevo, 23 May 2012.
10. Interview by author with a UNDP Senior Officer, Sarajevo, 28 May 2012.

### *Kosovo:*

1. Interview by author with a Kosovo Serb civil society activist, Mitrovica, November 2013.
2. Interview by author with a former Commander of KFOR in Kosovo, Brussels, 15 October 2013.
3. Interview by author with a former UNMIK Regional Administrator for Mitrovica, Washington DC, June 2013.
4. Interview by author with a former international aid worker in Kosovo, Prishtina, November 2013.
5. Interview by author with a former adviser to the UN for Kosovo final status talks, Brussels, November 2013.

6. Interview by author with a former member of Kosovo delegation for final status talks, Prishtina, September 2013.
7. Interview by author with an Albanian senior politician in Kosovo, Prishtina, July 2012
8. Interview by author with an ICO senior officer, Prishtina, July 2011.
9. Interview by author with OSCE community officer in Kosovo, Prishtina, June 2010.
10. Interview by author with an ICO Officer for Mitrovica Region, Prishtina, July 2011.
11. Interview by author with EULEX Human Rights Officer, Prishtina, 06 September 2012.
12. Interview by author with a member of UNMIK Human Rights Advisory Panel, Prishtina, September 2010.
13. Interview by author with the Deputy Ombudsperson of Kosovo, Prishtina, 15 September 2010.
14. Interview by author with a senior legal officer at the EULEX Human Rights Review Panel, Prishtina, 17 January 2012.
15. Interview by author with an officer at the EEAS Civilian Planning and Conduct Capability, Brussels, 12 September 2012.

*Timor-Leste:*

1. Interview by author by author with a civil society activist, Dili, 09 September 2013.
2. Interview by author by author with a director of local think-tank, Dili, 10 September 2013.
3. Interview by author by author with, Vice Chief of F-FDTL, Dili, 10 September 2013.
4. Interview by author with the Director of National Strategic Planning and International Politics, Ministry of Security and Defence, Dili, 10 September 2013.
5. Interview by author with Former Chief of Intelligence in the Government of Timor-Leste, Dili, 10 September 2013.
6. Interview by author with a UNDP justice specialist, Dili, 11 September 2013.
7. Interview by author with an international NGO working Timor-Leste, Dili, 11 September 2013.
8. Interview by author with the coordination officer at the Office of UN Resident Coordinator, Dili, 12 September 2013.

9. Interview by author with the Head of UNDP Programme, Crisis Prevention and Recovery, Dili, 12 September 2013.
10. Interview by author with a former Prime Minister of Timor Leste, Dili, 13 September 2013.
11. Interview by author with the Vice Chairman of Committee 'B' at the National Parliament of Timor-Leste, Dili, 13 September 2013.
12. Interview by author with an adviser to the President of Timor-Leste, Dili, 13 September 2013.
13. Interview by author by author with a former UN employee in Timor-Leste, New York, 23 August 2013.

## Bibliography

*Books, chapters, journal articles, and policy studies:*

- 6, Perri, 'When Forethought and Outturn Part: Types of Unanticipated and Unintended Consequences', in Helen Margetts, et al., (eds.), *Paradoxes of Modernization: Unintended Consequences of Public Policy Reform* (Oxford: Oxford University Press, 2010)
- Adcock, Robert, 'Generalization in Comparative and Historical Social Science: The Difference That Interpretivism Makes', in Dvora Yanow & Peregrine Schwartz-Shea (eds.), *Interpretation and Method: Empirical Research Methods and the Interpretive Turn* (New York: M.E Sharpe, 2006)
- Adler, Emanuel and Pouliot, Vincent, *International Practice* (Cambridge: Cambridge University Press, 2011)
- Al-Rodhan, Nayef R. F. et al., *Critical Turning Points in the Middle East: 1915-2015* (Basingstoke: Palgrave Macmillan, 2011)
- Ammitzboell, Katarina, 'Unintended consequences of peace operations on the host economy from a people's perspective', in Chiyuki Aoi, et al. (eds.), *Unintended consequences of peacekeeping operations* (Tokyo: UN University Press, 2007)
- Amnesty International, *Bosnia-Herzegovina: Shelving justice - war crimes prosecutions in paralysis*, AI Index: EUR 63/018/2003 (London: AI, November 2003)
- Anderson, Mary B., and Olson, Lara, *Confronting War: Critical Lessons for Peace Practitioners* (Cambridge, MA: CDA, 2003)
- Anderson, Mary B., *Do No Harm: How Aid Can Support Peace-or War* (Boulder: Lynne Reinner, 1999)
- Annex 11: Agreement on International Peace Force, Dayton Peace Agreement, 14 December 1995.
- Aoi, Chiyuki, de Coning, Cedric, & Thakur, Ramesh, (eds.), *Unintended consequences of peacekeeping operations* (Tokyo: United Nations University, 2007)
- Aoi, Chiyuki, et al., 'Conclusion: Can unintended consequences be prevented, contained and managed?', in Chiyuki Aoi, et al. (eds.), *Unintended consequences of peacekeeping operations* (Tokyo: UN University Press, 2007)
- Aoi, Chiyuki, et al., 'Unintended consequences, complex peace operations and peacebuilding systems' in Chiyuki Aoi, et al. (eds.), *Unintended consequences of peacekeeping operations* (Tokyo: UN University Press, 2007)
- Archer, Margaret S., *Realist Social Theory: The Morphogenetic Approach* (Cambridge: Cambridge University Press, 1995)
- Ashdown, Paddy, *A Fortunate Life: The Autobiography of Paddy Ashdown* (London: Aurum Press, 2009)
- Azimi, Nassrine and Lin, Chang Li (eds.), *The United Nations Transitional Administration in East Timor (UNTAET): Debriefing and Lessons: Report of the 2002*



*Tokyo Conference, UNITAR and IPS* (Leiden: Mariunus Nijhoff Publishers, 2003)

- Bassuener, Kurt W., 'Lost Opportunities and Unlearned Lessons - the Continuing Legacy of Bosnia', in Anja H. Ebnother & Philipp H. Fluri (eds.), *After Intervention: Public Security Management in Post-Conflict Societies – From Intervention to Sustainable Local Ownership* (Vienna: PfP Consortium Working Group, 2005)
- Bastian, Sunil and Lackham, Robin, (eds.), *Can Democracy be Designed? The Politics of Institutional Choice in Conflict-Turn Societies* (London: Zed Books, 2003)
- Batakovic, Dusan T. (ed), *Kosovo and Metohija: Living in the Enclave* (Belgrade: Serbian Academy of Sciences and Arts, 2007)
- Batakovic, Dusan T., 'Surviving in Ghetto-like Enclaves: The Serbs of Kosovo and Metohija 1999-2007', in Dusan T. Batakovic (ed), *Kosovo and Metohija: Living in the Enclave* (Belgrade: Serbian Academy of Sciences and Arts, 2007)
- Bellamy, Alex and Williams, Paul D., *Understanding Peacekeeping* (Cambridge: Pluto Press, 2010)
- Belo, Néelson De Sousa C., et al. , *Institutionalizing Community Policing In Timor-Leste: Exploring the Politics of Police Reform*, The Asia Foundation, Occasional Paper, No. 9 (Dili: AF, December 2011)
- Bennett, Andrew, 'Process Tracing and Causal Inference', in Henry E. Brady & David Collier, (eds.), *Rethinking Social Inquiry: Diverse Tools, Shared Standards* (Lanham: Rowman & Littlefield, 2004)
- Bennett, Andrew, 'Process Tracing: A Bayesian Perspective', In Jenet M. Box-Steffensmeier, et al., (eds.), *The Oxford Handbook of Political Methodology* (Oxford: Oxford University Press, 2008)
- Bennett, Andrew, and Elman, Colin, 'Qualitative Research: Recent Developments in Case Study Methods', *Annual Review of Political Science*, Vol.9, 2006, p.455-76.
- Benzing, Markus, 'Midwifing a New State: The United Nations in East Timor', *Max Planck Yearbook of United Nations Law*, Vol.9, 2005, p.295-372.
- Berdal, Mats, 'The UN Security Council and Peacekeeping', in Vaughan Lowe, et al. (eds.), *The United Nations Security Council and War* (Oxford: Oxford University Press, 2008)
- Berdal, Mats, & Ucko, David H., (eds.), *Reintegrating Armed Groups After Conflict: Politics, violence and transition* (London and New York: Routledge, 2009)
- Bickerton, Christopher, 'State-building: Exporting State Failure', in Christopher Bickerton et al. (eds.), *Politics Without Sovereignty: A Critique of Contemporary International Relations* (London: Routledge, 2006)
- Bieber, Florian, *Constitutional reform in Bosnia and Herzegovina: preparing for EU accession* (Brussels: European Policy Centre, April 2010)
- Bieber, Florian, *Post-War Bosnia: Governance, Inequality and Public Sector Governance* (Basingstoke: Palgrave Macmillan, 2006)

- Boege, Volker, et al., *On Hybrid Political Orders and Emerging States: State Formation in the Context of 'Fragility'*, Berghof Handbook Dialogue No. 8, BRCCCM (Berlin: Berghof Conflict Research, 2008)
- Bose, Sumantra, *Bosnia after Dayton: Nationalist Partition and International Intervention* (New York: Oxford University Press, 2002)
- Bourdieu, Pierre, *The Logic of Practice*, Richard Nice (trans.) (CA: Stanford University Press, 1990)
- Bowles, Edith, and Chopra, Tanja, 'East Timor: Statebuilding Revised', in Charles T. Call & Vanessa Wyeth (eds), *Building States to Build Peace* (Boulder: Lynne Rienner Pub., 2008)
- Briscoe, Ivan and Price, Megan, 'Kosovo's new map of power: governance and crime in the wake of independence' (The Hague: NIIR-Clingendael, May 2011)
- Bull, Carolyn, *No entry without strategy: Building the rule of law under UN transitional administration*, (Tokyo: UN University Press, 2008)
- Buzan, Barry and Albert, Mathias, 'Differentiation: A sociological approach to international relations theory', *European Journal of International Relations*, Vol.20, No.10, p. 315-337.
- Campbell, Joseph K. et al. (eds.), *Action, Ethics, and Responsibility* (Cambridge, MA: The MIT Press, 2010)
- Campbell, Susanna, et al. (eds.), *A Liberal Peace? The Problems and Practices of Peacebuilding* (London: Zed Books, 2011)
- Campbell, Susanna P., '(Dis)integration, Incoherence and Complexity in UN Post-conflict Interventions', *International Peacekeeping*, Vol.15, No.4, 2008, pp.556-569.
- Campbell, Susanna P., 'When Process Matters: The Potential Implications of Organizational Learning for Peacebuilding Success', *Journal of Peacebuilding and Development*, Vol. 4, No. 2, 2008, pp.20-32.
- Caplan, Richard, *The International Administration of War-torn Territories: Rule and Reconstruction* (Oxford: Oxford University Press, 2005)
- Caplan, Richard, 'Who guards the guardians? International accountability in Bosnia', *International Peacekeeping*, Vol.12, No.3, 2005, pp. 463-476.
- Capra, F., *The Hidden Connections: A Science for Sustainable Living* (London: HarperCollins, 2002)
- Carnegie Commission on Preventing Deadly Conflict, *Preventing Deadly Conflict: Final Report* (New York: Carnegie Corporation of New York, 2007)
- Carty, Kevin, EUPM Head of Mission, Press statement, in Sanela Osmanovic-Vukelic, *10 Years of EU Police Mission in Bosnia and Herzegovina* (Sarajevo: EUPM, June 2012)
- Celador, Gemma Collantes, 'Police Reform: Peacebuilding Through 'Democratic Policing'?', *International Peacekeeping*, Vol.13, No.3, 2005, p. 364-376.
- Centre for Defence Studies, 'Independent Study on Security Force Options and Security Sector Reform in Timor-Leste' (London: KCL, August 2000)

- Centre for International Cooperation, *Annual Review of Global Peace Operations 2005* (Boulder: Lynne Rienner, 2006).
- Chandler, David (ed.), *Peace Without Politics? Ten Years of International State-Building in Bosnia* (London and New York: Routledge, 2006)
- Chandler, David, 'Building trust in public institutions? Good governance and anti-corruption in Bosnia-Herzegovina', *Ethnopolitics*, Vol.5, No.1, 2006, pp.85-99.
- Chandler, David, *Empire in Denial: The Politics of State-Building* (London: Pluto Press, 2006)
- Chandler, David, *International Statebuilding: The Raise of Post-Liberal Governance* (London and New York: Routledge, 2010)
- Chandler, David, and Sisk, Timothy D., (eds.), *Routledge Handbook of International Statebuilding* (London: Routledge, 2013)
- Chandler, David, *Freedom vs Necessity in International Relations: Human-Center Approaches to Security and Development* (London: Zed Books, 2013)
- Cherkaoui, Mohamed, *Good Intentions: Max Weber and the Paradox of Unintended Consequences* (Oxford: The Bardwell Press, 2007)
- Chesterman, Simon, 'Building democracy through benevolent autocracy: Consultation and accountability in UN transitional administrations', in Edward Newman & Roland Rich (eds.), *The UN role in promoting democracy: Between ideals and reality*, Tokyo: UN University Press, 2004)
- Chesterman, Simon, *You, the People: The United Nations, Transitional Administration, and State-Building* (Oxford: Oxford University Press, 2004)
- Cavanaugh, T.A, *Double-Effect Reasoning: Doing Good and Avoiding Evil* (Oxford: Clarendon Press, 2006)
- Cheyanne Church and Julie Shouldice, *The Evaluation of Conflict Resolution Interventions: Framing the State of Play*, Derry/Londonderry: INCORE, 2002, p. 40.
- Collier, David, et al., 'Typologies: Forming Concepts and Creating Categorical Variables'. In Jenet M. Box-Steffensmeier, et al. (eds.), *The Oxford Handbook of Political Methodology* (Oxford: Oxford University Press, 2008)
- Comprehensive Proposal for the Kosovo Status Settlement, 02 February 2007.
- Conflict, Security and Development Group, *A Review of Peace Operations: A Case for Change – Timor-Leste Study* (London: KCL, 10 March 2003)
- Constitutional Court of Bosnia and Herzegovina, Decision U-37/01, 2 November 2001.
- Coordinators Office for the Strategy Regarding the North of Kosovo, 'Report on Parallel Institutions on North of Kosovo: Belgrade – With a Foot on the North and an Open Hand in Brussels' (Prishtina: GoK, May 2011)
- Cordone, Claudio, 'Police reform and human rights investigations: The experience of the UN mission in Bosnia and Herzegovina', *International Peacekeeping*, Vol.6, No.4, 1999, pp.191-209.

- Council of Europe, Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative adopted by the Venice Commission at its 62nd plenary session (Venice, 11-12 March 2005).
- Council of Ministers, Government of Timor-Leste, The Decree-Law No. 9/2009 of 18 February 2004 on Organic Law of PNTL (Dili, December 2008)
- Council of the EU, *Draft European Union Programme for the Prevention of Violent Conflicts* (Brussels: EU, 7 June 2001).
- Covey, Jock, 'The Custodian of the Peace Process', in Jock Covey, et al. (eds.), *The Quest for Viable Peace: International Intervention and Strategies for Conflict Transformation* (Washington, D.C.: USIP, 2005)
- Cox, Robert W., 'Social Forces, States and World Orders: Beyond International Relations Theory', *Millennium*, Vol.10 No.2, 1981, pp.126-155.
- Crises Group, *Bosnia's Stalled Police Reform: No Progress, No EU*, Europe Report No. 164 (Brussels: ICG, 06 September 2005)
- Crisis Group, *Bridging the Kosovo's Mitrovica Divide*, Europe Report Nr. 165 (Brussels: ICG, 13 September 2005)
- Crisis Group, *Is Dayton Failing? Bosnia Four Years after the Peace Agreement*, Europe Report No. 80 (Sarajevo/Brussels: ICG, 28 October 1999)
- Crisis Group, *Kosovo: Štrpce, a Model Serb Enclave?*, Europe Briefing No. 56 (Pristina/Brussels: ICG, 15 October 2009)
- Crisis Group, *Policing the Police in Bosnia: A Further Reform Agenda*, Europe Report No. 130 (Brussels: ICG, 10 May 2002)
- Crisis Group, *Serb Integration in Kosovo: Taking the Plunge*, Europe Report No. 200 (Brussels: ICG, 12 May 2009)
- Crisis Group, *The Continuing Challenge of Refugee Return on Bosnia & Herzegovina*, ICG Balkans Report No. 137 (Brussels: ICG, 13 November 2002)
- Crisis Group, *The Rule of Law in Independent Kosovo*, Europe Report No. 204 (Brussels/Prishtina: ICG, 19 May 2010)
- Crisis Group, *Timor-Leste: Security Sector Reform*, Asia Report No. 143 (Dili/Brussels: ICG, 17 January 2008)
- Crisis Group, *UNMIK's Kosovo Albatross: Tackling Division in Mitrovica*, ICG Balkans Report No. 131 (Brussels: ICG, 03 June 2002)
- Cudworth, Erika, and Hobden, Stephen, *Posthuman International Relations: Complexity, Ecologism and Global Politics* (London: Zed Books, 2011)
- Culbertson, Hal, 'The Evaluation of Peacebuilding Initiatives: Putting Learning Into Practice', In Daniel Philpott & Gerard Powers (eds.), *Strategies of Peace: Transforming Conflict in a Violent World*, (Oxford: Oxford University Press, 2010)
- Daalder, Ivo H., *Getting to Dayton: The Making of America's Bosnia Policy* (Washington DC: Brookings Institution Press, 2000)
- Dalton, Russell J. and Wattenberg, Martin P. (eds.), *Parties Without Partisans: Political Change in Advanced Industrial Democracies* (Oxford: Oxford University Press, 2000)

- Day, Graham, ‘The Training dimension of the UN Mission in Bosnia and Herzegovina (UNMIBH)’, *International Peacekeeping*, Vol.7, No.2, 2000, pp.155-68.
- Diehl, Paul F., and Druckman, Daniel, *Evaluating Peace Operations* (Boulder: Lynne Reinner Pub., 2010)
- Donais, Timothy, ‘The Limits of Post-Conflict Police Reform’, in M. Innes (ed.) *Bosnian Security After Dayton: New Perspectives* (London: Routledge, 2006)
- Donais, Timothy, ‘The political economy of stalemate: organised crime, corruption and economic deformation in post-Dayton Bosnia’, *Conflict, Security & Development*, Vol.3, No.3, 2003, pp.359-382.
- Dorn, A. Walter and King, Jeremy, ‘Taking Stock of Security Sector Reform in Bosnia 1995-2002’, in Charles C. Pentland (ed.), *Bridges To Peace: Ten Years of Conflict Management In Bosnia*, (Montreal: McGill Queens University Press, 2005)
- Doyle, Michael W., and Sambanis, Nicholas, ‘International Peacebuilding: A Theoretical and Quantitative Analysis’, *The American Political Science Review*, Vol.94, No.4, 2000, pp. 779-801.
- Doyle, Michael W., and Sambanis, Nicholas, *Making War and Building Peace: United Nations Peace Operations*, (New Jersey: Princeton University Press, 2006)
- Doyle, Michael W., ‘Kant, Liberal Legacies, and Foreign Affairs, Part 2’, *Philosophy and Public Affairs*, Vol. 12, No. 4, 1983, p. 323-53.
- Doyle, Michael W., ‘Kant, Liberal Legacies, and Foreign Affairs’, *Philosophy and Public Affairs*, Vol. 12, No. 3, 1983, pp. 205-35.
- Doyle, Michael W., ‘Three Pillars of the Liberal Peace’, *American Political Science Review*, Vol. 99, No. 3, 2005, pp. 463-66.
- Doyle, Michael W., *Liberal Peace: Selected essays* (London and New York: Routledge, 2012)
- Dziedzic, Michael and Bair, Andrew, ‘Bosnia and the International Police Task Force’, in Robert B. Oakley, et al. (eds.) *Policing the New World Disorder: Peace Operations and Public Security* (Washington: INNSS-NDU, 1998)
- Dziedzic, Michael J., ‘Kosovo’, in William J. Durch (ed.) *Twenty-First-Century Peace Operations* (Washington DC: USIP, 2006)
- Ebnother, Anja, & Fluri, Philipp, *After Intervention: Public Security Management in Post-Conflict Societies – From Intervention to Sustainable Local Ownership* (Vienna: PfP Consortium Working Group, 2005)
- Edkins, Jenny, and Vaughan-Williams, Nick, (eds.), *Critical Theorists and International Relations* (London & New York: Routledge, 2009)
- Elias, Luis Manuel Andre, Deputy Commissioner, ETPS – UNMISSET, in Nassrine Azimi and Chang Li Lin (eds.), *The United Nations Transitional Administration in East Timor (UNTAET): Debriefing and Lessons: Report of the 2002 Tokyo Conference, UNITAR and IPS* (Leiden: Mariunus Nijhoff Publishers, 2003).
- Erskine, Toni, ‘Making Sense of ‘Responsibility’ in International Relations: Key Questions and Concepts’, in Toni Erskine (ed.), *Can Institutions Have Re-*

*sponsibilities? Collective Moral Agency and International Relations* (Basingstoke: Palgrave Macmillan, UK, 2003)

- EU Commission, 'Bosnia and Herzegovina 2012 Progress Report' (Brussels: EU Commission, 2012)
- EU Council Joint Action 2005/824/CFSP of 24 November 2005 on the European Union Police Mission (EUPM) in Bosnia and Herzegovina (BiH), *Official Journal of the European Union*, L 307/55.
- EU Council Joint Action of 11 March 2002 on the European Union Police Mission, (2002/210/CFSP), *Official Journal of the European Communities*, L 70/1.
- EUPM Standing Operating Procedure, Chapter V Code of Conduct (Sarajevo: EUPM).
- EUPM, 'General Coppola Welcomes Adoption of Police Reform Laws', Press Release, 16 April 2008.  
<<http://www.eupm.org/Detail.aspx?ID=518&TabID=1>>
- EUPM, 'Negotiations on Police Reform Failed', Press Release, 17 May 2005. Available at: <http://www.eupm.org/Detail.aspx?ID=100&TabID=1>
- EuropeAid Co-operation Office, *Evaluation Methods for the European Union's External Assistance: Methodological Bases for Evaluation Vol. 1* (Brussels: EU, 2006)
- European Commission for Democracy Through Law (Venice Commission), *Opinion on the Constitutional Situation in Bosnia and Herzegovina and the Powers of the High Representative*, CDL-AD (2005) 004, Venice, 11 March 2005.
- European Parliament, 'The decentralization process in Kosovo and the creation of the new municipalities: a Kosovo-Albanian and a Kosovo-Serb minority view' (AFET Policy Study, Brussels, EP, July 2010)
- European Stability Initiative, 'Post-Industrial Future? Economy and Society in Mitrovica and Zvecan' (Berlin/Prishtina: ESI, January 2004)
- European Union, 'Report from the Commission to the Council on the preparedness of Bosnia and Herzegovina to negotiate a Stabilization and Association agreement with the European Union' (Brussels: EU, 18 November 2003)
- Fairclough, Isabela, and Fairclough, Norman, *Political Discourse Analysis: A Method for Advanced Students* (London: Routledge, 2012)
- Fairclough, Norman, *Critical Discourse Analysis* (MA: Addison Wesley, 1995)
- Fairclough, Norman, *Discourse and Social Change* (Cambridge: Polity Press, 1992)
- Farrall, Jeremy, 'Impossible expectations? The UN Security Council's promotion of the rule of law after conflict', in Brett Bowden, et al. (eds.), *The Role of International Law in Rebuilding Societies after Conflict: Great Expectations* (Cambridge: Cambridge University Press, 2009)
- Fast, Larissa A., and Neufeldt, Reina C., 'Envisioning Success: Building Blocks for Strategic and Comprehensive Peacebuilding Impact Evaluation', *Journal of Peacebuilding and Development*, Vol.2, No.2, 2005, pp.24-41.

- Finnis, John, 'Intention and side-effects', in R. G. Frey and Christopher W. Morris, (eds.), *Liability and Responsibility: Essays in Law and Morals* (Cambridge: Cambridge University Press, 1991)
- Flessenkemper, Tobias, and Helly, Damien (eds.), *Ten years after: lessons from the EUPM in Bosnia and Herzegovina 2002-2012* (Paris: ISS, 2013)
- Forward by Minister of Foreign Affairs of the Republic of Slovenia and President of the EU General Affairs and External Relations Council, in 'Seminar on Police Reform in Bosnia and Herzegovina: Security Sector Reform and the Stabilization and Association Process' (Sarajevo: Centre for European Perspective, 4-6 June 2008)
- Foucault, Michel, *Discipline and Punish* (London: Allen Lane, 1977)
- Foucault, Michel, 'Questions of Method', in: Graham Burchell, et al., (eds.), *The Foucault Effect: Studies in Governmentality* (Chicago, IL.: The University of Chicago Press, 1991)
- Friedrichs, Jorg, and Kratochwil, Fridrich, 'On Acting and Knowing: How Pragmatism Can Advance International Relations Research and Methodology', *International Organization*, Vol.63, 2009, pp.701-31.
- Gaarder, Marie, and Annan, Jeannie, *Impact Evaluation of Conflict Prevention and Peacebuilding Interventions*, WBPR Working Paper No. 6496 (Washington D.C.: World Bank, June 2013)
- Galtung, Johan, *Peace, War and Defence: Essays in Peace Research, Vol. II* (Copenhagen: Christian Ejlertsen, 1976)
- Geddes, Barbara, 'How the Cases You Choose Affect the Answers You Get: Selection Bias in Comparative Politics', *Political Analysis*, Vol.2, 1991, pp.131-50.
- George, Aleksander L., and Bennett, Andrew, *Case Studies and Theory Development in the Social Sciences* (MA, Cambridge: MIT Press, 2005)
- George, Alexander L., and Holl, Jane E., 'The Warning-Response Problem and Missed Opportunities in Preventive Diplomacy', in: Bruce W. Jentleson (ed.), *Opportunities Missed, Opportunities Seized* (Lanham, MD: Rowman & Littlefield, 2000)
- Gerring, John, 'Case Selection for Case-Study Analysis: Qualitative and Quantitative Techniques', In Jenet M. Box-Steffensmeier, et al. (eds.), *The Oxford Handbook of Political Methodology* (Oxford: Oxford University Press, 2008)
- Gerring, John, *Case Study Research: Principles and Practices* (Cambridge: Cambridge University Press, 2007)
- Ghani, Ashraf, and Lockhart, Clare, *Fixing Failed States: A Framework for Rebuilding a Fractured World* (Oxford: Oxford University Press, 2009)
- Government of Bosnia and Herzegovina, 'National War Crimes Strategy' (Sarajevo: December 2008)
- Government of Kosovo, 'Strategy for the Development of SME in Kosovo 2012-2016' (Prishtina: GoK, July 2011)

- Government of Serbia, 'A Plan for the Political Solution to the Situation in Kosovo and Metohija', Belgrade, April 2014.
- Government of Serbia, 'Platform on the Future Status of Kosovo and Metohija', Belgrade, 05 January 2006.
- Gramsci, Antonio, *Selections from the Prison Notebooks*, Quintin Hoare and Geoffrey N. Smith (ed. and trans.) (London: Lawrence & Wishart, 1971)
- Gray, John, *Post-liberalism: Studies in political thought* (London & New York: Routledge, 1993)
- Gunn, Geoffrey C., *East Timor and the United Nations: The Case for Intervention*, Lawrenceville, N.J.: Red Sea Press, 1997; Damien Kingsbury, *East Timor: The Price of Liberty* (Basingstoke: Palgrave Macmillan, 2009)
- Gürkaynak, Esra Çuhadar, et al., 'Evaluation in conflict resolution and peace-building', in: Dennis J. D. Sandole et al (eds), *Handbook of Conflict Analysis and Resolution* (London: Routledge, 2009)
- Hansen, Lene, *Security as Practice: Discourse Analysis and the Bosnian War* (London and New York: Routledge, 2006)
- Harwley, Len R., and Skosz, Dennis, 'Advanced Political-Military Planning: Laying the Foundation for Achieving Viable Peace', in Jock Covey, et al. (eds.), *The Quest for Viable Peace: International Intervention and Strategies for Conflict Transformation* (Washington, D.C.:USIP, 2005)
- Haug, Hilde K., 'Kosovo in Serbian Politics since Milosevic', in Ola Listhaug, Sabrina P. Ramet & Dragana Dulic (eds), *Civil and Uncivil Values: Serbia in the Post-Milosevic Era* (Budapest: CEU Press, 2011)
- Hill, Thomas E., Jr. *Respect, Pluralism, and Justice: Kantian Perspectives* (Oxford: Oxford University Press, 2000)
- Høglund, Kristine, 'Comparative Field Research in War-Torn Societies', in Kristine Høglund and Magnus Oberg (eds.), *Understanding Peace Research: Methods and Challenges* (London: Routledge, 2011)
- Holbrooke, Richard, *To End a War* (New York: Random House, 1998)
- Hood, Ludovic, 'Security Sector Reform in Timor-Leste, 1999 - 2004', *International Peacekeeping*, Vol.13, No.1, 2006, pp.60-77.
- Hoxhaj, Enver, 'The Politics of Partition in Kosovo', *Sudosteuroopa*, Vol. 54, No. 3, 2006, pp.380-403.
- Hoxhaj, Enver, Kosovo's Minister for Foreign Affairs at the UN Security Council, *Provisional Verbatim of the 6604th Meeting*, UN Doc. S/PV.6604, 30 August 2011.
- Human Rights Watch, *Poisoned by Lead: A Health and Human Rights Crisis in Mitrovica's Roma Camps* (New York: HRW, June 2009)
- Human Rights Watch, 'Tortured Beginnings: Police Violence and the Beginnings of Impunity in Timor-Leste', Vol. 18, No. 2 (c), April 2006.
- Human Rights Watch, *Hopes Betrayed: Trafficking of Women and Girls in Post-Conflict Bosnia and Herzegovina for Forced Prostitution* (New York: Human Rights Watch, November 2002)



- Human Rights Watch, *Justice At Risk: War Crimes Trials In Croatia, Bosnia And Herzegovina, And Serbia And Montenegro*, Vol. 16, No. 7(D), October 2004.
- Human Rights Watch, *Looking for Justice: The War Crimes Chamber in Bosnia and Herzegovina*, Volume 18, No. 1(D) (Sarajevo: HRW, February 2006)
- Human Rights Watch, *Tortured Beginnings: Police Violence and the Beginnings of Impunity in Timor-Leste*, Vol. 18, No. 2 (c), April 2006.
- Humphreys, Michael, and Jelusic, Jasna, 'A missed opportunity: State building in Bosnia and Herzegovina (October 2002 to October 2006)', in Steven Blockmans, et al., *The European Union and Peacebuilding: Policy and Legal Aspects* (The Hague: T.M.C. Asser Press, 2010)
- Hutchings, Kimberly, *Kant, Critique and Politics*, (London: Routledge, 1996)
- ICO, 'Guests In Our Own House: The Comprehensive Settlement Proposal and the Serb Community in northern Kosovo' (Prishtina: ICO, April 2012)
- ICO, Report of Focus Groups with citizens in northern Kosovo (Prishtina: ICO, August 2010)
- Ishizuka, Katsumi, 'Peacekeeping in East Timor: The Experience of UNMISET', *International Peacekeeping*, Vol.10, No.3, 2003, pp.44-59.
- Ivanišević, Bogdan, *The War Crimes Chamber in Bosnia and Herzegovina: From Hybrid to Domestic Court* (New York: ICTJ, 2008)
- Jackson, Richard, et al. (eds.), *Critical Terrorism Studies: A New Research Agenda* (London: Routledge, 2009)
- Janjic, Sava, 'Chaos and Disorder: Kosovo and Metohija Four Years Later', in Dusan T. Batakovic (ed), *Kosovo and Metohija: Living in the Enclave* (Belgrade: Serbian Academy of Sciences and Arts, 2007)
- Jarstad, Anna K., 'Power sharing: former enemies in joint government', in Anna K. Jarstad & Timothy D. Sisk (eds.), *From War to Democracy: Dilemmas of Peacebuilding* (Cambridge: Cambridge University Press, 2008)
- Jenkins, Richard, *Pierre Bourdieu* (London and New York: Routledge, 1992)
- Jervis, Robert, 'Complexity and the Analysis of Political and Social Life', *Political Science Quarterly*, Vol.12, No.4, 1997-98, pp.569-593.
- Jett, Dennis C., *Why Peacekeeping Fails* (New York: Palgrave, 1999)
- Johnson, Harold J., *Bosnia: Crime and Corruption Threaten Successful Implementation of the Dayton Peace Agreement*, Testimony Before The Committee on International Relations, House of Representatives (Washington: US Congress, 2000)
- Jørgensen, Marianne, and Phillips, Louise, *Discourse Analysis as Theory and Method*, (London: Sage, 2002)
- Judah, Tim, *Kosovo: War and Revenge* (New Haven: Yale University Press, 2000)
- Kant, Immanuel, *Toward Perpetual Peace and Other Writings on Politics, Peace, and History* (New Haven: Yale University Press, 2006)
- Kapoor, Ilan, *The Postcolonial Politics of Development* (London: Routledge, 2008)

- King, Gary, Keohane, Robert O., and Verba. Sidney, *Designing Social Inquiry: Scientific Inference in Qualitative Research* (New Jersey: Princeton University Press, 1994)
- King, Iain, and Mason, Whit, *Peace At Any price: How the World Failed Kosovo* (London: Hurst & Company, 2006)
- KIPRED, ‘Kosovo National Elections 2010: Overview and Trends’ (Prishtina: KIPRED, April 2011)
- KIPRED, *Grass-Root Approaches to Inter-Ethnic Reconciliation in the Northern Part of Kosovo*, Policy Paper Series 2012/03 (Prishtina: KIPRED, February 2012)
- Kosovo Declaration of Independence, Prishtina, 17 February 2008. <<http://www.assembly-kosova.org/?cid=2,128,1635>>
- Kosovo Stability Initiative, ‘Mitrovica: One City, Two Realities’, Policy Briefs (Prishtina: KSI, 17 December 2009)
- Kosumi, Bajram, *Nje Vit Vendimtar: Permbledhje fjalimesh, letrash, dhe intervistash te Kryeministrit te Kosoves, z. Bajram Kosumi (mars 2005 – mars 2006)* (Tirana: Botimet Toena, 2007)
- Kouchner, Bernard, *The Warriors of Peace* (Paris: Grasset, 2004)
- Kraniqi, Jakup, Speaker of the Assembly of Kosovo, Documentary ‘Koha për Shtet’ (Prishtina: KTV, February 2013)
- Kuçi, Hajredin, Deputy Prime Minister of Kosovo, Documentary ‘Koha për Shtet’ (Prishtina: KTV, February 2013)
- Kurki, Milja. *Causation in International Relations: Reclaiming Causal Analysis* (Cambridge: Cambridge University Press, 2008)
- La’o Hamutuk, ‘An Overview of FALINTIL’S Transformation to F-FDTL and its Implications’, Vol. 6, No. 1-2 (Dili: LH, April 2005)
- Law, John, *After Method: Mess in social science research* (London and New York: Routledge, 2004)
- Lederach, John Paul, *Building peace: Sustainable Reconciliation in Divided Societies* (Washington D.C.: USIP, 1997)
- Lee, Shin-wha, ‘Unintended consequences of peace operations on humanitarian action’, in Chiyuki Aoi, et al. (eds.), *Unintended consequences of peacekeeping operations* (Tokyo: UN University Press, 2007)
- Levy, Jack S., ‘Counterfactuals and Case Studies’, In Jenet M. Box-Steffensmeier, et al., (eds.), *The Oxford Handbook of Political Methodology* (Oxford: Oxford University Press, 2008)
- Lindvall, Daniel, ‘The Limits of the European Vision in Bosnia and Herzegovina: An Analysis of the Police Reform Investigations’, *PhD Thesis* (Stockholm University, 2009)
- Loane, Geoff and Moyroud, Celine, (eds.), *Tracing Unintended Consequences of Humanitarian Assistance: The Case of Sudan*, Conflict Prevention Network (SWP-CPN) No. 60/9 (Baden-Baden: Nomos Verlagsgesellschaft, 2001)

- Luhmann, Niklas, *The Differentiation of Society* (New York: Columbia University Press, 1982)
- Mac Ginty, Roger, 'Indicators +: A proposal for everyday peace indicators', *Evaluation and Program Planning*, Vol. 36, No. 1, 2013, pp. 56-63.
- Mac Ginty, Roger, 'Routine peace: Technocracy and peacebuilding', *Cooperation and Conflict*, Vol. 47, No. 3, 2012, pp. 287-308.
- Mac Ginty, Roger, *International Peacebuilding and Local Resistance: Hybrid Forms of Peace* (Basingstoke: Palgrave, 2011)
- Mac Ginty, Roger, (ed.), *Routledge Handbook of Peacebuilding* (London: Routledge, 2013)
- Macqueen, Norrie, *The United Nations, Peace Operations and the Cold War* (London: Routledge, 2011)
- Mahoney, James, 'After KKV: The New Methodology of Qualitative Research', *World Politics*, Vol.62, No.1, 2010, pp.120-47.
- Mahoney, James, 'Path dependence in historical sociology', *Theory and Society*, Vol.29, 2000, pp. 507-548.
- Mandel, David R. and Lehman, Darrin R., 'Counterfactual Thinking and Ascriptions of Cause and Preventability', *Journal of Personality and Social Psychology*, Vol.71, No.3, 1996, pp. 450-463.
- Martin, Ian, *Self-Determination in Timor-Leste* (New York: IPA, 2001)
- Mayall, James, 'The legacy of colonialism', In Simon Chesterman, et al. (eds.), *Making states work: State failure and the crisis of governance* (Tokyo: UN University Press, 2005)
- McNamara, Dennis, Former Deputy SRSG for East Timor, UNTAET, in Nassrine Azimi and Chang Li Lin (eds.), *The United Nations Transitional Administration in East Timor (UNTAET): Debriefing and Lessons: Report of the 2002 Tokyo Conference, UNITAR and IPS* (Leiden: Mariunus Nijhoff Publishers, 2003)
- Megret, Frederic, 'The vicarious responsibility of the United Nations', in Chi-yuki Aoi, et al. (eds.), *Unintended consequences of peacekeeping operations* (Tokyo: UN University Press, 2007)
- Merlingen, Michael, with Ostrauskaite, Rasa, *European Union Peacebuilding and Policing: Governance and the European Security and Defence Policy* (London: Routledge, 2006)
- Merton, Robert K., 'The Unanticipated Consequences of Purposive Social Action', *American Sociological Review*, Vol.1, No.6, 1936, pp. 894-904.
- Message from Secretary General, in Nassrine Azimi and Chang Li Lin (eds.), *The United Nations Transitional Administration in East Timor (UNTAET): Debriefing and Lessons: Report of the 2002 Tokyo Conference, UNITAR and IPS* (Leiden: Mariunus Nijhoff Publishers, 2003)
- Miall, Hugh, *Conflict Transformation: A Multi-Dimensional Task* (Berlin: Berghof Research Center for Constructive Conflict Management, August 2004)

- Milliken, Jennifer, 'The Study of Discourse in International Relations: A Critique of Research and Methods', *European Journal of International Relations*, Vol.5, No.2, 1999, pp.225-254.
- Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia (Kumanovo: FYROM, 09 June 1999)
- Ministry of Defence of Timor-Leste, 'Force 2020: Strategic Blueprint for the Development of the Armed Forces of Timor-Leste 2005-2020', Dili 20 July 2006.
- Mitchell, Christopher R. and Hancock, Landon E. (eds.), *Local Peacebuilding and National Peace: Interaction Between Grassroots and Elite Processes* (London and New York: Continuum, 2012)
- Momirov, Aleksandar (2012): 'Local Impact of 'UN Accountability' Under International Law: The Rise and Fall of UNMIK's Human Rights Advisory Panel', *International Peacekeeping*, Vol. 19, No. 1, pp. 3-18.
- Monteiro, Nuno P., 'We Can Never Study Merely One Thing: Reflections on Systems Thinking and IR', *Critical Review*, Vol.24, No.3, 2012, pp. 343-66.
- Moratti, Massimo and Sabic-El-Rayess, Amra, *Transitional Justice and DDR: The Case of Bosnia and Herzegovina* (New York: ICTJ, June 2009)
- Moustakas, Clark, *Phenomenological Research Methods* (CA: Sage, 1994)
- Muggah, Robert, *Security and Post-Conflict Reconstruction: Dealing with fighters in the aftermath of war*, (London: Routledge, 2009)
- Murphy, Ray, *UN Peacekeeping in Lebanon, Somalia and Kosovo*, Cambridge: Cambridge University Press, 2007.
- Murray, Jennifer, 'Who will Police the Peace-Builders? The Failure to establish accountability for the participation of United Nations Civilian Police in the Trafficking of Women in Post-Conflict Bosnia and Herzegovina', *Columbia Human Rights Law Review*, Vol. 34, 2002-03, pp.475-527.
- Naarden, Gregory L., 'Non-prosecutorial Sanctions for Grave Violations of International Humanitarian Law: Wartime Conduct of Bosnian Police Officials', *The American Journal of International Law*, Vol. 97, 2003, pp. 342-52.
- Nansen Dialogue Centre Sarajevo and Saferworld, *The missing peace: the need for a long-term strategy in Bosnia and Herzegovina* (Sarajevo: NDCS and SW, 2010)
- NATO, Statement by the Secretary General, Press Release, PR/CP(2001)021, 16 February 2001. <<http://www.nato.int/docu/pr/2001/p01-021e.htm>>
- Nietzsche, Friedrich, *Twilight of the Idols with the Antichrist and Ecce Homo* (Hertfordshire: Wordsworth Editions Ltd., 2007)
- OECD, *Concepts and Dilemmas of State Building in Fragile Situations: From Fragility to Resilience* (Paris: OECD, 2008)
- OECD, *Glossary of Key Terms in Evaluation and Results Based Management* (Paris: OECD, 2002)
- OECD, *Guidance for Evaluating Humanitarian Assistance in Complex Emergencies* (Paris: OECD, 1999)

- OHR, 'Decision Establishing the Police Restructuring Commission' (Sarajevo: OHR, 05 July 2004)
- OHR, 'Final Report on the Work of the Police Restructuring Commission of Bosnia and Herzegovina' (Sarajevo: OHR, December 2004)
- OHR, 'Mission Implementation Plan 2003' (Sarajevo: OHR, 30 January 2003) <[http://www.ohr.int/ohr-info/ohr-mip/default.asp?content\\_id=29145](http://www.ohr.int/ohr-info/ohr-mip/default.asp?content_id=29145)>
- OHR, 'Remarks by the High Representative, Paddy Ashdown, at the Press Conference on the Removal of President Covic' (Sarajevo: OHR, 29 March 2005)
- OHR, *Decision to remove Dragomir Andan from his position as Deputy Head of Administration for Police Education of the Ministry of the Interior of the Republika Srpska* (Sarajevo: OHR, 10 July 2007)
- OIOS, 'Audit Report: Management of the Security Sector Support Programme in UNMIT', UN Doc. AP2009/682/02, 23 December 2009.
- Okuizumi, Kaoru, 'Peacebuilding Mission: Lessons from the UN Mission in Bosnia and Herzegovina', *Human Rights Quarterly*, Vol.24, 2002, pp. 721-735.
- Ombudsperson Institution in Kosovo, *Forth Annual Report (2003-2004)* (Prishtina: OIK, 12 July 2004)
- Ombudsperson Institution in Kosovo, *Second Annual Report 2001-2002* (Prishtina: OIK, 10 July 2002)
- Ombudsperson Institution in Kosovo, *Third Annual Report (2002-2003)* (Prishtina: OIK, 10 July 2003)
- Onuf, Nicolas, 'Institutions, intentions and international relations', *Review of International Studies*, Vol.28, No.2, 2002, pp.211-28.
- Orum, Anthony M., et al., 'Introduction: The nature of the Case Study', in Joe R. Feagin, et al., (eds.), *A Case for the Case Study*, (CA: UNC Press, 1991)
- OSCE, *Human Rights, Ethnic Relations and Democracy in Kosovo (Summer 2007 – Summer 2008)* (Prishtina: OSCE, 2008)
- OSCE, *Kosovo Communities Profiles 2010 - Kosovo Serbian Community Profile* (Prishtina: OSCE, 2010)
- OSCE, *Project Management in the OSCE - A Manual for Programme and Project Managers* (Vienna: CPC/PESU, 2010)
- OSCE, *Serb Parallel Structures in Kosovo 2003* (Prishtina: OSCE, October 2003)
- OSCE, *Serb Parallel Structures in Kosovo 2006-2007* (Prishtina: OSCE, 2007)
- OSCE, *War Crimes Trials Before the Domestic Courts of Bosnia and Herzegovina Progress and Obstacles* (Sarajevo: OSCE, March 2005)
- Osland, Kari M., 'The EU Police Mission in Bosnia and Herzegovina', *International Peacekeeping*, Vol.11, No.3, 2004, p. 554-60.
- Osmanovic-Vukelic, Sanela, *10 Years of EU Police Mission in Bosnia and Herzegovina* (Sarajevo: EUPM, June 2012)

- Paffenholz, Thania, et al. 'Peacebuilding and Development: Integrated Approaches to Evaluation', *Journal of Peacebuilding and Development*, Vol. 2, No. 2, 2005, pp.1-5.
- Page, Scott E., 'Path Dependency', *Quarterly Journal of Political Science*, Vol.1, 2006, pp. 87-115.
- Paris, Roland, 'Saving liberal peacebuilding', *Review of International Studies*, Vol. 36, 2010, pp.337-365.
- Paris, Roland, and Sisk, Timothy D., (eds.), *The Dilemmas of Statebuilding: Confronting the Contradictions of Postwar Peace Operations* (London: Routledge, 2009)
- Paris, Roland, and Sisk, Timothy D., *Managing Contradictions: The Inherent Dilemmas of Postwar Statebuilding* (Washington, D.C.: IPA, 2007)
- Paris, Roland, *At War's End: Building Peace After Civil Conflict*, (Cambridge: Cambridge University Press, 2004)
- Peake, Gordon, 'Playing Pool in Hard Rock Coffee', *Local-Global: Identity, Security, Community*, Vol. 11, 2012, pp. 32-35.
- Peake, Gordon, A Lot of Talk But Not a Lot of Action: The Difficulty of Implementing SSR in Timor-Leste, In Hans Born and Albrecht Schnabel (eds.), *Security Sector Reform in Challenging Environments*, (Berlin: LIT Verlag, 2009)
- Pejanovic, Mirko, *The Political Development of Bosnia and Herzegovina in the Post-Dayton Period* (Sahinpasic: Sarajevo, 2007)
- Philpott, Daniel and Powers, Gerard F., *Strategies of Peace: Transforming Conflict in a Violent World*, (Oxford: Oxford University Press, 2010)
- PIC, 'Conclusions of the Peace Implementation Conference Held at Lancaster House London' (London: PIC Steering Board, 08 December 1995)
- PIC, *Communiqué by the PIC Steering Board* (Brussels: PIC, 11 December 2003)
- Pierson, Paul, 'Increasing Returns, Path Dependence, and the Study of Politics', *American Political Science Review*, Vol.94, No.2, 2000, pp. 251-267.
- PISG, 'Kosovo Standards Implementation Plan' (Prishtina: PISG, 31 March 2004)
- Power, Samantha, *Chasing the Flame: Sergio Vieira de Mello and the Fight to Save the World* (London: Penguin Books, 2008)
- Powles, Anna, *Independent Evaluation of the UNDP Security Sector Review* (Dili: UNDP-CDF, December 2010)
- Pugh, Michael, 'Welfare in War-torn Societies: Nemesis of the liberal peace?'. In Oliver P. Richmond, (ed.) *Palgrave Advances in Peacebuilding: Critical Developments and Approaches* (Basingstoke: Palgrave Macmillan, 2010)
- Pula, Besnik, 'The Emergence of the Kosovar Parallel State, 1988-92', *Nationalities Papers*, Vol. 32, Nr. 4, 2004, pp. 797-826.
- Reckwitz, Andreas, 'Towards a Theory of Social Practices', *European Journal of Social Theory*, Vol. 5, No. 2, pp. 243-263.

- Rees, Edward, ‘Security Sector Reform (SSR) and Peace Operations: “Improvisation and Confusion” from the Field’ (New York: UN Peacekeeping Best Practices, March 2006)
- Rees, Edward, ‘Security-sector reform and transitional administrations’, *Conflict, Security & Development*, Vol.2, No.1, 2002, pp.151-156.
- Rees, Edward, ‘Under Pressure – Three Decades of Defence Force Development in Timor-Leste 1975-2004’, Geneva: DCAF, 2004, p. 32;
- Amnesty International, ‘The Democratic Republic of Timor Leste: A new police service - a new beginning’, ASA 57/002/2003, 30 June 2003.
- Reif, Linda C., *The Ombudsman, Good Governance, and the International Human Rights System* (Leiden: Martinus Nijhoff Publishers, 2004)
- Richmond, Oliver P., ‘Failed statebuilding versus peace formation’, *Cooperation and Conflict*, Vol. 48, No. 3, pp. 378-400.
- Richmond, Oliver P., ‘Reclaiming Peace in International Relations’, *Millennium*, Vol.36, No.3, 2008, p.439-70.
- Richmond, Oliver P., (ed.), *Palgrave Advances in Peacebuilding: Critical Developments and Approaches* (Basingstoke: Palgrave Macmillan, 2010)
- Richmond, Oliver P., *A Post-Liberal Peace* (London: Routledge, 2011)
- Richmond, Oliver P., and Mitchell, Audra, (eds.), *Hybrid Forms of Peace, From Everyday Agency to Post-Liberalism* (Basingstoke: Palgrave Macmillan, 2011)
- Richmond, Oliver P., *Peace in International Relations* (London: Routledge, 2008)
- Ricigliano, Robert, ‘Planning for Systematic Impact’, in: Daniela Korppen, et al. (eds.), *The Non-Linearity of Peace Processes – Theory and Practice of Systemic Conflict Transformation* (Opladen/Farmington Hills: Barbara Budrich Verlag, 2011)
- Ricigliano, Robert, *Making Peace Last: A Toolbox for Sustainable Peacebuilding*, Boulder, CO: Paradigm Publishers, 2012.
- Roberge, Jonathan, ‘What is critical hermeneutics?’, *Thesis Eleven*, Vol.106, No. 1, 2011, pp. 5-22.
- Rodrigues, Rogue, Secretary of State for National Defence, East Timor, in Nassrine Azimi and Chang Li Lin (eds.), *The United Nations Transitional Administration in East Timor (UNTAET): Debriefing and Lessons: Report of the 2002 Tokyo Conference, UNITAR and IPS* (Leiden: Mariunus Nijhoff Publishers, 2003)
- Rotberg, Robert I., (ed.), *When States Fail: Causes and Consequences* (New Jersey: Princeton University Press, 2004)
- Rubin, Barnett R., ‘The Politics of Security in Postconflict Statebuilding’, in Charles T. Call & Vanessa Wyeth (eds), *Building States to Build Peace* (Boulder: Lynne Rienner Pub., 2008)
- Scambary, James, ‘Anatomy of a conflict: The 2006-7 communal violence in Timor-Leste’, in Vanesa Harris & Andrew Goldsmith (eds.), *Security, Development and Nation-Building in Timor-Leste: A Cross-sectoral Assessment* (London and New York: Routledge, 2011)

- Schatzki, Theodore R., 'Introduction: Practice theory', In Theodore R. Schatzki et al. (eds.), *The Practice Turn in Contemporary Theory* (London: Routledge, 2001)
- Schneckener, Ulrich, 'Unintended consequences of international statebuilding', in Christopher Daase & Cornelius Friesendorf (eds.), *Rethinking Security Governance: The problem of unintended consequences* (London and New York: Routledge 2010)
- Searle, John R., *Intentionality: An Essay in the Philosophy of Mind* (Cambridge: Cambridge University Press, 1983)
- Shoemaker, David, 'Attributability, Answerability, and Accountability: Toward a Wider Theory of Moral Responsibility', *Ethics*, Vol. 121, No. 3, 2011, pp. 602-632.
- Simonsen, Sven Gunnar, 'The role of Timor-Leste's security institutions in national integration - and disintegration', *The Pacific Review*, Vol. 22 No. 5, 2009, p. 575-596.
- Singh, Jasvir, *Problem of Ethnicity, The United Nations and Kosovo Crisis* (New Delhi: Unistar, 2008)
- Smith, Angela M., 'Attributability, Answerability, and Accountability: In Defense of a Unified Account', *Ethics*, Vol.122, No.3, 2012, p. 575-589.
- Smith, Michael G., with Dee, Moreen, *Peacekeeping in East Timor: The Path to Independence* (Boulder: Lynne Rienner, 2003)
- Sriram, Chandra Lekha, 'Revolutions in Accountability', *American University International Law Review*, Vol.19, No.2, 2003, pp. 301-429.
- Statement to the Press by the Secretary General of NATO, Lord Robertson, following NAC Meeting on Kosovo, Press Release (2000) 018, 25 February 2000. <<http://www.nato.int/docu/pr/2000/p00-018e.htm>>
- Statement by Dr Nebojsa Covic at the session of the National Assembly of the Republic of Serbia Belgrade, 27 August 2003.<<http://www.arhiva.serbia.gov.rs/news/2003-08/28/330616.html>>
- Statement by Dr. Nebojša Čović, Deputy Prime Minister of the Republic of Serbia and President of the Coordination Center of the Federal Republic of Yugoslavia and the Republic of Serbia for Kosovo and Metohia, UN Security Council, 24 April 2005.
- Stedman, Stephen J., *International Actors and Internal Conflicts* (New York: RBF, 1999)
- Strawson, Peter, 'Freedom and Resentment', In John Martin Ficher & Mark Ravizza (eds.), *Perspectives on Moral Responsibility* (Ithaca: Cornell University Press, 1993)
- Tadjbakhsh, Shahrbanou, 'Introduction: liberal peace in dispute', in Shahrbanou Tadjbakhsh (ed.), *Rethinking the Liberal Peace: External models and local alternatives* (London: Routledge, 2011)
- The Asia Foundation, *Conflict Management and Prevention in Timor-Leste* (Dili: AF, 01 August 2007)



- The Joint Action of the Council of the European Union, 11 March 2002, on the European Union Police Mission (2002/210/CFSP), Brussels: EU, 2002.
- Thompson, John B., *Critical Hermeneutics: A study in the thought of Paul Ricoeur and Jurgen Habermas* (Cambridge: Cambridge University Press, 1981)
- Titscher, Stefan, et al., *Methods of Text and Discourse Analysis* (London: Sage, 2000)
- TLAVA, 'Dealing with the kilat: An historical overview of small arms availability and arms control in Timor-Leste', Issue Brief, Timor-Leste Armed Violence Assessment, No.1 (Dili: TLAVA, October 2008)
- Tolksdorf, Dominik, 'Police Reform and Conditionality', in Tobias Flessenkemper and Damien Helly (eds.), *Ten years after: lessons from the EUPM in Bosnia and Herzegovina 2002-2012* (Paris: ISS, 2013)
- Transparency International, 'B&H Continues to Stagnate in the Fight against Corruption', Press Release (Sarajevo: TI, 03 December 2013)
- Transparency International, *National Integrity System - Bosnia and Herzegovina 2007* (Sarajevo: TI, 2007)
- Transparency International, *National Integrity Workshop "Institutional Cooperation and Coordination Mechanisms"*, 26 June 2013.
- Tripathi, Salil, 'Corporate Social Responsibility'. In Michael Pugh, et al. (eds.), *Whose Peace? Critical Perspectives on the Political Economy of Peacebuilding* (Basingstoke: Palgrave Macmillan, 2008)
- UNDP Kosovo, 'The Kosovo Mosaic: Perceptions of local government and public services in Kosovo' (Prishtina: UNDP, March 2003)
- UNDP, *Evaluation of UNDP Contribution to Strengthening of National Capacities*, Evaluation Office (New York: UNDP, 2010)
- Vejnovic, Dusko & Lalic, Velibor, 'Community Policing in a Changing World: A Case Study of Bosnia and Herzegovina', *Police Practice and Research*, Vol.6, No.4, 2005, pp. 363-373.
- Visoka, Gezim, 'The 'Kafkaesque Accountability' of International Governance in Kosovo', *Journal of Intervention and Statebuilding*, Vol. 6, No. 2, 2012, pp. 189-212.
- Visoka, Gezim, 'Three Levels of Hybridisation Practices in Post-conflict Kosovo', *Journal of Peacebuilding and Development*, Vol. 7, No. 2, Feb. 2013.
- Visoka, Gezim, and Beha, Adem, 'Clearing Up the Fog of Conflict: Actor-based Mapping of the Disputes in the North of Kosovo', Policy Study No. 1/2013 (Prishtina: Kosovo Institute of Peace, February 2013)
- Visoka, Gezim, and Bolton, Grace, 'The Complex Nature and Implications of International Engagement after Kosovo's Independence', *Civil Wars*, Vol.13, No.2, 2011, pp. 189-214.
- Von Dijk, Teun A., 'Critical Discourse Analysis', in Deborah Schiffrin, et al. (eds.), *The Handbook of Discourse Analysis* (Oxford: Blackwell Publishers, 2001)
- Weiss, Thomas G., et al., *The United Nations and Changing World Politics*, 6<sup>th</sup> ed. (Boulder: Westview Press, 2010)

- Weiss, Thomas G., *What's Wrong with the United Nations and How to Fix it* (Cambridge: Polity Press, 2012).
- Weller, Marc, *Contested Statehood: Kosovo's Struggle for Independence* (Oxford: Oxford University Press, 2009)
- Wilson, Bu V.E. and Belo, Nelson De Sousa C., *'The UNPOL to PNTL 'handover' 2009: what exactly is being handed over?* (Dili: Conflict Prevention and Peace Forum, 2 October 2009)
- World Bank, *'Bosnia and Herzegovina: Diagnostic Surveys of Corruption'* (Sarajevo: WB, 02 January 2005)
- World Bank, *East Timor Building a Nation: A Framework for Reconstruction and Development*, Joint Assessment Mission, Macroeconomics Background Paper (Dili: WB, November 1999)
- Yin, Robert K., *Case Study Research: Design and Methods*, 3<sup>rd</sup> ed., (London: Sage, 2003)
- Zaum, Dominik, *Sovereignty Paradox: The Norms and Politics of International Statebuilding* (Oxford: Oxford University Press, 2007)

## UN Documents<sup>688</sup>

### General:

- Boutros Boutros-Ghali, *An Agenda for Peace*, UN Doc. A/47/277-S/24/24111, 17 June 1992.
- 'Peacebuilding in the aftermath of conflict, Report of the Secretary-General', UN Doc. A/67/499-S/2012/746, 08 October 2012.
- 'Prevention of Armed Conflict, Report of the Secretary-General', UN Doc. A/55/985-S/2001/574, June 7, 2001.
- 'Securing peace and development: the role of the United Nations in supporting security sector reform, Report of the Secretary-General', UN Doc. A/62/659-S/2008/39, 23 January 2008.
- 'The rule of law and transitional justice in conflict and post-conflict societies, Report of the Secretary-General', UN Doc. S/2004/616, 23 August 2004.

### Bosnia and Herzegovina:

- 'The General Framework Agreement for Peace in Bosnia and Herzegovina', Dayton, 14 December 1995.  
<[http://www.ohr.int/dpa/default.asp?content\\_id=380](http://www.ohr.int/dpa/default.asp?content_id=380)>
- 'Report of the Secretary-General Pursuant to Security Council Resolution 1026 (1995)', UN Doc. S/1995/1031, 13 December 1995.

---

<sup>688</sup> UN documents are ordered by category, date, and importance.

- ‘Report of the Secretary-General Pursuant to Resolution 1035 (1995)’, UN Doc. S/1996/210, 29 March 1996.
- ‘Report of the Secretary-General on the United Nations Mission In Bosnia and Herzegovina’, UN Doc. S/1997/468, 16 June 1997.
- ‘Report of the Secretary-General on the United Nations Mission In Bosnia and Herzegovina’, UN Doc. S/1997/694, 08 September 1997.
- ‘Report of the Secretary-General on the United Nations Mission In Bosnia and Herzegovina’, UN Doc. S/1998/227, 12 March 1998.
- ‘Report of the Secretary-General on the United Nations Mission In Bosnia and Herzegovina’, UN Doc. S/1998/491, 19 June 1998.
- ‘Report of the Secretary-General on the United Nations Mission In Bosnia and Herzegovina’, UN Doc. S/1998/862, 16 September 1998.
- ‘Report of the Secretary-General on the United Nations Mission In Bosnia and Herzegovina’, UN Doc. S/1999/989, 17 September 1999.
- ‘Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina’, UN Doc. S/1999/1260, 17 December 1999.
- ‘Report of the Secretary-General on the United Nations Mission in Bosnia and Herzegovina’, UN Doc. S/2002/1314, 2 December 2002.

*Kosovo:*

- ‘UN Security Council *Resolution* 1244 (1999)’, UN Doc. S/RES/1244 (1999), 10 June 1999.
- ‘Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo’, UN Doc. S/2000/177, 03 March 1999.
- ‘Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo’, UN Doc. S/1999/987, 16 September 1999.
- ‘Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo’, UN Doc. S/2000/177, 03 March 2000.
- ‘Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo’, UN Doc. S/2000/538, 06 June 2000.
- ‘Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo’, UN Doc. S/2000/878, 18 September 2000.
- ‘Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo’, UN Doc. S/2000/1196, 15 December 2000.
- ‘Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo’, UN Doc. S/2001/218, 13 March 2001.
- ‘Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo’, UN Doc. S/2001/565, 07 June 2001.
- ‘Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo’, UN Doc. S/2001/928, 02 October 2001.

- UN Security Council, ‘A Comprehensive Review of the Situation in Kosovo’, UN Doc. S/2005/635, 07 October 2005.
- ‘The Report of the Special Envoy of the Secretary-General on Kosovo’s future status’, UN Doc. S/2007/168, 26 March 2007.
- UNMIK-FRY Common Document, Belgrade, 5 November 2001.
- UNMIK Regulation 2000/38, *On the Establishment of the Ombudsperson Institution in Kosovo*, 30 June 2000.
- UNMIK Regulation 2006/12, *On the Establishment of the Human Rights Advisory Panel*, 23 March 2006.
- Statement by Soren Jessen-Petersen, UNMIK SRSG, UN Security Council, Provisional Verbatim of the 5089th meeting to discuss the ‘Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2004/907)’, UN Doc. S/PV.5089, 29 November 2004.
- Statement by Boris Tadic, President of the Republic of Serbia, UN Security Council, Provisional Verbatim of the 5373th meeting to discuss the ‘Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo (S/2006/45)’, UN Doc. S/PV.5373, 14 February 2006.
- ‘Vienna High-level meeting concludes 14 months of talks on the future status process for Kosovo’, UNOSEK Press Release, UNOSEK/PR/19, Vienna: UNOSEK, 10 March 2007.
- ‘Address by Prime Minister of Serbia Vojislav Kostunica to the UN Security Council’, 3 April 2007. <<http://reliefweb.int/report/serbia/serbia-rejects-ahtisaaris-proposal-un-security-council-and-requests-new-international>>
- ‘Report of the European Union/United States/Russian Federation Troika on Kosovo’, UN Doc. S/2007/723, 10 December 2007.
- Secretary-General’s Statement on the new period of engagement on Kosovo, 1 August 2007. <[http://www.unosek.org/docref/2007-08-01\\_-\\_Secretary-General%20Statement\\_on\\_the\\_new-period-of-engagement.pdf](http://www.unosek.org/docref/2007-08-01_-_Secretary-General%20Statement_on_the_new-period-of-engagement.pdf)>

*Timor-Leste:*

- UN Security Council, Resolution 1272 (1999), UN Doc. S/Res/1272, 25 October 1999, 2(a).
- UN Security Council, Resolution 1410 (2002), UN Doc. S/RES/1410 (2002), 17 May 2002.
- UN Security Council Resolution 1599 (2005), UN Doc. S/RES/1599 (2005), 28 April 2005.
- UN Security Council Resolution 1704 (2006), UN Doc. S/RES/1704 (2006), 25 August 2006.
- ‘Report of the Secretary-General on the Situation in Timor-Leste’, UN Doc. S/1999/1024, 4 October 1999.

- ‘Report of the Secretary-General on the United Nations Transitional Administration in Timor-Leste’, UN Doc. S/2000/738, 26 July 2000.
- ‘Report of the Secretary-General on the United Nations Transitional Administration in Timor-Leste’, UN Doc. S/2001/42, 16 January 2001.
- ‘Report of the Secretary-General on the United Nations Transitional Administration in Timor-Leste’, UN Doc. S/2002/80, 17 January 2002.
- ‘Report of the Secretary-General on the United Nations Mission of Support in East Timor’, UN Doc. S/2002/1223, 06 November 2002.
- ‘Special Report of the Secretary-General on the United Nations Mission of Support in East Timor’, UN Doc. S/2004/177, 13 February 2004.
- ‘Progress Report of the Secretary-General on the United Nations Mission of Support in East Timor’, UN Doc. S/2004/888, 09 November 2004.
- ‘Progress Report of the Secretary-General on the United Nations Mission of Support in East Timor’, UN Doc. S/2005/99, 18 February 2005.
- ‘Report of the United Nations High Commissioner for Human Rights on technical cooperation in the field of human rights in Timor-Leste’, UN Doc. E/CN.4/2005/115, 22 March 2005.
- ‘Letter dated 11 June 2006 from the President, the President of the National Parliament and the Prime Minister of Timor-Leste addressed to the Secretary-General’, UN Doc. S/2006/383, 13 June 2006.
- Arrangement on the Restoration and Maintenance of Public Security in Timor-Leste and on Assistance to the Reform, Restructuring and Rebuilding of the Timorese National Police (PNTL) and the Ministry of Interior (Dili, 01 December 2006)
- ‘Report of the Secretary-General on Timor-Leste pursuant to Security Council resolution 1690 (2006)’, UN Doc. S/2006/628, 8 August 2006.
- Office of the SRSG-UNMIT, SRSG/07/03/025, 27 March 2007. <<http://wlstorage.net/file/un-complaints-pntl.pdf>>
- ‘Report of the Independent Special Commission of Inquiry for Timor Leste’, UN Doc. S/2006/822, 02 October 2006.
- ‘Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste’, UN Doc. S/2007/50, 1 February 2007.
- ‘Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste’, UN Doc. S/2007/513, 28 August 2007.
- ‘Report of the Security Council mission to Timor-Leste, 24 to 30 November 2007’, UN Doc. S/2007/711, 06 December 2007.
- ‘Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste’, UN Doc. S/2008/26, 17 January 2008.
- ‘Report of the expert mission to Timor-Leste on policing’, UN Doc. S/2008/329, 17-27 March 2008.
- ‘Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste’, UN Doc. S/2008/501, 29 July 2008.

- ‘Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste’, UN Doc. S/2010/85, 12 February 2010.
- ‘Report of the Secretary-General on the United Nations Integrated Mission in Timor-Leste’, UN Doc. S/2011/32, 25 January 2011.
- ‘Report of the Security Council mission to Timor-Leste, 3 to 6 November 2012’, UN Doc. S/2012/889, 28 November 2012.
- ‘Facing the Future: Periodic Report on Human Rights Developments in Timor-Leste: 1 July 2009 – 30 June 2010’, UN Doc. (Dili: UNMIT, 2010)
- ‘Report on human rights developments in Timor-Leste, August 2006-August 2007’, UN Doc. (Dili: UNMIT, 2007)
- ‘Report on Human Rights Developments in Timor-Leste: 1 July 2008 to 30 June 2009, UN Doc. (Dili: UNMIT, 2009)
- ‘Report on Human Rights Developments in Timor-Leste: The security sector and access to justice: 1 September 2007 – 30 June 2008’, UN Doc. (Dili: UNMIT, 2008).
- UNMIT, *Securing the future: Timor-Leste National Police and the United Nations Police*, 2012. <<http://momentum.tl/docs/momentum-garante-futuru.pdf>>
- UN-DPKO, *UN Police Magazine: Special Timor-Leste Edition: Duty Completed*, 10<sup>th</sup> ed., January 2013. <[http://www.un.org/en/peacekeeping/publications/unpolmag/unpolmag\\_10.pdf](http://www.un.org/en/peacekeeping/publications/unpolmag/unpolmag_10.pdf)>
- UNTAET Daily Briefing 01 June 2001. <<http://reliefweb.int/report/timor-leste/untaet-daily-briefing-01-jun-2001>>
- UNTAET Regulation No. 2001/21, *On the Establishment of a Defence Force for Timor-Leste*, UN Doc. UNTAET/REG/2001/1, 31 January 2001.
- UNTAET Regulation No. 2001/22, *On the Establishment of the Timor-Leste Police Service*, UN Doc. UNTAET/REG/2001/22, 10 August 2001.
- DPKO-ORLSI, *Mission Visit to Timor-Leste and Australia*, OASG/ORLSI/DPKO, 01 December 2008, Confidential.

*Other online sources:*

- ‘Bosnia: Organized Crime and Corruption’, US Embassy in Sarajevo cable, 25 July 2006, <<http://wikileaks.org/cable/2006/07/06SARAJEVO1664.html>>
- ‘Bosnian Police Reform: A Troubled Process Comes Down To The Wire, Agreement Not Likely Soon’, US Embassy in Sarajevo Cable, 27 November 2007. <<http://wikileaks.org/cable/2006/11/06SARAJEVO2999.html>>
- ‘Bosnian Police Reform: A Troubled Process Comes Down To The Wire, Agreement Not Likely Soon’, US Embassy in Sarajevo Cable, 27 November 2007. <<http://wikileaks.org/cable/2006/11/06SARAJEVO2999.html>>
- ‘Chairman's Statement issued at the Extraordinary Meeting of Foreign and Defence Ministers of the North Atlantic Council held at NATO Headquarters

Brussels on 18 June 1999'. <<http://www.nato.int/docu/pr/1999/p99-097e.htm>>

- ‘Contact Group Statement on the Situation in Northern Kosovo’, 04 August 2006. Available at: [http://www.unosek.org/docref/2006-08-04\\_-\\_CG%20\\_Statement\\_on\\_the\\_situation\\_in\\_Northern\\_Kosovo-english.pdf](http://www.unosek.org/docref/2006-08-04_-_CG%20_Statement_on_the_situation_in_Northern_Kosovo-english.pdf)
- ‘Decision on the annulment of the illegitimate acts of the provisional institutions of self-government in Kosovo and Metohija on their declaration of unilateral independence’, 18 February 2008. < <http://www.srbija.gov.rs/kosovo-metohija/index.php?id=43159>>
- ‘Development of new Parallel Structures in Kosovo – Serbian inhabited areas’, UNMIK Outgoing Code Cable, UNMIK-159 (Prishtina: UNMIK, 15 October 2007)
- ‘Ekonomia joformale po dërrmon ekonominë formale’ (Informal economy is wrecking the formal economy), Radio Free Europe, Prishtina: RFE, 19 March 2012. <http://www.evropaelire.org/content/article/24520259.html>
- ‘Guiding principles of the Contact Group for a settlement of the status of Kosovo’, 07 October 2005. <<http://www.unosek.org/docref/Contact%20Group%20-%20Ten%20Guiding%20principles%20for%20Ahtisaari.pdf>>
- ‘Joint UNMIK-SNC Understanding on the Participation of The SNC in the JIAS’, Prishtina, 29 June 2000. <<http://www.kosovo.net/snc-unmik.html>>
- ‘Politicization, Cronyism Persist in National Police’, US Embassy in Dili cable, 05 July 2007. <<http://wikileaks.cabledrum.net/cable/2007/06/07DILI219.html>>
- ‘Problemi i veriut, shkaku i përçarjeve në NATO’ (The problem of the north, caused by fragmentation within NATO), Prishtina: Kosova Press, 18 October 2012. <<http://www.kosovapress.com/archive/?cid=1,86,154423>>
- ‘Rajnhard: Ndarja e Mitrovicës – pasojë e politikës ndërkombëtare’ (Reinhardt: Partition of Mitrovica – consequence of international politics), Prishtina: Indeksonline, 11 January 2013. <<http://www.indeksonline.net/?FaqeID=2&LajmID=43695>>
- ‘Reinhardt: Një shtet e bëri KFOR-in të dështoi në veri të Kosovës’ (Reinhardt: One state made KFOR fail in the north of Kosovo), Prishtina: Infokusi, 11 January 2013. <<http://infokusi.com/lajme/11413/>>
- ‘Resolution of the National Assembly on the protection of sovereignty, territorial integrity and constitutional order of the Republic of Serbia’, 27 November 2007. <<http://www.srbija.gov.rs/kosovo-metohija/index.php?id=42050>>
- ‘Rugova: Me Koshtunicën mund të bisedojmë vetëm si dy shtete të pavarura’ (Rugova; With Kostunica we can talk only as two independent states), Prishtina: Qendra për Informim e Kosovës, 09 December 2000. <<http://www.kosova.com/arkivi1997/i001209.htm>>
- ‘Serbs form rival Kosovo assembly’, BBC News, 15 June 2008. <<http://news.bbc.co.uk/2/hi/europe/7455737.stm>>

- Cidnamn, 'Envera Selimovic: Richard Holbrooke - To End a War'. Online video clip. (YouTube: June 1998). <  
<http://www.youtube.com/watch?v=dFYfDNf-VTg>>
- IRI, *Discussion with UN Special Representative and head of UNMIT Dr. Atul Khare*, 13 February 2009. <<http://www.eastwestcenter.org/ewc-in-washington/events/previous-events-2008/feb-13-dr-atul-khare>>
- *Politicization, Cronyism Persist in National Police'*, US Embassy in Dili cable, 05 July 2007. <<http://wikileaks.cabledrum.net/cable/2007/06/07DILI219.html>>