UNIVERSITY OF TARTU

Faculty of Social Sciences

Johan Skytte Institute of Political Studies

FREIE UNIVERSITÄT BERLIN

Osteuropa-Institut

Stefanie Köppl

FAILING INTERVENTIONS?

ASSESSING THE SUCCESS OF LIBERAL PEACE-BUILDING IN KOSOVO AFTER 2008

MA thesis

Supervisors:

Prof. Eiki Berg (University of Tartu)

Dominik Sonnleitner, MA (Freie Universität Berlin)

Tartu 2017

Author's declaration

I have written this Master's thesis independently. All viewpoints of other authors, literary sources and data from elsewhere used for writing this paper have been referenced.

_____

Stefanie Köppl

The defence will take place on _____

at _____

_____

in auditorium _____

Opponent_____

Abstract

Dealing with a world of constant crises and wars, the international community is continuously applying efforts in peace-building processes to war-torn countries, in order to impose stability and development. The underlying concept of liberal peace-building and the form it is carried out are discussed critically amongst scholars and creates controversies. Especially in the course of and after the Yugoslav wars the discussion gained additional momentum. This thesis explores and evaluates the success of the international engagement in post-war Kosovo, where the liberal concept was applied extensively after the conflict. For this purpose a single case study, mostly based on document analysis is employed in order to analyse the developments in core areas of liberal peace-building. Set standards and description of the engaged missions support the overall understanding of the situation in Kosovo. The thesis seeks to contribute to the knowledge of the effects of liberal approaches, as well as the reasons for the prevailing failure in Kosovo. The areas of liberal economy, democratization, human rights and rule of law are found to show major shortcomings for which the reasons lie in misconceptions based within the liberal approach, but also in the structure of the integrated mission carried out in Kosovo. In light of ongoing engagement in Kosovo by international actors, it is discussed that the overall approach of an external imposed framework does not, as intended, lead to liberal democracies. The thesis argues that the roots for instability are strengthened by the international engagement and hinder sufficient development in Kosovo and does essentially not allow a positive outlook.

Keywords: liberal peace; peace-building; Kosovo; United Nations; European Union; Organization for Security and Cooperation in Europe

Table of contents

LIST OF ABBREVIATIONS

CEC   Central Election Commission

ENEMO   European Network of Election Monitoring Organization

EULEX   European Union Rule of Law Mission in Kosovo

GDP   Gross domestic product

IAC   Interim Administrative Council

JIAS   Joint Interim Administrative Structure

KLA   Kosovo Liberation Army

KPC   Kosovo Protection Corps

KTC   Kosovo Transitional Council

MCYS   Ministry of Culture, Youth and Sport

NGO   Non-governmental organization

OMiK   Organization for Security and Co-operation in Europe Mission in Kosovo

OSCE   Organization for Security and Co-operation in Europe

PISG   Provisional Institutions of Self-Government

RAE   Roma, Ashkali and Egyptian

SITF   Special Investigative Task Force

SPO   Specialist Prosecutor's Office

SRSG   Special Representative of the Secretary-General

UN   United Nations

UNHCR   United Nations High Commissioner for Refugees

UNMIK   United Nations Interim Administration Mission in Kosovo

INTRODUCTION

"For it isn't enough to talk of peace. One must believe it. And it isn't enough to believe in it. One must work at it" (Roosevelt 1951).

This statement by Eleanor Roosevelt shows the necessity not only to spread the importance and the idea of peace, but that it also needs active doing in order to guarantee it. The over 65 year old quote is as relevant and present as it has been to the times it had been spoken. Various conflicts and outbreaks of violence characterize newspaper headlines these days and in this time and not only the longstanding wars in Ukraine and Syria, to name only two, show this in tragic ways. The need for the establishment of peace processes and finding measures to prevent conflicts to break out or continue is still highly relevant in many places in the world. Terror attacks, a seemingly more and more unstable world, as well as failing or failed states like Somalia show that the work at peace, like Roosevelt put it, still does not run out of challenges, that have to be met. Especially in less or not developed countries it seems harder for the states to acquire a sustainable peaceful environment and minimize factors that lead to renewed conflicts, like it can be found in many African regions and countries.

The international community not only feels the responsibility to promote peace by distributing the idea of peace and talk about it. Not only is it seen to be an obligation to intervene in crimes against humanity or genocide, but also to help maintaining peace or even put efforts into peace-building. Through this stability in the international systems is aimed to be achieved and furthermore outbreaks of renewed violence or conflict to be hindered, in order to achieve peace that is sustainable and lasting. In order to do so, the international community is engaged in a variety and all kinds of operations and carrying out missions and initiatives that deal with the variety of fields and topics that arise in situations in states during, but especially also after conflicts. Those efforts can reach from working for an improvement of education, training of security forces, the support of structures in the region, but also medical assistance or measures in order to help refugees. Those broad efforts by international missions are consuming every year huge amounts of money that go into the work, even though critics are present, that doubt the

effect and worth of the engagement. This can lead to opposing tendencies by the population of the country to which the help is actually given.

In a recent article of the Washington Post it was pointed out, that those measures applied in order to help the people in war-torn societies, follow wrong assumptions that can lead to even more instability, instead of peace. Conflicts can be given new impetus even when the means are thought to be purely positive. Interventions may risk even damaging the peace processes, that the society itself may initiates. The author in the article highlights the ability of the population to be the best actor to deal with the roots of conflict, as the understanding within the society and everyday practices are closer to the actual dynamics of the violence. The international actors are said to underestimate the capacity of those regions themselves to overcome the problems and create a peaceful environment (Autesserre 2017).

Nevertheless, on the part of the international community a different perception is visible. Efforts of international peace-building are seen to be necessary in many cases, as they provide what is needed in regions that are war-torn or instable and may moreover provide the expertise and capacities to handle it. Just recently this was emphasized again by the Secretary-General at a Security Council meeting on 'Maintenance of International Peace and Security: Human Rights and the Prevention of Armed Conflict' as he highlighted the necessity of continuous efforts made for the establishment of peace. Various fields should therefore be addressed and not only measures in a single branch or part of the system be applied. He points out the responsibility and aim of the international community to ensure international peace and security, as "[…] peace must be relentlessly pursued along the continuum of prevention, conflict resolution and peacekeeping to peace-building and long-term development." (United Nations 2017).

Being aware of the also critical voices towards international peace-building, the question arises whether the intentions by the Secretary-General and the whole international community have their desired outcomes, or if those externally created measures are not rather leading to more problems or simply are not going to have lasting effects. This work will address this question and assess the success of international liberal peace-building efforts using the case of Kosovo after the

independence in 2008 as example and evaluating whether the international engagement cannot rather be identified as failing interventions.

For this it will be given an overview over the liberal peace concept that is followed by the international community, as well the critical voices towards it, that claim creating 'peace without politics'. Following this will be a chapter about the methodology, that furthermore deals with the research question and case selection as well. In the analytical part different fields are going to be assessed that are or should be affected according to the liberal peace framework. The findings in the end will be discussed and evaluated.

I. Theoretical framework

a) Liberal peace-building

War-torn nations or regions are often very fragile entities that potentially pose a general threat to stability. Structures have been destroyed, questions of authority are unanswered and the roots of conflicts often still remain present, even though the actual fighting may have found an end. Destruction, a broken down economy and hard feelings against the former opponent can create ongoing or even new tensions in such societies. The international community has an interest in stabilizing such situations as they create instability for whole regions and therefore endanger international peace. In order to achieve stable circumstances and relations, the reconstruction under the so-called 'liberal peace' framework is pushed and desired by international and Western actors. To give a brief overview over different forms of peace-building approaches the different possible graduations of it as described by Richmond and Franks will be characterized in the following. Peace-building operations therefore follow three different approaches or models, varying in the way they are carried out and which actors of the state are being involved. A pure form of domination and solely imposing form of external structures for them is a conservative way of ensuring peace in a war-torn society. The process is characterized by pressure, force or creating dependencies strong enough, in order to reach the aimed outcome of peace in a post-war entity. A so to say more soft approach of building peace is described by the orthodox model, in which the framework still is intended to be shaped by the intervening forces in order to enforce their respective norms, methods and structures upon the receiving state. However, the local society is being more included in the process in the orthodox model. Local ownership is taken into account, as well as the specific cultural characteristics of the country. In order to consider those given structures and streams, the work of international actors is designed in a way that negotiation and co-operation between them and the local actors is ensured. The third form of peace building operations described by Richmond and Franks, the emancipatory approach, stands more critical towards the former models, as it is designed more as a bottom-up mechanism and criticizes the externally imposed structures and creation of dependency or conditionality of the state it is applied upon. Emancipatory means here a strong consent with local structures and actors and the application of mechanisms that focus on the needs and issues of the receiving society.

Moreover the concerns for social justice are considered more strongly (Richmond/Franks 2008). The efforts by the international mission in Kosovo follow the orthodox approach and will be discussed further, after outlining more general remarks about liberal peace and its critics.

Following and relating to the democratic peace thesis, the emphasize in international engagement shifted towards the creation of liberal market democracies as a response to armed conflicts and wars (Tom 2017). For other nations such states are better and especially more reliable partners than others out of several reasons. The liberal democracy is widely regarded as only possible framework within the international community that can ensure or at least most likely lead to sustainable peace (Fukuyama 1992; Zürcher 2011). Such democracies are less likely to come into conflict with each other as the liberal markets and openness to trade establishes interdependences between them, which states are not willed to risk so easily. Having such trade relations and advantages of open markets at stake, aggressions or provoking wars would bear too high costs for a nation. Therefore the liberal peace approach and promoting political as well as economic liberalism in post-conflict societies and regions is seen as important factor in order to ensure international security and states that interact through peaceful relations (Knudsen 2013; Tom 2017). But not only the stability from less conflicts and aggression are seen as advantages of liberal peace and democracies, also domestically it can provide structures that ensure stability and a society that feels empowered and respected. If the members of society are able to engage and act in a liberal framework and democracy, the whole system gets strengthened and is seen to be able to face challenges that are apparent after a conflict (Barnett 2006; Hegre 2005).

The liberal agenda has become the root of most international peace-building efforts and is followed by institutionalizing this new framework of international security. It is important to note that is seen as responsibility of other liberal democracies to ensure this development and structuring, if states do not act accordingly or morally after a conflict, as it challenges the general international stability (Chandler 2004). Following this it is legitimate to export the idea of liberalism into illiberal systems, which should lead to further development and good conditions for the people living in such post-war societies. If the conditions within a state are stable and democratic, it is less likely that

former conflicts can get reignited and the societies fall back into conflicts. The sources for such conflicts should therefore be eliminated (Tom 2017).

As it is the state that provides the structures and the framework in which societies interact and live, the responsibility and capability to provide the rights and freedoms lie in it as well. The institutions, that democratic and liberal states rely on, have to be established and well working within the respective system. According to this it is important to liberal peace-building that the state functions in this manner and it is on the setting of it that the required liberalism is introduced to and enhanced in the society (Tom 2017). In order to achieve such a functioning state it is furthermore argued by scholars, that strong institutions have to be built that are then following capable of carrying out liberal policies. Roland Paris argues in his approach that liberalization can only be effective through including the establishment of strong state institutions before a further liberal agenda is carried out. Having such strong and stable structures in a state, the further development and liberalization would be forthcoming. The liberal peace is seen as only effective solution to reconstruction and stabilization after conflicts and wars in a country or region, and alternatives are seen to be unrealistic and not practicable (Paris 2004; Paris 2010).

In doing so, the state and with it its government - through setting up the institutional framework - achieve a liberal development of the society and furthermore shape it in such a manner as well. Each member of the respective society should in the same time be empowered and equipped with various freedoms, rights and equality. International actors have the aim to provide for this framework by a top-down approach and imposing those structures on to post-war societies. The result of those efforts are intended to be sustainable peace on the basis of democratic, pluralist values and structures, that include all kinds of ethnic, religious minorities and function through all levels of governance (Richmond/Franks 2008). The engagement of the international community and external actors ensures the capability of the newly built institutions to address the upcoming challenges. Posing, for example, a structure through an internationally led transitional administration that controls and gradually empowers the local structures is seen to establish stability and capacity in the post-war state and society (Paris 2004).

The liberal values that are followed for this purpose include democracy, a strong civil society, but also the protection of individual and human rights, rule of law and the economic liberalization. Peace-building here leaves the more humanistic approaches that emphasize more on the cultural, traditional or social justice related dimensions. Liberal peace-building focuses on the state's institutions that need to be established in order to guarantee sustainable peace (Tom 2017).

The efforts to achieve those institutions can be made in different areas within a system, and therefore the international engagement and missions vary a lot depending on the field they are applied to. To ensure security, support of the military can help to stabilize the state by giving training to the forces and police or help to disarm former militia or other conflict groups. Economically reforms are being supported and upswing, opportunities and cooperation should accompany this process. The international assistance may also open up privatization and support the process in the follow-up. Furthermore assistance in the protection of ethnic or religious minorities is part of legitimate international engagement, as well as providing help and support in the law enforcement or in promoting legal reforms. The political dimension of liberal peace-building includes confidence building, the strengthening of the civil society, promoting rule of law and freedom of the press and religion. Building the democratic institutions or improve their capacity to act in this framework for example are further measures to help establish liberal peace (Chandler 2004).

The international engagement and peace-building in Kosovo covered all those different areas and fields as well, as it will be described and analysed later in this work.

b) Peace without politics

The concept of liberal peace is not seen purely positive by scholars, however. In a critical approach towards liberal peace and the contemporary practice of international efforts in post-war societies, David Chandler defined the concept of ‚peace without politics'. In his analysis he regards the case of Bosnia and Herzegovina and the international engagement after the conflict there, as the efforts extensively included external assistance and administration. However, in this work his overall findings and assumptions of his studies will be portrayed and described, without referring to the

examples within the case of international efforts in Bosnia and Herzegovina, the general critics will be outlined here.

Chandler points out that consensus by the population is not needed in the policy-making process, when international administration is taking place in a manner similar to that carried out by the liberal peace approach. This leads to lesser legitimacy or popular support, as the local population is left out and does not have a say or the ability to shape the outcome of the process. The society in total as well as individual citizens may face measures by the peace-building actors that are not able to meet their needs or that they even perceive as helpful or improving the situation (Chandler 2005). Jack Snyder argues in a similar way, as he highlights the importance of including local structures, as well as understanding them in the first place. Without knowing the history of such states and regions and their power and culture related set up, the imposing of Western ideas and systems runs risks as well (Snyder 2000). The blueprint of the Western democratic system can lead to even more instability in post-war societies if they are not compatible with the given environment of the society. The international community could then choose measures that are not effective, appropriate or even counterproductive in their effects (Snyder 2000; Bush 2004). Already weak structures within a system could collapse completely or remain instable (Sriram 2008). In their assumption of unready personnel and institutions in the post-war state, the international powers miss to involve local structures in the process of policymaking or its implementation. This leads to misinterpretations of the actual problems and interests within the society and needs of the population cannot be addressed. Assumptions of the international personnel and offices set the agendas and policies that are followed, rather than analysing and carrying out the interest of the citizens. This can result in political outcomes that are not fitting or meeting the society's demands and necessities (Chandler 2005). Especially in a society that is fragile after a conflict it is seen to be important to include the members of society in the so to say reconstruction process. People should be not only receiving the outcomes or effects of stabilizing efforts, but also be an active and directing part of it. Through such an approach the context of the preceding conflict and culture of the society function as sources to shape the process towards development and peace. Without an understanding of the conditions and tendencies of the conflict, the

international community will face difficulties in establishing and ensuring peace in a region (Lederach 1997).

The problem of ongoing missions and control over the state for a long period of time is also identified. Instead of keeping the initial time frame, mandates get expanded, as the assumption continues to prevail, that the society and local leaders and even the whole system still are not ready to take over the power and control over the entity. Political representatives are then furthermore not granted with autonomy in their decisions and so even after several years there is a possibility that those representatives are not fully accountable for the citizens of their state. The international community shows in such a set up more willingness to entrust a state or entity to be controlled by external employees than by members of the population that is to be controlled (Chandler 2005). Politics are therefore not strengthened on the different levels like it is intended through liberal peace-building, it can lead to dependency on the international assistance, which can be hard to disengage from. Not given to possibility to grow in the system of self-government, the local structures and institutions will not develop and learn by functioning independently, and therefore remain in a status of neediness of support in dealing with the challenges present after the conflict (Tom 2017).

In a critical review of the earlier mentioned institutionalization based approach of Paris, Richmond and Mac Ginty additionally point out the possibility that such externally created and run institutions would hold the local institutions down and prevent ownership and agency of those structures, as they are not part of the whole process. It is important for the whole population and its identity to be reflected and it should benefit from the institutions built. The imposing and top-down character of liberal peace-building is here even seen to be anti-liberal, as it does not allow the citizens to exercise their right to self-determination or governance, as the relevant tasks are carried out by the international community (Mac Ginty/Richmond 2007).

Additionally, in his work about peace without politics, Chandler furthermore refers to Huntington's work and highlights the importance of consensus and a community in the political field that leads to a popular legitimate government in order to create sustainable stability. Contrary to an externally imposed one, a system that represents the interests and points of conflict of a society and emerged from it, create institutions that are capable of so to say holding the society together. Institutions that were molded and

imposed by outside forces will have difficulties in solving the root sources of conflicts and the clashes, as they have lesser or no insight into them. The public interest is not the source of action and decisions, rather than the perspective of those administrating it, as they are seen to be more effective and right. Even though democracies underline their democratic status and development, it is often regarded differently for the states that are in the aftermath of a conflict or war. For those entities it is regarded by the international actors, as already described, to be more effective to take over the administration, until the situation is seen to be less instable (Chandler 2005).

The assumption therefore is that political responsibility can only be taken over by local representatives after the institutions for governance and those intended to create rule of law and democratic values have been established and are working. As long as this framework is not in place, the political process cannot be tested by competition and self-government. In a practice like the liberal peace-building the ruling powers are not directly accountable to the population. Under the administration of international powers the link between a state and the citizen it is controlling is rather weak, even though as described in Chandler's work, according to Huntington this is essential for legitimization of the institutions and political identity building (Chandler 2005). The local actors are important for the development after conflicts, as in those there is a lot of capacity to expose the causes for former clashes. Dealing with this local level may help to find solutions for those conflict roots, as they evolved in them in the first place. Those structures can be hardly detected by an imposing framework of external engagement after the conflict is over. The therefore needed inclusion of local actors into the process of peace-building and administrating state institutions is often disregarded within the liberal peace approach (Tom 2017). This outlined practice leads to a vacuum of no real political accountability to the population, the international actors are not fulfilling this role for their policies or the development of the political process, but neither have the local actors enough independence and autonomy to do so. Therefore those local forces are hindered from achieving accountability to the citizens or work on the solutions of problems they themselves find to be present in the society (Chandler 2005).

c) Literary discussion of peace-building in Kosovo

The liberal approach used for peace-building in post-war Kosovo, as well as its outcomes, has been widely discussed by scholars at different times of the process. The findings vary along the lines of the two described concepts and show challenges during the process, as it was carried out in Kosovo. Looking at literature being published about the peace-building success in Kosovo it is to highlight that positive assessments are widely outnumbered by critical voices and findings.

The lasting absence of war and existence of peace shows a clear positive outcome of the international efforts, following the work of Abdullai and Brovina, done in 2015. The stability in the region and generally good, or at least, calm relations with neighbour states is and indicator that the international policies have had a good effect on the Balkan region. Moreover it is assessed that the framework that has been established in Kosovo is characterized by inclusion of minorities and a strong legal and institutional structure. Even though the authors mention the challenges such as complexity of problems and actors and the needed longterm commitment in it, that peace-building operations entail, the will of organizations to tackle those problems is highlighted. Especially the commitment even after the independence is pointed out in a way that the international community did not abandon the young state of Kosovo. Furthermore the democratic culture of countries involved in the operations is said to enable a democratic sense within Kosovo, that is the basis of multi-ethnic tolerance which then led to a successful peace-building outcome that should even pose as role model for other conflict areas (Abdullai/Brovina 2015). It is here seen very critically that in their work Abdullai and Brovina neglect the existence of deeper roots of conflict that create problematic relations with Serbia, as they regard is as sheer geopolitical issue and not a societal or cultural one (Abdullai/Brovina 2015).

The strong role of the European Union is furthermore seen to have provided, and still provides, significant chances and has a positive outcome on the whole process. As the perspective for Kosovo, as well as for Serbia, concerning the mentioned problematic relations between them, to become a member state gives the international actors possibilities to use incentives in the implementation of reforms and policies. This dimension leaves the classical top-down model and creates more of an indirect pressure on the government and has influence on the success of creating a liberal state (Verheij

2010). Rather than just building up structures this European approach is also found to enable methods and measures that do not always follow the strict and inflexible mandates, but also to react to a changing environment in Kosovo and act more flexible in the field (Fakiolas/Tzifakis 2017).

However, this European dimension is also seen to have created even more conditionality and pressure on Kosovo and having shifted the way of international interference in its mechanisms. In changing the objective from administrative to supervisory by the international organizations, the aimed goals in or shape of Kosovo can still be pursued by the external actors, but in a way that failure can be blamed on the local institutions and leadership while in the same time not being directly responsible. This practice by the international community has been described as a way to save face as well as legitimacy to continue a prolonged international presence in Kosovo (Visoka 2017). Problems that came up or were not being resolved, and that would justify the ongoing presence could be found throughout the years since the international engagement started. The outbreak of riots in 2004 is one example, as well as ongoing challenges of unemployment, corruption or problematic ethnic relations (Chigas et al. 2006). This is assessed differently by scholars, as the liberal approach carried out in Kosovo is criticised of not leading to the desired outcome, as well as it is seen problematic how it has been organised between a large number of international actors. Leaving Kosovo not with full sovereignty in the following years after the independence, but still share it with multiple organisations did not lead to the creation of a self-sustaining state and independent institutions. Even though international peace-building efforts should end after the state gained independence, the actors remained in the state and supervised or even intervened in the key areas (Visoka 2017). Linked to this the comparably high number of actors involved created dynamics that hindered building up a liberal democracy, that can function on its own. Kosovo has been the first case of such a variety of missions and organizations that got involved into a peace-building scenario which automatically poses the need of intensive networking and co-operation between the actors. As the areas in which programmes were carried out are interlinked, the mandates of the missions showed some overlapping and led to competing interests and efforts in the field, that were not sufficiently coordinated by one single leading institution that acts in a directive way (Choedon 2011). Even though functioning under

the umbrella of the United Nations mission, that will be further described later in this thesis, the organisations followed their own structures and goals in fulfilling the objectives in Kosovo. The Norwegian political scientist Eide assessed already before the independence of Kosovo, that the built up and overall structure of the integrated mission has been prioritized by the international community over the actual needed mechanisms and programmes that would lead to sustainability in Kosovo (Eide 2005). The co-existence and so to say competition of organizations therefore led furthermore to a preoccupation with such structural issues, rather than putting all energy into the peace-building work and of enabling the local structures according to the liberal approach. Adding up to the problem of coordination within and between organizations many changes in personnel, as well as unexperienced staff produced inefficiency of programmes. The complex challenges and tasks were often met by young professionals without sufficient experience in such areas and constant changes of personnel even in the highest levels of the organizations hindered consistent and effective action on the ground. It is debatable whether a construct of organizations is able to bring stability and peace to a warn-torn society and newly built governance structures, considering the mentioned lack of stability and consistency within the international framework in the first place (Choedon 2010; Fakiolas/Tzifakis 2017).

With the inability to overcome inter-ethnic problems, another major shortcoming in the work of peace-building missions in Kosovo was already to be found before the independence, but continued to be problematic. In a study about the effectiveness of peace-building in Kosovo concerning inter-ethnic violence, Chigas et al came to the findings that international programmes often fail to meet their initial goals of overcoming ethnical divisions and therefore the root of conflict. Short-term programs and the intended fast outcome and effect of those could not improve the inter-ethnic tensions in Kosovo. The carried out approach could build up institutions and structures in Kosovo but not solve the problems within the society and between the ethnic groups. The study shows that individual relations could be improved by the international efforts, but did not result in understanding and tolerance between whole communities or an overall process of reconciliation. Reservations towards other groups have been still present and driving forces for those were not being addressed (Chigas et al. 2006).

The ongoing division between the ethnic groups was furthermore found to be the root of various problems Kosovo still had been occupied with in the year of independence. Richmond and Franks stated that stability and the institution building led to underdevelopment, crime, discrimination of minorities and other problems. This is seen to have resulted out of the co-existence of local and international structures, with the latter not being democratically elected rather than imposed on Kosovo (Richmond/Franks 2008). They found the division of especially Serbs and Albanians in Kosovo even strengthened through the peace-building efforts, as it is carried out majorly through state building and Albanian dominated system and shows more characteristics of conservative peace-building, that is almost forced upon, with little regard to local ownership. Richmond and Franks found similar contradicting or intentions countering developments not only in the area of inter-ethnic division, but also in a deterioration in economic and participatory aspects, that show opposite outcomes than the liberal peace aims for (Richmond/Franks 2008).

This thesis will take up the analysis at this point and pose the analysis of several areas, that were targeted by peace-building measures by the international community. In addition to the discussed and existing literature, this thesis is going to extend the findings of those authors by evaluating the outcomes and reasons for those by regarding the whole integrated structure of international liberal peace-keeping in Kosovo and not only the efforts of one of those pillars. The overview of organizations will to a certain extent allow the connection of phenomena on the ground in the end and possible links will be discussed. Furthermore will the analysis of different fields contribute to an overall assessment, as multiple spheres of political, social and public life are being regarded. Covering those different levels of outcomes and areas where peace-building efforts were being made contributes to the overall knowledge of liberal peace-building in a post-war society and state.

II. Methodology and case selection

Regarding the described arguments and critics that are brought forward against the concept and the often chosen way by the international community to deal with post-conflict situations, it makes one wonder, how promising and successful liberal peace-building is in reality. How likely it is that all the efforts by the international community to achieve liberal peace have the intended effect and lead to sustainable, independent democracies with free markets instead of ending in weak and fragile structures that are still dependent on the international support. Why does the approach of externally imposing a liberal framework onto local internal structures fail to empower the local and internal structures enough to make them self-reliant? What makes it difficult to create a successful market economy by just introducing economic reform? Especially the remarks concerning agency and ownership in the political process are weighing heavy on the side of critical positions. Do democratic values and structures not rather have to grow within a society in order to become strong and legitimized by the population? How are international missions and interventions designed in order to introduce democracy to the society? In the centre of interest here is, what hinders the creation of stable structures and columns for an entity, that it rather leads to missing stabilizing roots from within the entity, which would lead to the collapse of the whole construct, if the external and holding force lets go, no matter how long it covered it beforehand.

In order to answer and address those questions this work is going to assess the success of the peace-building missions and efforts carried out in post-war Kosovo and answer the question: is liberal peace-building characterized by failing interventions or a success story?

For this purpose the analysis will be undertaken using a single case-study approach and will examine the progress Kosovo has made under liberal peace-building after its independence. The case of Kosovo and the international involvement in it is exceptional in its scope and how it has been carried out exceeds man other interventions. Exceptional about it, is for sure the support by the international community before and after the unilateral declaration of independence. Negotiations did not create a solution that implied the reintegration of Kosovo into the Serbian state. The international community in its actions and positions diverged here from the usual

standpoint that is rather against secession and highlighting the sovereignty and territorial integrity. In the case of Kosovo, after supporting the building of sustainable structures and not being capable to reach an agreement with Serbia, the independence of Kosovo was the only possibility for the region. Analysing Kosovo as a case is furthermore very interesting and exceptional as the structures and administrations never before have been taken over to such an extent by the intervening forces. The liberal peace-building has been carried out in every field of political and social life and has been under the control and supervision of international actors. The case of Kosovo stands out in the examples of liberal peace-building and international administration after a conflict.

Therefore the analysis takes use of a case-study approach: the particular characteristics and features of Kosovo can be analysed more thoroughly, and takes the uniqueness of the Kosovo case into account. Regarding and comparing two or even more cases would not make such a particular look into it possible.

The timeframe of the analysis will start with the independence of Kosovo in February 2008 and lasts almost up until today, the present condition and outcomes of state, peace and democracy shall be analysed. Taking the scope of this thesis into account, however – as well as the availability of certain data and reports – distinct years will be regarded more detailed. Therefore the progress of the structures will be assessed by regarding the data and information in the years 2009, 2012 and 2015, even though some data or developments will be brought into context for the whole time since the independence.

For the better understanding as well as portraying the underlying framework of liberal peace-building and international efforts in Kosovo, the efforts being made towards stability and democracy before the independence will be described. This applies especially in the description of the international missions as well as the 'Standards before Status' which Kosovo should achieve, before a decision about its then to be future status was being made.

The used methods will be both policy and document analysis. With a more policy analytical approach the engagement of the international actors in the process will be analysed. The aspired goals in rule of law, good governance, democracy and the respect of human rights will be examined, as well as economic developments. The policies of international organisations and how they were implemented and with which aim,

whether or not this has been successful will be regarded. Using reports by Freedom House, the Organization for Security and Co-operation in Europe (OSCE) and the United Nations (UN) will represent the documents analysis side of the thesis. The economic data will be mostly acquired from the World Development Indicators Databank by the World Bank.

Developments in the different regarded spheres will be analysed in different ways. Regarding the effects and development of the economy of Kosovo, the data about economic growth, trade and unemployment - collected and published by the World Bank - will be analysed and compared over the course of the timeframe of the analysis. Comparing this data will give a comprehensible overview over the development. Concerning the spheres of Democratization, Human Rights and Rule of Law it is harder to present such results, as they are not characterised by clear numbers or. This challenge will be met by analysing different reports and regarding the developments of occurring problems and topics in the respective fields throughout the years. Through not only analysing the overall development of the field, but also regarding more specific issues and their development in Kosovo, it will be possible to expose and illustrate the outcome. The sections concerning rule of law and democratization will therefore be based on the annually published Nations in Transit and Freedom in the World reports by Freedom House. Analysing the development of the Human Rights situation will rely mostly on OSCE reports concerning the situation for minority groups in Kosovo and the development in certain fields.

The following section will describe the developments and tasks of Kosovo before the unilateral declaration of independence and give an adequate overview over the setting up, the development in the process and engagement of the international missions in Kosovo that worked to create liberal peace. The explanation of the 'Standards before Status' policy will be followed by sections about the United Nations Interim Administration Mission in Kosovo, the Mission by the OSCE and the European Union Rule of Law Mission in Kosovo (EULEX). Subsequently the actual assessment of the effects in the regarded and described fields will be dealt with in the analysis part, where the findings of each regarded field will be outlined in interim findings, before the final conclusion will be drawn in the end.

III. Empirical Examination

a) Standards before status

As described before the liberal peace-building should create a state that has a functioning economy and stable democracy as well as other structures that are based on the described Western values and norms. To achieve those goals for Kosovo the international community started carrying out its efforts following the 'Standards before Status' policy some years after the conflict had ended. This policy frame supported the goals of the international engagement as well as progress in the liberal peacekeeping efforts.

The Special Representative of the Secretary-General Steiner assessed with his report, that was presented to the United Nations Security Council in April 2002, the progress being made in Kosovo. He brought the still open status issue of Kosovo up and described the objectives that need to be dealt with in order to start the process of addressing the question of Kosovo's future status. It was pointed out that the institutions and structures have not yet reached the point they should be, concerning capability, development but also efficiency, in order to function without international supervision and administration. To reach that point a policy was proposed that is broadly know as Standards before Status policy and which includes eight areas in which goals have to be achieved (Weller 2008; United Nations 2002).

In December 2003 the Standards for Kosovo were introduced in which those benchmarks have been elaborated. The eight categories were each divided in several subcategories, providing the goals towards which Kosovo should make efforts in order to get the status issue addressed. Those criteria were to achieve within the frameworks of the Security Council Resolution 1244, the former proposal by Steiner, as well as be in compliance with the Constitutional Framework. They were Functioning Democratic Institutions, Rule of Law, Freedom of Movement, Sustainable Returns and Rights of Communities and their members, Economy, Property Rights, Dialogue and the Kosovo Protection Corps (United Nations 2003).

The international organizations were in favour of this policy and it was intended to hinder the Provisional Institutions of Self-Government (PISG) of Kosovo or hold down their aspirations to strive for independence too early. With the Standards before Status the international community had a mechanism of political influence to direct and shape

the development (Narten 2007). The progress Kosovo should make before status talks could be initiated, were intended to create equality, freedom, democratic structures and also a multi-ethnic society with no ethnic group or minority left out.

To begin with and concerning the democratic institutions, first of all elections in accordance with European and international Standards were set as a norm to be met. The inclusion and possible participation of all groups present in Kosovo was pointed out, no matter which ethnic minority or religious group they belonged to or whether they were displaced persons. Regarding the Provisional Institutions of Self-Government the Standards for Kosovo described various goals for Kosovo to reach. Summed up non-discrimination, integration of parallel structures and the participation of women and representation of communities and municipalities were included in it. Furthermore the Provisional Institutions were intended to follow the laws, investigate wrongdoings and for monitoring taking place within the structures. Furthermore the democratic institutions have been set to show media standards comparable to the European ones, which include the media's independence from political influence or pressure, but still with the possibility of regulation. In addition as part of the civil society regulations, Non-governmental organizations (NGOs) have been supposed to work freely without any forms of discrimination in order to fulfil the Standards for Kosovo (United Nations 2003).

Addressing the standards for rule of law in Kosovo, equal access to justice posed an important milestone to reach. Efficiency in the whole process of solving crimes and convicting perpetrators was pointed out as well. A good training of people working in the judicial or police field was to be reached as well as misbehaviour or wrongdoing by those had to be punished. The representation of the different communities should be fair within the field and positions open to be held by members of any community or minority group. Furthermore the Standards for Kosovo address the importance to prevent and punish organized and severe crime, as well as offences that are ethnically motivated or could create hatred between the ethnic groups. The needed close cooperation with international actors as well as with the International Criminal Tribunal for the former Yugoslavia is then followed in the document by standards concerning economic or financial crime. Mechanisms to fight those have to be established and

functioning and legislation addressing money laundering should be implemented (United Nations 2003).

Before status talks could be brought on their way, it had been described in the Standards that Kosovo has to ensure the freedom of movement for the whole population. This implied according to the document the possibility of working, moving and travelling all over Kosovo as well as exercising traditions, which has to be valid and secure for all parts of the society, with no regards to ethnic or cultural origin. Added to the freedom of movement the freedom in use of language was described, which included the respect and inclusion of all official languages in official documents, as well as the political and public life (United Nations 2003).

The fourth of the eight areas the Standards for Kosovo addressed dealt with the rights and equality of communities and their members a bit more detailed than it already has been touched upon in the mentioned points. Equality in all parts of life should be ensured, as well as the respect of Human Rights. Furthermore the structures protecting those rights have to be functioning and efficient. Following the flight of many people during the war, the process of people coming back was addressed in this part as well as it characterized the situation that should be created in that concern. Returning people should be able to equally get access to services and are secure from assaults or discrimination. The integration process should be improved by adequate funding by the provisional institutions, and promote or support the return of displaced people (United Nations 2003).

The economic part in the Standards for Kosovo demand a framework that will lead Kosovo towards the European economic standards, which means a free market economy, that is competitive as well as sustainable. The legislative basis to achieve this has to be provided and implemented as well as function within the needed institutional framework for it. The ongoing privatization should have made progress and the regulations and businesses should rest on transparency. Equality and independence from political influence are pointed out as well in order to meet the standards (United Nations 2003).

Furthermore property rights have been described to necessarily be granted and also here the legislation is supposed to have reached the European standards before status talks could take place. After a war property issues are an important problem to solve.

Refugees who return may have claims to be resolved, if someone took their property in their absence, or land that has traditionally belonged to a minority group that had gotten deprived of it. To establish a property rights agency and the capability to deal with the upcoming or present issues concerning property are necessary for Kosovo to fulfil the standards. The preservation of cultural heritage is highlighted as well in the document.

An essential column in the standards document had also been the relation and the dialogue with Serbia and to establish normal and peaceful relations between the government in Belgrade and the PISG. This included meetings in multi-ethnic working groups and everything being based on cooperation, following the rules and makes use of the international assistance. On the regional level the dialogue should also work through cooperation and addressed problems together, which ultimately should lead to stability (United Nations 2003).

The last field with which the document is dealing are the Kosovo Protection Corps (KPC). The protection corps should come into use in case of an emergency situation and in order to ensure public safety. Transparency, accountability and professionality are expected as well as a fair representation of members of all communities and ethnic minorities. To fulfil the standards the number of KPC bases has to be put down to a third.

Having set those regulations and standards, the implementation of them has been the next important task and a work plan had to be written. This included deciding on the policies and the concrete measures to take in order to reach those goals (United Nations 2003). The leaders of the ethnic Serbian minority group distanced themselves from the process and the working groups. There had been an allegation that the Kosovo Serbs had no participation in the draft of the standards, and that it did not comply with UNSCR 1244 (United Nations 2004a; United Nations 2004b).

In March 2004 such a plan for implementation was published and described to be very complex (Weller 2008). The plan included regular reviews and checking the situation and progress and according to those the decision would be made when Kosovo is ready to start the talks about the final status. Riots within Kosovo and especially in the North showed the ongoing fragility of the new society and peace. The United Nations Secretary-General initiated a review of the progress in the mission and in the report of Ambassador Eide; among others it was shown that the population does not stand behind

the mission or were dissatisfied by them. The standards before status policy lack credibility in the eyes of the population, and therefore a fast resolution of the status question was recommended. Following this the Secretary-General recommended actions to improve the situation for the United Nations Interim Administration Mission in Kosovo (UNMIK) and the local institutions, but did not address the time frame of when to solve the status question, this should happen gradually if more improvements were made in all areas (Weller 2008). Eide assessed in October 2005 that the status issue should be approached and the Secretary-General appointed the Special Envoy for the Future Status Process for Kosovo, former Finnish president, Martti Ahtisaari. Ahtisaari was appointed to lead the status talks, and should cooperate with the Contact Group, too.

Under the leadership and control of the United Nations as well as the Contact Group the process towards defining Kosovo's status started and various principles were put up that should form the possible agreement. Those principles included protection of vulnerable groups and a focus on equality and non-discrimination. But also the Human Rights were to be respected and returnees or refugees being cared for. The agreement that was desired to be reached should be accepted by the population living in Kosovo and not being implementation against strong opposition. The position were divided quite clear, as Serbia insisted on their territorial integrity – even though offering Kosovo broad autonomy – and the authorities of Kosovo strived clearly and only for independence from Serbia (Weller 2008).

The sessions and talks led in March 2007 to the Comprehensive Proposal for the Kosovo Status Settlement by Special Envoy Ahtisaari in which he implies through his recommendation, that the only option for the future Kosovo will be independence and statehood, as other options did not seem to be realistic or feasible. The international supervision is determined to continue until the development of the local structures is further improved and independence can be achieved by Kosovo. Serbia strongly opposed the proposal of Ahtisaari and wanted to renew the negotiations (United Nations 2007; Perritt 2009). Kosovo declared independence unilaterally in February 2008, which will not be dealt with in depth in this work.

b) State and institution building

i. United Nations Mission in Kosovo (UNMIK)

The United Nations Interim Administration Mission in Kosovo has been established in June 1999, based on the Security Council Resolution 1244. Important to note from the beginning is, that the other in the following described missions fall under the umbrella and organizational structure of UNMIK. The United Nations Mission is to see as the whole framework of the international work in Kosovo, but also as autonomous mission within this structure.

The interim administration was established to support and oversee the process of Kosovo towards a self-responsible and self-governing entity. Exceptional in the mandate of the mission was that it took over a wide range of judicial, executive and legislative powers and had the authority over Kosovo and was furthermore established to help in the build-up of Kosovo's local institutions. The mission was designed to organise institutions in order to create democracy and a self-governing Kosovo. The tasks of the mission covered a wide scope of political, social, legal issues and were intended to create the basis of peace and a normal life for all the people in the region after the conflict. An office for civil affairs was therefore installed, carrying out the most important civil tasks, as well as one entity dealing with judicial affairs. Especially the reconciliation process between ethnic Kosovo Serbs and Albanians and the merging process of those two, as well as other minorities, was of high importance (United Nations 2016; Brand 2003).

After all the needed structures and institutions would have been built and working efficient, the power and authority was intended to be transformed by UNMIK. Until then the mission held the most important administrative powers and authority over Kosovo, led by the Special Representative of the Secretary-General.

Initially UNMIK has been structured into four pillars, which were intended to be fulfilled by the United Nations itself or under the responsibility of other international organizations. The first pillar was dealing with Humanitarian Affairs and carried out by the United Nations High Commissioner for Refugees (UNHCR), but was put down in the middle of 2000 and only the following pillars continued the work. Civil Administration and dealing with public affairs fell under the authority of the United Nations, the third pillar Democratisation and Institution Building was carried out by a

mission of the OSCE and the European Union had its responsibility within the Economic Reconstruction. In 2001 another pillar dealing with law enforcement and justice has been added, controlled and overseen by the Special Representative of the Secretary-General (Brand 2003). As the different missions acted predominantly independent, they will be portrayed separately in this chapter.

Under the United Nations Administration Mission in Kosovo 2000 the Joint Interim Administrative Structure (JIAS) has been established and included political actors of Kosovo in the administrative process. Representatives of Kosovo and Albanian Serbs were planned to be integrated and cooperate with the UNMIK authorities, in order to fight the parallel structures and therefore composed inefficiency by them. The JIAS included municipal administrations, too, but did not replace local branches of UNMIK. Leaving the control and authority with the United Nations mission the Joint Interim Administrative Structure was divided into the Interim Administrative Council (IAC), the Kosovo Transitional Council, Administrative Departments and Administrative Boards and Municipal Councils (Brand 2003).

Discussing recent topics and problems in Kosovo, chaired by the Special Representative of the Secretary-General (SRSG) the Interim Administrative Council consisted of Serb and Albanian representatives, but also of those by the missions of the European Union, OSCE, UN and even representatives of the UNHCR and the Kosovo civil society. Deviating from initial regulations the council performed in practice as legislative power, as well as carrying out executive duties. The strong position of the SRSG could nevertheless not be overtrumped, as he had the final decision and authority.

The body of the Kosovo Transitional Council (KTC) has been already installed in 1999 to deliver consultation to the SRSG, but has been not very effective in this function. Within the JIAS it was adjusted and consisted of representatives of the political and religious sphere, as well as some representing the ethnic minorities or speaking for the civil society in Kosovo. Additionally to that the members of IAC became part of the KTC as well. Despite discussing relevant political issues the council did not have legislative power or debate amendments and new laws (Brand 2003). The diverse composition of the Kosovo Transitional Council contributed to communication between the different groups in Kosovo and shows a certain democratic structure.

The Administrative Departments, dealt with the "performance of provisional administrative tasks" (United Nations 2000). The departments were led by dual leaderships, always consisting of one Kosovar and one international co-head whose responsibility lay in the implementation of policies. The sectors were for example Labor & Employment, Transport & Infrastructure, Trade & Industry, Culture, among others. Problems in the establishing process, understaffing and within the work with the IAC, due to partisan linkages, led to a restriction in the efficiency to certain extents in some of the departments. The departments were created with the intention to continue functioning also beyond the time of provisional institutions and were planned to be integrated and strengthened throughout the process of transferring responsibility (United Nations 2000; Brand 2003).

Furthermore the JIAS included the establishment of a Municipal Administrative Boards to carry out administrative functions on the local level. They are intended to be overseen and under monitoring of an UN Municipal Administrator, who also chairs the Municipal Council. This council should represent the local population and consult with the Boards and Administrator. Since the conflict it has been difficult for the United Nations to bring their efforts down to the local level efficiently, as parallel structures developed soon and did not always accept the authority of UNMIK institutions or guidelines. In the implementation of the municipal plan of JIAS similar problems occurred and led to politicisation of the local structures, as well as difficulties working together and coordinating with the central level.

The elections on municipal level in October 2000 in most of the municipalities led to provisional assemblies that elected presidents and to more local self-administration in Kosovo. The Municipal Administrators by the United Nations and the SRSG remained in strong positions in this process and the transfer of power should be done gradually and not overhasty, before the structures were not capable enough to take over (United Nations 2000; Brand 2003).

According to and following the plan of resolution 1244 a working group set up the basis for provisional institutions in Kosovo, the Constitutional Framework for Provisional Self-government. This provided the legal basis for self-government and prepared the ground for general elections and the institutions that should be gradually taking over responsibility and power from the international forces. Those Provisional Institutions of

Self-government were created after the elections in November 2001 and consisted of an assembly, the President of Kosovo, the government, courts and other necessary bodies (United Nations 2001). It is important to point out that those institutions as well were provisional and ultimately under control and supervision of the SRSG and the UNMIK, where the authority for Kosovo institutions remained.

After being announced in 2005 as the Special Envoy for the future status process for Kosovo by the UN SG, Marrti Ahtisaari provided 2007 his Proposal for the Kosovo Status Settlement in which he described the future guideline and goals for Kosovo (Geci 2008). In reaching those goals it was intended in the plan to downsize the activity and presence of UNMIK drastically, leaving only around a tenth of personnel in Kosovo. It continued to support with other organisations and the local authorities, especially working for equality for minorities in Kosovo and supporting the cooperation and dialogue between Kosovar and international institutions. Responsibility and authority for and over the section of rule of law in were mostly to hand over to EULEX (United Nations 2009).

ii.   OSCE Mission in Kosovo (OMiK)

The Organization for Security and Co-operation in Europe Mission in Kosovo (OMiK) followed a Verification Mission in Kosovo by the OSCE that had monitored and verified the compliance with ceasefire regulations in order to stop the violence in Kosovo (OSCE 2017). In between the two missions a task force had been deployed to prepare for and assist the latter mission. While doing so the task force had also been tasked with an evaluation of the Human Rights situation in this period.

The mission to follow was established in July 1999 to, as already mentioned before, take over responsibility for the third pillar of the UNMIK framework and operate in the fields of Human Rights, democracy- and institution building. One focus lay on ensuring the representation of minority groups, and moreover the OSCE Mission put efforts into the training of police, judicial or civil administrative personnel as well as the assistance of Non-governmental Organizations (BBC 2000). This shows the focus on creating a system that is capable to bring forth skilled personnel and the strengthening of human resources. The mission was designed to be able to adapt to changes in Kosovo and to adjust the efforts taken accordingly (Formisano/Tasiopoulou 2011).

The Mission was in compliance to United Nations Security Council Resolution 1244 and established to support its realization. In order to do so, the cooperation with other local or international organizations was pointed out as well in its mandate. The areas in which the mission should operate were Democratization and good governance; the protection and promotion of human rights; ensuring public safety through the training of workforce in required fields and delivering assistance and monitoring in the election process (OSCE 1999).

With the downsizing of UNMIK the OMiK had a stronger role and more responsibilities. Within the responsibilities lay strong efforts in order to build up different institutions and structures, such as the Kosovo Judicial Institute, a Central Election Commission, the institution of an Ombudsperson, as well as a police school and the Kosovo Centre for Public Safety Education and Development. This centre brought out thousands of trained police officers before the responsibility was shifted to local actors already two years before the independence of Kosovo (Formisano/Tasiopoulou 2011).

Working all over Kosovo, the mission was intended to build up a close cooperation with communities and strengthening them and ensuring rights to them, as well as inclusion. This was carried out by umpteen teams in municipalities and five regional offices in Kosovo, which followed tenets such as gender and ethnical equality, transparency or striving for sustainability (OSCE 2016). An enhanced participation of the communities in Kosovo was strived for, also in the parliamentary structures. The society needed such efforts as the war did not leave a stable institutional framework, which can be applied to all fields and sectors of Kosovo after the war (Osmani 2014). The strengthening of those structures that had been built up before and helping them to operate sustainably was an important task of the OSCE in Kosovo over time. First the institutions were established and then it has been intended to make the local actors able to run them themselves. This should be carried out in cooperation with the locals; here the field teams were created to increase the trust towards the mission and the legitimacy within the population. This cooperation should result in a working together on a daily basis (Formisano/Tasiopoulou 2011).

In order to improve the protection of human rights works towards a non-discriminatory structure in which cultural and religious heritage is protected, as well as displaced

people and the participation of the smaller local entities is improved. Actions to improve the situation in the justice field should be taken after regularly assessing the progress or state.

A mediating or connecting role was thought to be carried out between the government and the Assembly of Kosovo to improve accountability in that field. Moreover the relationship between the Assembly and the civil society should be improved. The monitoring and assistance of local structures posed another part of the missions engagement to promote democracy and good governance. In order for further improvements also efforts have been taken to ensure free and independent media and to support reaching equality between men and women and equal chances for everyone, not related to gender (OSCE 2016). Different services like police, firefighters, a judicial institute and several others dealing with the security sector, were sought to be improved through the cooperation of the OSCE Mission in Kosovo with the Provisional Institutions of Self-Government. Furthermore also assisting the political parties fell into this field. The process of elections was supposed to be monitored and supervised, which then should strengthen the local capacities and structures and most of all create legitimacy for the elected representatives and the institutions they work in (Osmani 2014).

The task to ensure public safety and concerning efforts to be done in the security sector, the OSCE mission was designed to help fight organised crime, trafficking, and terrorism as well as improve the situation of the police forces. Safety forums have been created to work out problems that come up in the communities. The equality of communities and women in this sector was also to be addressed. Monitoring of police forces and if their actions respect the human rights was another of the mission's public safety issues.

The latest published figures about the mission, the state in October 2016, the budget for the mission is almost 18 million Dollars and over five hundred people have been working in Kosovo (OSCE 2016). The OSCE regularly published and publishes reports about the development and progress in fields like the judiciary and the situation for minority groups or within the communities.

<u>European Union Rule of Law Mission Kosovo (EULEX)</u>

Following the Ahtisaari Plan a mission was needed to hold the authority in fields concerning the rule of law, like the police forces, judiciary or border control, among others, without creating parallel international and Kosovar systems. The mission should contribute to stability in the rule of law sector and one focus lies here on fighting corruption and promoting dialogue between Serbia and Kosovo. The Council Joint Action establishing the European Union Rule of Law Mission in Kosovo was adopted in February 2008 (Spernbauer 2010). Until the establishment of the Mission and before the declaration of independence it is noteworthy that police and justice administration stayed completely in the hands of UNMIK and without transferring responsibility over it to provisional institutions. The mission has been designed to help the authorities and institutions in Kosovo in those fields as well as monitor, mentor and advise them. Furthermore the mission was intended to support court decisions and procedures and therefore had been equipped with certain executive tasks as well. Criminal Cases remained predominantly under the authority of Kosovar institutions. Within the framework of the United Nations Security Council Resolution 1244 it became fully operational in April 2009 (EULEX 2017a). The mission had from the beginning two ways of carrying out the mandate. One strategy lies here in executive functions, which includes investigating and adjudicating, where the strengthening functions cover advice, training as well as giving support (Llaudes/Andrada 2015).

 EULEX included by 2010 over 2000 local and international stuff members and functioned then responsible for sectors of justice, police and custom (Spernbauer 2010). To function in an efficient way to support Kosovo to develop sustainable structures and independent institutions the cooperation with the local and central authorities has been essential to the mission. Representatives of the different EULEX branches worked together with ministries and thematic working groups have been established to fulfil the strategy and assess how to improve the different sectors.

Judges and prosecutors of EULEX were being incorporated within the Kosovo judicial system and except other criminal law ones, dealing with serious crimes like terrorism, inter-ethnic or war crimes fell exclusively under their jurisdiction. Furthermore in cases dealing with for example smuggling or ethnic-hatred that have not been prosecuted yet by local institutions, the judges had achieved jurisdiction as well. Furthermore EULEX

judges are supposed to be dealing with civil law and fulfilling the monitoring, mentoring and advising function of the mission (Spernbauer 2010). The importance of independence from political interference, as well as strengthening all levels in the judicial system in order to enable it to work sustainable is pointed out within the Mission's tasks (EULEX 2016). The cooperation within courts between the Kosovar and European personnel should promote the development of the judicial system. Carrying out the advising task recommendations have been given to the Kosovo authorities and therefore the cooperation was designed to cover the individual and general level. Another part of the work of EULEX has been supporting the legislative process through advising it and the support in drafting laws or policy documents (Spernbauer 2010).

The established departments within the police component has been divided in the more advisory and monitoring Police Strengthening Department and the Police Executive Department. The latter fulfilled police functions like investigations of financial, organized, war crimes, as well as terrorism and corruption. This branch worked independently from their Kosovar counterparts, and even could take over cases out of their responsibility. Monitoring the Kosovo police and closer cooperation between international and Kosovo forces fell under the Strengthening Department. As a support for the Kosovo Police in cases of riots or civil disturbances EULEX included also Special Police Units that could respond to such threats.

Under the mandate of EULEX and its executive functions 2011 the Special Investigative Task Force (SITF) has been established to investigate into war crimes, organ harvesting, torture and other crimes. A report by Dick Marty, a former member of the Parliamentary Assembly of the Council of Europe, who published allegations against members of the Kosovo Liberation Army (KLA) militia during and right after the conflict. Those allegations included among others human rights abused, inhuman treatment, organ harvesting and killings. Victims of the crimes were described to be Serbian prisoners and in the report investigation and action in order to serve justice to the victims are demanded. Furthermore an exchange of information dealing with crimes during and after the war by the Serbian and Albanian government was required (Marty 2011).

The task force was designed to include only international staff and instead of being located in Kosovo, it has its headquarter in Brussels. Nevertheless it had been working within the Kosovo legal system as it is embedded in the EULEX mission and its regulations (EULEX Special Investigative Task Force 2016).

In order to conduct trials dealing with the findings of the SITF the Specialist Chambers and within its jurisdiction the Specialist Prosecutor's Office (SPO) have been established in 2015, functioning within the Kosovo court system, being attached to every level of it. the Specialist Prosecutor's Office fills the function of prosecuting the mentioned war crimes in Kosovo and in the direct aftermath of the war. The SITF has been transferred into the institution of the SPO in 2016, to ensure investigations to be continuing (Kosovo Specialist Chambers & Specialist Prosecutor's Office 2017a; b).

In general he EULEX mission has led to hundreds of passed judgments and thousands of property cases have been reviewed. Furthermore in a majority of laws that have been proposed by the Ministry of Justice, had been worked on and supported by experts of the mission. Hundreds of war crimes as well as crimes of corruption or organised crime had been investigated by EULEX prosecutors as well as a lot of information about missing persons could be collected since its establishment (EULEX 2017b).

In the follow-up of mandate extensions in 2012 and 2014, first in the former a downsizing of the mission had been resolved. The latter extension included the outlook of EULEX handing over more and more responsibility to the judicial system of Kosovo and will withdraw gradually, not taking up any new cases. However, the mission will remain in charge of the judiciary in Northern Kosovo until the dialogue between Kosovo and Serbia reaches sufficient outcomes (EULEX 2017c).

IV.   Analysis

In order to assess the success of the described missions and efforts, different areas will be analysed in the following section of the thesis. The regarded branches are following the outlined concept of liberal peace making that were targeted by international efforts in order to create sustainable peace.

The thesis first will deal with economic liberalization and stability. Therefore the overall economic situation and development will be regarded through the growth of the gross domestic product (GDP). Furthermore exports and imports will be regarded. In a growing economy and stable market, consumers will spend more and a country is capable to provide and participate in an open market. After this an analysis of the unemployment will follow. Those indicators are regarded to give a good insight into the condition the economy is in and whether the international efforts led towards stability and free markets. Used data will be taken from the World Bank database World Development Indicators.

Furthermore the level of Democratization that has been achieved in Kosovo will be reflected. This is intended by evaluating the development in electoral processes, the state of the civil society, as well as the degree to which Kosovo shows independent media and freedom of the press. The basis of evaluation and analysis will be for this sector the different reports of Freedom House.

Following Democratization the implementation and development of Human Rights will be analysed, the attention here will be on different spheres concerning minority rights.

The state of rule of law in Kosovo will be assessed by analysing the developments achieved in the field of governance, on both national and local level. The situation between Kosovo Albanians and Serbs will be assessed in this part, as it directly plays into the performance of governance as well. The independence and functionality of the judiciary will allow a further valuation of the rule of law. The development of the fight against corruption and its outcome will complete this part of the thesis. The data and information used in order to evaluate the rule of law in Kosovo will be manly based on the Nation in Transit and Freedom in the World Reports by Freedom House.

a) Economic reform

i. <u>Economic growth</u>

The annual growth of the gross domestic product will be shown not only through the years 2009, 2012, 2015 but also relating to the overall development between 2008 and 2015. Especially with economic data this is seen to be more meaningful or conclusive, as in cases of a slump in one year, or a one-year high the numbers could lead to a distorted image or biased conclusions. Nevertheless the focus will still be on the chosen 3 years as keystones of the analysis.

Year	2008	**2009**	2010	2011	**2012**	2013	2014	**2015**
GDP growth (annual %)	2.64	**3.34**	3.31	4.62	**2.81**	3.44	1.22	**3.92**

(Source of the data: World Bank 2017 - World Development Indicators)

After a GDP growth of over two and a half percent in the year of the independence, Kosovo could show further increase of 3.34% growth in 2009. The two years afterwards followed by a similar growth first and then a large increase up to over four and a half percent growth in 2011. After this extreme annual growth rate the numbers for 2012 show a different picture, as the numbers broke down almost two percentage points to 2.81% annual GDP growth. Being able to absorb this downfall at first in the upcoming year, the numbers show another collapse of the economic growth, down to only 1.22%. This zig zag of increase and decline in growth numbers results in a steep rise again in 2015 with 3.92% annual growth rate of Kosovo's Gross Domestic Product (World Bank 2017).

GDP growth (annual %)
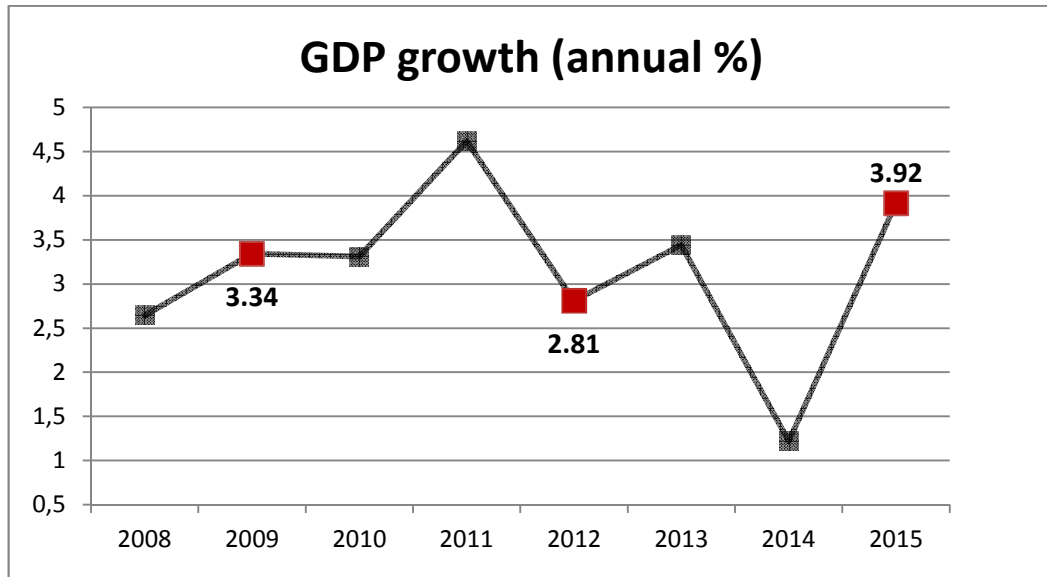
(Source: graph by the author on basis of World Bank 2017 - World Development Indicators)

Noteworthy is, that despite the ups and downs in the curve the growth rate never hit the negative sphere, so even though in some years the economy showed less of it, it still constantly grew. To illustrate those numbers better, it is helpful to put them into relation to the GDP rates of others countries or regions, in the following the rates for the European Union and in specific Germany will be outlined briefly. Contrary to Kosovo the European Union and in it Germany as well showed economic decline in the period between 2008 and 2015. With over five and half percentage points negative in 2009 this can be seen very significantly in Germany, but also the European Union average has been over minus four percent then. The European Union reached another recession in 2012, when also Germany's growth decreased significantly, even though still was positive. The greatest growth rates can be seen in the years 2010 and 2011 for Germany, the latter comparable to Kosovo, as it showed its peak then. The decline of growth that was described for Kosovo in 2014 cannot be seen in Germany or the whole European Union, as growth numbers constantly increased by then. It is also only in this year in which the growth rate for Kosovo is smaller than for Germany or the European Union, in the other years it exceeded them by far (World Bank 2017). Having had no negative values and economic growth rates between 1.22 and 4.62% can be therefore considered as relatively high and notable in the regarded time period.

Such high growth rates can be explained by the different starting points of a war-torn region and so to say new established state. The complete breakdown through conflict, fighting and change allow afterwards rather rapid growth rates, as Kosovo was strongly supported and assisted by external forces. Already consolidated democracies that have been politically and economically stable for decades already are imagined to have difficulties in achieving such high rates in economic growth, as the achieved level already is comparably high. Coming from so to say ashes and ruins only ten years before makes it possible that for example in the case of Kosovo progress can be seen more drastically and stronger on the way to normality and stability as already stable states may record.

ii. Imports and Export rates

Year	2008	2009	2010	2011	2012	2013	2014	2015
Imports of goods and services (% of GDP)	54.25	**51.93**	55.41	56.76	**52.37**	48.94	50.56	**49.79**
Exports of goods and services (% of GDP)	15,66	**17.06**	19.85	19.56	**18.25**	17.34	19.57	**19.44**

(Source of the data: World Bank 2017 - World Development Indicators)

Imports

The imports of goods and services by Kosovo as percentage of the GDP provide an ambivalent picture. The rate of imports first sank in the year after the independence to a value of 51.93% of the GDP. Looking at the numbers three years later, there is only a little increase up to 52.37%. Notable here is the sharp rise in between those years, as the imports grew up to a value of almost 57%. Then after 2011 the numbers fell drastically to the noted value in 2012 and even further after this. This trend seemed to continue after a minor rebound and in 2015 the percentage of imports of the GDP in Kosovo was with 49.79 even under the starting point after the independence and this period under review.

**Imports of goods and services (% of GDP)**

51.93

52.37

49.79
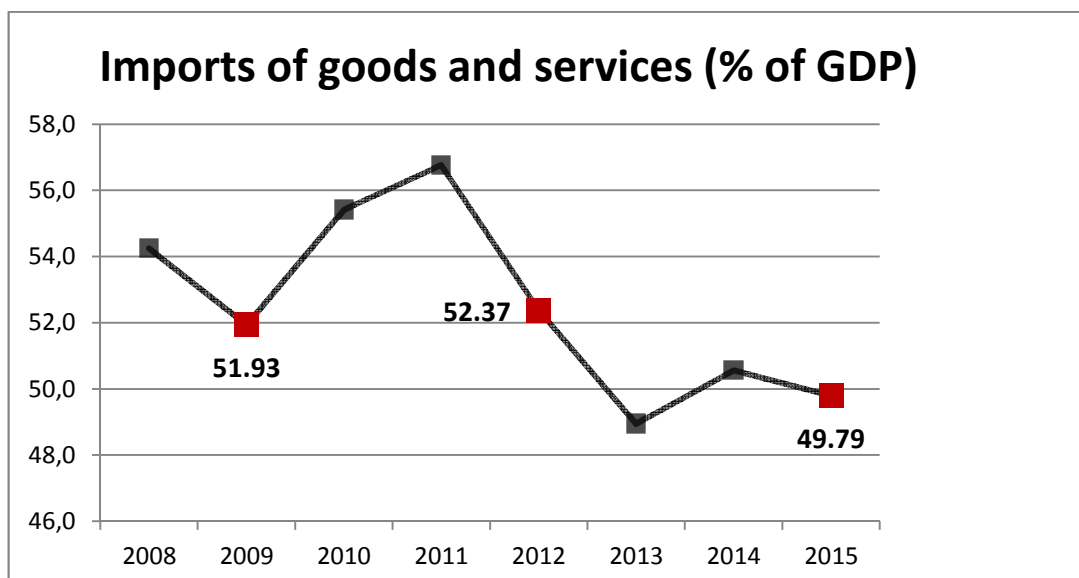
(Source: graph by the author on basis of World Bank 2017 - World Development Indicators)

The graph makes it clearer to see that despite a strong rise in a period of two years, the overall tendency shows decline of the values of imports. The first rise and strong decline show similarities to the curve of the GDP, but after the recession the imports seem to not recover as the GDP growth did. The variety and overall consumption is influenced by the imports a state or entity makes. A strong economy is able to participate on global markets and with international partners in buying goods and services from other countries. If a country imports less from the outside the citizens as well as the producing sector are limited in available goods they are able to access. Especially developing countries rely on imports, especially of raw materials or machines, in order to produce and therefore enhance their market and economy. Processing goods and imported materials increase the variety that is available within the country, but also can be sold further to foreign countries and therefore increase the export and with it incoming money for the economy. However the general import rates for Kosovo show high values that fluctuate around 50% of the GDP, so the decline in imports does not necessarily have to be interpreted as stepping back.

Exports as percentage of the GDP in Kosovo show a more positive development through the regarded time period. Starting at a point below, the exports made 17.06% of the GDP in 2009. After a first considerable increase up to the peak within the observed time of almost twenty percent, the export rate declined again slightly until 2012, when it reached a value of 18.25% of GPD. Compared to the value of 2009 this still posed an increase of the rate. The following three years were characterized by again a slight decline of exports, followed by first a strong growth but then again the export rate went down a bit, to the value of 19.44% of GDP in 2015.

Exports of goods and services (% of GDP)
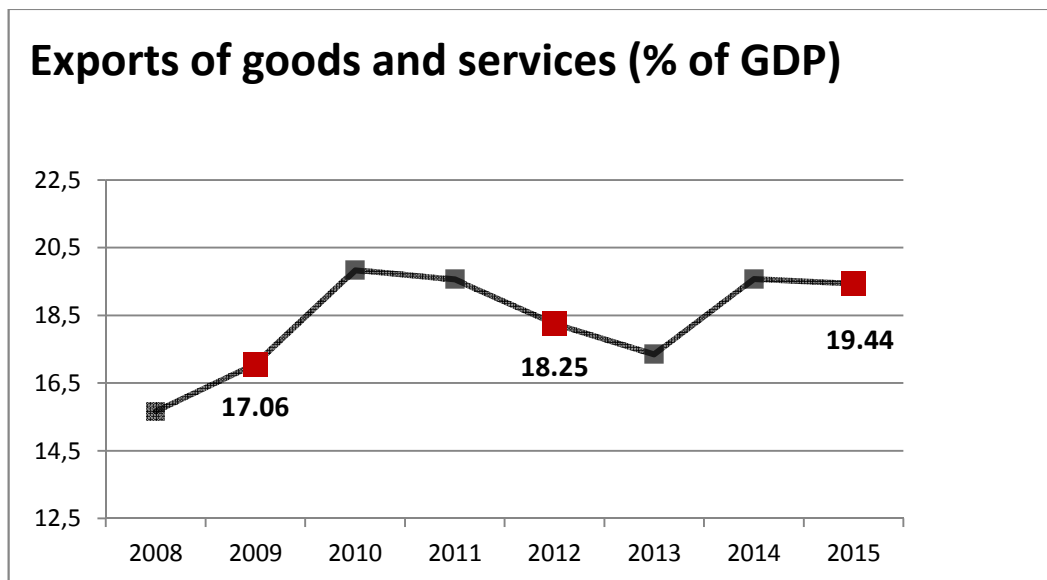
(Source: graph by the author on basis of World Bank 2017 - World Development Indicators)

Due to the strong rises that can be detected regarding the exports of Kosovo after its independence, the years of decline in the numbers cannot change an overall positive development. Regarding just the values of 2009, 2012 and 2015 even a constant rise can be noted.

Nevertheless, put into relation again with the European Union and Germany as examples, the rates show that the percentages of Kosovo in those regards still lack behind and remain way below. The exports rates of Germany in those years are situated between 37 and 47 percent of GDP and even in the average of the European Union the

values have been between 34 and 44. Differences in the other direction can be found with the import rates. They have been for Germany and the European Union at any time over 30 percent of the GDP, in some years maybe over 40, but the ones of Kosovo exceeded them by far, as the rates have been around 50 percent the whole time (World Bank 2017).

iii.   Unemployment

Low rates of unemployment are very important to a stable and well-functioning economy. If the percentage of unemployed people is too high in a state, it will not be able to make usage of all the potential productivity and contribution to the overall welfare of the country. The consumption and expenditures of employed people are obviously higher and they are more potent to contribute to the state's and the society's money and incomes. Paid taxes increase the state's assets and a higher production through consumption will improve the economic situation of a country and help to make it competitive also in the international trade and markets. High social spending, the expenditure states have to use in order to supply unemployed people, can take resources away from other needed state projects and hinder the overall development of a country.

High unemployment rates have always been very problematic in Kosovo and the total unemployment rate never fell under a value of 30 percent in the observed time period, which already shows the high level throughout the years.

Having its peak in the year of the independence the unemployment went down a little bit in the following year to 45.40%. This was followed by rapid and continuous decline until 2013, reaching a value of 30.9% in 2012 and slightly less in the following year. The time afterwards showed first a rise and then decline again in the numbers, and the unemployment rate then reached a level of 32.9% in 2015 (World Bank 2017; CEIC Data 2017). Despite the ups and downs, these numbers show a certain amount of improvement of the labour market in Kosovo, but still can be regarded to be extremely high and the unemployment poses a dramatic problem to the overall development of Kosovo.

iv.   Interim Findings

The general state of economy regarded through the indicators that have been dealt with beforehand leads to different conclusions. They show major improvements and advantages, but also problems that are still to be resolved and that the actors in Kosovo have not managed to tackle so far.

Like already noted, the GDP growth rates remained always in a positive range during the observed time, which shows the constant growth and development of the economy. Moreover are the ups and downs of an economy seen in many other states, but in the time period this thesis deals with Kosovo's economy recovered from slumps and it can be stated that the outlook in this respective is very good. However what is interesting to note is, that the GDP growth has differed from the course that for example Germany and the European Union were going with their economic performance. Their data shows drastic decreases and break-ins following economic and financial crises the years after 2007 and 2011. Most countries in the European Union were highly affected by those crises and struggled in balancing the outcomes of them out. Kosovo does not show does slumps accordingly or only very delayed which could lead to the assumption, that its performance can be regarded as more stable and sustainable. However, having still not left the phase of international administration and support this seems to be a too optimistic interpretation. It rather can be assumed that it did and does not yet participate in the global markets and trade enough and therefore was not affected too much by the global crises in that regard. Would Kosovo have reached already the European economic standards and being an active and strong part of the European and international markets, it would have been hit by those crises, too, and show similar declines and even recession as the compared systems. So even though the development seen itself is a positive one, it still also leads to assumptions that Kosovo not yet has reached the aimed for level of a free and stable market.

Regarding the import and export rates several statements can be made, but mostly show that Kosovo still struggles to achieve a stable economy. The import rates are as mentioned extremely high which show a high variety of goods and trade activity with foreign economies but also show the scale of state expenditure that have to be spend for it. To balance out spending an amount equivalent to half of the GDP for imports, could even for consolidated and old economies be an extremely tough challenge. The

economy of Kosovo therefore relied heavily on international aid and remittances. Regarding those payments according to the World Bank data, in 2009 the combination of foreign aid and remittances had been over thirty percent of the GDP, in the following years up to 2015 annually constantly over twenty percent, without which the economy in Kosovo would not have been able to survive (World Bank 2017). So contrary to other states with generally lesser import rates, the above mentioned decline can be seen even as a positive sign for the Kosovar economy and may show the growing ability to produce and manufacture goods domestically and themselves. Such high rates of imports therefore may have shown the dependency on foreign markets and economies and the producing sector, as the Kosovar one could not provide many products and services itself. Consequently, relying to buy those goods from outside the country therefore is to be seen as the most likely reason for the extreme high rates of imports. The decrease therefore may follow a growing production sector and variety in it, as well as the onward differentiation and provision of services within Kosovo.

The improvement of exports supports this assumption as well, as it shows the step by step growing capacity of Kosovo to produce and build products and services that can be exported abroad. This tendency seems to be stable and it is expected to further grow and continuously help to improve the economic situation for Kosovo. It creates higher incomes for the state and also shows a growing participation in international trade, which both are especially needed in a growing economy after a war or conflict. Higher trade rates like this furthermore show not only the domestic ability to produce goods to export, but also the willingness of other countries to build up trade relations with Kosovo. Besides this positive trend it has to be noted though, that the export rates have to improve by far to be comparable or competitive with other European economies. Striving to achieve European standards Kosovo lacks behind in the comparison, reaching only around half of the values for the exports. In that regard the international assistance did not have big enough outcomes yet in elevating and supporting Kosovo to a free and sustainable market economy, that can compete and function on its own sufficiently. Being able to export more, it enables states to spend more on domestic issues and the development, as money flows into the state treasury. Until now the economy has apparently not grown fast and efficient enough to reach an adequate level

with the exports and is furthermore far from being able to balance out the high expenditures on imports.

Concerning this, another important fact catches the eye in the case of Kosovo. The imports are exceeding the exports by far and therefore a huge amount of money more is spend on getting goods and services into the country, than in earning money from selling them internationally. Such a trade deficit is understandable not desired by any economy in the long term, as it can easily lead to high state debts and shows a malfunction of the economic system. The domestic market cannot compensate this efficiently so far, which has to be tackled in the future in order to adjust those rates towards a balance, or even better a preponderance of exports. The mentioned heavy reliance of external support is still needed to close this gap. The current ability of Kosovo to contribute to global markets in a way that improves the economy is not sufficient, if not almost non-existent, as the exports rates are, like mentioned, very low. This has to change significantly to be regarded as stable and in order to create money flows into the country instead of spending huge amounts on foreign products.

Concerning the unemployment the ongoing serious situation for Kosovo is easy to show, as rates of still over thirty percent unemployment are unacceptable and show the weaknesses the system and economy still has. Decreasing the rate by over ten percent in the last decade is already a huge success and improvement that has to be highlighted nevertheless. Such changes are immense and show the major and considerable efforts that have gone into the economy in order to stabilize it. However, the market has not evolved in such a way, that the employment numbers rose satisfactory. Despite the great improvements, having unemployment rates of around a third of the population can be still seen as critical status that shows how far away Kosovo still is from reaching European standards or average. The expenses for social welfare and unemployment benefits could not be close to being covered by an economy that is still growing and consolidating and weakens it therefore straightaway. The amount of social security that would have to be provided by the state could hardly be brought up sufficiently by a strong and functioning economy, in order to supply the population. Before the economy of Kosovo can be regarded as a sustainable and a free and open market can be found, the unemployment rates have to continuously and drastically sink in the future. Even though improvements have been achieved here, the efforts are not enough and cannot be

considered successful so far. Efforts by the international community concerning capacity building in this area, as well as increasing employment opportunities have been made and show the effects this had on the unemployment rates. Nevertheless, with downsizing the missions and still having large numbers of especially young people unemployed, the overall economic situation is not seen to be likely to improve significantly in the following years. Foreign assistance could be more effective if the focus lay majorly on tackling the unemployment, as this could create a higher GDP, more expenditure by the people, reduce welfare payments for the state and is here seen to be the key factor for a functioning economy. The missions projects addressing those problems could not decrease the heavy reliance on aid and without being able to chance the situation for the people in the Kosovar society, concerning employment and consumption, this is not seen as likely to be resolved.

One comment about the trade efficiency of Kosovo shall be made additionally here. As Kosovo is not yet recognized by all countries and still some entities have their reservations about the independence and its status, the trade cannot fully unfold as it potentially can for other states. As long as such reservations are being held, also by states in the region like Serbia, strong economic alliances are difficult to achieve, and Kosovo faces so to say an even more bumpy road than other countries after a conflict.

All in all the economy shows several desirable developments and improvements since the independence and therefore the endeavours of the international actors pays off and a trend towards European standards and a liberal economy can be seen. However, the decline in unemployment, the rise of exports or apparent lesser dependency on imports are still far away from letting Kosovo achieve the aims that liberal peace building theories and the international community envisioned. The privatization process that was being carried out could not even in the short-term create positive outcomes. The dominance of the Albanian ethnicity that shaped the new structures left furthermore little room for minorities and hindered equal distribution in the country. In order to create stable structures and pursue the privatization of many sectors, the international efforts even worsened the situation for those parts of the society, that already struggled with opportunities and development, as the Albanian elites were able to strengthen their position even further and divide privatized entities amongst themselves. The problematic division between the majority and minorities will be partly dealt with

further in upcoming chapters. Overall Kosovo is still not able to stand on its own or further strengthen the economy without the support and aid of international actors. In this regard the efforts and assistance of the intervening countries cannot be seen as successful and the goals have not been reached, or even had an opposite effect.

b) Democratization

i. Electoral Processes

The following section will deal with both, national but also local elections, as it is tried to give an overview over the situation and development in all levels of electoral processes, in order to evaluate the situation in Kosovo. The main regarded years will again be 2009, 2012 and 2015, yet other events that happened in other years will be described as well to give a broader understanding of the development.

In late 2009 Kosovo held its first local election after the declaration of independence, which were generally considered as in compliance with international election standards. They were carried out by the Central Election Commission (CEC), but Kosovo relied heavily on the support of international actors, in order to stem it (Freedom House 2010a). With this advisory and organizational support the elections took place in 36 municipalities and were observed by over 20,000 observers that worked for various national and international observer networks. The high turnout of the Serb community has to be highlighted as it had been a multiple thereof the elections in 2007, before its independence. However, in Northern Kosovo this showed to be different. Positively to note is the assessment by the European Network of Election Monitoring Organization (ENEMO). The network stated that most of the places they monitored and visited had been working well and in line with necessary international regulations. The results of three municipalities were regarded to have been fraudulent or not correct and were annulled by the independent Election Complaints and Appeals Commission (Freedom House 2010a). Even though in itself annulation of results is not a positive aspect, it is still to be assessed positively, as Kosovo showed the existence of measures – and the fact that they were carried out – in order to address such problems in the electoral process. However, the problem of family voting remained dominant in a great number of cases, as the family patriarchs often also voted for all family members, which

especially hindered the political empowerment of women regarding the elections (Freedom House 2010b).

The upcoming years were followed by so to say an electoral crisis. After the parliamentary elections of 2010 voting had to be repeated in over 20 polling stations in early 2011, as allegations of fraud and corruption overshadowed the initial results and had been confirmed by the Central Election Commission. These circumstances led to a debate and the call for electoral reforms in the aftermath, which still influenced the situation in 2012. An agreement on the reform could not be reached (Freedom House 2013). The oppositional parties had not been willing to cooperate and so there was no progress in bringing forward an electoral reform (Freedom House 2013).

Following the judgment of international monitoring actors, the elections in 2014 showed again more participation of the ethnic Serb population and the Central Election Commission had been considered to having provided free and fair elections (Freedom House 2016a). Nevertheless this period and its aftermath showed similar unrest and problems like in the years before, as the parliamentary elections in 2014 led to a crisis as the parties struggled to form a ruling coalition which led to an instable period concerning the parliament and government. This led to a continued delay in the concern of the electoral reform that already had been recommended years before; the year 2015 did not bring progress in this regard as well (Freedom House 2016b).

Regarding the whole time period and the development of the electoral process, the situation in the first election after the declaration of independence can be considered to show a better situation, the ones following in the next years until 2015. Even though institutions were being improved and the necessity for electoral reform has been highlighted by national, as well as international actors, there was no or not enough improvement to achieve it visible.

ii.   Civil Society

A similar dependency on foreign support like in the electoral processes in the beginning can be found in the area of civil society as well. After Kosovo's independence one major challenge for the NGOs had been the lack of substantial funding and they heavily relied on foreign donors. The legal situation and provisions generally show a positive environment, as the constitution of Kosovo already in the beginning provided the

freedom of assembly which allows, with exceptions, NGOs to work freely (Freedom House 2010b).

Even though the lack of funding overshadowed the work of those organizations throughout 2009 and beyond, the development of the sector had been positive and became more vibrant in this time after the independence. One of the main activities NGOs engaged in were the monitoring and criticizing of the government and other political processes, as well as efforts towards the improvement of relations between ethnic groups. Organizations started also to combine their forces around certain topics to achieve more strength. One of these unions worked for example in the field of elections and monitored the municipal elections, as well as in the run-up through informing and educating about the electoral process. However, the efficiency and effects of that work were doubted in that case and the monitoring had been considered to be fragmented (Freedom House 2010a).

The civil society was generally regarded to be independent from state structures and by 2012 thousands of NGOs had been officially registered in Kosovo. Nevertheless the lack of funding continued to pose a grave problem for the sector and hindered organizations from doing efficient and sustainable work in many cases. Only up to 400 organizations were considered to play a role and work actively in that time. One reason for the problematic financial situations was the little support by private actors, as well as small interest by businesses to fund such organizations in the civil society sector. Moreover did the funding by foreign donors, that had been so important already in 2009, decline, as the interests of those actors shifted towards other nations or problematic regions after a while (Freedom House 2013).

2012 furthermore was marked by two big developments that influenced the civil society. In order to improve the whole process of consultation of policymakers by organizations the Civil Society Facility was launched by the European Commission. This measure has been taken to strengthen the involvement of those organizations within the political dialogue and policymaking, as despite a positive cooperation with the Assembly, the civil society had been little involved in those processes and with the government (Freedom House 2010a; Freedom House 2013).

The development of the sector continued in the following years and in 2015 over 2000 NGOs had been active in Kosovo, so it can be seen the provisions that concerning the

freedom of those organizations were implemented well and thorough. Moreover the influence of the government on NGOs had been small and also their capacity to monitor and criticize the government and policymaking process had increased majorly since the first years after the independence. The described efforts to increase the involvement of the civil society showed to pay off and organizations had been consulted concerning many laws and important processes. However, as already mentioned for 2012, the co-operation with the government still is less close than with the Assembly, as governmental actors do not include the civil society already in early stages of the process. Another improvement of the sector can be seen, as the government intervened in cases of organizations that are said to have ties to terrorism or organized crime (Freedom House 2016a; Freedom House 2016a).

One example for a very positive development of the civil society in Kosovo can be seen with the University of Prishtina. Already before the independence the university had been strongly politicized and for example even without meeting the needed academic requirements, politicians were able to get hold of positions within the university. Moreover high numbers of students were being enrolled without attaching importance to quality or credibility of the studies. This situation changed when in 2015 a new rector took office in the University of Prishtina and put many efforts into improving transparency and quality, as well as put an end to corrupt practices in giving away positions. This brought the topic of higher education in general into the public interest and created attention for the shortcomings in the sector (Freedom House 2013; Freedom House 2016b).

The civil society all in all shows basically positive developments, even though the situation still can be heavily improved and efforts should be taken to fulfil this. The over the years growing number of organizations and strongly improved inclusion into policymaking processes shows the will and success of measures that have been taken not only by organizations themselves, but also by the government and other political actors. Adding to this is the positive development of the high educational sector with the changes in the university and the strong commitment to build transparency and provide quality and good education in Kosovo. However, this partly positive outlook should not layer the problems the civil society still faces, regarding mostly the general low efficiency of their work. Mostly, as funding continues to be problematic, ways to secure

financing the sector need to be found and taken, before the external supply breaks down and maybe cannot be relied on anymore, if the interests of donors shift more. This could affect the whole sphere of civil society in Kosovo immensely.

iii. <u>Independence of the media and freedom of press</u>

The environment of the media and press in Kosovo had been difficult and full of influence by politics or other powerful actors. Interference, intimidation, harassment against journalists are highlighted throughout the years and even though changes have occurred, the overall situation did not change sufficiently.

In 2009 international actors criticized this huge influence the government carried out on private as well as public media and condemned the pressure put onto the sector. The connections between media stations or networks and politicians reached up to the highest levels, as the even the Prime Minister was a part of the board selection of the public broadcaster in Kosovo. Moreover newspapers were linked to political parties or interest groups which shows the lack of independence of the media in this time. As also already described for other sectors, the media in Kosovo suffered from a severe lack of funding and in order to secure financing, it got vulnerable to even more governmental influence. Using advertising the government could support media outlets that published in favour of it and distributed advertisement disproportional, leaving dailies that made almost 40 percent of the readers with not even ten percent of the in total paid ads (Freedom House 2010a).

The influence on journalists and the media reached even extents, in which journalists were publicly intimidated by other outlets that stood close to certain political parties and only efforts by the international community and pressure by it helped to stop the threats. The implementation of freedom of the media lacked behind enormously and has not been given in 2009, as journalists regularly got threatened or intimidated (Freedom House 2010b).

This situation did not improve over the years and the political control over the media should be even strengthened by the adoption of a new Criminal Code in 2012. It included provisions that could force journalists and members of the media to disclose their sources and therefore make them vulnerable for retaliation or threats. After a widespread, but unsuccessful opposition to the law, only after the Deputy Prime

Minister and at the same time Minister of Justice resigned as a reaction, amendments were being made to it. The attempt by the officials to increase control over the media showed the unbalanced and not trustful relation between the media and the political sphere. Fighting for the freedom of the media and the rights and protection of journalists, the Association of Professional Journalists of Kosovo were active in organising events, criticizing shortcomings and trying to create public awareness.

Violence against journalists also remained a problem regarding freedom of the press, especially because violence or threats often came on the part of officials or even business actors. Those cases did not lead to prosecution or results and sentences in 2012, which shows the overall lack of will and capacity to meet the violence against members of the press and the big power in play holding them down (Freedom House 2013).

Until three years later, in 2015, changes have been made significantly concerning the legal basis on which the media acted on. The freedom of the press had been highlighted and secured legally, but in practice major problems continued to exist, as the implementation of the laws had not followed in the same way. The problems of vulnerability due to lacks of funding still had not been resolved, and therefore big influence and interferences by politics or other players continued to go on. Nevertheless the accomplishment was made to secure journalists' sources, which posed an important contribution to the work of especially investigative journalism, as people who supply journalists with information are less likely to be victims of intimidation and threats. Following these journalists had more opportunities to work investigative and disclose structural shortcomings and wrongdoings by companies, parties, organizations or the government.

Despite those achievements for the media environment, threats, defamation and intimidation continued to be problematic in the daily life of journalists, especially when publishing suspicious activities or occurrences. In the main public broadcaster the problems of political influence were apparent and source of clashes between officials and parties, as it was accused to be biased and influenced. The coverage of members of the civil society had been disproportional less than that of government officials (Freedom House 2016b).

The overall situation in 2015 shows several important improvements, but the big and severe problems within the media landscape and its environment still are apparent and not solved. Freedom of the media and press in Kosovo still poses great challenges and does not seem to have evolved sufficiently over the years since the independence. Even though legal changes have been made in the end to improve the situation, secure the working environment for journalists and their sources, as well as efforts towards transparency have been made, the outcomes are far from being enough and furthermore are badly implemented. Especially the intimidation and threats against journalists creates concerns and many of the problems have overall remained the same.

iv.   Interim Findings

The assessment of different parts of the Democratization process showed several positive developments, but moreover grave shortcomings and even negative tendencies as well. Improvements in the legal framework and basis for the different spheres were important and welcomed by the international community. Institutions dealing with the electoral process have been improved and also in the media sector big changes were being made in the legislation, which for example should provide more protection for journalists and their sources. The theoretically free media, democratic elections and independent and free civil society and the amendments made in those sectors show positive trends.

Nevertheless the major incidents showed the little improvement in the whole electoral system in Kosovo. Those shortcomings have not been met and disagreements between different political parties are not improving, the clashes and crises rather worsen the condition of the overall electoral process. The attempts by those actors to achieve their own will and power, overshadow the work on basic reforms and working on ways to prevent fraud and make fair and free elections without fraud or other problems, possible. Even though in 2009 three results of municipalities had to be annulled and repeated or in one case recounted as well, but in the overall state of the electoral process can be regarded as better than in the time following up to 2015. This can be regarded as attributable to the massive support and assistance by international players in the beginning, financially but also concerning the organization and planning. The intended creation of democratic values and structures that are stemmed by a population carrying

those values and norms out could not be achieved. Assistance, monitoring by international actors, setting up strong democratic legislation did obviously not reach the core of society and was so to say taken over by it.

The legislative changes made can be regarded as important and highly positive, the theoretical and legal development shows positive effects of applying international standards on the system and structures of Kosovo. Nevertheless has to be pointed out more firmly, though, that the reliance on international finances and problems in the independence of branches question those effects.

The technical support and provision of liberal frameworks and structures led to a proper and democratic mantle, but seems to only have had a covering function and not permeate the underlying mechanisms and the society. The democratic understanding and awareness in Kosovo still has not completely reached the bottom level and so is hardly able to change manipulations by parties and leading figures or create political will that could improve the distribution of financial support for the civil society or the media. Installing democratic institutions and imposing strong legislature from the outside did not have the intended effect of changing mindsets or exclusive mechanisms. Without that awareness and the wide existence of democratic values it is hard to achieve a truly liberal and democratic atmosphere in Kosovo, that is backed from within the society.

Moreover is the political will not being increased to change the predominant situations, as long as it contributes to the influence and advantage by those actors. By supporting and assisting the exact structures that hinder further democratization and the implementation of regulating laws, the international actors strengthen those tendencies. Only acting in cases of severe pressure on the media for example, is not enough to change the overall problematic situation in this sector and lets the environment of politicization and intimidation continue. Positive pressure like for example financial support for those outlets that stand strong against political influence or support of the institutions that promote and then again support civil society organizations is likely to change more at the core of society and understanding, than imposing a framework and then supporting the structures that hinder the development of a liberal democracy. As internal mechanisms seem not to having developed sufficiently and effectively against the stronger power of institutions and dominance by the political sphere, strengthening

those underlying structures would be essential in improving the situation. Further strengthening of legislation and the creation of more monitoring institutions has visibly not been very successful in the past, so it is unlikely to lead to sufficient and widespread change in the future as well.

Additionally to efforts within Kosovo and regarding the apparent major lack of funding in those structures, the international community, here the European Union could be a strong actor, should try to reverse the ongoing decreasing external financial support for those areas. The European Union and its member states are here mentioned in particular, as a state with strong democratic values at the bottom of society and within the overall system could contribute to the overall situation in the region and promote long-term effects in the Balkans. The spill-over effect of such a democracy would act beneficial for the stability in Europe, but is hardly to be achieved through the measures and approaches like done before, as was shown in this chapter.

Especially in regard of the success of the international engagement to establish a sustainable and stable democracy it was shown how fragile Kosovo still is in in those regards and lead to the assumption that a lot of those structures would break down if the international support broke away. Being able to show no major improvements in several areas over the years, it is doubtable whether those will be made in the future when the measures and methods remain the same and as in the case of the media best visible those in power prefer their strong influence rather than an improvement in the democratic development and strengthening those structures.

Under those circumstances the development of democratization is seen as not likely to improve in a sufficient manner to fulfil or reach European standards and despite several positive effects, the overall situation does not allow a positive valuation of the outcome of international peace-building in Kosovo regarding democratization

c) Human Rights

i. Minority rights

Culture

After the independence several challenges were apparent concerning the minority groups in Kosovo. The division between Serbs and Albanians posed problems as well as a under-representation of non-majority communities in public institutions. Listed as traditional communities in Kosovo had mainly been Serbs, Bosniaks, Turks, Roma, Ashkali, Egyptians and Gorani.

The protection of minority rights concerning culture is mostly assessed by the situation and protection of religious or cultural heritage sites, as well as initiatives taken in order to preserve and respect culture and tradition of minority groups. To start with, the Law on Protection and Promotion of the Rights of Communities from 2008 ensured non-majority communities several rights, as for example the ability of association in order to live and maintain their culture, with funding of the Kosovo consolidated budget. Projects were being funded in 2009 that included theatre plays, festivals as well as concerts, even though smaller communities were less reached by such activities, as the funds mostly went to bigger and more organized ones. Moreover the central institutions posed little support for the municipalities in order to protect those cultures of the smallest communities. As the funds were distributed insufficiently to those groups, many of them relied on the help and financial support by international actors (OSCE 2009). A major challenge posed the adequate protection of cultural heritage sites as well as graveyards, as they were often targets of vandalism and destruction, which was even aggravated by the Kosovo institutions that did not act in compliance with regulations concerning the protection of cultural rights. Special Protective Zones were being drafted that should prevent those incidents, as well as illegal construction work on cultural or religious sites of minority groups. However the implementation lacked behind in 2009 and led to the destruction and vandalism on several cultural or religious sites (OSCE 2010). Those incidents continued in the following years and occurred throughout Kosovo. By 2012 the implementation of legislation has increased and a temporary list been set that included over 900 sites in need of protection. Special protection was given several Serbian sites, and they were protected constantly by mostly Kosovo Police

forces. As smaller non-majority communities struggled more to achieve funding and support, a project to improve the situation for Montenegrins by the central-level Office of Community Affairs is to be noted positively. However, the distribution of financial support for projects was usually not been done in consultation with the respective communities and a lack of dialogue characterized the co-operation between institutions and communities; especially smaller non-majority communities were impacted by those factors, as there were almost no cultural activities foreseen (OSCE 2012). The Ministry of Culture, Youth and Sport (MCYS) had launched several projects by 2015 like an official database with a list of cultural heritage monuments under protection. Despite those measures vandalism and destruction continued to occur without decrease. Thereupon the relations between groups did not improve and remained difficult. However, the relations between Kosovo institutions and for example the Serbian Orthodox Church showed some improvement, which was built through and enhanced communication and co-operation on the local level (OSCE 2015). Challenges like problematic allocation of funding for non-majority communities concerning cultural and religious protection as well as a definite institutional will to improve the situations for those groups had been visible throughout the whole regarded time period.

Participation

The legal framework of Kosovo provides the representation of all communities in all sectors of the civil service, even though the implementation lacked behind by 2009 and especially the participation of members of the Roma, Ashkali and Egyptian (RAE) communities on the local level has been low (OSCE 2009). Within the Law on Local Self-Government multi-ethnic community committees had been foreseen and were established by 2009, however performing not sufficiently, similar to the poor implementation of regulations that generally promoted the participation of communities in the decision-making process. The RAE communities often struggled with poor living conditions in their settlements, and even were subjected to lead contamination and other health hazards. Barriers in meeting those problems had been posed by the exclusion of such settlements by most municipalities in their strategies to improve development (OSCE 2009). The set up Strategy for the Integration of Roma, Ashkali and Egyptian Communities in Kosovo could not directly show sufficient implementation in the

beginning of the regarded time period. A following action plan included the establishment of a Steering Committee being tasked with ensuring the co-ordination between relevant ministries in Kosovo. On the municipal level, the mentioned communities committees as well other mechanisms that had been intended to improve the integration and participation of minority groups had, although being established, little outcome and low efficiency (OSCE 2010).

The situation for minority groups had not significantly changed by 2012, as representation of those community members did not improve in the sphere of public administration – especially in senior positions, leaving only a few municipalities with representatives of minority groups in such positions. However the position of a deputy mayor for communities had been established in a great number of municipalities and also central and international efforts tried to tackle the underrepresentation and participation of minority groups. This was particularly the case for initiatives and trainings concerning employment opportunities, even though some of them did only show short-term results. This was also induced by the lack of support and will on part of the municipalities to improve the situation for minority groups, as well as a continued lack of funding or co-ordination for the mechanisms like community committees. Little outcome had been noted by 2012 (OSCE 2012).

In the following years the Assembly implemented the requirements to ensure the participation of minority groups and in total twenty seats in parliament are being ensured to non-majority representatives, as well as committees of the Assembly providing second vice-chairs to minority groups. Furthermore on the central level a Consultative Council for Communities had been established that should improve and ensure the cooperation between institutions and minority groups. This council poses recommendations and review of legislation drafts, but had not been consulted sufficiently in the drafting process itself, which limits its performance to a certain extent.

The above mentioned strategy posed to improve the integration of RAE communities could not be implemented in a sufficient and co-ordinated way, as a lack of communication between the different levels of institutions had not improved. This led to no progress in the integration of those three communities.

Due to the mentioned problems many members of minority groups left Kosovo and migrated elsewhere, often to countries of the European Union, which shows that the overall living conditions, opportunities and representation could not be ensured adequately in the regarded time period (OSCE 2015). However, a new strategy plan has been developed for the time period of 2016-2020, which could open up new possibilities concerning integration and participation.

Education

Concerning the situation for minority groups the educational sector is probably the most complex and also difficult one to regard in Kosovo. The existence of two complete separated school systems, one run by the Kosovo institutions, the other by the Serbian ones, posed problems from the beginning of the period after the independence. Interaction between the communities is hindered, if not even blocked by the existence of those structures, as especially Serbs and Albanians in Kosovo do not share the educational system. Opportunities to learn the respective other language are non-existent and strengthen that tendency (OSCE 2010). In 2009 the Kosovar system had developed curricula not only in Albanian, but also Turkish and Bosniak, but no provision of curricula based textbooks followed. The situation for members of RAE communities had been worse as little action was taken to integrate pupils and students from those communities and already set up plans hat not been implemented. For those communities high drop-out rates had been reported and already enrolment numbers into schools were low. A lack of funding of possible projects decreased the chances for those children as well and strategies relied mostly on donors (OSCE 2009).

The situation of almost no interaction between Kosovo Serb and Albanian children in the school system did not change in the following years, as the systems remained the same. Activities by international or local actors and organizations were being held, but often did not target the communication and interaction between the groups itself. In several municipalities where the groups shared the same school building, the lessons were held at different times, which left not opportunity for exchange or interaction (OSCE 2012). And even if children are imagined to meet, it is highly unlikely that interaction would take place, given the fact, that the two different school system run and operate in different languages with no training in the other. Only following the Bosnian

and Turkish curriculum Albanian language classes are provided under the Kosovar system.

One improvement here had been the creation of textbooks for Albanian as a second language by the MCYS in cooperation and under assistance of the OSCE. On the other hand there had been no efforts to create a similar textbook for the Serbian language, though. Overall the provision with curricula based textbooks for other than the Albanian ones lacked behind by 2012, the books were often badly translated and teachers not trained well enough in order to provide sufficient education to minority groups under the Kosovo educational system. Courses to increase the inter-ethnic understanding and minorities related awareness had been not existent or provided incomplete and insufficient information (OSCE 2012).

By 2015 the major challenges still had been unresolved and the two parallel systems continued to run in Kosovo. There had been no efforts to establish language training in either Albanian or Serbian in the respective other systems. Children of RAE communities continued to struggle with the access to education and the problems of high drop out and low enrolment numbers had not been solved. Initiatives or projects by the Ministry of Education, Science and Technology or other actors could not result in an improvement as well. The provision of Romani, Bosniak and Turkish classes had been available in some municipalities, but the quality and availability of textbooks and teaching personnel had still been unsatisfactory by then. Other minority groups like Gorani, Croat and Montenegrin were not provided with subjects tailored to help them preserve their culture and identity (OSCE 2015).

An overall problem that had been apparent during the whole regarded time period had been the missing recognition of diplomas and degrees by the different systems, which strengthened the dividing lines even after graduation between Serbs and Albanians in Kosovo. Not only the lack of being able to speak the other language, but especially for Serbs this hindered furthermore the access to Kosovo institutions and the opportunity to work within the Kosovar structure (OSCE 2009; OSCE 2015).

ii.   Interim Findings

Regarding the Human Rights situation in Kosovo concerning minority rights several problems are apparent, that may not initially cut the rights of minority groups, but lead

to a system and situation in Kosovo, where members of those communities simply are stripped of the opportunities to live equally and freely like the majority group.

Similar to other sectors in the structures of Kosovo, the minority right section shows that a strong legal framework does not always result in an effective implementation and the improvement of the situation on the ground. Even though cultural heritage and religious sites are strongly protected by law and different measures and institutions in place to ensure this, the ongoing problem of vandalism, destruction and damage of such sites became apparent, with no major improvement since the independence of Kosovo. Especially the lack of co-operation within the structures and too little consultation of minority groups concerning the use of funds hinder the process, as well as a lack of funding in the first place.

The participation and representation of minority groups in public administration underwent an improvement in the way of ensuring representation on the central level in the Assembly, as well as in the municipal institutions. However the representation of certain groups like Roma, Ashkali and Egypt communities has not been fulfilled sufficiently and such groups had often been excluded from the decision-making process or in dealing with problems regarding their own communities. Measures and strategies to increase the integration of such communities had not been effective and a certain lack of political will to tackle and change this situation is apparent, which does not lead to a positive assessment of the development in this sphere.

It is here seen as underlying factor for the abovementioned problems that interaction, mutual understanding and respect are often not given between the communities. The divided school system contributes significantly to this lack of awareness and co-operation. With having established such dividing structures that are run by two different states and in different languages, and with no will of integration of the two, the situation of minorities in Kosovo is not likely to change in the future. A connected or shared, at least, bilingual school system, interaction with members of other communities from a young age on, would probably also lead to less problems with cultural and religious sites, as awareness and knowledge of the other groups could be increased and mutual prejudices could be eradicated. An integrated multi-ethnic society is seen to provide more chances of participation of minorities in public and social life and increase the economic and educational opportunities for those people. The strict division of

languages and school systems leads to more and more mistrust, unawareness and therefore poses no possibility to solve the problems of integration, protection and promotion of cultures. This leads to marginalisation of the most vulnerable groups and religions. Especially concerning the Serb minority the structures were being built in order to ensure participation and a stronger position for the Serb majority municipalities in order to preserve their language, culture and religion, but the effect is rather contradicting those aims. The gap between the systems promotes even stronger boundaries and instead of giving them a stronger voice in order to enable multi-ethnicity, the overall integration of minorities is getting less, or even seems to be mostly enforced to comply with the standards given by the international actors. The migration of members of minority groups cannot be hindered without proper integration in a system that gives them equal opportunities and the already predominant pre-eminence of the Albanian majority may increase even more. The applied system in Kosovo did not lead to the integration of minorities or a development towards multi-ethnicity as aimed for by the international community. On the contrary, the implied strong role of the majority group within the institutions of Kosovo from the beginning even hindered the growth of multi-ethnicity and created more obstacles for minorities to become a part of the public life.

d) Rule of Law
i.   National and Local Governance

National Democratic Governance

In 2009 the state building efforts characterize the acting of institutions in Kosovo, as well as international missions. The rule of law mission by the European Union started to work at full capacity and the local authorities were given the main government activities, continued to work on the basis of the UNMIK framework, as a law on the government had not yet been adopted. The missing implementation or adoption of laws should be pointed out in this phase after the independence, especially regarding some important reforms dealing with governance and the whole system. This hindered the public service sector from gaining independence and an efficient and representative

administration to be established. A major shortcoming in legal regulation and the will towards implementation shows the broad influence the government has in the appointment of officials in the public and civil sector. Loyalists to the leading political elites were able to fill positions, even if not qualified enough. This practice can be seen very clear in 2009, as the government even interfered in the selection of people to fill directorate posts in the Kosovo Police, and therefore diminished and cut the institutions' independence majorly. Moreover, the Assembly's work was not effective enough in order to check the government and legislation in those regards and ensure the implementation of legislation, when adopted. Nevertheless, it is positive to note, that the chamber fulfils its tasks to approve the budget and review the expenditure report (Freedom House 2010a).

Three years later the main international bodies withdrew mostly in Kosovo, as the time of supervision officially ended and the International Civilian Office closed its operations. In this process the authorities in Kosovo gained full control, even though they still stood under supervision by the European Union and its rule of law mission EULEX. As the European Union remained very active in Kosovo, also the development and progress concerning the integration agenda is notable, as the establishment of the Stabilization and Association Agreement between Kosovo and the European Union had been foreseen in this phase. However, the internal situation of governance lacked behind and the institutions were weak, which was shown especially in the situation after the fraudulent elections in 2010. The government lacked support by the parliament, the ruling coalition only was built on less than half of the seats. This weak position of the government and additionally internal partisan difficulties led to an enhanced doubt of legitimacy and broad dissatisfaction on the side of the citizens. The government moreover acted highly controversial in some regards, as against wide protests of the opposition and civil society the privatization of the energy sector was pursued, even though this was regarded as hindering the liberalization (Freedom House 2013). So even after gaining full control the situation did not improve and the problems in parliament and the weak position of the government show this.

The problems and tensions between the government and opposition parties did not develop in a positive way over the following years and after the political crisis following the elections in 2014 the situation was still problematic in 2015. The

opposition was capable in 2015 to hinder the government from ruling to certain extents and the crisis went as far, as even tear gas was thrown in to plenary sessions in order to halt the governmental work. Following this the government started to hold plenary session without the opposition and took measures to prevent them from getting into the halls, then being able to adopt some legislation and the budget for Kosovo (Freedom House 2016b).

Nevertheless the problems and clashes within the parliament and with the government created bad conditions and only a certain part of the planned legislation could be adopted in 2015. Even though the governing coalition could build on a stronger and formally more stable majority in parliament than in 2012, the internal problems remained within the parties and so the government did not manage to present a united front.

Overshadowed by the major problems concerning governance, there are still positive tendencies to be pointed out in 2015 in Kosovo, like enhanced transparency regarding the work of the Assembly. Furthermore the Assembly was, despite a boycott of the opposition, able to ratify the Stabilization and Association Agreement with the European Union and posed an important progress on the way to the intended membership within it (Freedom House 2016b).

Local Democratic Governance

Compared to the national level, the development of democratic governance on the local level showed slightly more positive tendencies and outcomes throughout the regarded years.

By 2009 the number of municipalities had increased to 36 and most of them were seen to comply with the Law on Local Self-Government. An assessment of 30 municipalities by the Ministry of Local Government Administration showed that almost all had established required committees. Councils for community safety were set up in most of the entities and around half of the municipalities complied with the legal framework concerning the use of language. Despite the overall improvement in 2009, the structures still did not show enough capacity carrying out governance and for example funds did not come close to being exhausted in for example the capital investment sector (Freedom House 2010a).

Over the years until 2012, the process of transferring responsibility to the local elements had been continued in order to achieve decentralization. However, the performance of municipalities in meeting some of the tasks can be considered as rather low and the decentralization process improved this only slow and not sufficient. In 2012 the problem of overstaffing and unskilled personnel slowed the efficiency of municipality and hindered successfully carried out projects and the provision of services. Adding up to this had been the charge of several mayors with serious crimes, which contributed to lowered accountability and transparency on the local level (Freedom House 2013).

The decentralization process continued until 2015 and left the municipalities quite autonomous. The transparency of local governance had been improving as well the overall performance and capacity, as found by an analysis by the Ministry of Local Government Administration. Furthermore the satisfaction of the population with local services was found to be higher than on the general national level, which was due to more transparency and public consultation. Despite those positive trends some problems remained also in 2015 apparent, as municipalities rely heavily on support by the national budget concerning finances. As property taxes are the only main source of local income, the majority of budgets was acquired from the government. (Freedom House 2016b).

Relations with the Serb minority and Serbia

As the situation with Serbia and the Serbian minority is special and not necessarily usual concerning the governance, the development will be analysed separately to the national and local structures here.

The division between Kosovo Albanians and the Serb minority posed a major challenge for the authorities after the independence. Especially in the Serb-dominated North problematic situations ocurred, as Serbian parallel structures were established and functioned additionally to the Kosovar ones. The municipalities that work under the rule of Belgrade did not co-operate with the authorities in Prishtina, however financial support was distributed to those areas as well from the national budget of Kosovo.

Despite the challenging situation in the North 2009 showed an improvement in the rest of Kosovo concerning the ethnic Serb population and their integration into the structures. In the areas South of the Ibar the relation was characterized by growing co-

operation and the Serbian population seemed to place trust into the municipalities created and run by the Kosovar government (Freedom House 2010a).

The situation with the Northern municipalities did not further improve until 2012, as the mentioned parallel structures still functioned and the Serbian government provided public and security related services for the population there. Prishtinas influence and the establishment of rule of law remained weak and slow and the sovereignty of Kosovar services is undermined several times by operations of their Serbian counterparts. The Kosovar government did not take many measures in order to achieve improved authority and carry out decentralization there, as it was not seen be implementable against the Serbian domination in the first place (Freedom House 2013).

A positive tendency can be stated in the Serbian and Kosovar relations as the in 2011 negotiations facilitated by the European Union led to several agreements then and also in 2012. The Serbian side agreed for example on the participation of Kosovo in regional meetings and border issues were discussed. Nevertheless the implementation was not always carried out and the public opinion towards the negotiations had been critical.

The Serbian-Kosovar dialogue reached improvements in the following years until 2015 and brought forward the Association/Community of Serb-majority Municipalities in Kosovo. Even though this was seen critical by the opposition in Kosovo, it enabled the municipalities with Serb majority to gain stronger governmental powers and in general strengthened their position in Kosovo. This should lead to the possibility to increase the integration of Serb majority municipalities while still ensuring them representation and a certain amount of self-government. The four municipalities in Northern Kosovo were integrated in the institutional and legal framework of Kosovo, which shows the improvement towards integration and normalization of relations (Freedom House 2010a; 2013; 2016b).

Especially regarding the dialogue with Serbia, but also the other factors, it seems that the situation still needs a lot of engagement from the international forces, especially the European Union. With giving incentives that could possibly lead to a membership in the Union, Kosovo and Serbia can be directed towards dialogue and peaceful relations. It is questionable if without those European efforts, or if one of the countries tends towards

another entity, some of the progresses won't just halt and the development will even have a negative tendency.

ii.   Independence and Functionality of Judiciary

The judiciary poses a lot of challenges and problems for Kosovo since the independence and especially in the beginning years can be regarded as one of the weakest structures within the new nation. The amount of political interference in it is immense and the support of the EULEX mission showed major shortcomings and lacks in 2009. Nevertheless did the Constitutional Court start its work throughout the year and several judges in it were appointed by the International Civilian Office. Throughout the year important laws had been adopted concerning areas like the criminal code, criminal procedure code or mediation. The general court administration was slowed in 2009, as the European Union had reservations about the appointment of the Judicial Council and delayed the process. Throughout the year several institutions showed shortcomings, as for example the Office of Disciplinary Council that deals with cases of corruption and misconduct in the judiciary lacked thorough and sufficient investigation. Another example had been the Special Chamber of the Supreme Court that deals with privatization cases, as in 2009 it did not work due to understaffing, which was not tried to be fixed by the local or international authorities. Cases of political interference and influence showed a negative impact in the appointment of judges. Furthermore judicial personnel had been intimidated or pressured (Freedom House 2010a).

In order to reduce the possibility to influence wages in the sector have been raised in the following years to not make the personnel vulnerable to bribes. This slightly enhanced the performance within the system and additionally a new Criminal Code and reforms were intended to ensure more independence. However, those efforts were overshadowed by the continuous high influence political actors had on the system and judges were rather picked by representatives of the political sphere. Funding continued to be insufficient and also institutions that should monitor and check the judicial elements could not show to be effective in doing so. The political interference remained high and problematic in 2012. Also in the regional comparison Kosovo lacked behind the amount of judicial personnel compared to the population, which to the inability to deal with

huge amounts of cases and the building of an enormous backlog (Freedom House 2013).

The following years followed similar tendencies and still in 2015 many problems were unresolved and the judicial system remained weak. Even though the legal basis for and independent system had been given, it was not or too slowly implemented. However, several vacant judge positions could be filled as well as the position of the Chief State Prosecutor. And even though the backlog of cases still could not be come by with, the closing and clearance rate of cases could be improved. 2015 especially was marked by the conviction by the basic court of Mitrovica of two high-profile Albanian politicians. They had been accused to have committed major crimes during the conflict. Moreover dealing with crimes committed by Albanians during and right after the war were tasks of the new established Specialist Chambers and the Specialist Prosecutor's Office. Those institutions had been decided to be established by the Assembly, against protest from the opposition. It is important to point out, though, that both are located in the Netherlands and only consist of international personnel (Freedom House 2016b). This takes the responsibility for those cases and trials out of Kosovo's hands so to say and can be seen as a lack of trust by the international community towards the Kosovar system.

All in all the major shortcomings and dysfunctionalities in the judicial system of Kosovo are clearly visible and despite smaller improvements the political interference in it, as well as underfunding and slow procedures characterized it throughout the whole regarded time period.

iii.   Fight against Corruption

Closely linked to several parts and developments before, and especially with the judiciary, is the lasting and severe problem of corruption that continued through the years after the independence. The Kosovo Anticorruption Agency showed and stated the strong will to work against corruption and to work closely together with various agencies, like for example the Independent Judicial and Prosecutorial Commission or the head of EULEX prosecutors. The Office of the Auditor General stated severe misuse of the budget and furthermore the influence by the government in the economic sector was immense. The government had shown to be unwilling to solve and change those

wrongdoings. Different laws that had been adopted were not seen as in compliance with European standards and raised concern as for example the regulations on public procurement. The government and opposition found themselves in mutual accusations of corruption and this was central to the political debate in 2009. The institutions that aimed to fight corruption had not been successful in coordinating their efforts (Freedom House 2010a).

The situation with corruption did not improve until 2012 and remained the biggest challenge for Kosovo. Even though new laws were adopted and institutions built in order to fight corruption the effect was small. Almost ironically, but highly meaningful is here for example the case of the Anti-Corruption Task Force that has been established in 2011. 2012 the head of the institution had been arrested with allegations of the abuse of office and other charges. Several more scandals and incidents occurred in 2012 that show the bad state concerning corruption in Kosovo. After several protests concerning allegations in the privatization process the parliament stressed that organized crime in the process had to be prosecuted, but this was not followed by any important cases that had been brought to court in 2012. Other occurring practices showed that the legal regulations did not cover all possibilities of corrupt methods, as it was possible for political parties and political actors to give companies advantages for having them supported while campaigning. The initially well intended creation of several institutions fighting corruption showed to be counter-productive, as it fragmented the system and too little co-operation and arrangements took place between the institutions. (Freedom House 2013).

Regarding the development in the fight against corruption in 2015, the situation did not change. The great number of institutions that should combat corruption still had the counter-productive effect and worsened the situation. Even though the institutions claimed their efforts and authorities stated to co-operate intensely the number of prosecutors dealing with cases had been too small and as the investigations of such crimes is highly complicated the efforts did not show to be sufficient. How permeated the system in Kosovo had been by corruption is also shown through various arrests of high officials or again personnel working in the institutions that should fight corruption. This included the president of the Appellate Court, prosecutors, officials of the Prishtina municipality and other public officials or economic players (Freedom House 2016b).

iv.   <u>Interim Findings</u>

The overall development within the sector of rule of law that was regarded in this work leads to rather negative conclusions.

In the field of governance all regarded years and including major incidents even from other years showed the inefficiency and weakness of many institutions and the structures in general. On the national level especially the problems and mutual accusations between the government and oppositions went on through the whole regarded time and crises even led to violence. The instability was visible especially on the national level through all the years. On the local level a similar bad starting point was apparent, but could improve more throughout the years, as decentralization went on successfully. Even though the performance of the municipalities was rather low and problems occurred through unskilled personnel, the ongoing decentralization process led to more autonomy for the local structures. Mayors could improve the transparency and all in all the local structures turned out to be more efficient and capable in the last regarded year. Concerning the decentralization process and general institution building in Kosovo especially in the field of governance the peace-building efforts showed effects. Dealing with those technical issues lies within the capacity of the liberal approach and especially on the local level the society improved from the carried out decentralization process. The municipalities gained more autonomy.

Moreover in the sector of rule of law the judiciary showed grave shortcomings and failures. The legal situation and basis had been improved steadily, but without successful implementation this did not have the intended effect on the institutions. Due to the massive political influence the judiciary cannot be described as independent and slow processes, high amounts of backlogs and to little skilled personnel left it dysfunctional and insufficient. Here the grave failure of the system and of the international efforts becomes very visible as an independent judiciary should be a basis of a strong rule of law and a backbone of each democracy. The establishment of the Specialist Chambers and the Specialist Prosecutor's Office cannot be seen as success for the liberal approach, as the international community takes that responsibility completely out of the hands of Kosovo. Showing no trust in the local structures to deal

with such cases themselves, it even emphasises the weakness and missing progress in the judiciary.

What became apparent in the analysis of other sectors is the ongoing and continuous exertion of influence either through political pressure or financially. The problem of corruption is here seen as the biggest challenge and most negative shortcoming in Kosovo. The broad influence of the government on the economy and other fields had not been addressed sufficiently or successful. Cases and allegations of corruption went through all levels and sectors and the strong legislation could not be implemented. Here the establishment of various institutions to tackle the same problem increased the inefficiency even more and the international efforts should have directed the development in a different way concerning this. With building fewer central structures with clear instructions and assisting adequate training for skilled personnel more could have been achieved and institutional chaos prevented. By encouraging more institutions, offices and chambers to run the international actors did not support the fight against corruption and rather strengthened the tendencies in the wrong direction. Here the path of institution building should have left in favour of improving the substance and personnel within the structures. Efficient prosecution and taking action against corruption would improve other sectors of the rule of law, as financial or political influence in the judiciary or governance sectors possibly would decrease.

One of the major challenges posed the parallel structures in Northern Kosovo and overall relations to Serbia, which leads to further conclusions. Through integration into the Kosovar structures the co-operation especially with Southern municipalities improved.

 Through the Association/Community of Serb-majority Municipalities those municipalities could be ensured a stronger positions and representation. Even though this definitely can be seen as success for the dialogue between Kosovo and Serbia, as well as the capacity to facilitate this dialogue on part of the European Union, it still raises some questions for the future and as already shown in the section about minority rights can be seen very critically as well. The European Union and their power to raise incentives with prospect of membership influenced this process a lot and it is doubted whether the relations would continue to produce stability and more agreements, if one

of the two nations turned towards a different partnership or just can't be convinced to give in by this anymore.

Having promoted and facilitated those agreements that led to further autonomy the Serb structures, the earlier mentioned division between the two ethnicities was strengthened immensely and has major effects on the interaction between Serbs and Albanians in Kosovo. The effects that this positively mentioned development within the rule of law sector has, are seen as highly problematic for other areas and especially as blocking the creation of a multi-ethnic democracy. It hinders interaction, understanding and exchange. Here it becomes apparent that international efforts in Kosovo can contradict themselves and the different pillars and in the beginning noted lack of networking between the organizations pose huge problems, when the goal of one branch affects the ones of others in a negative way.

The negative situation in all the regarded parts of the sector of rule of law show clearly that here the international efforts did not meet their aim in building stable and sufficient structures. With the establishment of the Specialist Chamber in order to prosecute war crimes it becomes even more apparent that the international community does not trust the structures it has built and sees them as too weak and insufficient to deal with those problems itself or pose qualified judges and courts to do so.

The structures that are vital to build a strong and independent functioning liberal state, show still massive failures and creates further problems. This does not allow the conclusion of a strong and sufficient implementation of rule of law in Kosovo.

e) Discussion of findings

To begin with a rather general assessment, the previous sections of the thesis showed the grave problems Kosovo still faces in all the regarded areas. Insufficient economic performance, high unemployment and trade deficit cannot allow a positive assessment of the privatization process and construction of a functional liberal market. The democratization process showed similar shortcomings and political unrest, interference and malfunctioning of structures is apparent. The analysis showed that democratic values and practices could not reach the core of society and political systems and still seem to be torn and fragile. Concerning the respect and promotion of minority rights as indicator for the whole situation of human rights situation showed severe lacks of

integration and provision of equal living conditions for every member of the society. This became especially apparent in the sphere of education where the boundaries have even been strengthened through the local and international efforts, even if intended differently. As the rule of law sector is seen to be a cornerstone for liberal democracies the shortcomings in this section furthermore way heavy and even influence other parts.

In answering the posed questions and mostly whether the international liberal peace-building approach can be seen as successful in Kosovo several negative findings by previous authors can be confirmed. The international efforts did not lead to a satisfactory development of liberal and democratic structures that can stand and function on their own in the future. This is here seen to be resulting from shortcomings in the general approach, as well as furthermore being due to specific characteristics of the case of Kosovo and the engagement there.

The mostly institutional building based approach leads firstly to a very broad statement. Externally imposed measures do not reach the bottom of a society sufficiently in the first place. With a stable democracy being the aim of the efforts the approach of forcing a system onto an entity that is coming out of a conflict, seems to suffocate and hinder the local population from developing those norms on their own. Therefore the processes that lead to democratic aspirations are not being developed. It is highly arguable whether especially the complete control over the structures had positive outcomes for them and the rule of external forces over many years after the conflict are almost contradicting the intended goal. The ongoing problems in the sphere of governance, participation and inclusion indicate that the so to say undemocratic way and methods by the international organizations cannot produce a democracy itself. Those foreign actors established and ran a system without being put into this position by democratic means. The fact that they obviously had not been democratically legitimized or elected shows the contradiction in the whole approach, as the creation of democratic values and structures is being enforced by so to say illegitimate rulers. Proceeding according to the book with no flexibility or possibility for local actors to shape the process and institutions created a system in which the lack of capacity of local structures resulted in dysfunctional institutions that continuously relied on further assistance in order to keep pace with the international requirements. Especially the failure to build up or even

ignoring local ownership and capacity here confirm findings that were discussed in the beginning of the thesis.

The sheer setting up and building of a state and its institutions may provide formal stability and the absence of war, but the driving forces vital for a liberal society and democracy are left out of the process, as the civil society or media sector and vulnerable parts of the society were not being strengthened and promoted. More focus on those spheres instead of institution building would likely result in a longer time period until institutions are set up and running within the structures, but also furthermore in more efficiency and functionality, in a sustainable and strong liberal democracy.

After not being able to build up the structures in Kosovo by direct control and administration, the international community handed over the power to the local structures in a relatively short period of time. Even if the initial approach of complete external control was found to be unsuccessful, the findings showed that then transferring sovereignty to dysfunctional structures has not resulted in further improvement. Especially the week structures of judiciary, economy and a system marked by high corruption after the independence have been apparent in this thesis and were not affected in a positive way by the withdrawal of international organizations, even though with them remaining a supervisory character. Structures that already struggle to even function under complete control are highly unlikely to somehow overcome those systematic failures by having to stem it almost completely themselves. And as shown the supervision and still sometimes intervening actions by the international community even interrupted the creation of local structures.

As discussed in the beginning the strategy of international actors of focusing on the framework and institution created more problems than it solved. Even though the legal framework was strengthened continuously in most areas, the actual implementation of laws and regulations was left to the local structures and not pushed forward in the same manner as the initial creation of them by international missions. Proceeding like this the organizations were able to continue their presence on the ground, as the then responsible institutions were not seen to be capable to be left alone. This seems to be a very contradictory approach and deemed to fail, as an approach to just create a structure, but not putting sufficient effort into the functionality of it in it too, was shown and confirmed to be unsuccessful.

Especially concerning the problematic relation between Kosovo Serbs and Albanians shows failures in the liberal peace-building as carried out in Kosovo, overarching several of the regarded areas and being even mutually depending each other. First of all the structures imposed on Kosovo led to a domination of control by Kosovo Albanians with enabling them to marginalize other minorities was countering the initial goal to create a multi-ethnic society from the beginning. The already discussed missing implementation of laws has been visible also in those regards and obstacles for non-Albanian citizens to participate in the decision-making processes or social life rose. The aimed strengthening of minority groups through giving Serb-dominated municipalities more autonomy and rights through the decentralization process and finally the Association of Serb Municipalities had an even worsening effect, as the parallel structures run by Serbia in those areas even got stronger, instead of efficiently integrating them not only formally, but also in practice into the public life. Intended to protect their rights within the Kosovo system, it even drove them further away from integration and interaction with the Albanian majority. Especially through the two school systems and no implied plans to build a bi- over even more lingual society the vision of a multi-ethnic society is here seen as impossible to be achieved and therefore neglecting the success of that goal. As already briefly mentioned in the analysis and substantiating brought up criticism in the beginning this is attributable to the general set up of the mission that stood as umbrella for the different pillars and organizations working under it. It occurred that the outcome of goals from one pillar did significantly harm the aim of another.

Being divided into different sectors the overall goals have not been followed consistently and through close co-operation between the organizations. For example the increasingly dominant role of the European Union in Kosovo enabled it to pursue their own goal of European integration and shaping the processes majorly through having the incentive of a possible membership in their hands. As the overall structure did not have measures to channel and direct the process of the peace-building efforts, the missions could even be seen as in competition in order to achieve their goals, with little regard of the outcomes and effects on the success of other structures. Consequently the concentration of efforts created the ability to somewhat show success in building structures, but failed to ensure them to work hand in hand in order to make them

sustainable.   An integrated mission like carried out in Kosovo and covering the discussed areas, but without integrated plan or an overarching and directive head of the mission, left Kosovo in a state of continued interference and supervision, but with too little regard of the problems shaping the society and political system. The slow progress and lack of implementation in important areas created problems that are often highly interlinked throughout the whole system. This resulted in more division, little opportunity for vulnerable groups and a system that is defined by corruption and political interference as well as the ongoing problem of a lack of funding and sustainability.

Having discussed the reasons behind those outcomes on part of the international organizations and how the mission's set up and methods affected the development of Kosovo, the overall approach of liberal peace-building, especially as carried out in Kosovo with its local particularities cannot be assessed as successful. In some regards it created even more obstacles for the emerging country, despite having led formally to the creation of peace.

CONCLUSION AND OUTLOOK

In a world of political unrest, conflicts and instable states, the measures to be taken from actors standing outside of those conflicts are the source of many discussions and the supports of different concepts. But not only directly in conflicts, also concerning the period afterwards and in situations of war-torn states and societies those different voices can be heard. The decisions to either stay outside of the affairs of other states or a responsibility to intervene and act in such cases could be found throughout the world in the past. The international community showed often the will and endeavours to engage in states during, but also intensified after wars and offer support in the process of recovering and rebuilding structures. This thesis evaluated the outcomes of those efforts in Kosovo that have been chosen to follow the framework of liberal peace-building, in order to achieve a sustainable peace characterized by a liberal democracy. Having described also the efforts and set standards before the actual regarded time period allowed a broader understanding of the international engagement, as well as the developments prior to the independence. The case of Kosovo here posed as an example in which extensive and wide peace-building has been carried out in various spheres and areas of the state, which allowed a broad assessment of different measures and outcomes, as well as it allowed linking different shortcomings in the process of external peace-building by international organizations. Having analysed the development of economy, the democratization process, the engagement in the rule of law sector after the independence, as well as assessing the human rights situation for minority groups, the findings go along with different points of critics and opposing views to the liberal peace-building concept. The imposing character of so to say a blueprint peace-building structure left little room for the local structures to build up capacity and stable structures themselves, as the directing and shaping process was completely taken over by international leadership and administration after the war. Building the structures under total international control and then handing the responsibility over to local actors did not have intended results and even fifteen years after the war and eight years after the declaration of independence Kosovo still struggled majorly with the insufficient state and institutional performance. Contrary to the aim of liberal peace-building efforts to establish a multi-ethnic liberal democracy the country still is characterized by division and far from being sustainable and stable in its institutions. Especially here were the

shortcomings in structures that are seen to be important to back a democracy, like a functioning judiciary, a stable economy or free and equal living conditions for all people. As it has been discussed the build up and methods of international missions cannot ensure those outcomes and the failure in most applied areas became apparent.

As already mentioned in the beginning is the ambition to engage in such cases prevalent within the international community and it is to expect that also in the future peace-building missions will be carried out in countries and regions after conflicts. What seems vital for the success of such measures is a rethinking the structures and set ups of such missions, as the outcome as analysed here for Kosovo is considered a failure and even having contributed to problems. Obviously the outcome cannot be imagined if no international support would have been applied, but given the sheer amount of money and manpower used especially in Kosovo, the results are not satisfactory in any way. Using those resources and knowledge, a restructuring of the peace-keeping missions is here seen to be first of all needed, but also source of chances and opportunities. Leaving the liberal peace approach behind and shifting the focus more to dynamics at the bottom of societies would tackle the roots of conflict better and empower states to grow into stable structures after a war. A more needs based approach on the bottom level of society could react way more flexible to upcoming changes and the initial problems on the ground, than the described, rather stiff and inflexible construct of a top-down approach, like the international community followed in Kosovo. Despite various studies and demonstrations of the shortcomings of the prevalent practice of building peace, it is not seen very likely to change in the near or midterm future, as especially the United Nations generally do not show significant will to adjust their overall practices.

For Kosovo itself it seems to be hard to draw final conclusions at the current time, as efforts still are going on and some small improvements could be pointed out during the regarded time period. The applied structures and interventions seem to have created a so to say road of no return and it has to grow into the framework that has been imposed on it. These steps will take a lot of time however, as this thesis and the work by others has shown that grave shortcomings and failures are visible throughout the whole system, which cannot be easily overcome. A point of concern for the future of Kosovo for sure poses the situation of the Serb community in it, as especially the educational system will create generations of young people, that live in the same country but are not able to

interact because of language barriers and separated communities. In the way the system is set up this will not change in the future and no signs are visible that changes to the structures are being intended by either Kosovar or the Serb side. In the long term it is more likely that the Serb community, as well as other smaller communities will migrate almost completely to other countries of their languages and ethnicities, where they can unfold their culture and language and have easier access to employment and participation. This would finally put an end to the vision of a multi-ethnic state as planned by the international community.

An interesting factor concerning the development of Kosovo will be the process of integration and co-operation with the European Union, which should be followed and analysed by further research in the future. Even though Kosovo is still far from becoming a member state the European perspective already serves as driving force and the concentration and engagement by only one international organization could overcome the obstacles posed by the variety of actors. Having even more prospects to offer to Serbia in those regards, as it is already further in the integration process, the European Union is seen to be also the key chance in order to improve the relations between the two countries. Despite current tensions and the unwillingness of Serbia to recognise Kosovo or let go of the Serb-dominated municipalities in it, in the long term the European way may be the only chance to reach this point in the future.

The overall assessment could only give evidence to a failure and impropriety of the liberal-peace concept as it has been carried out by the international organizations and the negative outcomes of it that are visible in Kosovo. However, the fact of ongoing peace in the region and prospects posed by the integration into the European Union, provides room for hope in the long term for the still struggling, young state.

SOURCES

Abdullai, Jonuz; Brovina, Ngadhnjim (2015): Peace-building and State-building Challenges in the Republic of Kosovo. In *Revista de Stiinte Politice* 47.

Autesserre, Séverine (2017): Three flawed ideas are hurting international peace-building. Online Article on March 15. The Washington Post. Available online at https://www.washingtonpost.com/news/monkey-cage/wp/2017/03/15/avoiding-these-3-assumptions-may-actually-help-bring-peace/?utm_term=.a6331c054876, checked on 4/26/2017.

Barnett, Michael (2006): Building a republican peace. Stabilizing states after war. In *International security* 30 (4).

BBC (2000): OSCE's role in Kosovo. Online Article. Available online at http://news.bbc.co.uk/2/hi/europe/866067.stm, checked on 3/30/2017.

Brand, Marcus (2003): The development of Kosovo institutions and the transition of authority from UNMIK to local self-government. Geneva: Center for Applied Studies in International Negotiations.

Bush, Kenneth (2004): Commodification, Compartmentalization and Militarization of Peace-building. Building Sustainable Peace. Edited by Keating, Tom and Knight, W. Andy, (eds.).

CEIC Data (2017): Kosovo Unemployment Rate. Data reported by Kosovo Agency of Statistics. Available online at https://www.ceicdata.com/en/indicator/kosovo/unemployment-rate, checked on 3/30/2017.

Chandler, David (2004): The responsibility to protect? Imposing the 'Liberal Peace'. In International Peacekeeping 11 (1), pp. 59–81. DOI: 10.1080/1353331042000228454.

Chandler, David (2005): Introduction. Peace without Politics? In International Peacekeeping 12 (3), pp. 307–321. DOI: 10.1080/13533310500073988.

Chigas, Diana et al. (2006): Has Peace-building Made a Difference in Kosovo? A Study of the Effectiveness of Peace-building in Preventing Violence: Lessons Learned from the March 2004 Riots in Kosovo. Executive Summary. CDA Collaborative Learning Projects and Care International.

Choedon, Y. (2011): The United Nations Peace-building in Kosovo. The Issue of Coordination. In *International Studies* 47 (1). DOI: 10.1177/002088171104700103.

Eide, Espen Barth; Kaspersen, Anja; Kent, Randolph; Hippel, Karen von (2005): Report on Integrated Missions: Practical Perspectives and Recommendations. Commissioned by United Nations Executive Committee on Humanitarian Affairs.

EULEX (2017c): Short history of EULEX. European Union. Available online at http://www.eulex-kosovo.eu/?page=2,44,197, checked on 3/30/2017.

EULEX (2017b): Video from the Press Office about EULEX. European Union. Available online at http://www.eulex-kosovo.eu/?page=2,13,44, checked on 3/30/2017.

EULEX (2017a): What is EULEX? European Union. Available online at http://www.eulex-kosovo.eu/?page=2,16, checked on 3/30/2017.

EULEX (2016): Factsheet. European Union Rule of Law Mission. European Union. Available online at http://www.eulex-kosovo.eu/eul/repository/docs/20161209_EULEX-FactSheet.pdf, checked on 3/30/2017.

EULEX Special Investigative Task Force (2016): Factsheet. Available online at http://www.sitf.eu/images/fact_sheets/sitf_factsheet_en.pdf, checked on 3/30/2017.

Fakiolas, Efstathios; Tzifakis, Nikolaos (2017): Chapter 7: Establishing the Rule of Law in Kosovo and Bosnia and Herzegovina: The Contribution of the EU Civilian Missions. In M. Steven Fish, Graeme Gill, Milenko Petrovic (Eds.): A Quarter Century of Post-Communism Assessed. Cham, s.l.: Springer International Publishing.

Formisano, Claudio; Tasiopoulou, Georgia. (2011): The OSCE Mission in Kosovo. A Performance Appraisal.

Freedom House (2016a): Freedom in the World. Kosovo. Available online at https://freedomhouse.org/report/freedom-world/2016/kosovo, checked on 4/26/2017.

Freedom House (2010b): Freedom in the World. Kosovo. Available online at https://freedomhouse.org/report/freedom-world/2010/kosovo, checked on 4/26/2017.

Freedom House (2016b): Nations in Transit. Kosovo. Available online at https://freedomhouse.org/report/nations-transit/2016/kosovo, checked on 4/26/2017.

Freedom House (2010a): Nations in Transit. Kosovo. Available online at https://freedomhouse.org/report/nations-transit/2010/kosovo, checked on 4/26/2017.

Freedom House (2013): Nations in Transit. Kosovo. Available online at https://freedomhouse.org/report/nations-transit/2013/kosovo, checked on 4/26/2017.

Fukuyama, Francis (1992): The end of history and the last man. London: Penguin Books (A Penguin book History, politics).

Geci, Shkëndije (2008): Kosovo's Final Status Negotiation Process: A Way Out or Cul-de Sac. Dissertation. University of Malta, Malta. Available online at https://www.diplomacy.edu/sites/default/files/23082010103117%20Geci%20%28Library%29.pdf, checked on 3/30/2017.

Hegre, Håvard (2005): Development and the Liberal Peace. In *Nordic Journal of Political Economy* 31 (1).

Knudsen, Rita Augestad (2013): Privatization in Kosovo. 'Liberal Peace' in Practice. In Journal of Intervention and Statebuilding 7 (3), pp. 287–307. DOI: 10.1080/17502977.2012.734559.

Kosovo Specialist Chambers & Specialist Prosecutor's Office (2017a): Specialist Chambers. Background. Available online at https://www.scp-ks.org/en/specialist-chambers/background, checked on 3/30/2017.

Kosovo Specialist Chambers & Specialist Prosecutor's Office (2017b): The Special Investigative Task Force (SITF). Available online at https://www.scp-ks.org/en/specialist-prosecutors-office/sitf, checked on 3/30/2017.

Lederach, John Paul (1997): Building peace. Sustainable reconciliation in divided societies. Washington, D.C: United States Institute of Peace Press.

Llaudes, Salvador/ Andrada, Francisco Sánchez: EULEX: a mission in need of reform and with no end in sight. ARI 41/2015. Real Instituto Elcano. 27.07.2015. Available online at http://www.realinstitutoelcano.org/wps/wcm/connect/5206e2804941a9b899b3bf253802 dbc3/ARI41-2015-Llaudes-SanchezAndrada-EULEX-mission-need-reform-no-end-in-sight.pdf?MOD=AJPERES&CACHEID=5206e2804941a9b899b3bf253802dbc3, checked on 3/30/2017.

Mac Ginty, Roger; Richmond, Oliver (2007): Myth or Reality. Opposing Views on the Liberal Peace and Post-war Reconstruction. In *Global Society* 21 (4). DOI: 10.1080/13600820701562710.

Marty (2011): Inhuman treatment of people and illicit trafficking in human organs in Kosovo. Report. Doc. 12462. Parliamentary Assembly of the Council of Europe. Available online at http://www.sitf.eu/images/110107CoEReport.pdf, checked on 3/30/2017.

Narten, Jens (2007): In Need of Self-Reflection. Peace-building in Post-War Kosovo from a Systems-Analytical Perspective. in: Whitehead J. Dipl. & Int'l Rel. 8.

OSCE (1999): Permanent Council. 237th Plenary Meeting. Decision No. 305. PC.DEC/305 (1 July 1999). Available online at http://www.osce.org/pc/28795?download=true, checked on 3/30/2017.

OSCE (2009): Communities Rights Assessment Report. Available online at http://www.osce.org/kosovo/99146, checked on 5/21/2017.

OSCE (2010): Communities Rights Assessment Report - Second Edition. Available online at http://www.osce.org/kosovo/99146, checked on 5/21/2017.

OSCE (2012): Community Rights Assessment Report Third Edition. Available online at http://www.osce.org/kosovo/99146, checked on 5/21/2017.

OSCE (2015): Community Rights Assessment Report Fourth Edition. Available online at http://www.osce.org/kosovo/99146, checked on 5/21/2017.

OSCE (2016): OSCE Mission in Kosovo Factsheet. Available online at http://www.osce.org/kosovo/143996, checked on 3/30/2017.

OSCE (2017): Information about the OSCE Kosovo Verification Mission (closed). Available from http://www.osce.org/kvm-closed, checked on 3/30/2017.

Osmani, Shaip; Bajraktari, Halim (2014): Osce Mission in Kosovo, Stop or Continue. In AJIS. DOI: 10.5901/ajis.2014.v3n3p201.

Paris, Roland (2004): At war's end. Building peace after civil conflict. Cambridge: Cambridge University Press. Available online at https://doi.org/10.1017/CBO9780511790836.

Paris, Roland (2010): Saving Liberal Peace-building. In *Review of international studies 36.*

Perritt, Henry H. (2009): The road to independence for Kosovo. A chronicle of the Ahtisaari plan. Cambridge, England, New York: Cambridge University Press. Available online at http://site.ebrary.com/lib/alltitles/docDetail.action?docID=10348678.

Richmond, Oliver P.; Franks, Jason (2008): Co-opting the Liberal Peace: Untying the Gordian Knot in Kosovo. In *Cooperation and Conflict* 43.

Richmond, Oliver P.; Franks, Jason (Eds.) (2009): Liberal peace transitions. Between statebuilding and peace-building. Edinburgh: Edinburgh University Press.

Roosevelt, Eleanor (1951): Broadcast.Voice of America, 11 November 1951. Eleanor Rossevelt Papers Project by the George Washington University in DC. Available online at https://www2.gwu.edu/~erpapers/abouteleanor/er-quotes/, checked on 4/26/2017.

Snyder, Jack L. (2000): From voting to violence. Democratization and nationalist conflict. New York, NY: Norton (The Norton series in world politics).

Spernbauer, Martina (2010): Eulex Kosovo, mandate, structure and implementation. Essential clarifications for an unprecedented EU mission. The Hague: T.M.C. Asser Institute (CLEER working papers, 2010/5).

Sriram, Chandra Lekha (2008): Peace as governance. Power-sharing, armed groups and contemporary peace negotiations. Basingstoke, Hampshire: Palgrave Macmillan (Rethinking Peace and Conflict Studies).

Tom, Patrick (2017): Liberal Peace and Post-Conflict Peace-building in Africa. London: Palgrave Macmillan UK (Rethinking Peace and Conflict Studies). Available online at http://ebookcentral.proquest.com/lib/gbv/detail.action?docID=4793308.

United Nations (2000): Regulation on the Kosovo Joint Interim Administrative Structure. UNMIK/REG/2000/1 (14 January 2000). Available online at http://www.unmikonline.org/regulations/2000/reg01-00.htm, checked on 3/30/2017.

United Nations (2001): Constitutional Framework for Provisional Self-Government in Kosovo. UNMIK/REG/2001/9 (15 May 2001). Available online at http://www.unmikonline.org/regulations/2001/reg09-01.htm, checked on 3/30/2017.

United Nations (2002): Security Council. Provisional Report of the 4518th Meeting of the UN Security Council. S/PV.4518 (24 April 2002). Available online at http://www.un.org/Docs/journal/asp/ws.asp?m=S/PV.4518, checked on 3/30/2017.

United Nations (2003): UNMIK. Standards for Kosovo. UN/PR/1078. Available online at http://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Kos%20Standards.pdf, checked on 3/30/2017.

United Nations (2004a): Security Council. Press Release. Implementing 'Standards before Status' policy core political project for UN Kosovo Mission, Security Council told. SC/2999 (6 February 2004). Available online at http://www.un.org/press/en/2004/sc7999.doc.htm, checked on 3/30/2017.

United Nations (2004b): Security Council. Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo. S/2004/71 (26 January 2004). Available online at http://www.unmikonline.org/SGReports/S-2004-71.pdf, checked on 3/30/2017.

United Nations (2007): Security Council. Letter dated 26 March 2007 from the Secretary-General addressed to the President of the Security Council: addendum: Comprehensive Proposal for the Kosovo Status Settlement. S/2007/168/Add.1. Available online at http://www.un.org/ga/search/viewm_doc.asp?symbol=S/2007/168/Add.1, checked on 3/30/2017.

United Nations (2009): Security Council. Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo. S/2009/300 (10 June 2009). Available online at http://www.unmikonline.org/SGReports/S-2009-300.pdf, checked on 3/30/2017.

United Nations (2016): Information about the UNMIK. News, Background, Mandate, Facts and Figures. Available online at http://www.un.org/en/peacekeeping/missions/unmik/, checked on 3/30/2017.

United Nations (2017): Secretary-General's remarks at Security Council meeting on 'Maintenance of International Peace and Security: Human Rights and the Prevention of Armed Conflict'. Available online at https://www.un.org/sg/en/content/sg/statement/2017-04-18/secretary-generals-remarks-security-council-meeting-maintenance, checked on 4/26/2017.

Verheij, Abraham M. (2010): European Union peace-building in Kosovo. An analysis of dealing with peace-building paradoxes and engagement with civil society. Radboud University Nijmegen, Nijmegen. Available online at http://gpm.ruhosting.nl/mt/2010MASG44VerheijBram.pdf, checked on 5/21/2017.

Visoka, Gëzim (2017): Shaping peace in Kosovo. The politics of peace-building and statehood. Cham: Palgrave Macmillan (Rethinking Peace and Conflict Studies).

Weller, Marc (2008): Negotiating the final status of Kosovo. Paris: Inst. for Security Studies (Cahillot paper, 114). Available online at http://www.iss.europa.eu/uploads/media/cp114.pdf.

World Bank (2017): World Development Indicators. DataBank. Available online at http://databank.worldbank.org/data/reports.aspx?source=world-development-indicators#.

Zürcher, Christoph (2011): Building Democracy While Building Peace. Journal of Democracy 22 (1).

Non-exclusive license for reproduction of thesis and providing acces of thesis to the public

I, Stefanie Köppl (48712030032), herewith grant the University of Tartu a free permit (non-exclusive license) to:

Failing interventions? Assessing the success of liberal peace-building in Kosovo after 2008

supervised by Prof. Eiki Berg, MA Dominik Sonnleitner,

1. To reproduce, for the purpose of preservation and making available to the public, including for addition to the DSpace digital archives until expiry of the term of validity of the copyright.

2. To make available to the public via the web environment of the University of Tartu, including via the DSpace digital archives until expiry of the term of validity of the copyright.

3. I am aware that the rights stated in point 1 also remain with the author.

4. I confirm that granting the non-exclusive licence does not infringe the intellectual property rights or rights arising from the Personal Data Protection Act.

Tartu, _____

_____

To the Head of the Johan Skytte Institute of Political Studies
of the University of Tartu

Date _____

Application

I hereby apply for authorisation for my MA thesis, titled 'Failing interventions?
Assessing the success of liberal peace-building in Kosovo after 2008,' to be defended in
order to obtain an MA Double-Degree in International Relations and Regional Studies
(University of Tartu) and Osteuropastudien (Freie Universität Berlin).

Appendices:

1. 1 hard copy of the MA thesis, bound

2. Annotation of MA thesis in English

Name: Stefanie Köppl

Signature _____

Annotation

Title: Failing interventions? Assessing the success of liberal peace-building in Kosovo after 2008

Author: Stefanie Köppl

Supervisor: Prof. Eiki Berg

Reviewer: MA Dominik Sonnleitner

Year: June 2017

Original language and volume of paper: English, 84 pages

The thesis explores the questions of how international peace-building efforts following a liberal approach contribute to the development of liberal democracies in cases of post-war countries. The evaluated case is with Kosovo an example for extensive engagement and still shows major deficits and dysfunctions in the areas the peace-building was applied. Especially through the European perspective the case is still of interest by international organizations and highly relevant at this time.

The thesis aims to show misconceptions and deficits in the approach of liberal peace-building and the structure and proceedings of international missions. This is done by analysing economic data, as well as document analyses conducted in a single case study. The efforts being applied in Kosovo could not be found to have improved the situation for the state and its society sufficiently and show problematic and even counter-productive conceptions connected to external induced peace-building as followed by the international community.

The importance of effective peace-building measures is obvious, as conflicts are a predominant part at all times in history. Further research into the roots of failure of peace-building will contribute to future reactions to post-war situations and improve their success.

Keywords: liberal peace; peace-building; Kosovo; United Nations; European Union; Organization for Security and Cooperation in Europe