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Lemay-Hebert, Nicolas

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Author: Nicolas Lemay-Hébert, University of Birmingham

Dr. Nicolas Lemay-Hebert is a Marie Curie Experienced Researcher, International Development Department, University of Birmingham (UK).

Contact info:
International Development Department
University of Birmingham
Edgbaston, Birmingham
B15 2TT
n.lemayhebert@bham.ac.uk

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Author: Nicolas Lemay-Hébert, University of Birmingham

Abstract: International administrations are a very specific form of statebuilding. This paper examines the limits illustrated by the experience in Kosovo. Here, the international administration faced the same requirements of any legitimate, Liberal government, but without the checks and balances normally associated with Liberal governance. Thus, the international administration was granted full authority and the power thereby associated, but without the legitimacy upon which the Liberal social contract rests. The state-building agenda put forth came to be seen as more exogenous, reinforcing the delegitimization process. This paper will specifically address the influence of the Weberian approach to legitimacy on the statebuilding literature, as well as its limits. It will then propose other possible avenues for statebuilding, more in line with a wider understanding of legitimacy and intervention.

Key words: Kosovo, international administration, legitimacy, governance, Weber, state-building, United Nations.

Introduction: The Need to Reassess the International Involvement in Kosovo

The idea of direct governance by an outside organization of war-torn or 'dysfunctional' societies retains a pervasive influence in academia and some policy circles, despite the controversial experiences of places such as Kosovo and Timor-Leste. Most recently, and of direct concern to this special edition is the question of legitimacy and the evolving view that parachuting external, Liberal values on their own into postconflict spaces may not be enough to allow for stable statebuilding of any kind. This article is concerned with the legitimacy gap that appears when the priorities and concerns of imported institutions are at odds with the priorities and needs of heterogeneous populations' everyday life.

This contribution builds on the previous literature on the subject, which has made considerable leeway in increasing the awareness of challenges that confronted the UN in the state-building process in Kosovo (Caplan 2005; Chesterman 2004; Hehir 2006, 2007 and 2009; King and Mason 2006; Narten 2008; Yannis 2001 and 2004). Recognizing the contribution made by this literature, this article will provide additional layers of theorization. First, it will review the Weberian conceptions of statehood in the statebuilding literature, and its relationship to the concept of legitimacy. If the UN, as an international trustee, has successfully contributed to the institutional reconstruction of Kosovo, including the capacity to 'monopolize the legitimate use of physical force,' it has also had difficulty nurturing and fostering local legitimacy in the daily governance of the territory. This 'legitimacy dilemma,' happens despite the best intentions of international administrators, whose externally-mandated preferences tend to further delegitimates their intervention. Mirroring the state-strength dilemma identified by Kalevi Holsti, this is a process that defies even well-intentioned officials (Holsi 1996). A second section analyzes the 'legitimacy dilemma' and its implication in the delegitimization process that confronted international officials in the conduct of the mandate. In this section, the article takes a closer look at the rise of the Vetëvendosje! Movement as a force of contestation to local perceptions of the legitimacy of the international architecture put in place in 1999, and a third section will demonstrate dynamics other than ethnic rivalries were at work in the events, notably the frustration over the delay in addressing the status question. Finally, the article will look briefly at the latest developments in the region, and other avenues for statebuilding in Kosovo.

Weber, Statehood, and Statebuilding

The Weberian approach to statehood is the starting point for a number of analyses on state collapse and state building. Weber famously defines the state 'as a human

community that successfully claims the monopoly of the legitimate use of physical force within a given territory' (Weber 1948b, p. 78). Following this definition, the state's ability to provide security is the benchmark according to which each state can be judged. Besides security, other criteria also have to be taken into account, all related to the capabilities of the state to secure its grip on society. The predominant approach involves the 'institutional approach,' advanced notably by the likes of Gerald Helman, Steven Ratner, Francis Fukuyama and Robert Rotberg among others, tend to focus on the administrative capability of the state and the ability of the state apparatus to affirm its authority over the society (Helman and Ratner 1992-1993; Fukuyama 2004; Rotberg 2003). This institutionalist approach is central to the idea of transitional administrations, trusteeships and international administrations, as well as less disciplinarian interventions.

If (neo)Weberian approaches to statehood have profoundly influenced the state-building literature, the same could be said of the Weberian legacy regarding legitimacy. If Weber is rightly regarded as one of the most influential thinkers in social science, his contribution regarding the concept of legitimacy has been deemed highly controversial. For David Beetham, 'on the subject of legitimacy, his influence has been an almost unqualified disaster' (1991, p. 8). However, according to Beetham and others, the main mistake is not Weber's, but that of those social scientists who have reduced the explanation of beliefs to the processes and agencies of their dissemination and internalization (1991, p. 10; Hobson and Seabrooke 2001). Nevertheless, Weber conceives legitimacy as a necessary condition and a means for a government to exercise authority over society. This could be done either by charismatic, traditional or rational-legal principles, to take up the three well-known ideal types presented by Weber (1947, p. 130). In that sense, legitimacy principles are in fact principles of legitimization of the central authority. For Weber, the claim of legitimacy is a bid for a justification of support,

and its success consists not in fulfilling normative conditions but in being believed. He defines legitimacy as 'the prestige of being considered exemplary or binding' (Weber 1962, p. 72). To a certain extent, Weber's definition of legitimacy goes back to his own definition of politics: 'we wish to understand by politics only the leadership, or the influencing of the leadership, of a political association, hence today, of a state' (Weber 1948a, p. 77). Thus, it could be argued that Weber's conception of politics, and political legitimacy, is closely linked to his own conception of the state.

Weber's definition of legitimacy led Hanna Pitkin to argue that it was 'essentially equivalent to defining "legitimate" as "the condition of being considered legitimate," and the corresponding "normative" definition comes out as "deserving to be considered legitimate"' (1972, p. 281). It is also on that ground that Peter Blau states that Weber 'takes the existence of legitimate authority for granted and never systematically examine the structural conditions under which it emerges out of other forms of power,' while Carl Friedrich posits that Weber's analysis 'assumes that any system of government is necessarily legitimate' (Blau 1970, p. 149; Friedrich 1963, p. 186).

Weber's conception of legitimacy has been quite influential, leading many social scientists in the twentieth century to follow the Weberian definition of legitimacy as *belief* in legitimacy. For instance, Seymour Lipset defines legitimacy of a political system as its capacity 'to engender and maintain the belief that the existing political institutions are the most appropriate ones for the society' (1959, p. 86). Richard Merelman considers legitimacy as 'a quality attributed to a regime by a population. That quality is the outcome of the government's capacity to engender legitimacy' (1966, p. 548). Charles Tilly is also resolutely Weberian when he states that 'legitimacy depends rather little on abstract principle or assent of the governed. (…) Legitimacy is the probability that other authorities will act to confirm the decisions of a given authority' (1985, p. 171). Accordingly, scholars following the institutional approach to statebuilding, under

the influence of Weber's pioneering work, tend to treat legitimacy either as a mere consequence of functioning institutions or as a process of legitimization. This naturally stems from the Weberian approach of legitimacy. As Robert Grafstein states, 'Weber virtually identifies legitimacy with stable and effective political power, reducing it to a routine submission to authority' (Grafstein 1981, p. 456). Hence, we will analyze each aspect separately while addressing recent developments in the literature of statebuilding.

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

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

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

Everyday Legitimacy and Legitimacy Dilemma in Kosovo

Following the NATO Operation *Allied Force* that expelled the Federal Republic of Yugoslavia's forces out of Kosovo, the United Nations Security Council passed Resolution

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

Strictly speaking, there is no separation of power in the framework of the international administration of Kosovo. The 'executive, legislative, and judicial authority are vested in a single individual (the transitional administrator), whose decisions cannot be challenged

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

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

However, the institutional output of the mission between 1999 and 2004 has not been sufficient to establish its credibility in the eyes of the population. One interesting feature in Kosovo is the presence of an Early Warning System, conducted by USAID, UNDP, and RIINVEST, a local think tank. In that regard, one cannot fail to notice the failure of UNMIK to secure popular legitimacy among Kosovars from all communities. From the highpoint of 63.8 per cent satisfaction with UNMIK's performance during the period of September–October 2002, UNMIK's ratings have steadily decreased to 20.7 per cent between January and April 2004 and now stand at 22.2 per cent according to the latest polls (UNDP and USAID 2010, p. 5). The results of the Early Warning System have been strengthened by the findings of a team of researchers from the Feinstein International Famine Center. Their research on the ground conducted in 2005 demonstrated that 'perceptions among the local population of UNMIK varied but were frequently damning. UNMIK was widely viewed as an arrogant bureaucracy, which was seen as feeding on itself' (Donini et al. 2005, p. 31). In fact, the most damning reviews of UNMIK came from international staff with experience in Kosovo. Lesley Abdela, OSCE deputy director for democratization building in Kosovo, 'by the time I left Kosovo in December 1999, UNMIK had squandered its honeymoon period (…) By mid-October, it had become clear that the international community was fast losing credibility' (Abdela 2003, p. 209). Hansjörg Strohmeyer, who played a prominent role in UNMIK, recalls the progression of the Albanian sentiment in a simple sentence: 'just before the UN moved in, the Albanians were forced to give the three-finger Serb salute. When the UN arrived, they gave us the peace sign. And then after we'd been there a week, they gave us the middle finger' (Power 2008, p. 280). For Justice Goldstone, chair of the International Independent Inquiry on Kosovo, 'Kosovo is effectively under colonial rule. During my most recent visit to Kosovo, the distrust of the administrative and political capacity of the Albanian population was palpable' (Goldstone 2002, p. 145). Hence, if the international military campaign rode on a wave of popular sentiment (King and Mason 2006, p. 79), and if

during the initial months of the intervention UNMIK was able to justify and legitimize its presence to a certain extent, with its honeymoon over, UNMIK had a hard time convincing the local population of the legitimate character of its rule and administration.

One central dynamic confronting international administrations is the legitimacy dilemma. Indeed, much of what international administrators do to reinforce their rule also perpetuates their weakness, a process which mirrors Kalevi Holsti's concern with the 'state-strength dilemma'. For Holsti, the weak state, 'in its attempt to find strength, adopts predatory and kleptocratic practices or plays upon and exacerbates social tensions between the myriads of communities that make up the society. Everything it does to become a strong state actually perpetuates its weakness' (Holsti 1996, 117). And, like Holsti's state-strength dilemma, the legitimacy dilemma applies to international administrators and well-intentioned and honest leaders.

Albin Kurti's 'route of resistance' tells a lot about the legitimacy dilemma facing international administration. Probably the biggest non-violent resistance movement to the international administration in Kosovo, Vetëvendosje! started as a movement against the occupation of Serbia in Kosovo in 1997. The Kosovo Action Network (KAN), as it was known at this time, campaigned for clarifying the fate of missing persons in Kosovo and organized petitions and non-violent student protests. Albin Kurti, who was a student leader and one of the leaders of the movement, acquired national fame by being a political prisoner in Milošević's jails. He was released on December 2000, and his fame was increased by the stark contrast it created with the image of the non-violent leader and future President of Kosovo, Ibrahim Rugova, shaking hands with Milosević on 15 May 1999.

However, after 1999, the movement started to be marginalized in Kosovo and was looking for a new vocation. Quickly enough, the movement turned to oppose the 'anti-democratic regime of UNMIK.' The movement officially morphed in 2004. In what they

consider the conceptual genesis of their movement, they read, in front of UNMIK buildings and precisely on the fifth anniversary of the Resolution 1244, a 'Citizen's Declaration' and promised to struggle against the illegitimate regime of UNMIK. For Kurti, UNMIK and Serbia are two sides of the same coin and one aspect of domination cannot be distinguished from the other.[i] One is external (Serbia), the other is internal (UNMIK), but they closely resemble each other. For him, the problem was not a couple of rotten apples in the barrel, but was systemic proportionate to the authority wielded by internationals. 'Absolute power isolates from power,' Kurti added, loosely quoting from Hannah Arendt.[ii]

Albin Kurti was arrested on 10 February 2007 after he led a demonstration against Maarti Ahtisaaris proposals (Special Envoy of the Secretary-General) for the final status of Kosovo, which he considers as a plan to retain a hold over the territory. The charges included 'participating in a crowd committing a criminal offence,' and 'participating in a group obstructing official persons [police]' - although no other participant in the demonstration was so charged. He was also indicted for 'calling [people] to resistance;' again, no other member of the organizing group has been similarly charged. Furthermore, Kurti's arrest was condemned by a number of international NGOs, notably Amnesty International which called it a 'politically-motivated prosecution.' Howard Clark, director of the pacifist movement 'War Resisters International' concurs, stating that 'the prosecution of Albin Kurti is a politically motivated attempt to harass and discredit one of the most outspoken and persistent critics of the international administration of Kosovo and the movement Vetëvendosje (Self-Determination) which he helped found' (2008). For Clark, UNMIK 'has shown itself to be unaccountable and - in the face of pluralism and civil disobedience - quite simply authoritarian, failing to respect legal process' (2008). The International Helskinki Federation (IHF) which has been monitoring Kurti's trial, raised concerns concerning the independence of the judiciary,

denouncing the fact that the international judge had approached the prosecutor after the hearing—in the absence of either Albin Kurti or his court-appointed lawyer—to clarify what the prosecution would like to recommend in relation to his detention (Chadbourne 2007). Julie Chadbourne of the Norwegian Helsinki Committee also stated that 'there are indications that [this case] is not up and up. There are questions that Kurti is being brought forward as a scapegoat' (Brownell 2007; Norwegian Helsinki Committee 2008). Furthermore, the IHF was refused access to Albin Kurti while in pre-trial detention by Kosovo Ministry of Justice officials on the grounds that he was a "category A" detainee, held exclusively under the jurisdiction of UNMIK. Amnesty International did not receive an answer from UNMIK when the organization asked for a legal definition of 'Category A' (Amnesty International 2007). As reported by Krenar Gashi, Kosovo editor of the *Balkan Investigative Reporting Network*, 'while many in Kosovo may disagree with Kurti's actions, most people believe that he is being held isolated to prevent him from carrying on with his political activities while the status issue awaits its resolution' (2007). In opposition to the whole process, six lawyers have refused to represent Albin Kurti during the trial, including Ramë Gashi, President of the Bar Association, who stated that he would not appoint another lawyer for the case (Amnesty International 2009). In 2010, Kurti was finally found guilty of obstructing official persons, while other charges of participating in a crowd committing criminal acts and inciting violence were dropped. Kurti was immediately released for time already served.

In effect, it is hard to precisely assess the support enjoyed by the Vetëvendosje! movement in the Kosovar-Albanian community. The attendance at political rallies conducted by the self-determination movement has been generally low, the biggest crowd being at the February 2007 demonstration, which attracted 2,000 to 3,000 demonstrators. The movement claims to have a network of 10,000 followers, among its

sixteen branches in Kosovo (Karpat 2006). However, apart from the direct involvement in the movement's actions, a more general sense of the support for the movement can be found by a careful study of the Early Warning Reports. The Early Warning System has included questions regarding Vetëvendosje!'s support in the Kosovar-Albanian community from the fourteenth edition (July-September 2006) until the seventeenth edition (April-June 2007). However, quite interestingly, these questions, after being included in the annexes of the fourteenth edition, were included in the 'public and personal security' chapter rather than the political chapter in the fifteenth to seventeenth editions. Moreover, the overall support was not assessed, only the support by region or by education. It is hard to derive any consistent information from these figures, given the shaky nature of demography statistics in Kosovo. Moreover, quite tellingly, until the January-March 2007 edition, the reports included a quite tendentious question concerning the relationship between the feeling of security and the support expressed to Vetëvendosje!. The Early Warning System evacuated altogether references to Vetëvendosje! after the April-June 2007 edition, the last time the support to the student movement was assessed. However, the fourteenth edition provides an idea of the overall support expressed to the student movement, with 64.4 per cent of the Kosovar Albanian respondents supporting "to a certain extent" or more the movement. The results of the movement in the latest 2010 national elections, which finished third with a surprising 12.2 per cent of the vote, is a clear indication that the movement is not a marginal force in Kosovo. If anything, his conviction earlier this year for obstructing officials in the 2007 Pristina protests 'has strengthened its popularity' (Collaku 2010).

March events: Extent of the Discontent in Kosovo

If the year 2004 saw the birth of a bona fide movement of contestation to UNMIK's rule, it was also the year of the largest violent incident since the 1999 Kosovo War. It took a

dramatic event, the March 2004 riots, where Serbian communities and cultural sites were attacked, to make UN officials realize the extent of the political discontent in Kosovo. It has to be recalled that the year 2004 was the low-point of popular satisfaction with UNMIK management of Kosovo and all indicators showed alarming trends for the UN. As noted by the Early Warning System team,

> optimistic assessments of international and domestic actors regarding the progress achieved and the absence of security threats did not correspond with the indicators that showed an increase of the dissatisfaction of Kosovo citizens. Previous public opinion polls, carried out within the EWS project have anticipated aggravating trends in many areas that indicated the possibility of destabilization (UNDP, USAID and RIINVEST 2004, pp. 1-2).

Among the worrying trends, the authors noted that support for UNMIK and the SRSG has been plunging: 'During the period November 2002 – March 2004, satisfaction with the performance of UNMIK and the SRSG decreased by about 40%, satisfaction for the Assembly decreased by about 10% and for the Government of Kosovo by some 5%' (UNDP, USAID and RIINVEST 2004, pp. 1-2).

The common explanation was nevertheless that the same old divisions were at work and UNMIK was just a spectator in this disaster. *The Independent* ran the following headlines on 19 March 2004: 'Kosovo has been a model of nation-building, we cannot now allow it to disintegrate,' while Gabriel Partos of the BBC referred to 'the worst inter-ethnic clash in four years' without mentioning acts against the UN on 17 March 2004. *The Guardian* also blamed 'the deep and intense hatred between 2 million ethnic Albanians and fewer than 100,000 Serbs,' on 19 March. However partially true, this simplistic explanation brushes aside other aspects of these events.

In the midst of the events, 19 persons died and 954 were injured (United Nations 2004, para. 3). Many Serb houses and churches were burnt, leaving irreparable damage to

relations between the two communities. The events are generally believed to have been triggered by the death of three Albanian children by drowning in the Ibar River near the Serb community of Zubin Potok. The story spread by word of mouth that the children were chased by Serbs before their death, which sparked Albanian attacks on Serb enclaves. Though the circumstances of that incident have not been established clearly, the incident precipitated spontaneous Albanian demonstrations.[iii] The demonstrations were quickly taken over by 'organized elements,' and intense fighting erupted between the two communities while the violence quickly spread to other cities. UNMIK estimates that 51,000 people were involved in 33 riots. The March violence forced out the entire Serb population from dozens of locations and affected Roma and Ashkali communities.

For the majority of observers, the events indicated that long-standing grievances on all sides were ready to erupt into violence. However, another point is generally overshadowed, which is that the reactions between the Serb and Albanian community reflected deep frustrations with the international administration. As Nexhmedin Spahiu, political analyst and Director of Radio and TV Mitrovica, asserts:

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

Though there was clearly an inter-ethnic aspect of the violence that erupted in 2004, it cannot be disputed that UNMIK was targeted by Albanian mobs. As King and Mason recalled, Albanian mobs during the events 'turned their collective fury on their international overlords, throwing rocks at UN buildings, burning UN flags and destroying more than 100 of the administration's ubiquitous white Toyota 4Runner 4x4s' (King and Mason 2006, p. 6). Hence, during the events, 'Kosovo's international institutions—

including UNMIK and KFOR—were themselves under attack and needed protection, drawing resources away from protection of minorities' (Human Rights Watch 2004, p. 26). A UN high-level report leaked to the press even mentioned that 'many [of international officials interviewed] believe that UNMIK and K-FOR would have collapsed had the riots gone on for another day or two. The mission was already on the point of overstaying its welcome' (Jennings 2004).

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

In a rare show of unity, the majority of the citizens of Kosovo in a July 2004 poll, regardless of their respective community (Serb, Albanian or 'other'), placed responsibility for the situation and crisis in March 2004 within UNMIK. 73.5 per cent of Kosovar Albanians, 58.4 per cent of Kosovar Serbs, and 58.3 per cent of other minority groups advanced this opinion (UNDP, USAID and RIINVEST 2004, 6). This is probably the most troubling aspect of the March events for the international administration. Despite NATO's KFOR mandate to provide hard security, that organization managed to avoid blame in the public eye for the international failure to provide local security so evident in March 2004. In fact, NATO approval ratings have steadily hovered around 80 per cent, even during the March crisis, making it one of the most respected political entities in

Kosovo. Hence, if, for Kosovars of all communities, 'the main responsibility lies with KFOR and UNMIK, as they have to guarantee freedom and security for all the citizens of Kosovo,' as the editoral team from *Koha Ditore* put it in 2004, it seems that only UNMIK paid the price in terms of popular perception.

Of course, the PISG has its share of blame for the events, as the local media, and the critics against UNMIK are most certainly exaggerated, as claimed by Deputy International Administrator Charles Brayshaw, but this is to a certain extent beside the point. What is important here is to understand how UNMIK came to be perceived as the actor bearing the responsibility for the crisis and political situation, while the PISG and KFOR managed to avoid most of the blame. This goes back directly to the legitimacy dilemma and the limits of weberian approaches to statebuilding. While some commentators claim that the issue was that there was not enough troops in Kosovo to assure the protection of minorities (Murphy 2007, p. 197), other elements seem important to understand in order to avoid similar events in the future. For Krenar Gashi, Kosovo editor of the Balkan Investigative Reporting Network (BIRN), UNMIK's ratings have been falling and led to violent confrontations not because 'people hate internationals, but because they hate absolute control,' hence echoing unconsciously the remarks of Albin Kurti reported earlier and the legitimacy dilemma.[v] In the context of direct governance, UNMIK has been unable to generate sufficient legitimacy to justify its rule on the territory, setting the table for being targeted as an exogenous presence. In that regard, Veton Surroi predicted more violence if there is no change in the way the international community runs the territory: 'the international community woke up in March, but I don't think it's out of bed yet.'

The SRSG Bernard Kouchner, in his farewell speech in 2001, urged his successor, Hans Haekkerup, to share responsibility with the local population or risk the backlash inevitable to any colonial rule. 'I tell him not to lose your time in setting up a better

administration,' said Kouchner, 'help them here to set one up. Don't play the game of an eternal mandate.' If the political situation in Kosovo following 1999 required an international presence, other statebuilding avenues were possible back then. In order to provide an alternative to direct governance by UNMIK, the Independent International Commission on Kosovo proposed in 2001 what it called 'conditional independence,' which is 'quite distinct from limited self-rule under UNMIK.' The proposal was to allow Kosovo to control the whole range of powers reserved to the SRSG, but under conditions that would ensure stability in the region: explicit renunciation of any changes of borders, a constitutional guarantee of human rights for all citizens, the renunciation of violence in settling internal or external disputes, and a commitment to regional cooperation (Independent International Commission on Kosovo 2001, pp. 25-27). The Commission noted that 'if the population is distrusted, it is likely to repay like with like' International Commission on Kosovo 2001, p. 21). For Kreilkamp, 'it suggests that there are potential alternatives to the hard-line approach that has been adopted by the Security Council' in the first years of the intervention (Kreilkamp 2002, p. 652).

According to an internal UNMIK document, one of the lessons learned from the experience of the UN administration of Kosovo is that 'the Mission demonstrated a lack of cultural sensitivity and an insufficient understanding of the dynamics of the society, in terms both of power structures and of negotiations.' Hence, 'cultural sensitivity and understanding of local society must be the guiding principles for policy planning and implementation' for future civil administration missions. Certainly, cultural sensitivity, along with robust accountability mechanisms and a greater local ownership of the process, can help the mission garner a certain degree of legitimacy. However, as David Harland notes, 'all international administration, however benign, is to some extent illegitimate. International administration, even when it is aligned with the wishes of the people concerned, is almost always imposed from outside' (Harland 2004, p. 15).

It is not yet clear whether Kosovo and Timor-Leste should be regarded as 'historic anomalies' (Willner-Reid 2006, p. 6), representing a 'high-water mark of UN peace operations' (Chesterman 2004, p. 97) or features of the international life 'likely to remain with us for some time' (Mortimer 2004, p. 12). What is certain is that in Kosovo, the progressive handover of supervision competencies to the European Union and to the International Civilian Office gave the chance for internationals to reflect on the international experiment so far. Torbjorn Sohlstrom, Head of International Civilian Office Preparation Team, stated in 2007 that the new international presence 'will have a very different relationship with the authorities of Kosovo.' He further emphasized that 'the international community will no longer seek to govern Kosovo. People often suggest that the ICO will be the successor of UNMIK. That is not the intention' (2007, p. 50). For the former President of Kosovo, Kosovars stands ready to welcome a light international civilian presence, 'as long as Kosovo does not have to face another UNMIK in the next phase' (Sejdiu 2007, pp. 47-48). For Blerim Shala, Coordinator of Kosovo Negotiation Team's working groups, 'experience so far shows us the path that we need not follow' (2007, p. 55). One must wonder if this fictional independence will be sufficiently attractive to persuade those Kosovar Albanian militants to accept a prolonged period of administration. For Veton Surroi, the civilian presence 'can be called easy, mild, good, but still the international community will have an intervention capacity' (2007, pp. 51-52). The Kosovar are preoccupied with ICO's right of interpretation as to what is within his mandate. The most 'confusing' element in the Ahtisaari document 'is the "spirit of the document" which serves as a light post, giving the ICR wide discretionary powers not only to interpret the terms of the document, but also to model all the legislation of Kosovo in line with the spirit' (KIPRED 2007, p. 7). In that regard, there is a very tangible risk that Kosovo takes the Bosnian route, a parallel reinforced notably by an EU official, Caspar Klynge, when mentioning that 'the plan is to provide the EU with a similar authority as the Senior High Representative in Bosnia and Herzegovina, so that it could

intervene politically by annulling decisions and replacing officials who were in breach of laws' (NATO Parliamentary Assembly 2006, para. 20).

Conclusion

The main argument of this contribution is that statebuilding should not be understood simply as institutional reconstruction. The Neo-Weberian logics of statebuilding can place interveners in a difficult situation when time comes to legitimate the international agenda. The setup of an international administration with executive, legislative and judicial powers put the international officials in an intractable conundrum, resulting in a 'legitimacy dilemma:' what the interveners do to reinforce their legitimacy perpetuates their weakness. The state-building agenda comes to be seen as progressively more exogenous, further reinforcing the delegitimization process. It is important to reinforce the argument that it is a structural dynamic, not only related to a few 'bad apples in the barrel,' as stressed by some opponents to the international administration. In that regard, the Western-oriented conception of state, state legitimacy and statebuilding, can incite resistance, 'reflecting the common emergence of a local post-colonial narrative about liberal peacebuilding's endorsement of an international-local relationship, configured as managers and subjects' (Richmond 2009, p. 558).

This configuration of allegiances, prioritizing the interests and politics of the international community to the detriment of the context, needs and interests of local constituents, has had clear repercussions on the constitution of the social order in Kosovo, and continue to have even today (Visoka and Bolton 2011). Indeed, according to Jitske Hoogenboom, 'over the past 12 years, authorities in Kosovo have been primarily accountable to the international community, instead of their own community. Up until today, international actors have had a mandate to overrule decisions of the Kosovo

Government, or at least to influence them substantially, often from behind the scenes' (2011, p. 5). This has led to a very unbalanced process of Liberal statebuilding, where international officials were placed in a position of full authority, at least until March 2004, but without benefiting from the legitimacy upon which the Liberal social contract rests. As this article argued, it is a process that is consistent with Neo-Weberian conceptions of state and legitimacy which constitute the orthodoxy in the field today. The Weberian conception of the state – emphasizing the administrative capability of the state and the ability of the state apparatus to affirm its authority over the society – and the Weberian definition of legitimacy as *belief* in legitimacy have had a profound impact on current statebuilding approaches and practices, neo-Weberians deriving from Weber's work a model of international intervention, where 'more is the better.' However, on the everyday level, the international administration in Kosovo was deeply problematic, unable as it was to be seen as a legitimate authority by its local subjects, all communities included. The Kosovo experiment stands as a useful reminder that the institutional focus, so pervasive in the contemporary literature on statebuilding, leaves crucial elements out of the equation, such as the structural conditions under which legitimacy emerges in statebuilding processes, conditions which should be explored and not taken from granted in the context of international interventions.

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[i] Interview with Albin Kurti, Head of the Movement Vetevendosje!, 15 July 2007, Pristina, Kosovo.

[ii] For instance, Hannah Arendt exposes in *The Origins of Totalitarism* how power became the essence of political action and the center of political thought when it was separated from the political community which it should serve.

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

[iv] The "war associations" include KLA's war veterans, KLA invalids, and the families of the missing.

[v] Interview with Krenar Gashi, Kosovo editor of BIRN, 10 July 2007, Pristina.