

BUILDING STATE BUREAUCRACIES AND DEMOCRATIC INSTITUTIONS:
THE ROLE OF INTERNATIONAL ACTORS IN KOSOVO

A Dissertation

Presented to the Faculty of the Graduate School
of Cornell University

In Partial Fulfillment of the Requirements for the Degree of
Doctor of Philosophy

by

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August 2011

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Cornell University 2011

What explains success and failure in internationally supported bureaucracies? This dissertation examines how the approaches of international actors strengthen or weaken bureaucratic effectiveness and democratic institutions after the 1999 NATO intervention in Kosovo. My research demonstrates that international actors face short-term trade-offs between supporting state-building and democratization. In order to build effective state bureaucracies, international actors need to insulate these bureaucracies from political and societal influences. By contrast, international actors can support the development of democratic institutions by promoting citizen mobilization and contestation, and therefore encouraging political and societal influences to shape, constrain and inform democratic decision-makers. Employing a comparative research design, this dissertation utilizes national survey data as well as data from 140 author-conducted interviews and focus groups collected over ten months of field work. While most research investigates the state as a unitary abstract actor, I disaggregate the state by contrasting its constituent bureaucracies that vary in effectiveness. I use three innovative sets of indicators to measure effective bureaucracies: mission fulfillment, penalization of corruption, and responsiveness to the public.

BIOGRAPHICAL SKETCH

Elton Skendaj was born in Albania. After receiving a degree in political science from the American University in Bulgaria in 2000, he graduated with a Master degree in International Peace Studies from the University of Notre Dame. He started the graduate program in the Department of Government in 2005, and will hold fellowships at the Woodrow Wilson International Center for Scholars and the University of Notre Dame in 2011-2012.

To Meg, Daniel and Luke

ACKNOWLEDGMENTS

This dissertation was the most difficult project I have undertaken until now. Experientially it started with a harrowing experience in the summer of 1997, when I returned to my Albanian hometown of Vlora after my first year of college. Since the state in Albania collapsed after a pyramid scheme scandal, violent gangs were holding the town hostage. A gangster almost shot me and my father when he stopped our bus and demanded payment. When I went back to college, I took more political science courses because I wanted to understand the bigger issues of peace, order and reconstruction.

I think that I could not do this research on my own without the support of so many peers and mentors. I was lucky indeed with my committee. Valerie Bunce gave me the idea about looking at how international actors build state institutions as my dissertation project and she has been sustaining me through the high and lows of field work and writing. When I was hurrying to start a different project, Valerie was wise enough to tell me that I would be better off doing something else. Matthew Evangelista helped me both focus my questions analytically and think in broader terms. Nicolas Van De Walle was always generous to share his depth of knowledge about the international aid industry. David Patel asked hard questions about method and theory and pushed me in my analysis. None of them minded that I changed my hypothesis after the field work, but were always supportive. I have learned a lot about mentoring from them all and hope to be able to apply these lessons with my future mentees. I have learned significantly from the other professors at Cornell who were kind and supportive to me. With his six pages of general and specific comments, Peter Katzenstein, the external reader in my defense, lived up to his reputation for thorough and useful feedback. Many thanks also go to professors Ken Roberts, Holly Case, Richard Bensel, Maria Koinova, Chris Anderson and Chris Way.

I have shared with my peers at Cornell the journey and tribulations of a doctorate in

social sciences. Tsveta Petrova, Lucia Antalova-Sybert, Jennifer Hadden, Alison McQueen, Michael Bobick, Noelle Brigden, Gaurav Kampani, Tariq Thachil, Steve Nelson, Govind Acharya and many others have been gracious in reading my drafts and listening to my half-baked ideas, providing essential intellectual and emotional support.

The community of peace studies at Cornell has also supported me through the various stages of this project. The peace studies fellowship also provided a breathing space for my dissertation prospectus write-up and dissertation writing. I would like to especially acknowledge Chip Gagnon and Judith Reppy within the peace studies community for their insightful comments. In addition, this research project has received funding from the ACLS Committee on East European Studies, the Smith Richardson Foundation and the Woodrow Wilson International Center for Scholars.

In Kosovo, I owe many people for their generosity, time, and ultimately friendship. The contacts from my alma mater, American University in Bulgaria, were essential for my field work. I learned a lot from many discussions with Dardan Velija, Shpend Ahmeti, Leon Malazogu, and Shenoll Muharremi who sometimes had to endure my naïve questions to help me understand Kosovo. Evliana Berani was often a great host and had boundless energy to sustain me for weeks. I learned a lot from the researchers in Kosovo such as Muhamet Mustafa, Lulzim Peci and Besnik Pula. I would also like to thank Armend Bekaj, Seb Bytyci, Naim Huruglica, Elinor Bajraktari, Paul Acda, Joloy Naegele, Mike Dziedzic, Adri Nurellari, Edon Vrenezi, Selim Thaqi, Qerim Qerimi for their helpful ideas. I met countless Kosovo citizens who were more conscious of political forces in their lives than many people in other countries.

My family has been my ultimate support in this endeavor. My father and mother, Leka and Fadile Skendaj, have always trusted that I would finish anything if I worked hard enough. I am amazed that my father is receiving a Ph.D. degree himself at the age of 59. I honor that drive

for knowledge and achievement and I hope to live up to it throughout my life. Julie Gardinier and Eric Martin, my remarkable in-laws, have continuously supported me and my family. My sons, Daniel and Luke, have brought such joy in my heart and they are worth all the sleepless nights in the past four years. I re-learned fundamental concepts of scientific method looking at how my little boys touch almost everything and observe the effects. Finally, I have been lucky to have the in-house support of a brilliant scholar, my life partner, Meg Gardinier. Whether talking research design or epistemological issues, Meg has helped me sustain my work even in the most difficult moments of graduate school. It is to her and my two sons that I dedicate this dissertation.

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LIST OF ABBREVIATIONS

AAK	Alliance for the Future of Kosovo (Aleanca për Ardhmërinë e Kosovës)
EU	European Union
EULEX	EU Rule of Law Mission in Kosovo
FRY	Former Republic of Yugoslavia
FYROM	Former Yugoslav Republic of Macedonia
ICO	International Civilian Office
ICR	International Civilian Representative
IFES	International Foundation for Electoral Systems
IMF	International Monetary Fund
IREX	International Research & Exchanges Board
JIAS	Joint Interim Administrative Structure
LDK	Democratic League of Kosovo (Lidhja Demokratike e Kosovës)
LPK	Popular Movement for Kosovo
KFOR	NATO Kosovo Force
KLA	Kosovo Liberation Army (Ushtria Çlirimtare e Kosovës)
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
OSCE	Organization for Security and Cooperation in Europe
PDK	Democratic Party of Kosovo (Partia Demokratike e Kosovës)
PISG	Provisional Institutions of Self-Government (the Kosovo institutions)
RTK	Radio Television of Kosovo

SAWP	Socialist Alliance for Working People
SRSR	Special Representative of the (United Nations) Secretary General
UN	United Nations
UNDP	United Nations Development Program
UNHCR	UN High Commissioner for Refugees
UNMIK	UN Interim Administration Mission in Kosovo
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolution
US	United States
USAID	United States Agency for International Development
USD	United States Dollar
USIP	United State Institute for Peace

PREFACE

This dissertation is not a historical overview of the Kosovo conflict but an investigation of how international and local actors have built state bureaucracies and democratic institutions in Kosovo. While the study explores structural conditions and historical legacies, it puts a strong emphasis on political choices by various actors, from international bureaucrats and local politicians to ordinary people.

In the past decade, Kosovo has been a rich ecological site of international and local experimentation, and this dissertation tries to explain a small part of this diverse landscape. While my findings contribute to various academic literatures, my hope is that these four years I spent researching and writing this thesis would also help various international and local organizations come up with better strategies for building democratic institutions and effective state bureaucracies.

An obligatory note on names in this dissertation is in order. Kosovo is a contested state and therefore names of places are contested as well. Some readers might try to smell nationalist bias in this thesis, and I hope they are disappointed. Wherever possible, I have tried to use the English usage for names of places. Therefore, I use “Kosovo” and not its Albanian name “Kosova,” just as we use “Germany” instead of “Deutschland.” Some place names are the same in Albanian and Serbian, like the towns of “Prizren” and “Mitrovica”. On the hand “Gjakovë” in Albanian is “Djakovica” in Serbian. The capital of Kosovo is called “Prishtinë” in Albanian and “Priština” in Serbian. I frequently used the *Economist* English usage “Pristina”, and sometimes “Prishtina” when referring to Albanian movements or Albanian quotes. In this text, “Kosovo Albanian,” “Albanian” and “Kosovar” refers to “Albanians from Kosovo” and not Albanian speaking people in Albania or Macedonia. The term “Kosovan” is new and refers to all the residents in Kosovo, including communities who do not speak Albanian as their first language.

Many interviewees gave me frank answers that could endanger their job and livelihood, if such quotations were traced back to them. In order to protect the anonymity of my sources, I have used first name pseudonyms for most of them. A few times, my respondents asked me to quote them with their real name, and I honored this request when their comments did not endanger them.

CHAPTER 1

BUILDING EFFECTIVE BUREAUCRACIES AND PROMOTING DEMOCRACY IN

KOSOVO

Effective state bureaucracies and democratic institutions enable better life chances for individuals and societies, help prevent civil war, terrorism, (Fearon and Laitin 2004; Krasner 2004) and failed states (Bates 2008; Ghani and Lockhart 2008; Rotberg 2004), as well as promote development (Keefer 2004). In addition, the proliferation of internal wars has led international actors to carry out one of the biggest and most challenging “experiments” in international politics following the end of the Cold War: participating actively in rebuilding states and societies¹ (Paris and Sisk 2009 :1-2). However, the US military interventions in Afghanistan and Iraq among others have made the enterprise of external state-building and democracy assistance very controversial. Scholars and pundits who focus on the difficulties associated with building state bureaucracies and democracy in these two cases caution against carrying out such expensive, complex and potentially ineffective interventions in the future (Brownlee 2007 :315, 339; Edelstein 2009 :51). Yet the proliferation of guidelines on how to build state capacity and democracy after war indicates the continuing interest that international organizations have in this area.²

Can ambitious international interventions build democracies and states? This is a question that guides this dissertation, in particular, since Kosovo is the site of one of the most ambitious international interventions to build peace, state bureaucracies and democracy. This makes

¹ Overall 21 international complex interventions have occurred since the end of the Cold War in post-war countries (Paris and Sisk 2009 : 2).

² For a comprehensive review of major policy documents of different international organizations in the areas of peace-building and state-building, see United States Institute of Peace (2009).

Kosovo an excellent case for testing a number of prevailing hypotheses regarding democratization and state-building.

Much of literature assessing state capacity and the success of international interventions in building states and democratic orders focuses on either one or the other mission (and sometimes conflates the two) or, if analyzing the state in particular, treats it as a single entity³. Such unitary conception of “stateness” can be overly abstract and fails to distinguish between state bureaucracies that vary in their effectiveness. This analysis is different. I unpack the state into its core bureaucracies; that is, the police force, customs service, central administration⁴ and the court system.⁵ By opening the “black box” of the state and analyzing its constituent core bureaucracies, we can explore analytical differences in bureaucratic effectiveness that are crucial understanding how political actors can build states that are able to provide relevant public goods to their populations. In addition, I analyze both state-building and democratization as I examine whether different factors cause bureaucratic effectiveness and democratic progress.

This study challenges the prevailing belief that international actors should use the same strategies to build effective bureaucracies as they use to build democracy. I find that while effective bureaucracies are most likely to materialize when international organizations insulate public administrators from political and societal influences, democracy is enhanced through international support of public participation and contestation. Therefore, in the absence of rule of law, democratization and state-building are two different processes that require complementary approaches by international organizations, especially in the short term. In the long term, properly

³ For classical statements on unitary state analysis, see Evans 1995; Huntington 1968; Shefter 1994; Tilly 1992. Recent publications include Grzymala-Busse 2007; O'Dwyer 2006.

⁴ Both terms “central administration” and “central government” refer to the central executive bureaucracies in the various ministries and the prime-minister’s office.

⁵ For recent books that unpack the state into its constituent bureaucracies, see Solnick 1998; Taylor 2010.

built democratic domestic constituencies such as civil society and the media are necessary to sustain the effectiveness of the bureaucracy.

I develop this argument through a Weberian analysis that places emphasis on bureaucratic organizations insulated from political pressures through impartial rules of recruitment and advancement (Weber 1954 :xxxix-xliii). Bureaucracies thrive when they are sufficiently autonomous from social demands, as they create disinterested routines and implement policies in an impartial manner. International insulation from political and societal influence refers to effective control by international actors of the local bureaucracies for an extended period of time. The prevalence of patronage networks in Kosovo at the time of international intervention meant administration jobs could have been given to loyal followers of political parties when state bureaucracies were transferred early to the authority of elected politicians, in the local ownership approach.

Various mechanisms that included strategic calculation and role-playing contributed to the creation of the effective bureaucracies. This argument for the construction of effective bureaucracies is stylized in table 1.1:

Table 1.1 Mechanisms of Socialization in Effective State Bureaucracies

Independent variable: international insulation from political and societal influence →
Mechanisms: meritocratic recruitment & promotion, strategic calculation, role-playing, normative suasion →
Dependent Variable: bureaucratic effectiveness.

The crucial mechanism that linked international insulation to bureaucratic effectiveness was meritocratic recruitment and promotion. Without meritocratic recruitment and promotion,

the mechanisms of strategic calculation and role-playing led to clientelist bureaucracies that were steeped in corruption and ineffectiveness. International administrators stayed in the boards that recruited and promoted according to merit. In addition, international administrators inserted bureaucratic rules that motivated performance and penalized corruption. Public officials learned that they were evaluated and promoted on their performance. In Kosovo, when international organizations structured the rules of new bureaucracies while insulating them from political clientelist pressures, such institutions attracted and retained professional domestic employees, and hence performed their tasks more effectively. Such measures included testing and vetting for initial recruitment into the bureaucratic organization, periodic performance evaluations and award of advancement based on work performance.

The new employees in the professional bureaucracies learned that professional success depended upon following rule-bound behavior. Strategic calculation by local employees was therefore another mechanism that contributed to their success, since self-interest in the successful bureaucracies became constructed as following rule-bound behavior. The new recruits in these bureaucracies learned that they could advance in the organization by following impartial procedures; otherwise they would get demoted or even fired. They therefore feared the penalties for inadequate performance or unethical behavior.

However, the system of oversight and penalization for self-interested employers was not enough to ensure their efficient behavior, as public choice theory would expect (Moe 1984). Through another mechanism of role playing (Checkel 2005: 810-812), the bureaucrats followed cues and shortcuts to enact particular organizational roles. When role playing, individuals were not simply calculating the costs and benefits of their actions, since they were boundedly rational agents who follow organizational cues. The final mechanism of normative suasion (Checkel

2005 :812-813) occurs when social agents are open to the redefinition of their interests and preferences as they persuade each other. Instead of calculating strategically or following organizational cues, employees complied with the rules because it was the appropriate thing to do.

In addition to state-building, another goal of international intervention was to support democratization. In the case of Kosovo, democratic progress after the intervention was enhanced by a coalition between international actors and mobilized publics. The main nationalist party in Kosovo strategically appealed to the international community by framing its movement as democratic in order to gain international support. Nationalists built their legitimacy through elections and public mobilization around the national cause. However, when previously mobilized people were marginalized, democracy was compromised as voters found it difficult to hold politicians accountable. Nationalist demobilization refers to the elite's use of the nationalist project to silence, marginalize and exclude previously mobilized citizens, and thereby prevent social and economic issues from entering the public agenda (Gagnon 2004 :xx-xxi). Hence, democracy was enhanced through international support of domestically mobilized publics. However, when international actors supported the demobilization of the public, they undermined democracy.

I turn now to a critical examination of existing literatures on democratization and state-building which provide the theoretical anchor for this study. Following this review, I turn to methodological issues in this thesis: case selection, approach, key concepts and their measurement. I conclude with an overview of future chapters.

State-building hypotheses

International interventions that aim to build states are highly controversial among scholars (Brownlee 2007 :315, 339; Knaus and Martin 2003). Some scholars question the motivations of international actors because they see parallels between the current state-building efforts and previous failed attempts by European colonizers to build states and societies in the global periphery (Chandler 2006; Easterly 2006 :269-310). Other scholars claim that the impact of colonizers was not uniformly negative, but depended on the colonizer and local conditions (Kohli 2004; Rothermund 2010). Current state-building efforts are similar to earlier colonial enterprises since both were applications of Western models to non-Western cases. Unlike the European colonies of the 19th century, however, the liberal international interveners aim to stay for a limited time and leave quickly after they have achieved their goal of stability (Dobbins 2008: xvii-xix).

The rate of success of modern state-building efforts has also been mixed, if we use the resurgence of violent conflict as an indicator. Half of the civil wars that end in negotiated settlements resurged within 5 years (Licklider 1995: 685). Most of the countries have not resorted to war after the intervention, but the missions have often had more ambitious goals. Some scholars argue that the international state-building missions have not been successful in Timor Leste (Chopra 2002), Bosnia (Chandler 2000), or Kosovo (King and Mason 2006). Resurgence of armed fighting in Timor Leste in 2006 was a shocking reminder that the new state was not the peace-building success that the UN had advertised.

The purported success stories of earlier examples of state-building have been contested by scholars as well. The Rand Corporation policy studies on state-building (referred to as nation-building) claim that Germany and Japan are clear cases of successful American interventions that

built democratic institutions and functioning state bureaucracies (Dobbins 2003 :xix- xxii). However, the positive impact of these interventions is unclear because these countries already had in place functional state institutions (Brownlee 2007: 323-324; Shefter 1994: 36-45; Cooley 2005: 145). Historical legacies of state formation matter in the current configuration of democratic and state institutions. If state institutions could adequately implement their policies before the war, then this legacy explains at least part of current state capacity.

What may explain the variation in effectiveness among the different state bureaucracies? First, we may posit that the higher the local ownership of domestic bureaucracies, the higher the capacity of the bureaucracy to provide public goods (Evans 2004; Putnam, Leonardi, and Nanetti 1993; Weinstein 2005). The expectation is that the assumed one-size-fits-all approach of international actors does not work well across different contexts. Local ownership works through various mechanisms. First, local stakeholders know their priorities and can define their solutions better than the international bureaucrats due to their superior knowledge of local conditions (Scott 1998: 6, 316-319; Pickering 2007; Skendaj 2009 :65-66, 75). Development literature also points to the importance of local knowledge for needs assessment and participation (Chambers 1997). Second, according to a former practitioner and now critic of international organizations, William Easterly, local knowledge matters because of the mechanisms of feedback and accountability. Feedback from local people ensures that their needs, and not international priorities, are answered. In democracies, local people also hold their elected leaders accountable through elections, but they have little or no power over international actors (Easterly 2006: 269-310).

The concept of local ownership is best understood as varying along a continuum. On one hand, in the absence of local ownership, international organizations set the agenda, make the

rules for the institutions, and run the institutions without the collaboration of local stakeholders, such as politicians, bureaucrats or the public. At the other end, full local ownership occurs when local leaders set the agenda and build the institution according to their own priorities. Scholars who support full and immediate “local ownership” assume that the country has endogenous resources to devote to the process (e.g. Chandler 2002; Weinstein 2005). However, this expectation is belied by the high number of failed and weak states in the international system: 60 out of 194 states, according to one calculation (FP 2009).

Lack of local knowledge and sensitivity to local context also explains the difficulties that international organizations face when they attempt to build democracy and state bureaucracies. Various authors claim that such distance from the local context undermines the work of international state-builders or democracy promoters (Gagnon 2002; Pickering 2007). Their assumption is that only local people can know the context and the power structures.

By contrast, statist theories of bureaucracy emphasize that any measure that enhances the insulation of the bureaucracy from societal pressures increases its performance (Weber 1954: xxxix-xliii, 40; Bense 1990 : 94-237; Evans 1995; Geddes 1994). Thus, meritocratic recruitment and professional socialization within state bureaucracies is posited to enhance state-building. Applying this hypothesis to an international intervention, I expect that bureaucracies will perform better when international actors take measures to insulate central state bureaucracies from societal influence.

On the other hand, by focusing on the internal culture of bureaucracies, Barnett and Finnemore argue that the insulation of international organizations is one of the five mechanisms that lead to pathological behavior within the international bureaucracy. They define insulation of international organizations unconventionally as “the degree to which they receive and process

feedback from their environment about performance” (Barnett and Finnemore 2004 :40). International organizations that do not receive feedback from local contexts are therefore expected to create internal cultures that will undermine the achievement of their mission. Applying this argument to state-building, we can infer that the more insulated the international bureaucracy is from local feedback, the worse the performance of the local bureaucracy.

Within the bureaucratic organization, a different hypothesis emerges when scholars focus on the economic incentives for employees. Grounded in an economic approach to organizations, the principal-agent theory expects that the organization will implement its tasks if the principal (boss) motivates the agent (employee) with a proper mix of incentives and penalties to prevent two main organizational problems: hiring someone unfit for the job (adverse selection) or selecting someone who will not perform once hired (“moral hazard”) (Moe 1984). Adequate salary for employees is one of the most important incentives. Working from this framework, Fukuyama argues that a high level of international resources can have a negative impact because local bureaucrats will be more willing to work for higher salaries at international organizations instead of local bureaucracies (Fukuyama 2004a :39-41. This argument would lead us to expect that the higher the difference in salaries between international organizations and local organizations, the lower the expected performance of the local bureaucracy. In addition, the implication would be that bureaucracies where employees are better paid, perform better than others.

Large scale international interventions can also have implementation problems if multiple actors do not coordinate. Thus, scholars and practitioners theorize that higher coordination among the international actors enhances the capacity of the bureaucracies. The multiplicity of international organizations, regional organizations, interim international administration, non-

governmental organizations and major states' diplomatic and development agencies create problems of coordination, collective action, and incoherence of goals that undermine the implementation of the international mission (Holohan 2005; Fearon and Laitin 2004).

International organizations themselves see the lack of harmonization and rationalization of their activities on the ground as a major impediment to their effectiveness (King and Mason 2006).

There are different sources of the coordination problem: for example, the international actors who mediate the peace process could be different from the ones implementing it, and implementing actors could have multiple mandates or divergent agendas (Jones 2002).

Among proponents of international intervention, another implementation hypothesis is that the more resources international actors devote to building state institutions, the better these institutions become. Such scholars argue that the benefits of foreign interveners constructing peaceful, market-oriented and democratic states justify or out-weigh the costs of sending international troops, administrators and foreign experts to faraway lands (Doyle and Sambanis 2006; Fearon and Laitin 2004; Krasner 2004; Paris 2004). Thus one hypothesis toward the explanation of the variation in bureaucratic effectiveness would be that the higher the level of international resources (human and financial), the more effective the local organization.

From an alternative perspective, some scholars question the causal link between international resources and effective interventions. For example, high levels of international resources could also serve to prop up corrupt leaders who raise revenue through donor support and therefore do not need to provide public services for their citizens (Moss, Pettersson, and van de Walle 2006; Van de Walle 2001; Van de Walle 2005).

What is the relationship between democratization and state-building? Consolidated democracies in the modern world possess effective bureaucracies that are able to implement their

goals and provide high quality services to their citizens. Modernization theorists argue that successful polities in Western Europe went through a sequence of political development: first came the consolidation of the centralized state power over the territory and the people; second, bureaucratic structures were differentiated and specialized; and finally, popular participation was secured through mass-based parties. Samuel Huntington considered this sequence important, since the reverse sequence of political participation before state centralization and bureaucratic specialization undermined a strong central government in the US (Huntington 1968). Roland Paris (2004) also argues for the construction of state institutions before holding elections. The implication of this argument is that the promotion of democracy should occur after the consolidation of central state bureaucracies.

Other scholars, however, see democracy as a precursor to state performance. The representative theory of democracy expects that democratic institutions such as citizen participation and electoral contestation lead to more effective provision of public goods such as education (Dahl 1971) and food security (Sen 1999b). State administration will have a greater capacity to plan and enforce its policies if citizens hold their leaders accountable. There are multiple mechanisms that link democracy to bureaucratic effectiveness. Opposition parties (Grzymala-Busse 2007; O'Dwyer 2006), civil society and media are expected to monitor the ruling parties' performance in governance. The voters are then expected to "kick the rascals out" if they do not perform well. Prominent scholars such as Robert Putnam (1993), Amartya Sen (1999b), and James Scott (1998) hypothesize that when citizens are engaged in voluntary associations and are not subject to patron-client relations, the state becomes both more democratic and has a higher capacity to pursue developmental goals. Formal models also predict

that rational politicians will provide non-exclusive public goods if they have to satisfy a wide constituency of voters (Bueno de Mesquita 2003).

Another sequencing hypothesis is that both the state and democracy can only be built after the nation has already been built. Herbst argues that African states are weak because there is no constituent nation to be loyal to the state (Herbst 1990 :127-128). The logic of the nation seeking a state for itself is often taken for granted in the studies of various autonomy-seeking and secessionist movements in the world today. In a review of the literature, Valerie Bunce also supports the argument that the resolution of the national question increases the likelihood of democratization (Bunce 2000 :711-712).

Variation in the bureaucratic effectiveness of democratizing countries already indicates that the connection between democracy and bureaucratic effectiveness is not straight-forward. Postcommunist democratizing countries have had different trajectories of state capacity (Frye 2010; Grzymala-Busse 2007; O'Dwyer 2006). Geddes uses evidence from Latin America to argue that state capacity can be built in either authoritarian or democratic regimes as long as it does not threaten elite interests (Geddes 1994). The developmentalist states in East Asia who are assumed to have propelled their countries into economic development (Amsden 2001) were authoritarian for decades and became democratic after their economic gains. Even when democratic accountability does not work, government officials can still provide better schooling and roads when they are subject to informal rules and norms created by community solidarity groups (Tsai 2007).

In sum, effective bureaucracies, scholars have argued, are built when 1) local actors take ownership of the institutions; 2) international actors insulate the bureaucracy from political influence; 3) local employees are paid competitive salaries compared to international

organizations; and 4) international actors coordinate their actions and bring sufficient resources to the state-building process. As we will discover, bureaucratic capacity was enhanced when international organizations insulated the bureaucracy from political influence. Could the same factors that enhanced bureaucratic effectiveness also enhance democratic progress? The next section investigates the democratization literature as we search possible explanations for Kosovo's fragile democratic progress.

Democratization hypotheses

Are democratic orders more desirable than authoritarian ones? The theoretical arguments in support of democracy promotion are many. Democracy is considered superior to other political regimes because of the benefits that it provides to the citizens and the international community. Democracies tend to provide better protection of human rights and generate higher rates of economic growth than other political regimes. Radical policies that cause mass suffering, such as famines or genocide, are not adopted in democratic regimes (Sen 1999b; Scott 1998; Halperin, Siegle, and Weinstein 2005). The United States (US) and the European Union (EU) promote democracy because of these benefits and because they share a democratic identity that makes it appropriate for them to help others in this way. Some authors go even further and argue that democracy has become an "universal value," and is therefore demanded locally and supplied globally (McFaul 2004; Sen 1999a). Strategic considerations also play a role in justifying international democracy assistance. If democracies tend not to fight each-other⁶, then successful democracy promotion makes the US and the EU more secure.

⁶ Democratic peace theory is one of the most famous and contested claims in the international relations literature. Some scholars argue that because of their shared democratic attributes, democracies do not fight each other, even though they may fight autocracies (Doyle 1986; Owen 1994; Russett 1993). Other

Despite this relative consensus among scholars about the benefits of democratic orders, a question remains about whether international democracy assistance can succeed. The record of international support for democracy is mixed. There are clear misgivings among some scholars about the willingness and the ability of external actors to build a democratic order abroad. Indeed, such criticism is warranted since powerful international actors often do not have to live with the consequences of their ambitious interventions (Chandler 2000; Knaus and Martin 2003; Wedel 2009). During the Cold War, the US supported authoritarian leaders in Chile, Nicaragua, Guatemala, and other countries, as long as their anti-communist credentials were secure (LaFeber 1983). Before and after the Cold War, evidence from various case studies indicates that democracy assistance often fails because of its one-size-fits-all approach and models that are often inappropriate to local contexts (Carothers 1991; Gagnon 2002; Ottaway and Carothers 2000). Scholars also highlight the potential distortions in civil society as one of the costs of such international interventions. The donor focus on formal non-governmental organizations (NGOs) that mirror Western organizations may stifle local activism, divert resources from grassroots networks, and create an unintended gap between these elitist organizations and ordinary publics (Pouligny 2005; Sampson 1996: 123, 127; Sampson 2002). Intense competition for funds can undermine collaboration among domestic civil society organizations (Cooley and Ron 2002) and lead domestic organizations to focus on donor priorities that might be different from local priorities (Gagnon 2002). Finally, state leaders in authoritarian regimes may use the NGO dependence on international donors to provoke a nationalist backlash against civil society activists (Henry 2010).

scholars contest this theory by arguing that newly democratizing countries may be highly belligerent (Mansfield and Snyder 1995), or that the definition and coding of democracies have changed over time to reflect American interests (Oren 1995).

Scholars also disagree about how democracy develops, the speed with which democracy can develop and the role of international influences on this dynamic. The early literature on democratization focused mostly on the role of local actors and long term socio-economic development (Lipset 1959; Moore 1966; Przeworski and Limongi 1997; Rueschemeyer, Stephens, and Stephens 1992; Przeworski 2000) or cultural processes (Huntington 1991; Inglehart 1988; Putnam, Leonardi, and Nanetti 1993). International agents were seen as irrelevant to this structural dynamic of change. However, the global expansion of democracy in the world since 1971 (Freedom House 2010), has led scholars to recognize that local agency and international actors can matter in democratization, since the newly democratizing countries do not meet most socio-economic or cultural preconditions (Bunce 2003).

Democratization scholarship is also divided on whether citizen mobilization contributes to democratic breakthroughs. Scholars who studied recent transitions to democracy in Latin America and Southwestern Europe emphasized proximate causes such as elite divisions, negotiations, and pacts as the most important variables in this “transitology” literature (Linz and Stepan 1996; O’Donnell, Schmitter, and Whitehead 1986). These explanations privilege elite actors, such as regime and opposition politicians, who reduce the uncertainty of the transition by demobilizing their constituencies in the second case and in creating pacts that guarantee some protection for the former authoritarian leaders. According to this argument, by limiting the speed of change in democratization, a strategy that bridges the old and the new order paves the way for competitive elections and democratic breakthroughs. Despite mass protests in some Latin American countries prior to democratization, various authors nonetheless caution against mobilized publics as endangering the negotiations that lead to democracy (especially Karl 1990).

The hypothesis from the “transitology” literature is therefore that democratic breakthrough occurs when citizens are demobilized.

Scholars of postcommunist transitions, however, argue that citizen mobilization contributes to democratic breakthroughs and democratization in general (Bunce 2003: 172). The first wave mass mobilizations that contributed to the collapse of communist regimes occurred in Poland, East Germany, Czechoslovakia, Yugoslavia, Soviet Union, Bulgaria, Romania and Albania. A second wave of democratizing mass mobilization combined street protests with electoral activity to undermine hybrid regimes in Slovakia, Bulgaria, and Serbia, among others, between 1996 and 2005. In both waves, mass protests signaled the public support for democratization and emboldened opposition leaders to demand change (Bunce and Wolchik 2011). Evidence from Eastern Europe therefore suggests that a sharp break with the authoritarian past is more successful than bridging in achieving democratization. In addition, for countries with high level of protests such as Poland, socialist legacies such as the “fusion between opposition to communism, national identities, and liberal political ideologies” (Bunce 2004:57) enabled democratization.

There is growing evidence that international factors can contribute to democratic change (e.g. Schimmelfennig 2005; Vachudová 2005; Gheciu 2005; Risse and Sikkink 1999; Pevehouse and Russett 2006). Cross-national statistical analysis has found a positive impact of democracy promotion on political participation, and more generally, democratization (Finkel 2002; Finkel, Pérez Liñan, and Seligson 2007). Bunce and Wolchik also find that international democracy promoters played a key role in transitions from competitive authoritarian regimes to democracy in post-communist Europe. These regime shifts took place in part because external democratic aid helped domestic activists win crucial elections (Bunce and Wolchik 2011).

Wade Jacoby (2006) has identified three modes of influence associated with international intervention in democratic processes. In the *inspiration model*, domestic actors actively borrow ideas and policies from the West as they seek to restructure local institutions. Because agency remains in the domestic sphere, the inspiration model is the least interventionist from an international perspective. Since domestic actors intend to borrow these foreign models, Jacoby (2006 :644) hypothesizes that they are also likely to be successful. In the *coalition model*, international actors are more interventionist because they try to influence the choices of domestic actors by building alliances with local factions (see also Evangelista 1999; Keck and Sikkink 1998; Vachudová 2005). As international actors enter domestic politics, they tend to be more successful in achieving their preferred outcomes—for instance, rule of law, democracy, and effective institutions—when they bolster their domestic supporters, win new allies, and undermine domestic opponents (Jacoby 2006). In both the coalition and inspiration models, international actors can only be successful if they work with domestic constituencies.

International actors are most intrusive in the *substitution model*, when outsiders try to shape policies and institutions without engaging with domestic allies. Jacoby predicts that the substitution approach will be the least successful of the alternatives he outlines, because in “postcommunism external actors have rarely made substantial and sustained contributions without an implicit partnership with domestic actors” (Jacoby 2006 :643).

In sum, the competing hypotheses for democratization argue that democratic progress is more likely when: 1) the country already has historical actors and practices, economic development, or cultural values that support democratic development; 2) publics mobilize for regime change; 3) masses are demobilized as authoritarian and liberal elites negotiate for regime change; 4) coalitions of international and local actors jointly support it; and 5) the state has

already centralized its authority and built bureaucratic capacity. As we will see, democratic progress in Kosovo was enabled by mass mobilization for regime change and international support for citizen mobilization and participation. Therefore, different international approaches contribute positively to democratic progress and bureaucratic effectiveness.

The Design of the Study:

Case Selection

Four main criteria informed my selection of Kosovo as a dissertation research site. First, the international investment has been substantial; all the major international institutions (UN, EU, OSCE, World Bank and IMF), Western powers, and international NGOs have invested 3.5 billion Euros and significant human and technical resources in this territory to keep the peace and build governance capacities. The per capita international investment in Kosovo is second only to Bosnia. Because of such substantial international investment, Kosovo is a crucial case for testing hypotheses about state-building and democratization. If state-building and democratization are not successful in Kosovo, then they are unlikely to be effective in contexts with fewer international resources and support.

Variation in institutional performance of such sites of international intervention as courts, customs service, police, and central administration is also analytically advantageous. This allows for a comparative study that can pinpoint the causal factors behind differences in institutional effectiveness. This study also has direct policy relevance since state-building efforts are currently taking place at considerable expense to Western taxpayers.

As illustrated in the table 1.2 below, I investigate bureaucracies that are core functions of the state recognized by both theorists of state formation⁷ (Evans 1995; Geddes 1994), and local publics, local elites, and international organizations. The international administration had both the mandate and the resources to build these bureaucracies.

Table 1.2. Core State Functions of Bureaucracies

<i>Core State Functions</i>	<i>Bureaucracies</i>
Extraction and boundary maintenance	Customs Service
Coercion	Police Service
Executive	Central Administration
Legal Order	Judicial System

These bureaucracies did not carry positive legacies from the past, since they were created from scratch by international and local actors after the war. International actors preferred to construct new democratic state institutions that followed liberal cultural scripts. To enhance their legitimacy, new states such as Kosovo followed symbolic scripts of statehood that emanated from the West (Finnemore 1996: 331-332; Zaum 2007 : 132). The construction from scratch of institutions was also made possible by the departure of Serb administrators after the war and the discontinuity of Kosovo’s autonomous institutions from 1989 to 1999.

These bureaucracies also varied in their insulation from political and societal influence. Based upon the legal interpretation of the UN Security Council Resolution that mandated an international mission in Kosovo, international organizations transferred early authority of central

⁷ One core state bureaucracy, the army, is not investigated in this study for the following reasons. First, the antecedent of Kosovo’s new army, Kosovo Protection Force (KPC), had only limited civilian emergency functions, such as responses to natural disasters, humanitarian assistance, demining, and reconstruction of infrastructure (International Crisis Group 2006 :12-19). NATO force was mandated by the UN Security Council to secure the borders of Kosovo since the international intervention, a responsibility that they did not share with the Kosovo Protection Force. Before the declaration of independence in 2008, Kosovo Protection Force was disbanded. Since 2008, a military organization, Kosovo Security Force (KSF) was constructed by NATO on the basis of the former KPC. However, the two organizations, FSK and KPC are sufficiently different in their functions and personnel that we cannot treat it analytically as a unitary organization whose effectiveness can be measured over time.

administration to democratically elected leaders. While the UN Mission in Kosovo (UNMIK) retained formal ownership of the court system, it eventually transferred the authority of recruitment and promotion to local ownership. On the other hand, international organizations retained formal and effective control over the bureaucracies of customs and police services since the Security Council Resolution mandated the UN mission to have authority over matters of sovereignty and security (Brayshaw 2011). As a result, only the customs service and the police force were insulated from political and societal influence.

In addition, the construction of these highly complex bureaucracies poses the most difficulties to international or domestic state-builders. These bureaucracies are similar in terms of two different aspects of public sector services: transaction-intensity and specificity (Fukuyama 2004b :193). Transaction-intensity refers to the number of decisions that the institution makes (Pritchett and Woolcock 2004), whereas specificity refers to how easy it is to monitor organizational outputs (Israel 1987). The lower the transaction-intensity and the higher the specificity, the easier it is to build the institution. On the bottom-left corner of table 1.3, we find central banks, which are bureaucracies that make few decisions that are easy to monitor, and therefore easy to build. Central banks need to hire only a small number of technocrats with advanced degrees. Central bankers also make few decisions such as changes in interest rates, and everyone can monitor the impact of such changes.

Table 1.3. Transaction-intensity and Specificity

	<i>Low transaction volume</i>	<i>High transaction volume</i>
<i>Low specificity</i>	University Education	Customs, police, courts, central administration,
<i>High specificity</i>	Central bank	Telecom, Railroads

In all the centralized bureaucracies in this study, public officials make a large number of decisions that are difficult to monitor. All these bureaucracies are susceptible to corruptive behavior—violation of the rules of the organization—since low level bureaucrats have wide discretion to implement policies in an impartial or corrupt manner. However their susceptibility to corruption varies across the different bureaucracies.

Susceptibility to corruption can be understood in terms of the frequency of corruptive behavior, itself a function of the frequency of the interaction with citizens, and monetary cost of corruption. A rough formula for measuring corruption in a bureaucracy would have to include both monetary corruption (direct bribes) and non-monetary violations of rules (such as exchange of favors among well-connected individuals that do not involve money).

$$\text{Corruption per bureaucracy} = (\text{frequency of non-monetary corruption}) + (\text{frequency of monetary corruption}) \times (\text{average monetary cost of corruption}).$$

Since it is inherently difficult to directly measure corruption, we have to rely on indirect subjective measures of surveys, and objective indicators on penalization of such corruptive behavior within the institution.

The ranking in table 1.4 of how susceptible the various bureaucracies are to corruption places the police force and the customs service first and second, and the court system and central administration third and forth. Surveys in the Balkans and Afghanistan usually rank the police force as the most corrupt institution (Gallup 2008; United Nations Office on Drugs and Crime 2010).

Table 1.4. Ranking of Bureaucracies by Susceptibility to Corruption

Bureaucracies	Susceptibility to Corruption
Police force	Highest
Customs service	High

Court System	Medium to high
Central Administration	Medium

The frequency of interaction with citizens is highest among police officers, and therefore the frequency of corruption also tends to be the highest. A corrupt traffic police officer could ask for bribes even from drivers who do not violate the rules of the road. The monetary cost of corruption is more likely to be higher in the customs service than in the police force. On the other hand, citizens have less frequent interactions with customs officials, and therefore, the expected frequency of corruption is lower among such officials. A customs officer in the field station has to make the decision to either write down the correct amount and type of expensive cargo entering the border—for instance, cigarettes, oil or alcohol—or make a private deal with the trader that allows the cargo to enter for half the tax in exchange for a bribe. Court officials have lower frequency of interactions with citizens than police and customs officers, but the monetary cost of their decision could be higher than the police officers. Court employees could work toward providing an impartial verdict, or alternatively, decide in favor of the highest bidder or members of their personal networks. Finally, central administration officials have the lowest frequency of interaction with the citizens of these bureaucracies, but their violation of rules in public procurement may result in high monetary cost of corruption. Such officials may give procurement contracts to their favored clients instead of accepting the bid that best meets the requirements.

While we would expect the police force and the customs service to be the most corrupt in Kosovo, Chapter 4 demonstrates that these bureaucracies penalize corruption in their ranks, and the police force is the least corrupt institution. On the other hand, both the court system and

central administration engage in large scale corruption and they fail to penalize such rules violations in their ranks.

At the same time, Kosovo's fragile democratic development demonstrates both progress and stagnation. By 2010, Kosovo had conducted six largely free and fair elections at both the national and local levels. Its citizens participated in various political or civic associations, and media pluralism allowed for spirited public discussions. Kosovo therefore meets the procedural definition of democracy of combining competitive politics (Przeworski et al. 1996) and participatory publics (Fish 2005). However, since citizens do not have equal access to the judiciary and the rule of law, Kosovo falls short of the more substantive democracy definition that includes freedom, electoral competition and the rule of law (Bunce 2001 : 45-46). On one hand, there are structural reasons for the fragility of democracy in Kosovo. This is a new state with a poor population, contested borders, and a civil society divided across ethnic and political lines. Kosovo did not experience democracy in its past, and therefore was not in a position, as Latin American states in the 1970s and 1980s, to recycle democratic institutions and practices. On the other hand, Kosovo's democratic development is fascinating because it experienced initial citizen mobilization, subsequent mass demobilization and significant international support. By tracing these political processes, we can test the hypotheses of mass mobilization versus demobilization, and investigate the conditions under which international democracy promotion supports democratization.

Approach

This is a comparative research project that assesses how different types of international intervention affect different institutional targets. While most studies focus on the abstract notion

of the unitary state, this approach is based upon the comparison of core bureaucracies that vary in their performance. In addition, I compare various democratic institutions to each other.

Finally, I compare and contrast the processes of state-building and democratization.

The unit of analysis is the site of international intervention: a specific institution that international actors either manage or support. The main state bureaucracies investigated are the Kosovo customs service, courts system, Kosovo police force and the central state administration. With respect to democratic institutions, this study examines the media, elections, the legislature and civil society.

To investigate my central research questions, I conducted qualitative interviews, used survey data, as well as analyzed internal and official reports and strategies of international organizations, government, and civil society organizations. My dissertation draws upon more than 140 formal semi-structured interviews with government officials, and members of civil society and international organizations in Kosovo conducted during my field research in summer 2007 and August 2008-May 2009. Additionally, I conducted two focus groups with 7 respondents each from civil society and international organizations. I used the semi-structured interviews to elucidate the respondents' ideas about the main issues that Kosovo's state institutions face, interactions with internationals, and their perceptions of effective and ineffective institutions. I included eight of my own questions in a representative public survey conducted by the United Nations Development Program in Kosovo. My analysis also draws on the reports and strategies of the following international organizations and projects: UN Mission in Kosovo (UNMIK), EULEX, USAID, International Crisis Group, OSCE, and Human Rights Watch. Publications from regional organizations such as Youth Initiative for Human Rights,

Humanitarian Law Center, and from Kosovo institutions such as the central government and the ombudsperson also contributed to this analysis.

The analysis of state-building relies upon a paired comparison where both institutional outcome and the type of international intervention vary. Paired comparisons, a subset of the comparative method in political science methodology (Lijphart 1971), represent a trade-off between the intimate knowledge of the case and the better causal inference the researcher gets from controlling certain variables (Tarrow 2010). George and Bennet also make the case for “controlled case comparison” as the researcher matches cases to the variables (George and Bennett 2005: 59, 80, ch. 8).

The ineffective performance of the judiciary, essential for both democracy and state-building, will be discussed in Chapter 3, since it is best understood in terms of bureaucratic effectiveness. Kosovo’s legal system belongs to continental tradition where judges are not elected, but appointed by the state. Since their appointment theoretically relies upon the impartial observance of the centralized rule of law and is based upon merit, the construction of the court system is best viewed in terms of bureaucratization of its organization.

The methodology employed in the analysis of democratization relies on process tracing to test various hypotheses about citizen mobilization, demobilization and the conditions under which international democracy promotion has a positive impact on democratic onset and subsequent development. George and Bennett (2005 :6) argue that “[in] process tracing, the researcher examines histories, archival documents, interview transcripts, and other sources to see whether the causal process a theory hypothesizes or implies in a case is in fact evident in the sequence and values of the intervening variables in that case.” At the macro level, I compare

democratization and state-building processes in terms of the type of different approaches that international actors have used to effectively influence either process.

Concepts and Definitions

I define state-building as the sum of multiple actors' purposeful actions to enhance the bureaucratic capacity of the state (Wesley 2008 :373). Bureaucracies are specialized and differentiated state organizations that implement policies across time and space. A somewhat abstract Weberian definition of the state is a sovereign entity with international recognition that has the monopoly of force over a defined territory and its population. State-building efforts focus in the following sectors:

1. Enhancing security and rule of law through supporting an effective police and independent judiciary: police service, court system and customs service
2. Promoting efficient and transparent bureaucracy at both the central and local government: central administration.
3. Humanitarian aid and the provision of basic services.

The provision of humanitarian aid and basic services is especially important in the immediate post-war context when people lack jobs, housing and access to resources. However, this research project investigates the longer term state-building processes of specialized and differentiated bureaucracies in the areas of security, rule of law, and central administration.

Throughout this dissertation, democracy refers to “a regime combining three characteristics: freedom, uncertain results, and certain procedures” (Bunce 2001 : 45-46). Freedom refers to civil and political liberties that citizens enjoy in the polity, regardless of their national, class, gender or other identification. Uncertain results refer to the process of

periodically held free and fair elections in which political parties compete for power. Finally certain procedures, or the rule of law, refer to the legal system that exerts compliance from the citizens and the bureaucracy through its routine impartial application across time and space.

Democracy promotion refers to the purposeful actions that support the transition from autocracy to democracy or that enhance the quality of democracy in regimes that have already moved toward democratic government (see Petrova 2010). International actors promote democracy in the following domestic sectors:

- Political Process: Promotion of free and fair elections and political party development
- Civil society: Promotion of non-governmental organizations and independent media outlets.
- Strengthening governing institutions such as the parliament⁸.

In the Venn diagram below, I map out the two concepts of democracy and the state in the policy-making continuum. On the left, democratic components such as civil and political liberties, free and fair elections, and public representation through political parties or interest groups provide inputs to the policy-making processes. The concept of state-building refers to the output side of policymaking, since bureaucracies are required to make decisions and implement policies effectively and impartially (Wallensteen 2010: 48). The rule of law, defined as citizens' equal access in the legal order, is important for both democracy and the state bureaucracies. Properly constituted bureaucracies are important in applying the laws in impartial and non-corrupt procedures, and thereby guaranteeing rule of law as well.

⁸ Carothers (2000) includes the strengthening of government bureaucracies in democracy promotion, but I treat them as analytically different.

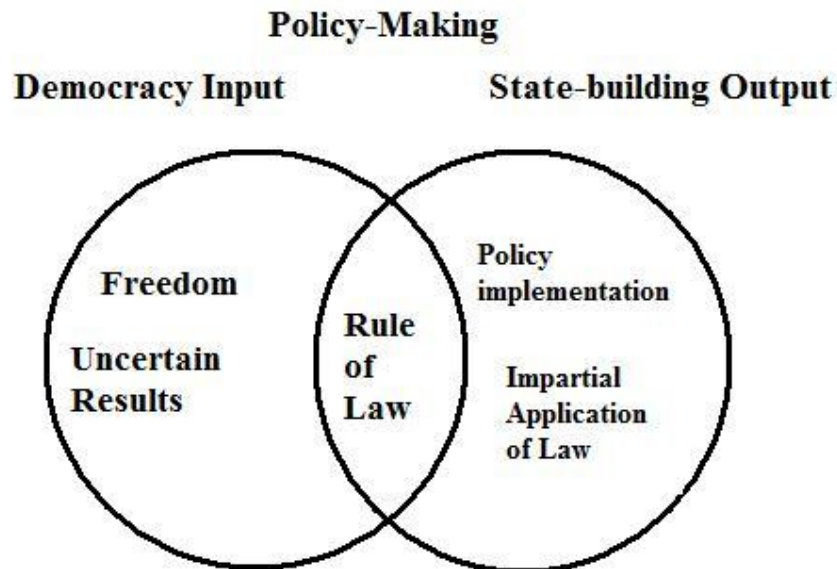


Figure 1.1. Conceptual Map of Democracy and State-building

The policy instruments available to international actors to promote effective state bureaucracies and democratic institutions range from the most intrusive to the least intrusive:

- Overt military intervention: Use of coercion to deter actors who oppose stabilization (Dobbin 2008; Dobbin 2003; Kilcullen 2010).
- Political conditionality: Incentives and sanctions (Schimmelfennig 2005).
- Political and economic aid: Building capacity through assistance (Vachudová 2005).
- Diplomacy: Pressure, persuasion and socialization (Gheciu 2005; Risse and Sikkink 1999).

Drawing on Max Weber's framework of legal domination in the state (Swedberg 1998: 67-68), this study examines two different ideal types of administrations: one that rests on patronage—what Weber called traditional domination or patrimonialism, and the other resting on rule-bound bureaucratic behavior⁹. Weberian ideal-type bureaucracy is characterized by administrative centralism, clear division of labor, formal rules, hierarchical relations between the full time staff, and impartial adjudication of cases based upon legal order (Weber 1954: xxxix-xliii).

In the successful bureaucracies, employees are socialized to comply with the organization's rules through an internalization of the norm of public service. Building on the sociological literature in international relations (e.g. Barnett and Finnemore 1999; Katzenstein 1996), socialization refers to “a process of inducting actors into the norms and rules of a given community” (Checkel 2005 :804). This socialization relies on a series of mechanisms that link insulation from political influence to bureaucratic effectiveness. These mechanisms are the following: meritocratic recruitment and promotion, strategic calculation, role-playing and normative suasion.

Patronage refers to “divisible benefits that politicians distribute to individual voters, campaign workers, or contributors in exchange for political support (Shefter 1994: 283 n.3). These contributions have taken different forms in different societies, but the focus in this study is on employment opportunities in state administration. The organization that relies on patronage emphasizes the loyalty of its members to the political elite, and it does not have formalized rules and routines in policy implementation. In decisions made under a patronage bureaucracy,

⁹ In his analysis, Weber uses two more ideal types of domination and the corresponding administration, charismatic domination and feudal domination that are excluded from the present study, because they do not contribute to the analysis.

personal relationships matter more than law. The concepts of insulation, Weberian bureaucracies, and patronage are ideal types and should be treated accordingly. Even in highly bureaucratized states in the OECD countries, bureaucracies are not fully insulated from political patronage at various levels of the administration.

War is often a critical juncture in state-building and democratization since it may shift the balance of power between the actors and create openness for major institutional reform (Tilly 1992; Wood 2008). Following the historical institutionalist tradition, I define institutions as the “formal or informal procedures, routines, norms and conventions embedded in the organizational structure of the polity or political economy” (Hall and Taylor 1996 : 938). Institutions may change in a “critical juncture,” a brief time where there is openness for institutional reform, which later on becomes stable and difficult to change (Pierson 2004: 135). This study also pays particular attention to how institutions affect the distribution of power and conflicts among rival groups (Bunce 1999). Institutional change therefore occurs under an exogenous shock, such as war, that reshapes actor’s preferences.

Since demobilization of the publics in Kosovo occurred around the national issue, nation and nationalism are also useful concepts in this study. Nation refers to the “shared sense among a group of people that they have a common cultural identity that distinguishes them from other groups” (Bunce 1999:12; see also Bunce 2005; Hobsbawm 1992). Nations are constructed and imagined through dense interactions among the group members around shared cultural institutions, such as religion or language. In response to the debate on whether nations are invented and modern (Gellner 1983) or have some ethnic origin (Smith 1987), I maintain that nations may rely on some ethnic origin, but they are also reshaped continuously throughout history. Nationalism is the political project--usually led by leaders who claim to speak on behalf

of the community—for cultural autonomy, independence from the state or empire, and if secession is successful, the construction of a new state. In this context, secession refers to the departure of a territory from the state (Bunce 1999: 13).

The concepts of state autonomy, state capacity and bureaucratic effectiveness are closely related. The literature on political economy and state formation refers to the importance of insulation from society for state autonomy (Bensel 1990; Evans 1995; Geddes 1994). For scholars who argued against Marx, the state had to be autonomous from ruling classes. In my analysis, bureaucratic autonomy refers to insulation from societal influences, such as political elites and political pressure from below. State capacity refers to the ability of the specialized bureaucracies to implement their goals (Solnick 1998: 245). My concept of bureaucratic effectiveness is the same as state quality (Taylor 2010: 17-19) that includes both “impartiality in the exercise of public authority” (Rothstein and Teorell 2008 : 166) and a “public service ethos” (Wilson 2008 : 198-199; see also Rothstein and Teorell 2008b :202-203). Autonomous professional bureaucracies that have a mission to serve the public tend to focus on the impartial application of the law and are therefore more responsive to the public than patronage bureaucracies.

The term “international organization” refers to any intergovernmental organization that “has representatives from three or more states supporting a permanent secretariat to perform ongoing tasks related to a common purpose” (Barnett and Finnemore 2004 :177). International organizations enjoy authority due to their rational-legal nature, moral standing, expertise, and delegated tasks from the states (Barnett and Finnemore 2004 :20-29). Contrary to the expectations of a prominent realist scholar of international relations (Mearsheimer 1994), their

authority enables international organizations to pursue their missions with sufficient autonomy from state interests.

Finally, international actors in this dissertation are the international organizations, diplomatic offices, international donors, and the international non-government organizations that are present in complex international interventions. I use the term “internationals” to refer to representatives of international organizations, diplomats, donors, international NGO staff, and other members of the so-called international community in Kosovo. This is the term that they use to refer to themselves as well. The internationals are often contrasted with the “locals” who are Kosovo employees in international organizations, members of civil society, and government representatives. In my interviews, locals also use this term to refer to themselves in contrast to the internationals. Other scholars employ the same “international” versus “local” terms as well (Holohan 2005; Ignatieff 2005; Coles 2007).

Measuring Bureaucratic Effectiveness

The purpose of this dissertation is to explain the effectiveness of different state institutions. Thus, developing robust measures of effectiveness is essential despite the difficulties associated with the measurement of governmental effectiveness. There are few works in political science that attempt to do it comprehensively (but see Putnam, Leonardi, and Nanetti 1993; Stoner-Weiss 1997; Taylor 2010). Development agencies and international institutions have developed thousands of governance indicators in the past few decades that usually focus on the

state or democracy as a whole, yet they often do not disaggregate according to specific institutions¹⁰.

I measured the various dimensions of state institutions through methodological triangulation—the use of qualitative and quantitative methods to collect various types of data, such as interviews, surveys, observations and documents. If various types of data gathered from different methods lead to the same result, we have stronger confidence in the validity of descriptive and causal inference (Brady and Collier 2004: 310). In a region where people did not speak the truth because they were afraid of the communists, authoritarian leaders, or nationalists, preference falsification is always a strong possibility (King 2010 :100-101). During my field work, I conducted interviews with key informants from international organizations, government and NGOs and triangulated that information with other sources, such as public surveys, official and internal reports, memoirs, as well as direct observation of the different institutions.

To measure bureaucratic effectiveness, I use mostly outcome indicators which focus on the consequences of government policies. In addition, I also use one consistent output indicator: bureaucratic responsiveness that measures the responses of each bureaucracy to citizens' requests for information. Scholars have criticized measuring outcomes of government policies since we fail to capture additional causes that lie beyond government's purview. Putnam (1992 : 65-66) gave such an example when he asked: To what extent does the air quality in the town depend on government's regulation and enforcement? Other factors, such as degree of industrialization, traditions of environmental protection could be even more important than government policies. The problem with focusing only on outputs, however, is that researchers

10 See for example World Bank Governance Indicators, UN Millennium Development Goals indicators, Human Development Index. For a critique of the lack of transparency and comparability across time of such composite indicators, see Arndt and Oman (2006).

can fall into the trap of using the same self-serving indicators as government agencies or international organizations—output indicators such as amount of aid spent in each project, number of workshops, number of conference participants and so on. Such output indicators give us very little information on whether the policy goal was achieved, or whether the working hypothesis behind the government intervention is producing results. Outcome indicators are therefore crucial for measuring bureaucratic effectiveness.

In addition, the bulk of the measures rely on public perceptions of bureaucratic effectiveness or democratic progress. Should scholars trust these subjective perceptions of how well the government functions? I argue that such data are useful since, due to their interaction with government officials, citizens can evaluate whether a policy was implemented fairly or in a corrupt manner. As scholars, we should use these subjective data in combination with other more objective indicators. If both citizen perceptions and objective indicators point to the same direction, we are more certain of our measurements.

With respect to the evaluation of democracy, I used several measures to assess the four main dimensions of interest: elections, media, the legislature and civil society. First, I used international reports in order to evaluate whether the elections were free and fair. In addition, I used public opinion data, Freedom House indicators, membership and activist data on civil society organizations, and pluralist media indicators to assess the performance of media, legislature and civil society.

The analysis put forward in this dissertation is based on the premise that properly designed bureaucracies will be more effective when they 1) fulfill their mission, 2) penalize corruption, and 3) respond systematically to the public (see also Diehl and Druckman 2010: 93-132). These are the three main sets of indicators I use to measure institutional effectiveness for

each domestic bureaucracy. Mission evaluation refers to the institution's fulfillment of its own overall goal. To evaluate its mission, I use survey data on public satisfaction with each institution, elite evaluations through my own semi-structured interviews as well as other quantitative and qualitative data available for each institution. Survey data on public support for each bureaucracy measure the legitimacy of the bureaucracy. The literature on public administration points out that legitimacy is a byproduct of effective performance (Rothstein 2009). For each bureaucracy, I use specific data that highlighted its performance. For example, I use international data on homicides per capita to evaluate the performance of law enforcement in Kosovo compared to other countries.

Corruption is the violation of the impartial rules of a bureaucracy. Penalization of corruption can thus be measured by three indicators: general public perceptions of the corruption in each institution; the percentage of survey respondents that have provided bribes to the institution's public officials during the past year; and the presence of institutional mechanisms that actually discipline public officials when they abuse their office. The experience of bribing gives a broader picture than the perception of corruption, since people may overestimate corruption based upon media reports. Internal anti-corruption mechanisms augment the other survey data since they indicate how willing the institution is to penalize the corruption of its employees.

The third indicator, responsiveness to the public, refers to the extent to which the institution responds to public requests for information. I used the data from two tests conducted by activist NGOs in Kosovo. The first test measured the percentage of replies from each institution to requests for information submitted by the public. The Kosovo chapter of a regional Balkan NGO, Youth Initiative for Human Rights, conducted this test to monitor the

implementation of the law on Access to Official Documents in Kosovo from January to October 2006. The NGO sent requests for access to official documents and ranked the institution according to the percentage of proper replies to the requests (YIHR 2007). Such a bureaucratic responsiveness test is similar to the test that Putnam and his associates (1994: 73) used to measure how Italian regional governments were responding to citizens' requests for information. The second NGO created a transparency index of the government bureaucracies in Kosovo. The Speak Up Movement sent each major bureaucracy a questionnaire with 24 questions about how open they were to the public. Each bureaucracy had to answer questions about laws, personnel qualifications, publication of important information online and the classification of public documents. The responses to these questionnaires were then analyzed and an index of responsiveness was developed.

Table 1.5 specifies measures of bureaucratic effectiveness and the type of international approach in Kosovo, which are discussed in greater depth in Chapter 3 and 4.

Table 1.5 Measures of bureaucratic effectiveness and type of international approach

	<i>International Approach</i>	<i>Mission Fulfillment</i>	<i>Penalization of Corruption</i>	<i>Responsiveness</i>	<i>Overall effectiveness</i>
<i>Customs Service</i>	Insulation	High	High	High	High
<i>Police Service</i>	Insulation	High	High	Medium	High
<i>Central Administration</i>	Local ownership	Low	Low	Low	Low
<i>Courts System</i>	Local ownership	Low	Low	Low	Low

The triangulation of these measures, therefore, paints a consistent picture of the performance of these various bureaucracies. While some bureaucracies fulfilled their mission, penalized corruption in their ranks, and were more open to the public, others failed in all three

areas. The fact that these diverse measures tended to cluster shows that there were important differences in bureaucratic effectiveness, and that the indicators I used tapped into these differences.

Dissertation Overview

In chapter 2, “Legacies and International Intervention,” I provide an historical context for this study. In particular, I investigate the Yugoslav legacies that strengthened nationalism in Kosovo and Serbia as well as the parallel institutions that developed during the anti-Milošević resistance movement. Clientelist practices in the communist Yugoslav administration continued in the resistance movement against Milošević. The concluding section provides an overview of the international intervention in state-building and democracy promotion.

Chapter 3, “Deadly Cocktail,” focuses on two ineffective state bureaucracies in Kosovo, the central administration and the judicial system. I use various measures to demonstrate that publics were very unsatisfied with both of these institutions. In addition, these bureaucracies failed to penalize considerable corruption in their ranks, and they were not responsive to the public. I trace the institutional development of these bureaucracies and investigate how they became sites of political patronage after the early devolution of power to elected local leaders. Since domestic and international constituencies for civil service reform were nonexistent, these bureaucracies relied on historical clientelist patterns and remained ineffective.

Chapter 4, “Without Fear or Favor,” compares the two effective bureaucracies in Kosovo: the customs service and the police force. The publics or elites were very satisfied with both of them. These bureaucracies also successfully fought corruption in their ranks, and were responsive to the public. The relative success of these institutions is puzzling since they are

often, if only because of opportunities to engage in such behavior, the most corrupt and repressive bureaucracies in other countries. The chapter traces the development of these institutions and argues that international organizations insulated these bureaucracies from political patronage by hiring, training and promoting competent employees. As public officials built their careers on merit, they focused more on performance and ethics than political gain.

Chapter 5 “Nationalist mobilization and International Support” assesses the record of democracy-building in Kosovo by examining four key institutions and processes: the quality of elections, the pluralism and independence of the media, the quality of the legislature, and the development of civil society. As we will discover, Kosovo exhibits uneven democratic progress across all these institutions, similarly to other postcommunist states. The chapter traces the sources of democratic breakthrough to citizen mobilization and the strategic choice made by Kosovo Albanian elites to appeal for help from the international community in the early 1990s. As politicians later demobilized the previously mobilized citizens, they undermined the further consolidation of democracy. International organizations successfully promoted democratization when they supported mobilized publics by encouraging political participation and contestation. However, when international actors supported the demobilization of the citizens, they undermined the democratic development of Kosovo.

In Chapter 6, I summarize the findings on democratization and state-building, test them in other contexts, and draw several theoretical and policy implications. Through cross-case analysis, I investigate whether my insulation hypothesis explains the lack of capacity in the Afghan, Bosnian and East Timorese police forces. I also examine the short-term trade-offs that international actors face between supporting state-building and democratization.

CHAPTER 2

LEGACIES AND INTERNATIONAL INTERVENTION:

KOSOVO'S CONTESTED STATEHOOD

Kosovo is the first instance in the post-communist world of a newly independent state that (1) achieved de facto independence in large measure because of the intervention of external powers, (2) has boundaries reflecting something other than the internal borders of a highest level administrative component of a pre-existing federation, and (3) has achieved wide-spread de jure recognition (King 2010 :127).

On February 17, 2008, the world media focused its attention on the celebrations in the streets of Prishtina, Kosovo's capital, as its parliament declared independence. Waving Albanian, American and European Union flags, Kosovo Albanians celebrated in the streets the creation of their new state. A new monument was unveiled in the center of Prishtina, NEWBORN, in big capital letters. By contrast, Belgrade saw riots and the burning of the American embassy, as small groups of nationalist Serbs encouraged by their prime minister, Vojislav Kostunica, expressed their rage toward the new state that seceded from Serbia. Kosovo is also famous as the site of the first NATO war that aimed to prevent the ethnic cleansing of Kosovo Albanians by the Milošević regime. In the aftermath of 78 days of NATO bombing, Kosovo became a UN protectorate. As Charles King's quotation above indicates, Kosovo represents an anomaly in the post-communist world in terms of intrusive international intervention, achievement of de facto independence despite not having had the status of republic in federal Yugoslavia, and wide-spread international recognition of its statehood.

What is new and old about Kosovo's state? How did the public mobilize and why did international organizations intervene in Kosovo? While Chapter 1 introduced the puzzles of state-building and democratization, this chapter provides a brief historical context for this study

that includes the recent international intervention. In particular, I explore why Yugoslav legacies strengthened nationalism in Kosovo and Serbia as well as the parallel Albanian institutions in the 1990s. One such legacy, clientelist practices in the communist Yugoslav administration, continued in the bureaucracies that shifted to local control. This dynamic is explored in Chapter 3. The concluding section provides an overview of the international intervention in state-building that sets the stage for the analysis of the specific bureaucracies in Chapters 3 and 4.

This chapter does not intend to provide an exhaustive introduction to Kosovo's recent history¹¹. Rather, this chapter focuses on certain aspects of Kosovo's history that are useful for the empirical investigation of state-building and democratization and thereby provides the context for testing hypotheses addressing these issues.

The Kosovo territory, where NATO fought its first war in 1999, is relatively small, occupying only 10, 887 square kilometers. According to the 1991 census, the population is 2 million people, of which 8 to 9 percent belong to non-Albanian communities. Until a new census is conducted, the various population numbers cited by political competitors are only approximate. However, around 5-6 percent of the population consists of the Serb minority that is concentrated in two areas: 1) north of the Ibar river where the population is adjacent to the Kosovo-Serbian border; and 2) south of the Ibar river, in small rural and town areas that are surrounded by Albanian-speaking areas. The Serb-majority areas north of Ibar are, by most

¹¹ For a general introduction to the history of Kosovo, see Malcolm 1998 and Judah 2008, while for Yugoslavia see Lampe 1996; Ramet 2005; Ramet 2006; Djokic and Ker-Lindsay 2011. The best description of the 1989-1999 war can be found in Tim Judah's *Kosovo: War and Revenge* (Judah 2000). Robert Elsie has published an excellent historical dictionary of Kosovo (Elsie 2004), while Anna di Lellio contests the nationalist views of the battle of Kosovo in 1389 (Di Lellio and Elsie 2009). A number of analysts and scholars have covered recent state-building efforts in Kosovo (e.g. Cocozzelli 2009; Holohan 2005; Hoxhaj 2008; Zaum 2007). For an Albanian nationalist account of the conflict of Kosovo, see Kurti 2003-2007; Çeku 2003, while for the Serbian alternative see Batakovic 1992.

indicators, part of Serbia. Passing the bridge that separates the two Mitrovicas is like moving to a different country. The language shifts from Albanian to Serbian, the car plates shift from Kosovo to Serbia, and the political posters advertise for Belgrade-based political parties. Even the street signs are in Cyrillic, which is not the alphabet used in Albanian language. The borders of Kosovo are therefore contested by a part of its population that is territorially concentrated, making this conflict similar to other ones such as in Northern Ireland or Cyprus (Coakley 2003), or the frozen conflicts in the post-Soviet sphere (Ciobanu 2009; De Waal 2003; King 2001).

Kosovo's Intervention in a Regional Context

In a region permeated by international influences, Kosovo stands apart as one of the most internationalized territories of the postcommunist countries. Kosovo is a small territory, with a high level of international resources per capita, cultural receptivity to American and European institutions, a high level of international coordination under the United Nations administration, and a strong international mandate for change. Kosovo received significant international resources, which made it possible to stabilize the situation after the NATO bombing through the various mechanisms of military coercion, economic aid for the various participants, and political support for the former combatants who would be participating in post war governance.

Why is Kosovo and Eastern Europe in general, subject to international interventions that change the status quo of borders, regimes and states? As the states and nations formed in the wake of imperial dissolution in the 19th and 20th centuries, they were weak both politically and economically. The diffusion of the national idea from Western Europe also empowered domestic elites to make self-determination claims for their own state (Bunce 2005). Political competitors within each country searched for political allies outside their borders to further their ambitions

(Glenny 2000). The communist system also diffused ideas and resources from the Communist bloc throughout Eastern Europe (Bunce 1999). Power struggles and opportunism contributed to shifting international alliances for communist Yugoslavia during the Cold War, as it broke up relations with the Soviet Union in 1948 and successfully pursued its foreign policy of non-alignment. This policy enabled Yugoslavia to get significant grants and credits from the West that increased their living standards throughout the 1970s. Since the mid-1960s, Yugoslav citizens enjoyed travel opportunities on both sides of the Iron Curtain and work opportunities in wealthy Western countries (Zimmerman 1987). While earning hard currency abroad and sending remittances to their families at home, the Yugoslav guest workers in Germany, Switzerland, Austria—and immigrants in the USA, Canada and Australia—formed diaspora communities that contributed to the dissolution of Yugoslavia through their long-distance nationalist mobilizations (Anderson 1992; Hockenos 2003).

By the end of Cold War, new international actors were ready to influence Eastern Europe. Proximity to the European Union made Yugoslavia a fertile ground for interventions. As the wars in Yugoslavia unfolded, first in Slovenia, Croatia, Bosnia and then Kosovo, European and American audiences were horrified to see such European wars televised daily by major broadcasters such as CNN and BBC World. Entrepreneurial political leaders, such as Tony Blair, proclaimed that the intervention to stop war was an ethical duty of the international community. Since Yugoslavia was in its own backyard, Europeans were also worried about the spillover effects of these wars, such as refugees, diseases and organized crime (Blair 2010: ch. 8).

In addition, local actors saw international opportunities in the enlargement of the European Union and NATO that promised stability and prosperity (Linden 2002; Vachudová 2005). Democracy promoters invested more in Eastern Europe than in other regions, because

such assistance built upon priorities established during and after the Cold War. Eastern European countries were also more open to outside influence, especially from the West, and better poised for success as they transitioned from authoritarianism to democracy (Bunce and Wolchik 2006). In order to understand the effects of such international interventions, we need to investigate domestic legacies that mediate international impact.

Yugoslav Legacies: Nationalism and Clientalism

Kosovo is a territory that is claimed by two modern nationalisms, the Albanian and the Serb. While the popular book Balkan Ghosts (Kaplan 1993) blamed the conflict on “ancient hatreds,” social science analyses challenge this primordialist explanation by highlighting the construction of nations and periodic collaboration among the different groups (Bunce 2005; Gagnon 2004). In addition to their ethnicity, modern day Kosovo residents may identify as men or women, young or old, urban or rural. Familial and district networks are also very important to access resources and power through patronage. That said, national identity cleavages have dominated Kosovo’s politics in recent years. The reader should keep in mind that these ethnic categories are not inherent, but usually constructed and contingent (Brubaker 1996; Brubaker and Laitin 1998). For example, throughout history, individuals in Kosovo switched from one religious and ethnic group to another, indicating the fluidity of identity and the collaboration between different groups (Duijzings 2000).

Kosovo has cultural and symbolic value to the construction of the Serbian nation. The “loss” of the 1389 Kosovo battle against the Ottomans by Prince Lazar’s army has been eulogized by Serb nationalist writers as the foundation of their nation (Ilirojevic 2000). However, the historical record of the Kosovo battle myth is more mixed, since a) it is unclear that Prince

Lazar's army lost the battle, and b) just like the Ottoman army, Prince Lazar's army most probably included other groups in the Balkans, including ancestors of modern-day Albanians (Di Lellio and Elsie 2009; Malcolm 1998 :58-80). Serb national identity relies on religious identification with the Serbian Orthodox church, and nationalist bishops have painted the suffering of the Orthodox church as the suffering of the Serbian nation (Duijzings 2000: 178-182). The presence of some of the most revered Serbian orthodox monasteries in Kosovo also leads Serbian romantic nationalists to view this land as the "cradle of their civilization and their Jerusalem" (Judah 2008: 18).

It is unclear whether orthodox Slavs or early Albanian speakers constituted the majority in Kosovo before the establishment of Ottoman rule over Kosovo's territory in the 15th century. Malcolm (1998: 93-115) and Tim Judah (2008: 31-34) claim that most evidence points toward a Serb majority at that period. Since that time, the demography has changed frequently due to migrations, the different birth rates of the two communities, and religious conversions among the different groups. The ethnic Serbs were a minority when the Kingdom of the Serbs, Croats and Slovenes annexed the territory of Kosovo from the Ottoman Empire in 1912. In addition, differential demographic growth between the ethnic Serbs and Albanians meant that the proportion of Albanians grew from 68 percent in 1948 to 77 percent in 1981 and 92 percent in 2006 (Statistical Office of Kosovo 2008 : 7).

A simple national narrative usually focuses on the purported perennialism of the nation, its positive qualities and its goals for the future (King 2010 :29). Kosovo Albanian nationalists claim that Albanians are indigenous to that area, since they are descendents of the Illyrians, whose tribes predated the Slavic settlements in the Balkans (Elsie 2004; Malcolm 1998). In recent decades, however, Kosovo Albanians framed their struggle in anti-colonial and human

rights terms, in order to receive international support for their cause. Since 1991, the national project switched from demanding autonomy within Yugoslavia to proclaiming independent statehood based on claims of self-determination (Pula 2004).

The Albanian nation was consolidated later than its Greek or Serbian counterpart, between 1878 and 1912 as the Ottoman Empire was beginning to lose its territories in Southeast Europe. Albanian elites were divided on whether they wanted to be an autonomous province in the Ottoman Empire or have independent statehood. It was only when the neighboring states, Greece and Serbia, were scrambling for territory that Albanians considered their own, that the Albanian elite mobilized toward the goal of independent statehood (Skendi 1967). In their struggle for independence, they received the support of Austro-Hungary, based on that empire's desire to deny Serbia access to the sea (Judah 2008: 38-39). Just like for Kosovo at the end of the twentieth century, international support enabled the independence of Albania proper, a territory that excluded present-day Kosovo. Russian support for Serbia in 1912 enabled the annexation of present day Kosovo.

Both Albanian and Serb national narratives emphasize loss and victimization by the other group. For Serbia, 1389 was etched in the national narrative as the time their nation fell under the Ottoman Turkish "yoke". A majority of the Albanian-speaking population in the Ottoman Empire became Muslim, and they had some privileges over Christians and other religious groups—for instance, access to administrative and military service and a waiver from the special tax imposed on non-Muslim communities. The Serbian national narrative sees the Albanians during the Ottoman time as their Muslim Ottoman overlord and oppressor. Therefore, the Serb view of the 1912 annexation was the "liberation" of Kosovo from the Ottomans, while Albanians viewed it as "colonization" (Malcolm 1998).

Just like the rest of the Balkan countries, both Serbs and Albanians view the Ottoman era as the Turkish yoke that prevented the realization of their nations (Koulouri 2005). Recent works in history and social science turn the logic of this argument on its head. Instead, the Ottoman and Habsburg empires fostered nations out of malleable cultural groups through the asymmetric relationships that the imperial center had with the different communities in its periphery (Barkey 2008; Bunce 2005). This difference becomes clearer if we compare nascent nationalism in the Ottoman Empire with the earlier nation-state in France. The French state instituted mass education in the French language, centralized taxation and policing, and undermined the autonomy of various cultural groups in the periphery (Weber 1976). On the other hand, the Ottoman Empire provided significant autonomy to different cultural groups in the Balkans, as long as they provided taxes and soldiers in return (Barkey 2005).

The various groups also considered Yugoslavia as an obstacle to their nationalism. Serb intellectuals expressed resentment that they were not the most important nation in the federation and attempted the centralization of the first Kingdom of Serbs, Croats and Slovenes and assimilation of the other cultural groups (Banac 1984; but see Djokić 2007). The Kosovo Albanian intelligentsia also viewed the Yugoslav state, apart from the 1974-1989 period, as a colonial state that repressed Albanian cultural identity. The federal state, however, just like the empires, enabled nationalism through the construction and decentralization of political, economic and cultural institutions in its constituent republics and provinces that were based upon ethnicity. Similar to the Soviet Union, where Stalin imagined that nationally defined units would make the people supportive of the communist ideological system, nationalism in Yugoslavia was promoted through unusually decentralized institutions that distributed power and resources to the regions (Bunce 1999: 47-48). Each republic and autonomous province in Yugoslavia was

responsible for its own education system, health policies, judiciary, police and even economic policies. Yugoslavia was so decentralized that its constituent units followed their regional interest in their intra-Yugoslav bargaining for the redistribution of economic resources (Ramet 1992). Ironically, just like in the Soviet Union, these same institutions undermined the federation in the long run, as both republics and similar autonomous units such as Kosovo, moved toward independence when communist parties lost their hegemony (Bunce 1999; Roeder 2007).

Kosovo became part of the first Yugoslavia—the Kingdom of the Serbs, Croats and Slovenes—and this was the beginning of the narrative of victimization and discrimination of the Kosovo Albanians. In an effort to transform the ethnic makeup of the territory from Albanian majority into Serb majority, the new state engaged in ethnic cleansing: the forcible removal of its non-Slav population (Malcolm 1998: 254). During the Balkan Wars in 1912-1914 and the World War I, the Yugoslav army conducted massacres of whole village populations among Kosovo Albanians, while there was counter-violence from the Albanians. After World War I, the Kingdom of the Serbs, Croats, and Slovenes confiscated land and other property of the Kosovo Albanian population and introduced around 59,000 Serbian colonists (Judah 2008 :45)¹² .

During World War II, as Italy and Nazi Germany briefly united Albania and Kosovo, the Kosovo Albanians retaliated against the Serbs, forcing 30,000 to 100,000 of them to leave the territory (Judah 2008: 47). Some Kosovo Albanians collaborated with Italian fascists and German Nazis, since they saw them as liberators from Serbian domination. Other Kosovo Albanians joined Tito's partisan movement that resisted German rule. At the end of World War II, Kosovo was run from Belgrade and incorporated into the Serb Republic in Yugoslavia through a combination of repression and elevation of some Kosovo Albanian communists into

¹² Ethnic cleansing and forced migrations of minority populations were, unfortunately, homogenizing practices that accompanied the rise of the nation-state (Rae 2002).

power. Between 1945 and 1968, state repression forced tens of thousands of Albanians to immigrate in the post-World War II period, mostly to Turkey (Weller 2009: 28).

Even though Kosovo was not a constituent republic within federal Yugoslavia, the 1974 constitution gave this autonomous province of the Serbian Republic (*Socijalistička Autonomna Pokrajina Kosovo*) similar institutions as the rest of the republics. Despite being the third largest national group in Yugoslavia, Albanians had the rights, but not the status of a Republic, since that would imply the controversial right to secede—the Serb elites could not allow for that possibility (Pula 2004). Kosovo had its own Assembly, banking system, police, courts and educational system, as well as its own seat in the Federal Parliament, the Constitutional Court and the Presidency of Yugoslavia. In addition, amendments to the federal constitutions in former Yugoslavia required the unanimous consent of all its constituent units--the six republics and two autonomous provinces (Kostunica 1988: 81). The federal units in Yugoslavia actively pursued their own interests through broader policies at the central level (Ramet 1992).

The 1970s are often remembered as the golden years in Kosovo and Yugoslavia, as the population became better educated and healthier, while the country became more industrialized (Judah 2008: 55-57). Kosovo Albanians started participating more in state institutions in the 1970s and 1980s as they faced less discrimination and more educational and social opportunities. The opening of Prishtina University in the 1960s with most courses taught in the Albanian language created a new and assertive professional class in Kosovo. Urbanization meant that fewer people remained in subsistence farming, and more were looking for government and private sector jobs. Compared to the other communist states, the size of the private sector was unusually large in Yugoslavia which boasted one of the most liberal and open economy in Eastern Europe (Zimmerman 1987). With a booming economy and considerable federal

subsidies for Kosovo in the 1970s, a generation of Kosovo Albanians experienced social mobility and expected to have jobs similar to the other communities in Kosovo.

Kosovo's party and administration under Yugoslavia was multi-ethnic and the communist or Yugoslav identity sometimes superseded the ethnic one. "Of course we collaborated with the other national groups: we were communists," claimed a senior Yugoslav Albanian communist in an interview about that period (Ylli 2008).

As Albanian professionals entered the job market, the local Serbs faced more competition over state jobs. When Slobodan Milošević addressed the grievances of the Kosovo Serbs in 1987, some of them claimed resentment toward their lack of access to state jobs. Proportionally however, Kosovo Albanians were not as represented in the professional jobs as were the Kosovo Serb and Montenegrin population. By 1980, one in five Serbs in Kosovo had a state job, while one in 11 Albanians did. Yet, in terms of participation in the League of Communist party and local administration, Albanians by late 1970 constituted two-thirds of the participation. Similarly, the police and security forces were around 75% Albanian by 1981 (Malcolm 1998: 326).

As Kosovo developed its own bureaucracies under Yugoslavia, the population developed shared and high expectations about the various roles the state performed: protecting individuals, extracting revenue, and providing welfare, education and health. Because the state was socialist, the population also expected that its public services would be free. While the state did not provide full employment, the Yugoslav policy of visa free access since mid-1960s to Western Europe provided a safety valve for the large ranks of the unemployed (Zimmerman 1987). Because Tito was able to get significant grants and loans from the West, the population also enjoyed a high standard of living compared to other Eastern European states. However, in terms

of per capita income and education levels, Kosovo was the poorest province in Yugoslavia, and received substantial federal aid during the 1960s and 1970s (Judah 2008: 55-63).

The Albanian protests in 1981, one year after Tito died, shook Yugoslavia. Why did they occur in Kosovo and not in other parts of Yugoslavia? The protest started with student complaints at the University of Prishtina—bad food and long queues at the students' cafeteria—but turned political as some people started to ask for the status of a Yugoslav Republic. Ultimately, a number of factors led to the Kosovo protests in 1981—demographic changes, social changes, and the lack of opportunities for the newly educated students all contributed to the unrest. As more Kosovo residents moved from the villages to the towns, they expected employment in the private sector or public administration. The Yugoslav-wide economic decline in the 1970s meant that many of the 10,000 annual graduates at Prishtina University would not be able to find jobs. As Kosovo Albanians had a higher birth rate than the Serbs, they expected that the employment rates would reflect the population ratio. In turn, this created resentment among Kosovo Serbs and Montenegrins, who despite having better employment rates than the majority Albanians, felt the demographic pressure from them.

As we will see in the next section, the 1981 protests were widely seen as a repudiation of the then Albanian communist leadership as well, since they were practicing nepotism in education and public employment. Many Albanians remember the demonstrations as protests against the leaders who were not providing equal employment to all citizens. The litany of complaints included the favoritism at the university and unfair employment practices where bureaucratic jobs were handed out to people from the Gjakova region, which was the home of most of the leadership. Furthermore, while 30,000 Yugoslav police descended in Kosovo to tackle the protests, the Albanian political leadership administered the repression (Clark 2000:

43). Thus, there is much evidence that the demonstrations in 1981 in Kosovo were as much against the Kosovo Albanian political leadership as it was for broader political change. In Yugoslavia, however, the 1981 protests were widely interpreted as a resurgent Albanian nationalism that came on the heels of the death of Tito, the master politician who was both a symbol and sponsor of brotherhood and unity in Yugoslavia. Regardless of the exact causes of the protests, the divisions between Albanian and Serb communities in Kosovo widened after 1981, and prepared the stage for Milošević (Judah 2008: 57-63).

In 1989, Milošević rescinded Kosovo's autonomy by claiming to protect Kosovo Serbs from Albanian pressures. While the population of the Kosovo Serbs remained stable in absolute terms, their movement to the urban areas in the north, such as Belgrade or Niš, lowered their demographic ratio compared to the Albanian population. It is unclear to what extent the Albanian demographic growth forced Serbs to leave Kosovo, since some merely left for better opportunities.

After the Milošević-led government rescinded Kosovo's autonomy in 1989, the Kosovo Albanians lost their access to state jobs and services in the disintegrating Yugoslavia. Under state repression, most Kosovo Albanians united behind the nonviolent social movement led by a group of urban intellectuals (Pula 2004). After the perceived failure to include Kosovo Albanian demands at the Dayton accords on Bosnia, some groups turned to violence, forming the Kosovo Liberation Army (KLA). By 1998, violent and nonviolent groups all had the same aim, independence, but differed on the means to achieve them.

The institutions and resources of autonomous Kosovo also contributed to the Albanian nonviolent mobilization in the 1990s. In December 1989, a group of politically inexperienced writers and intellectuals founded the Democratic League of Kosovo, the first Yugoslav non-

communist party to form after the introduction of political pluralism. In a few months, this obscure organization of urban intellectuals had gathered a membership of half a million people in the mostly rural province. How was this possible? The rank and file of the organization came from a Yugoslav-era institution, the Socialist Alliance for Working People (SAWP), and included most formal or informal associations from professional groups in urban areas to neighborhood organizations in rural areas. Like other Yugoslav institutions, the organization had federal, republican and provincial levels. Its membership included almost 80 percent of the Yugoslav population in the 1980s. According to law, the SAWP acted as a central forum for public discussions on constitutional changes. Since Milošević and his backers were modifying the constitution to take away Kosovo's autonomy at the time, the Kosovo-based network decided to switch loyalty to the Democratic League of Kosovo, the first political party to oppose Serbia's policies in Kosovo (Pula 2004: 805). Political pluralism then reorganized itself by ethnic cleavage, since the Kosovo Serbs stayed connected to the Belgrade state apparatus, while Kosovo Albanians rallied around the question of their status.

Clientelist Legacies

One of the enduring legacies of the Yugoslav socialist party organizations in Kosovo has been the presence of clientelist networks in local courts and central administration. In a small society like Kosovo's, power and resources spread through bilateral patron-client networks. Such personalized networks supported and then subverted the communist system, fueled nonviolent and violent nationalist mobilization in the 1990s, and continue to influence modern civil society and organized crime organizations. Kosovo is not unique in the persistence of such networks, since they are common throughout Central and Eastern Europe and the Soviet successor states

(Ledeneva 2006; Mungiu-Pippidi 2005; Sampson 2002). As we will see in Chapter 3, these particularistic networks captured the state bureaucracies that were devolved immediately to elected local leaders.

The following anecdote illustrates an important cultural trend. One young Albanian professional asked a waiter in a bar “Where are you from?” Pouring a new glass of wine, the waiter replied, “I am from Drenica.” The professional said: “What are you doing here? You should be in the government now!” Both the waiter and the professional laughed at the joke. This joke builds on the shared cultural understanding of clientelist regional practices in Kosovo that have continued from the Yugoslav era to present day Kosovo. The professional’s family is originally from Gjakova/ Djakovica, a region in Southern Kosovo that produced a disproportionate number of communist leaders and professionals in Kosovo during the Yugoslav period. When I interviewed the head of education at the Gjakova municipality, he proudly mentioned the distinguished history of educated people in Gjakova (Shkumbin 2008). Older Kosovo residents would tell me however that Gjakovars looked after one another and promoted mainly each other. The perception was that it was easier for Gjakovars to graduate from university and find good state jobs during communism.

The waiter’s district of origin, Drenica, is also famous as the modern birth-place of the Kosovo Liberation Army (KLA), the rebel group that fought against the Milošević regime in the 1990s. Hashim Thaçi, Kosovo’s prime-minister since 2007 and a former political leader of the KLA, was born in a small village in Drenica. His party, the Democratic Party of Kosovo (PDK) has its strongest base in Drenica. In the new government, his party favors supporters and networks from the same region (Cocozzelli 2004).

Such regional networks are highlighted during elections in Kosovo. The Alliance for the Future of Kosovo (AAK) party dominates the Dukagjini plain where a branch of the KLA emerged in the mid-1990s. The Democratic Party of Kosovo (PDK) dominates the areas around Drenas and Skenderaj in the Drenica region. These are precisely the areas where most of the election irregularities were observed in the 2010 elections (see Chapter 5).

Research has shown a link between the prevalence of patronage networks and poverty. On one hand, patronage is supplied from the top as part of a strategy by new political parties to reward followers and personal networks with jobs and resources. As studies in post-communist state-building have shown, such a strategy is particularly appealing to political parties that do not differentiate themselves on ideological or policy grounds (Grzymala-Busse 2007; O'Dwyer 2006). On the other hand, patronage is sought from below as well, since poor people leverage their contacts to secure jobs, resources and information. Widespread poverty increases the likelihood of clientelist appeals by politicians (Scott 1969; Stokes 2005). Long-standing rural social structures in Kosovo focused a lot of power on the family patriarch who would assign education and employment opportunities to family members. When a family insider had access to public or private resources, it was expected that he (it was usually a man) would share them with the wider family network.

Research also points to patronage networks as one of the dominant communist legacies that continues through post-communist transitions (Karklins 2005; Ledeneva 2006; Miller, Grødeland, and Koshechkina 2001). Communist legacies also emphasized bilateral and hierarchical ties, stemming from Leninist party networks. The Leninist party founded the Soviet Union and exported the model to the rest of the bloc including Yugoslavia and Albania. While Yugoslavia was unique among communist states to allow for unemployment, public employment

relied on particularistic networks stemming from the communist party. Furthermore, Yugoslav central administration funds for Kosovo were allocated disproportionately toward public employment in Kosovo, in order to stem the high unemployment rate of 60 percent. One in four employed Kosovars in the beginning of the 1980s was a public servant (Pula 2004 :801). When the League of Democratic Kosovo led Kosovo's nonviolent struggle against Milošević's repression, it relied upon Yugoslav formal and informal networks to provide health and education services to the whole population. The Kosovo Liberation Army also learned from the Albanian Leninist model to rely on small secret cells to avoid widespread penetration by Serbian security services (Neritan 2008).

Recent survey data also confirms the power of personalized networks in finding employment. In the 2010 Balkan monitor survey conducted by Gallup Europe (Gallup 2010), 73.7 percent of respondents in Kosovo claimed that lack of good connections prevented them from getting a job, or getting a better job¹³. As can be seen in Figure 2.1 below, this is not Kosovo-specific or Albanian-specific, since it is similarly high in Serbia, Macedonia, Albania and Bosnia/ Herzegovina.

¹³ The survey question was the following: "Now, tell me which, if any, of the following are barriers that prevent you from getting a job: lack of good connections."

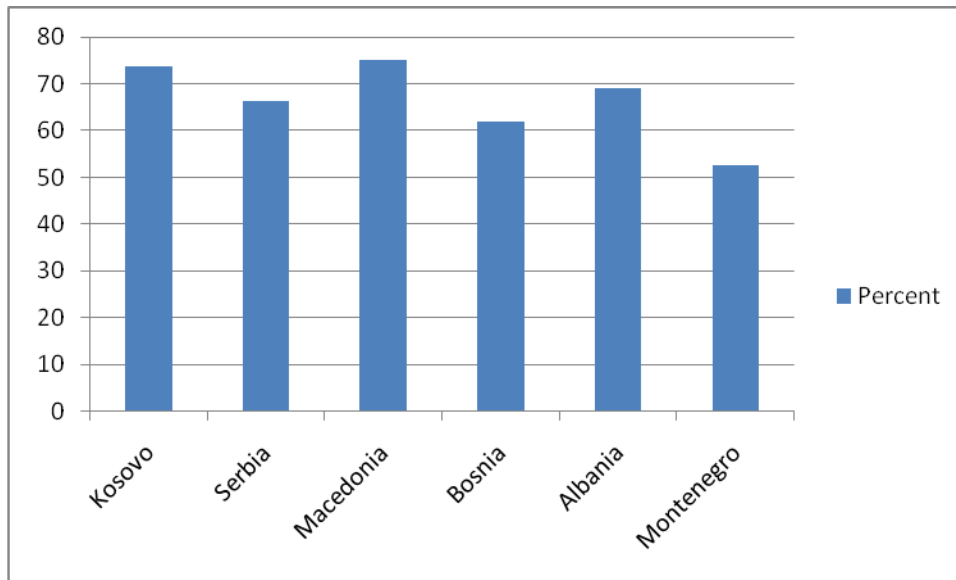


Figure 2.1. Barriers that prevent citizens from getting a job: lack of good connections.

Source: Gallup 2010.

Figure 2.2 indicates that the population in Kosovo views government corruption as a bigger barrier to employment than respondents in other countries in the region. Despite the public's understanding that government corruption undermines economic development, there is a widespread belief that one needs insider contacts to get a job in the administration. This becomes a collective action problem. Ordinary people would benefit if there were no corruption, yet people within privileged networks are not willing to give up their access to jobs and resources. It is not uncommon to hear Kosovars bemoan corruption while asking influential people for favors. This is not just a problem for Kosovo Albanians, since 78.2 percent of Kosovo Serb respondents view their own extensive patronage networks in the administration as an obstacle to employment. However, as we see in Figure 2.2., the percentage of people who view corruption as an obstacle to employment is highest in Kosovo.

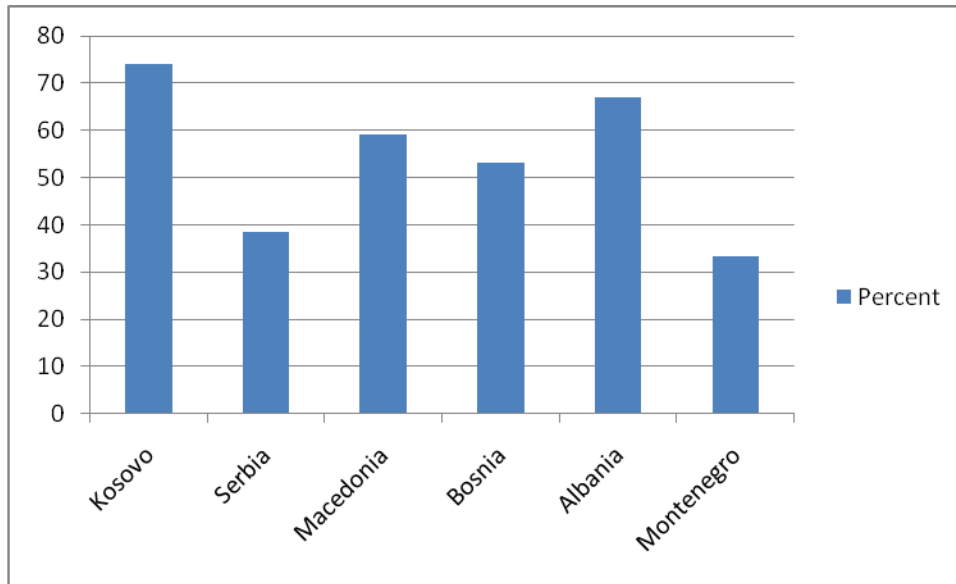


Figure 2.2. Barriers that prevent citizens from getting a job: government corruption.

Source: Gallup 2010.

National homogenization and mobilization of Kosovo Albanians

While earlier research emphasized grievances as the reason behind rebellion (Gurr and Moore 1997), recent works attempt to explain why, despite widespread grievances, some groups fight while others cooperate (Fearon and Laitin 1996; Weinstein 2007). Nationalist mobilization, like other types of mobilization has to solve the collective action dilemmas of free-riding: individuals might not participate since the benefits of such mobilization would be outweighed by the costs incurred by the protester (Olson 1971). However, despite the potential harm to themselves when mobilizing in an authoritarian regime—police beatings, imprisonment, unemployment—people continue to protest (Beissinger 2002; Bunce and Wolchik 2011).

Why did the secessionist movement emerge in Kosovo? One permissive condition was the homogenization of identity among the Kosovo Albanians. The mobilization of Albanian publics in the Milošević era was aided by the homogenization of their interests under state

repression. Collectively, almost everyone lost the jobs they had in public administration, health and education, and all Kosovo Albanians faced fewer opportunities in the public sphere than in the past. In socialist Yugoslavia, university graduates expected professional employment in the public sector. Thus, a new generation of Kosovo Albanians, educated at the University of Prishtina, expected to be employed in various Yugoslav institutions. By throwing almost all Albanian professionals out of public sector jobs, Milošević created enemies out of the urban professional class that had benefitted under the old Yugoslavia. By targeting the national group, the repression also unified the middle class professionals in Pristina with the rural population. The enemy became clear: Milošević and his authoritarian regime. Thus, all Kosovo Albanians lost faith that they would prosper under Serbia (see also Bunce 1999: 28-30).

Yet, shared identity and grievances are not enough to explain the mobilization of Albanians. Both Kosovo and Vojvodina had facilitating conditions for mobilization such as the homogenization of the population under Yugoslavia and the retraction of autonomy by Milošević. However, what made Kosovo different is the international support for mobilizers, higher territorial concentration of Kosovo Albanians, and the legacy of previous Albanian protests in 1981. Erin Jenne makes a convincing case that ethnic groups are more likely to mobilize and radicalize their demands when international support enhances their bargaining power with the state (Jenne 2007). Kosovo Albanians received strong support from the US, Great Britain and international organizations such as OSCE which empowered them to stop collaborating with the Serbian state apparatus and ask for outright secession. On the other hand, the Hungarians in Vojvodina radicalized their claims by asking for more territorial autonomy when the Hungarian state supported their claims, but started collaborating with Belgrade after the external sponsor backed off (Jenne 2004). However, what Jenne does not consider are the other

two relevant factors that make Kosovo different from Vojvodina: territorial concentration of minorities (Coakley 2003) and protest legacy. The territorial concentration of the Hungarians in Vojvodina is low, 14 percent, while the majority population identifies as Serb, due to low demographic growth, emigration of minorities and settling by Serb minorities, especially after the wars in Bosnia, Croatia and Kosovo (Gudurica 2010). In comparison, Albanians constituted between 85 and 90 percent of Kosovo's population by 1991. In addition, the politicization of protests in 1981 sowed the seeds for further mobilization in Kosovo as protesters were beaten, imprisoned and further radicalized during the 1980s (Clark 2000).

The success of the secessionist movement in Kosovo in achieving a state that is recognized widely is also puzzling, since Kosovo did not have a political identity as an autonomous region until the 20th century (Malcolm 1998). Kosovo's legal status as an autonomous province under Yugoslavia did not give it the right of secession according to the recommendation of the Badinter Commission (Weller 2009). If successful nation-state projects arise out of political institutions that exist prior to independence (Roeder 2007), then why has Kosovo been more successful than a range of other state-like entities (King 2001)—Abkhazia, Nagorny Karabakh, South Ossetia, Transnistria—in receiving international recognition for its declared statehood¹⁴? In addition to the legacy of being an autonomous province and the local mobilization, strong international support during the war and then the reconstruction of Kosovo has been essential for the success of the secessionist movement. Kosovo attracted the attention of international actors such as the OSCE, European Union and the US Congress and President. In terms of geopolitics, Kosovo was indeed central to the Balkan stabilization project undertaken by

¹⁴ As of January 2011, 74 UN member states have recognized Kosovo, including 20 out of 25 European Union members. In comparison, Abkhazia and South Ossetia are recognized by 4 UN member states (Russia, Venezuela, Nicaragua and Nauru), while Transnistria and Nagorno Karabakh are recognized by no UN member states.

the US and European Union, even though it was not in Russia's sphere of influence. By December 1992 the then-President George Bush issued the so-called Christmas warning to Milošević on Kosovo: "In the event of conflict in Kosovo caused by Serbian action, the United States will be prepared to employ military force against the Serbs in Kosovo and Serbia proper" (quoted in Rushefsky 2002: 141). The Clinton administration also referred to this early warning as it was considering actions on the ground. After Kosovo declared independence, its international patrons, the US and most of EU member states, lobbied on behalf of Kosovo for its recognition.

The Albanian emerging strategy in the 1990s was nonviolent resistance and attraction of international support through an emphasis on human rights violations. Albanian elites and publics saw that the Yugoslav and Bosnian Serb armies committed ethnic cleansing during the Bosnian war of 1992-1994, and they feared the destruction and forced removal of the Albanian population from Kosovo if they switched to violent conflict. In addition, the Albanian elites learned that international organizations and the US reacted positively toward their cause when they received information about the repression of human rights violations in Kosovo. Rugova—the Sorbonne educated Albanian leader—believed that violent insurgency by Albanians would give license to ethnic cleansing and undermine their international political support. As a result, their struggle was framed in the nonviolent resistance model which also suited the belief system of the Kosovo leader, Ibrahim Rugova (Pula 2004).

This period of nonviolent resistance in Kosovo enjoyed wide-spread support among the Albanians. The parallel institutions of education and health were funded by two voluntary taxes: a 3 percent income tax paid by the diaspora, and a 10 percent tax paid by local businesses. The OSCE had a mission to observe human rights violations on the ground throughout the 1990s

(Tomuschat 2002). LDK members, former police officers, and civil society organizations like the Council for the Defense of Human Rights and Freedom (CDHRF) also recorded human rights violations in every village and town in Kosovo (Pula 2004: 808). The human rights violations would then be promulgated through email and other forms of communication to the wider international community.

The Bosnian Dayton Accords thwarted this expectation that nonviolent resistance would compel the international community to work on Kosovo's problems. In order to get Milošević to agree on an accord on Bosnia, the US mediators left the Kosovo issue off the negotiation's agenda (Clark 2000). Frustrated, some Albanian activists started to question the strategy of nonviolence, and marginal groups that were advocating for violent insurgency found it easier to attract supporters. Unfortunately, one of the "lessons" that some local actors received from Dayton was that the international community reacted only to war and spilled blood. Howard Clark (2000), an activist scholar who followed closely the nonviolent movement, argued however that nonviolence strengthened resistance and increased the salience of Kosovo's struggle for autonomy.

The first proponents of a militant guerrilla army started to organize in 1993 in the Drenica mountainous region that had a tradition of violent resistance against the Yugoslav army. The nascent Kosovo Liberation Army (KLA) was supported by diaspora funding from recent emigrants in Switzerland, USA and Germany, who supplied weapons and recruits in addition to financial resources (Hockenos 2003). As KLA members started to hit Serb forces and run, the Serbian army reacted by bulldozing homes and villages in what people saw as indiscriminate violence. Indeed, indiscriminate violence is not effective because it mobilizes bystander members of the community into the guerrilla army (Kalyvas 2006). In the Serb

counterinsurgency war in Kosovo between 1998 and 1999, the Serb military and paramilitary forces did not intend to protect the general Albanian population while attacking insurgents. Instead, through sheer force and scorched earth tactics, they wanted to teach a “lesson” to the Albanian population so that they did not support the guerrilla army. Indiscriminate violence however alienated the Kosovo Albanians and increased the number of KLA recruits. Nonetheless, on its own, the KLA could not defeat its enemy, which was bigger in number and technologically more advanced. It was NATO’s military intervention in 1999 that shifted the balance of forces on the side of the Albanian insurgents.

The international community intervened in Kosovo as a result of the inaction in Bosnia and the humiliation of NATO soldiers who had not prevented the mass murder of Bosnian civilians in Srebrenica, the purported UN safe zone (LeBor 2006). It took the US and European community 3 years and 200,000 dead people to intervene in Bosnia. The British Prime Minister Tony Blair argued that the international community faced the same actor in Kosovo, Slobodan Milošević, who had continued his policies of ethnic cleansing (Blair 2010: ch. 8)

As a result, NATO intervened in Yugoslavia to prevent human rights violations in Kosovo before massive human rights violations occurred. While NATO planes bombed military installations, bridges, and even a national TV station in Serbia, the Yugoslav army started to ethnically cleanse Kosovo. Military and paramilitary forces entered Albanian homes in villages and towns and threatened to kill people if they did not leave immediately. Images of huge lines of cars and tractors overflowing with fleeing Albanian refugees filled the international media. According to UNHCR, by the time the NATO bombing ended, 848,100 Albanians had fled Kosovo. Including the internally displaced people, 1.45 million Albanians were displaced, or three fourth of Kosovo’s population (quoted in Judah 2008 :88). After 78 days of NATO

bombing, the Serb troops and the Serb state left Kosovo. A portion of the Serb civilians also left with the withdrawing troops, fearing retaliation from the returning Albanians. Their fears were not unfounded. Various Albanian militant groups targeted remaining Serb civilians immediately after the war (King and Mason 2006: 52-68).

Scholars and intellectuals disagree about the motivation of NATO's intervention in Kosovo. After all, it was NATO's first war as it neared its fiftieth birthday. On one hand, the intervention could be seen as the harbinger of a new era in international relations, where the international community had a responsibility to protect vulnerable populations under a repressive state (Evans 2008). Noam Chomsky, however, saw the intervention as just another American imperial enterprise, linking it to other military incursions in Latin America (Chomsky 1999). An unintended consequence of humanitarian intervention doctrine was that it empowered insurgents to escalate attacks against the state military hoping that the massive counter-attack would invite international military intervention (Kuperman 2008).

International Mandate

After the failed Rambouillet diplomatic accords, NATO intervened in Kosovo without the approval of the UN Security Council. At the end of a controversial 78 days of bombing (Daalder and O'Hanlon 2000), the US and Britain managed to push a resolution through the UN Security Council that was approved by Russia, after Serbia gave its consent. As such, the resolution was ambivalent about the biggest issue on the table, the future status of Kosovo. The UN Resolution 1244 gave the mandate to the Secretary General to "establish an interim civil presence in Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while

establishing and overseeing the development of provisional democratic self-governing institutions” (UN 1999: para. 10). In effect, Kosovo became a UN trusteeship 5 years after the UN had terminated its own Trusteeship Council. While Kosovo’s status was unclear, the UN had a mandate to both administer the territory and build new institutions.

In a twist of diplomatic ambiguity, Resolution 1244 promised administration to the United Nations, substantial autonomy to Kosovo Albanians and sovereignty to the Serbs. A product of negotiations between Russia and the Western veto holders in the UN Security Council, it had to be sufficiently ambiguous so that it would pass. Serbia, whom Russia backed, did not want to give up their control of the province. The Kosovo Albanians also wanted to be able to run the territory themselves.

It is no wonder therefore why senior international officials in Kosovo struggled to make the mandate clearer for their operations. In the words of Sergio Viera de Mello, the first interim UN administrator, the UN administration was “an effort to combine motherhood and virginity” (Power 2008: 280). Bernard Kouchner, the famous humanitarian who founded both Doctors without Borders and Doctors of the World and the first official Special Representative of the Secretary General, was also confused about how to interpret the mandate. He claimed to read the resolution every day in the morning and still not resolve the paradox between international administration and self-government (Chesterman 2004 :132).

Why did the UN end up with the mission to administer Kosovo, and not the OSCE or the European Union? Prior to its mission in Kosovo, the United Nations had never had the mandate to administer its territory, so it was unclear if it had the capacity to conduct such an ambitious mission. The G8 group (USA, Great Britain, France, Germany, Japan, Canada, Italy and Russia) decided on the UN over the other international organizations as a compromise choice during the

negotiations over resolution 1244. In the UN Security Council, veto-holder Russia rejected the OSCE option, while the US rejected the EU option. The UN Secretariat was justifiably worried about assuming such a big mission at such a short notice and without sufficient resources (Zaum 2007:132). None of the international actors therefore chose the United Nations over the other organizations because they viewed the UN as the most capable bureaucracy to build institutional capacity in Kosovo.

The members of the Quint group—France, Germany, Italy, the UK and U.S.—and the UN secretariat created a United Nations Mission in Kosovo (UNMIK) based upon the lessons of the Bosnian intervention. Bosnia taught the international community the lesson that coordination among the myriad international organizations and nongovernmental organization was important (Covey 2005: 73-97). The lack of international coordination in Bosnia created logistical nightmares and slowed down the implementation of the mission. Hence, a Special Representative to the United Nations would lead all the civilian reconstruction and institution building in Kosovo to ensure better coordination at the central level.

The Quint provided funding for the various international organizations on the ground, UN agencies, OSCE, EU, in addition to various international and local NGOS. The Quint states also made the big decisions about the broad lines of responsibility for each organization. However, once the responsibilities were divided, international organizations had significant autonomy from their headquarters on the ground. Jock Covey, the deputy chief of UNMIK in 1999-2001, claims that UNMIK tried to have the foreign policy of a small state, facing many constraints, but still making choices and seeking international allies with some degree of discretion (Covey 2005: 73-97).

The international intervention in Kosovo was a massive undertaking. In 1999-2000, 44,000 highly trained NATO forces and 4,700 international police were stationed in Kosovo. The author recalls walking in the main streets of Prizren and Prishtina, two of the main cities, and seeing German and British soldiers manning tanks and military vehicles. The impoverished population cheered their liberators in scenes that reminded him of iconic images of French celebrations of the arrival of Anglo-American troops in 1944.

Like Bosnia, another Yugoslav war, Kosovo received a significant amount of aid and resources compared to conflicts in Africa and Asia. Between 1999 and 2008, Kosovo received 3.5 billion Euros in international aid. As Figure 2.3 below indicates, the 557 USD per capita for first two years is more than twice the ratio for Bosnia (227) and East Timor (240), and almost 10 times higher than the resources placed in Afghanistan.

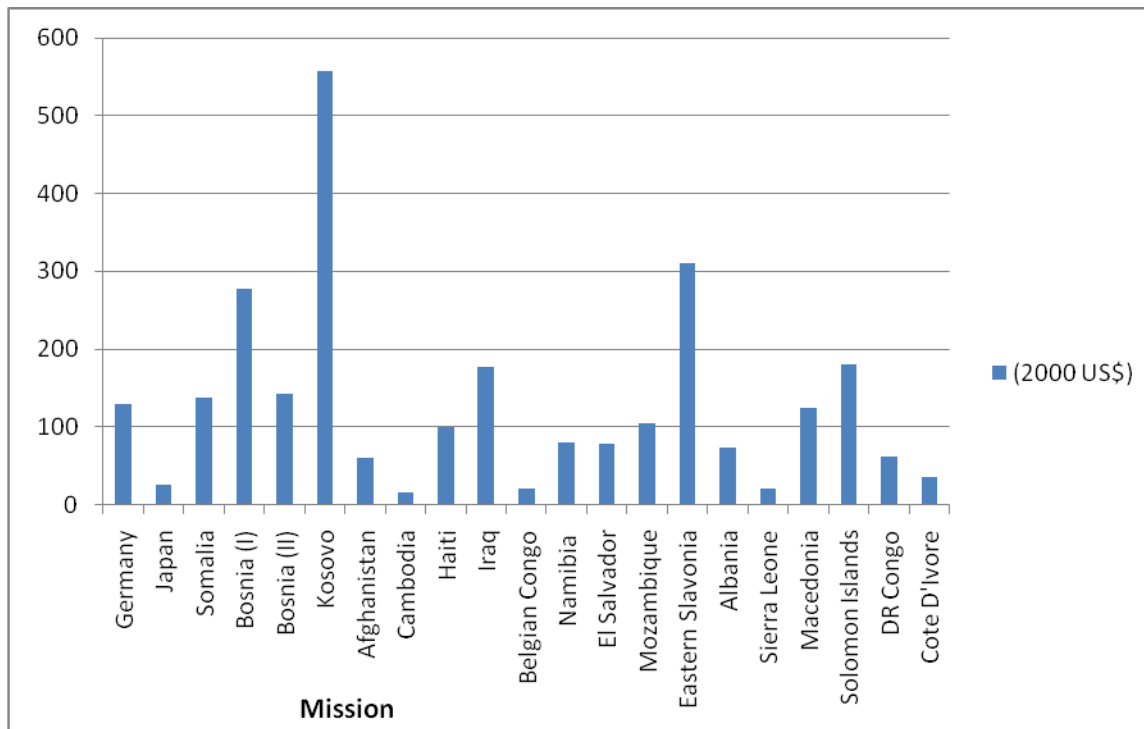


Figure 2.3. Average Annual Per Capita Assistance over the First two years of operations

Source: RAND Corporation (Dobbins et al 2008: 221).

Such disbursement of resources attracted critics in unusual places. The Egyptian UN Secretary General Boutros Boutros-Ghali was met with outrage when he called the Bosnian conflict “a rich man’s war” during a 1992 visit in Sarajevo. He added that “you have a situation that is better than ten other places in the world. I can give you a list” (quoted in Power 2008 : 131). Boutros-Ghali’s intended to shame the US and European Union into intervening in Africa’s internal wars, and not just the European ones. Unfortunately, telling Bosnians and Kosovars that people in Somalia or Afghanistan lived a more miserable life was no consolation for their struggle to survive.

Managing the Conflict and Building Institutions

In the beginning UNMIK faced two major local conflicts, between Kosovo Albanians and Serbs and between the KLA and LDK Albanian factions. While the international focus was on the interethnic conflict, the animosity between the former KLA and LDK in the wake of the war could have led to a new civil war among Kosovo Albanians. The KLA militant leadership viewed the League of Democratic Kosovo people as “Serb collaborators” and therefore “traitors to the national project”. Ibrahim Rugova, the LDK leader was especially apprehensive about coming back to Kosovo after the war, despite entreaties from Bernard Kouchner, the UN Mission leader. Only later did the UN leadership learn about the source of Rugova’s fears. Soon after the end of NATO bombing, KLA militants had apprehended and tortured five of Rugova’s bodyguards, executing four of them (Covey 2005: 99). Rugova remained in Italy for months before returning to Kosovo.

UNMIK’s strategy was to slowly incorporate the elites through a carrot and sticks policy. The UN Mission offered positive inducement such as incorporation in the government to factions

who supported them and penalized the factions who opposed them. This strategy, formulated and implemented by the Deputy SRSG, Jock Covey, was incremental and allowed the participants to build on previous interactions and successes (Covey, Dziedzic, and Hawley 2005). There were four components of this strategy:

- 1) Fostering dialogue among former enemies by persuading them to talk to each other.
- 2) Building confidence between the different international and local parties.
- 3) Supporting moderate leaders who collaborated with the international community.
- 4) Formalizing gains and repeating the process through agreements, elections and other formal undertakings.

The incorporation of both LDK and PDK in the Kosovo Transitional Council (KTC) and the Joint Interim Administrative structure brought the main Albanian factions together, while the elections in November 2001 started the process of including the Kosovo Serb leaders in peacemaking. In 1999, UNMIK convened the Kosovo Transitional Council—including all major political parties and ethnic groups—in a consultative role as a nod to Kosovar’s self-determination demands. However, UNMIK personnel were nominally in charge of administering the territory (Dziedzic 2002: 37-39).

There is never a lasting political vacuum in post-war situations, and Kosovo was not an exception. With the departure of the Serb administration and police force, two parallel administrations existed in Kosovo, representing the two main local Albanian factions. LDK’s parallel institutions of the “Republic of Kosovo,” that provided education and health services during the 1990s, demanded recognition as the legitimate government in Kosovo. The KLA had also formed the “Provisional Government of Kosovo,” appointing mayors who did not report to UNMIK. The general population accepted the international interveners as liberators, however.

One of the early polls after the war in 1999 indicates that the population viewed the UN administration as more legitimate than either of the two local administrations (Index Kosova 1999).

In order to ensure UNMIK's full control over the territory, the UN accepted the demands of Albanian politicians for more participation and consultation in the administration of Kosovo. On 15 December 1999, the UN head signed the "Agreement on a Kosovo-UNMIK Joint Administrative Structure" (UNMIK 2000). The Albanian leadership agreed to dismantle their parallel administrations in return for the creation of an UNMIK advisory body—the Interim Administrative Council—and the Kosovarization of the central administrative departments and municipalities—mandating that in all bureaucratic structures one co-chair was international and the other local. Departments reported to the UN structures however, ensuring the centralization of authority (Zaum 2007: 136). UNMIK therefore acted in the classic role of state-builders in Europe who co-opted local elites by giving them some authority in the central administration (Berman S. 2010).

The structure of the UN mission in Kosovo (UNMIK) included 4 pillars that would report to the head of the mission, the UN Special Representative of Secretary-General (SRSG). The UNMIK head exercised the executive, legislative and judicial authority vested in the mission. The UN High Commissioner for Refugees, (UNHCR) led Pillar 1, Humanitarian Affairs, until June 2000, in order to tackle the issue of emergency post-war resettlement of Refugees, Relief Efforts and Mine Action. The UN also led Pillar II, Civil Administration, that in 1999 included the international civilian police (CIVPOL), Judicial Affairs, Courts, and Civil Affairs (Civil Service, Social Services, Health and Education). OSCE was charged with Pillar III, Institution Building. This consisted of a Capacity Building component that included the training of judges,

police and local administrators; a Democratization and Governance component that included Civil Society Development, Political Party Development, Media Development, and Election; and a Human Rights Component that included the Monitoring of Human Rights and the Ombudsman. The European Union led Pillar IV, Economic Reconstruction, which included transport, agriculture, and revenue generation.

The UN transferred some bureaucracies to locally elected leaders in 2001 and 2002 while retaining some competencies until the declaration of independence in 2008. The constitutional framework of 2001 set up the responsibilities that would be devolved to the public. Consistently with the legal interpretation of UN Resolution 1244, international organizations retained authority over matters concerning sovereignty and security. According the deputy chief of UNMIK in 2001-2004, the UN mission in Kosovo was vested by the Resolution 1244 with ultimate authority over sovereignty and security (Brayshaw 2011).

The UN devolved powers to the central government in 2002, while it retained the responsibilities of the customs service and the police service until Kosovo’s independence in 2008. After 2001, the UN assumed responsibility for the Department of Justice and police. The UN also retained ultimate authority over Kosovo government budget, in order to ensure that international priorities in Kosovo were respected. The OSCE led in Institution Building, which focused on elections and the police school. The EU retained authority over the customs service and fiscal affairs among others.

Table 2.1 below summarizes the different international organizations responsible for the specific bureaucracies discussed in Chapter 3 and 4.

Table 2.1. Responsibilities of International Organizations

Kosovo bureaucracy	International organization	Year of Transferred Authority
Customs Service	European Union	2008

Police Service	OSCE (training); UN (recruitment and field work)	2008
Central Administration	UN	2002 (2008) ¹⁵
Courts	UN	2002 (2008)

Importantly, international and Kosovo Albanian actors built up the new institutions from scratch instead of recycling them from the past. This is surprising, since between 1974 and 1989, Kosovo functioned as an autonomous province in Yugoslavia that had its own institutions, such as police service, judiciary, courts, and a central bank, with significant autonomy from the federal government. Two main reasons accounted for this bias toward building new institutions.

First, the international administrators who ran Kosovo after 1999 preferred to create new institutions with as little Yugoslav legacy as possible. When the UN sent a “discovery mission” after the war, they found that with many Serbs joining the departure of the Serbian army, there was no existing local administration to reconstruct Kosovo. The old Albanian administrators were accustomed to the Yugoslav system that was different from the new liberal regime that the international interveners preferred (Zaum 2007 : 132). Hence, the international administrators preferred to start a new administration according to a liberal cultural script that included a democratically elected government and a strong civil society.

Second, the discontinuity of Kosovo’s autonomous institutions between 1989 and 1999 meant that the structure of institutions and the skills of individuals atrophied. Many professionals complained that they could not use their skills during the decade of direct Serbian rule. After Belgrade revoked Kosovo's autonomy in 1989, Kosovo Albanians could not work anymore in state institutions or factories (Judah 2008: 74).

¹⁵ The final and formal transfer of competencies occurred when Kosovo declared independence in 2008.

Status Negotiations and Supervised Independence

The riots in 2004 accelerated the status process because of the desire of the international organizations to prevent further instability (King and Mason 2006). By 2004, the only international organization that generated widespread public satisfaction with its work was NATO. All the other organizations experienced significant drops in local support (UNDP 2007). Why did the local population trust their international organizations less? The UN Mission in Kosovo lost part of Albanian hearts and minds when it tried to reach out to Belgrade in order to convince the local Kosovo Serbs to participate in elections. Fomenting and capitalizing on the fears of Albanians that the UN would bring Serb domination back to Kosovo, the Albanian parties started to outbid each-other as each claimed the pursuit of independence as their main goal (Rama 2006). In the word of a Kosovar expert employed at an international organization:

Demand for independence has come in response to Serbian repression. It is not 'politics of nationality' or 'politics of Identity'. This is the 'politics of rationality'. Belgrade repressed and violated you as human being and forced you to demand independence. Because of this, whenever the internationals have denied them independence, Albanians immediately thought that they are with the Serbs. 'So, if you want us to return back to Serbia, to trample us, have us deported and kill us'" (Mark 2008).

In the status negotiations in 2005-2007, the positions of both Belgrade and Prishtina were mutually exclusive. Belgrade aimed to continue its territorial sovereignty even though in the short term it would not rule Kosovo, and in the long term it would have significant limitations in its rule. Belgrade also wanted the international community to continue to provide peace and security in Kosovo, in contrast to its position in the Rambouillet negotiations. Prishtina's position was that nothing short of independence would satisfy their demands, and they were willing to make many smaller concessions for their maximalist position. Despite their differences, all the Albanian political factions agreed on independence. Kosovo politicians knew

that the international community needed to come up with a solution sooner rather than later. The various explosions around Prishtina when international representatives visited Kosovo provided the indirect threat that there might be instability if the international administration of the province would not pave the way to full independence (Weller 2009: 198-202).

Importantly, the international organizations in charge on the ground knew that it was unlikely that Kosovo would return to Serbia's authority. Kosovo's autonomy was illegally abrogated by Belgrade in 1999, and the Serb repression in the 1990s had alienated Albanians who constituted 90 percent of the population. The construction of the new state institutions in Kosovo after the international intervention made it even more likely that Kosovo would not return to Serbia.

Since the mediated negotiations between the Serb and Albanian parties did not achieve an accord, the UN special envoy, Marti Ahtisaari, recommended that Kosovo enter a supervised independence stage. Kosovo leaders coordinated the declaration of independence in February 17th, 2008, with their international allies, the US, Great Britain, France, and Italy. With independence, Kosovo's institutions passed from the responsibility of the international community to local control. However, the Ahtisaari agreement made sure that newly declared state would be supervised by various international bodies for at least three years after the state became an international reality.

Even though they show less support for individual international organizations, such as UNMIK, Kosovo Albanians recognize that international community has been helpful to them. The Gallup organization asked the following question in each Balkan state: "[t]hinking of the last 25 years taking everything into account, overall how would you describe the international community's role in your country?" (Gallup 2010). Figure 2.4 below illustrates the degree to

which Kosovo Albanians and Albanians see the role of international community as very helpful in their postcommunist transition. 74.5 percent of the Kosovo respondents believed that the international community has been helpful. By contrast, only a small minority of people in Serbia, Republika Srpska in Bosnia and northern Kosovo, however, view the international community's role as helpful. Such results should not be surprising considering the loss of territories by Serbia and the anger about the NATO bombings over Kosovo.

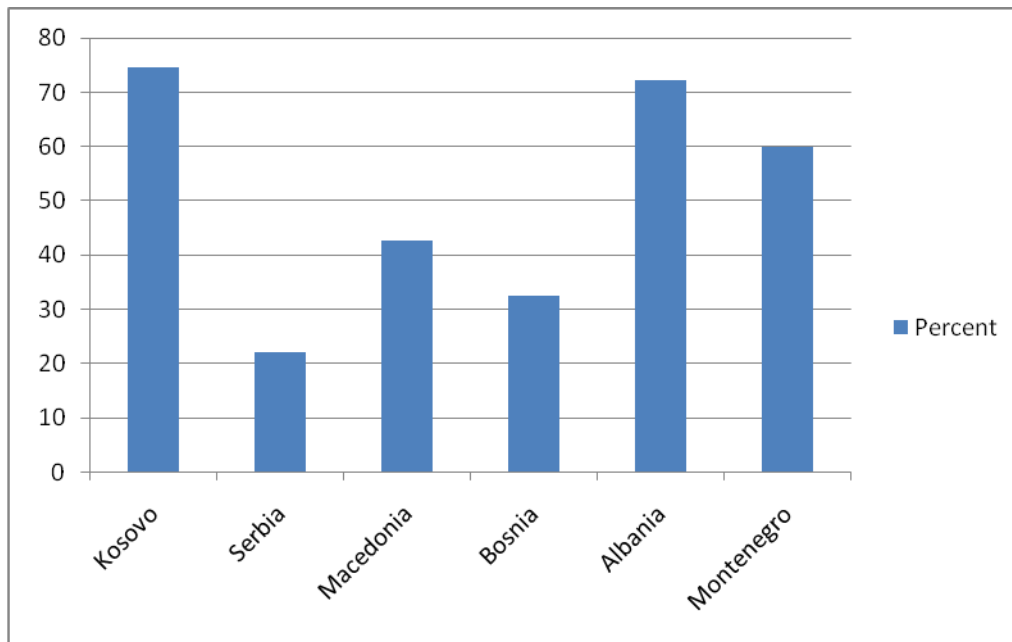


Figure 2.4. Public perception of the role of international community in each country: extremely helpful or helpful. Source: Gallup 2010.

Concluding remarks

Kosovo state-building and democratization demonstrate the power of institutional legacies as well as the choices made by local and international actors. Contrary to popular perceptions, the Ottoman and Yugoslav legacies supported the construction of nationalist identities in Kosovo. However, ethnicity or nationality was not fixed, but fluid throughout the

history of Kosovo. Clientelist practices relied on even more particularistic identities than national, since the social network comprised friends, kin or political party.

In addition to institutional legacies, political actors made choices that shaped political outcomes. The abrogation of Kosovo autonomy by Milošević and subsequent Serb repression homogenized Albanian national interests who mobilized in support of their human rights. The international community chose not to invite Albanian representatives in Dayton, and then chose to intervene militarily against Serbia.

The political outcomes of these choices were often unexpected and unintended. The abrogation of autonomy by Milošević ensured that Albanians did not want to remain within a Yugoslav federal state. In the beginning of NATO's intervention to save Albanians from Serbs, Milošević forces forcibly removed three fourth of the population. After the war, NATO troops had to protect the Kosovo Serbs from Albanian retaliation. International administration was also supposed to be neutral toward the future status of Kosovo. However, the self-governing institutions that the UN mission helped to build became the core bureaucracies of the newest state in Europe.

In a region permeated by international influences, Kosovo became the site of one of the most extraordinary experiments in international governance. Chapter 3 and 4 investigate the effectiveness of the various central level bureaucracies in Kosovo. In the past ten years, Kosovo also went from an international non-state protectorate to a unilaterally declared independent state with diverse levels of bureaucratic effectiveness. Built under the international approach of local ownership, the central government and judicial system are embedded in a patronage system that rewards party loyalists and family members of local politicians. On the other hand, the customs service, run by professional officials selected through a competitive recruitment process, supplies

most of the revenue for the new state. Kosovo police officers conduct basic policing operations professionally and receive solid training from a domestic police academy. The last two bureaucracies were insulated from political clientelism by international actors.

Since 1999, Kosovo has made an uneven progress in becoming more democratic despite wide-spread poverty, lack of democratic traditions and ethnic division. Chapter 5 also explores the various measures of democratization in Kosovo and investigates the conditions under which international actors supported democracy in Kosovo.

CHAPTER 3

“DEADLY COCKTAIL”:

WHEN BUREAUCRACIES DO NOT PERFORM

The situation here [in Kosovo] is not brilliant and we are a lot to blame. We, I mean the western international community. We have maybe invested here in the worst way and we were not very careful with the money. Each time I take a look at the numbers, I notice that 80% of the investment was made on consultancy and capacity building and, practically speaking, we didn't build any capacities.

Major General Raul Cunha (2008), Chief Military Liaison Officer of UNMIK

“We have low quality public administrators in our bureaucracy. They get some training, but since their quality is low to begin with, their capacity remains very weak.” Thus spoke the Kosovo former prime minister responsible for building the central administration in the crucial early period between 2002 and 2004 (Rexhepi 2009). This is a frank admission from one of the local builders of central administration. Importantly, both international and government officials agreed on the low quality of the administration.

Kosovo's judicial system is also universally viewed as ineffective. Interviewees from government, civil society and international organizations were least satisfied with the court system in Kosovo. One young Kosovar employee of an international organization claimed that he or his friends would think twice before utilizing the judicial system. The case might not get adjudicated for years, and the richer party would probably bribe the judges (Mark 2008). If educated and highly paid local professionals believed their access to the legal system to be compromised, then ordinary citizens were even more dissatisfied with the judicial system.

Why are the central administration and the courts so unsuccessful in fulfilling their missions? It is surprising that these bureaucracies do not perform well since both relied on local

ownership and knowledge earlier than other state institutions. These bureaucracies were effectively under local control since 2002, six years before the customs service and the police force. As explained in Chapter 1, local ownership and knowledge are widely hypothesized to enable effective state-building through making elected leaders accountable to voters and relying on local priorities (Scott 1998: 6, 316-319; Weinstein 2005). If the local ownership hypothesis is sound, then both of these bureaucracies should be performing better than the bureaucracies that remained under international control until 2008. Elected politicians have had formal and practical control over the central administration since 2002. The turnover of elected officials also suggests that voters should be able to hold politicians accountable for their administration. While the UN exercised formal control of the judiciary, local judges had practical authority over at least ninety-five percent of the legal cases in Kosovo.

In addition, both central administration and the court system have been consistently supported by the international community with significant technical and financial resources. Various scholars argue that international resources are crucial to the building of bureaucratic effectiveness, and such support should have presumably helped these bureaucracies (Dobbins 2008; Fearon and Laitin 2004; Krasner 2005).

This chapter analyzes the institutional evolution of two bureaucracies, the central administration and the judiciary system. I rate their effectiveness using three indicators: mission fulfillment, penalization of corruption, and bureaucratic effectiveness. I then illustrate how their lack of insulation from political interference undermined these institutions' performance. I conclude by drawing some preliminary implications about local ownership and the clientelist bureaucracy. After analyzing two types of competent bureaucracies in Chapter 4, I revisit this line of argument by rejecting alternative hypotheses that could explain variation in bureaucratic

effectiveness, such as past institutional legacies, crowding out of capacity by international organizations, and international assistance.

Measuring the Bureaucratic Effectiveness of Central Administration and Courts

Mission Fulfillment of the Central Government of Kosovo

The mission of the central government is to prepare laws for Kosovo's parliament, formulate policies and strategies and provide a framework for enforcing them. Even respondents from the central government agreed with the general perception held by the public, civil society and international organizations, that the government lacked capacity to prepare and enforce policies. They usually attributed the lack of capacity to either uncompetitive low salaries or lack of experience in governing (Rexhepi 2009).

Public satisfaction with the Kosovo central government declines when the population perceives that the international administration was no longer responsible for governing Kosovo. As figures 3.1, 3.2 and 3.3 below indicate, when Kosovo residents believed that the UN mission was responsible for their political and economic situation, their satisfaction with Kosovo's central government ranged between 70 and 80 percent. As explained in Chapter 2, between 2002 and 2007, Kosovo politicians promoted the idea that, as they were focusing on independence, they should not be criticized for the lack of attention to socioeconomic issues. The international negotiations on Kosovo's status in 2006-2007 made it clear that the issue depended on decisions made by the UN Security Council and the international community. As Kosovo Albanian residents understood that their leaders were not ultimately authorized to declare independence, their satisfaction decreased during 2006 and 2007. Kosovo's population was the poorest in Europe, and they had high expectations that independence would bring peace, international

investment and prosperity. After the declaration of independence in 2008, the public believed that their government was responsible for their political and economic situation, and therefore the public satisfaction rate dropped to fifty percent in 2009 and then to 25 percent in 2010. While a public satisfaction rate of fifty percent in 2009 might seem high, there are two caveats to keep in mind. First, it is much lower than the 81 percent public satisfaction with the police force. Second, despite being the poorest country in Europe, Kosovo citizens have continually been the most optimistic in various Balkan polls. This seems to suggest that because they started at a low baseline, respondents are in a position to be more optimistic for bigger changes (Gallup 2008; Gallup 2009).

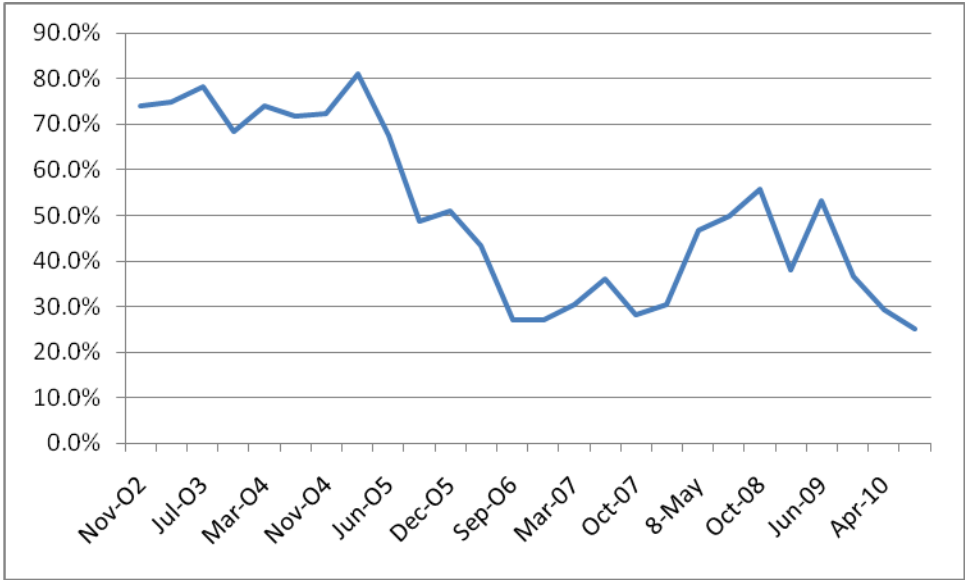


Figure 3.1. Public Satisfaction with the work of the Government of Kosovo.

Source: (UNDP Kosovo 2010).

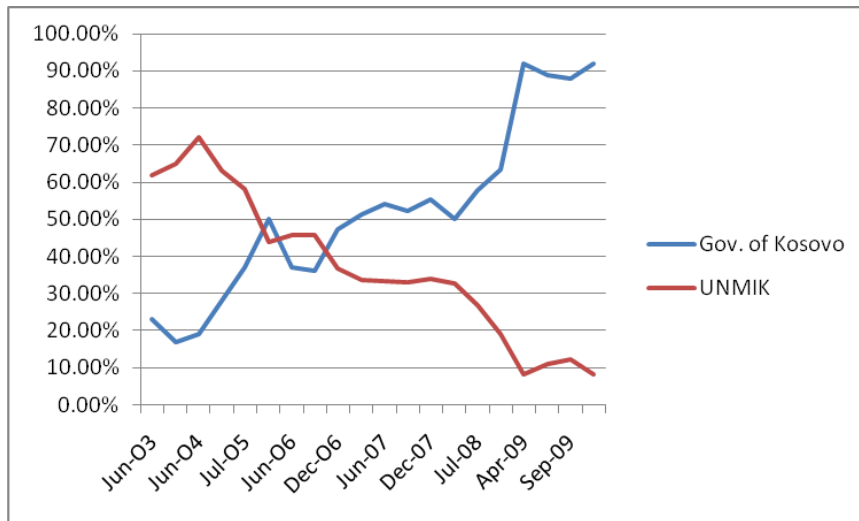


Figure 3.2. Who is responsible for the economic situation in Kosovo?

Source: Early Warning Report 27 (UNDP 2009).

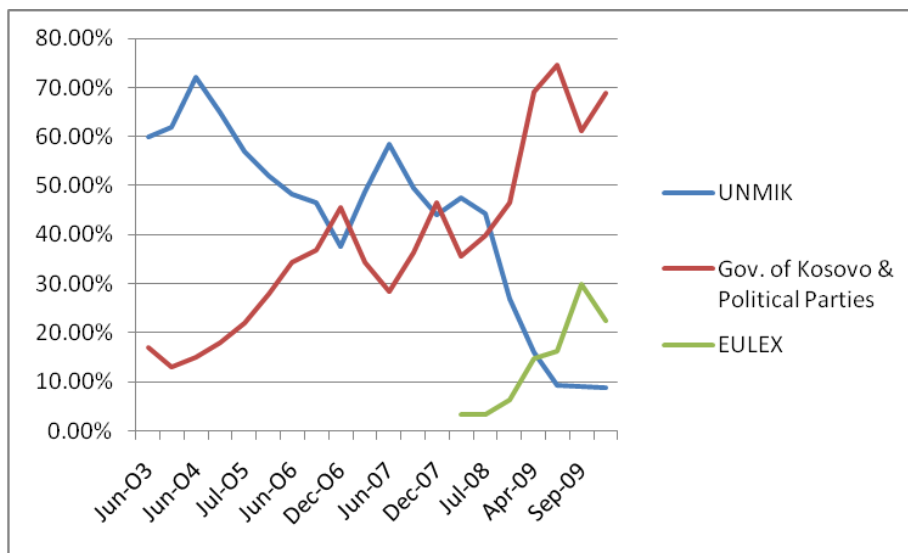


Figure 3.3. Who is responsible for the political situation in Kosovo?

Source: Early Warning Report 27 (UNDP 2009).

International organizations have also produced critical reports on the performance of the central administration. The report of the Support for Improvement in Governance and Management (SIGMA), a joint initiative of OECD and European Union, is openly critical of the

administration's capacity, arguing that it has passed a "large number of laws," that are often incoherent (SIGMA 2008: 20). In addition, "enforcement capacities remain weak due to the difficulties in understanding and implementing the legal puzzle, the atypical and fragmented administrative organization, and the unclear reporting lines and accountability of administrative bodies" (Sigma 2008:1). Another international report also characterized the situation in the civil service as problematic, claiming that "despite some progress related to the adoption of an action plan and some legislation, public administration reform still needs to be implemented. The most important legal acts remain to be adopted" (European Commission 2008:12). While the law of civil service that stipulates meritocratic recruitment and advancement was passed in 2010, it is unclear how it will be implemented, since the current administration officials were usually selected through particularistic networks, and not on merit-based criteria.

Organizational and legal confusion occurred due to the outsourcing of the formulation of laws and policies to external consultants. The central government had few experts to create these laws and usually relied on consultants paid by international organizations. The UN Mission also relied on external consultants to create policies. While Kosovo's parliament approved many of these laws, the central administration approved sectoral policies on education, health or the environment. Before the 2008 declaration of independence, the UN Special Representative had to endorse all the laws before they became binding. While some policies were created with the participation of domestic special interests, many other policies were written quickly through a process of "copying and pasting" of laws from other countries. An international constitutional expert expressed his frustration about basic mistakes in the drafting of Kosovo laws.

The drafter needs to write a concept paper that stipulates why the society needs the law, what it is trying to regulate, what other laws it modifies, annuls, and how it fits into a framework of other laws. In addition, the law should specify the required budget and the

time when the law starts to be enforced. Sometimes, none of this is done in Kosovo. Often, different members of the team copy different sections of the law from different countries, usually from former Yugoslavia, Macedonia, Bosnia and Herzegovina, Slovenia, Croatia, Montenegro, and Serbia. However, the legal advisors and the government do not check if the different sections are consistent with each-other (Robert 2008).

Gerd, another international lawyer working as a consultant for a European Union project was puzzled at how experts translated laws without regard for their institutional preconditions. For example, an expert translated a law from Slovenia that included a non-profit foundation that would facilitate the implementation of the policy. While the foundation already existed in Slovenia, such an entity did not exist in Kosovo and jeopardized the implementation of the policy (Gerd 2008).

A Kosovo think tank, Kosovar Institute for Policy, Research, and Development (KIPRED) also criticized the process of legal and policy formulation in an aptly named report: Laws without policy: waste, dead letter and futility:

Bad policies make bad laws and vice-versa. But laws without policies are even worse. In the old [Yugoslav] days, policies decided by the party were left to the lawyers to be codified. Today lawyers are doing the same work either without any policy guidelines or with a word or two from the ministers. Those who know English are in a rather good position, as long as they remember to replace all the original references while translating laws of other countries. The smart ones copy only one foreign law and the less smart ones combine laws from several countries, often from different legal traditions. This leads to policies that are often contradictory even within the same Ministry. [P]olicy-making is lacking within ministries, especially its analytical, inclusive and deliberative aspects...(Kipred 2006:3).

Such law- and policy-making processes hinder the implementation of laws and policies. Both government officials and citizens often do not understand the laws and the implementation steps. An official with a British development agency argued that there are fundamental problems with law enforcement at the government level.

The international organizations have brought experts to make laws based on best practices, yet they do not get implemented. Both the implementing public officials and the people that need to respect the law do not understand the rationale behind the policy. There are ministries who do not know the laws that are in their mandate, their direct responsibility” (Anita 2009).

Since there was little research capacity at the government level, the policy debate in Kosovo was superficial. Before the declaration of independence, politicians and media pundits worried that Serbia would retaliate by stopping trade with Kosovo. As Kosovo imported significantly more than it exported, Prishtina relied heavily on Serbian and Macedonian imports. Politicians and analysts did not try to find out more information about the trade with Serbia. A local think tank, Group for Analysis of Politics (GAP) used data from the customs service to determine whether Serbia had an incentive to block trade. Since Serbia exported significantly to Kosovo while it imported little from it, it was not in Belgrade’s interest to stop its exports to Kosovo. Serbian producers would have lost 200 million Euros per year if they had closed the border with Kosovo. From Kosovo’s perspective, if trade with Serbia would have stopped, the goods that came from Serbia could be obtained elsewhere in the region (GAP 2007). Indeed, after the declaration of independence, Serbia did not stop exports, while it rejected imports from Kosovo by failing to recognize the official stamp of the Kosovo customs service.¹⁶ Hirschman provides an explanation for how unequal trading benefits make the smaller dependent country vulnerable to the coercion of the bigger trading country. Just like Germany in the inter-war period, Serbia is using foreign trade as a political tool to coerce Kosovo to bend to its will

16. Serbia recognized imports from Kosovo under the UN Mission administration. After Kosovo declared independence in 2008, UNMIK customs service became Kosovo customs service and the new official stamp referred to the Republic of Kosovo. Since Serbia did not recognize Kosovo’s independence, it refused to accept its goods under the new stamp. Such de facto protectionist policy also served Serbian commercial interests but undermined economic cooperation between Kosovo and Serbia.

(Hirschman 1980 :15-16). Lack of research capacity within the government made it hard for Kosovo administration officials to use the available information.

Another indicator of performance is the ability to spend the budget in a timely matter. Every year since 2003 when Kosovo began to fully fund its own administration operations through customs revenues, a large chunk of the government budget was not spent and remained as surplus. King and Mason claim that the main reason for surpluses in the early years was because the Central Fiscal Authority—Kosovo’s treasury created by European Union with US help—set a requirement for Kosovo’s budget to be balanced. Since Kosovo was not sovereign under UNMIK, it could not obtain credit from international lenders and therefore could spend only the revenue it extracted (King and Mason 2006 :136). However, an advisor to the prime minister claimed in a confidential interview that the surplus was due to two main reasons. First, the government lacked the capacity to absorb and use the funds according to a time-line. In the jargon of international organizations, the government lacked “management capacity”. Second, government officials did not use the funds for public works unless they received the “appropriate” 10-15 percent bribe (Neritan 2008).

Elite respondents also stated that the state bureaucracy was bloated with incompetent officials. A former communist leader of Kosovo (Bekim 2009) expressed his disappointment with the central administration’s lack of professionalism. “There are no empty chairs in the [central] administration. If you look at what they are doing, or what they know to do, it is terrible.” The former leader implied that Kosovo's autonomous administration under Yugoslavia was more professional than the post-war administration under the auspices of younger politicians.

Elite perceptions of the runaway growth of Kosovo's central government also are confirmed by statistical data. Figure 3.4 illustrates the high share of central administration employment in terms of overall employment in Kosovo. By 2002, the first year of the central administration, Kosovo had already more than three times the number of employees than Central and Eastern Europe. As a percentage of the population, the number of jobs in the central administration in Kosovo was forty nine percent more than the Central and Eastern European average (see Figure 3.5).

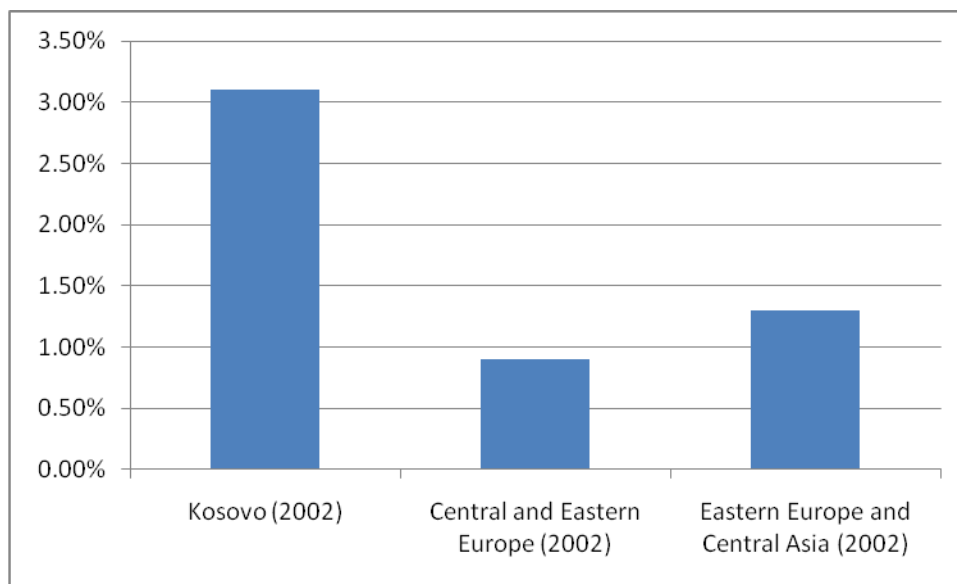


Figure 3.4. Public employment in the central administration (percent of overall employment)

Source: Riinvest 2003; World Bank 2002:36.

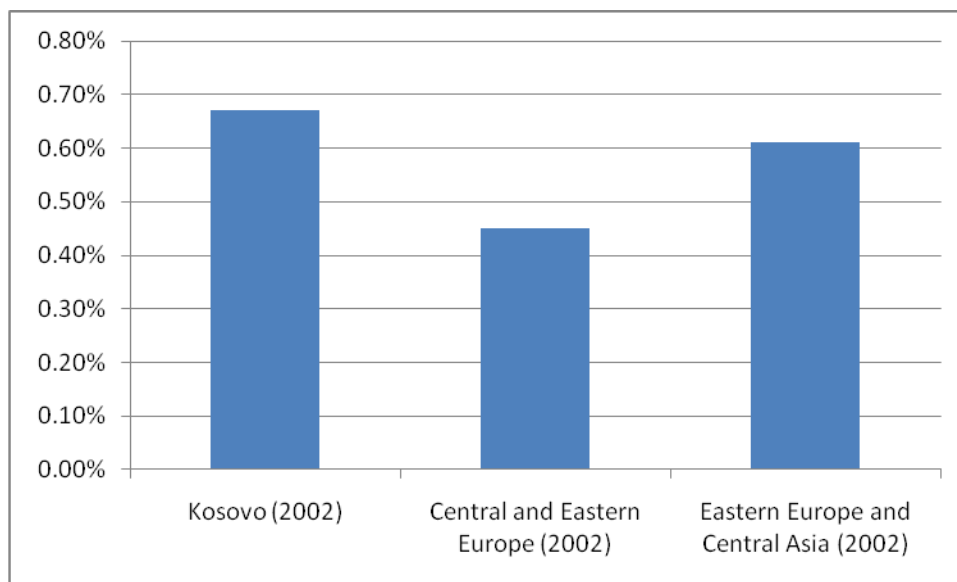


Figure 3.5. Public employment in central administration (percent of population)

Source: Riinvest 2003; World Bank 2002 :38.

For this reason, the International Monetary Fund (IMF) asked the government to reduce the number of government employees in order to reduce its burden on the budget. While bloated state administration serve a welfare function in the short-term, sustaining it in the long term might lead to tax hikes or painful cuts in government services, as the current economic crisis in Greece demonstrates. When Kosovo politicians had to obtain the consent of the UN Mission for overall budget disbursements, the IMF demands were taken seriously before independence. However, various government officials expressed the worry that layoffs would create more social problems, implying that government positions were a form of social welfare for a part of the population (Trim 2008). During the 2010 general election campaign, the ruling party leader in Kosovo made the promise that if re-elected he would double the salaries of teachers, doctors and other public servants. IMF warned that such a measure would burden the budget even further. After the newly elected prime-minister upheld his promise and doubled the salaries of the civil servants, the IMF stopped disbursing funds to Kosovo and has assumed an advising role

in 2011. As a result, the World Bank and the European Union also withheld millions of Euros in aid for Kosovo.

This logic of welfarism¹⁷ in Kosovo should be understood in the context of late state formation in Kosovo and the legacy of Yugoslavia. The original state formation prior to 1900 relied upon five ministries that were involved in revenue extraction, policing and war-making (Tilly and Ardant 1975). After 1900, the state enlarged the scope of policy-making to include welfare provisions for retirement, unemployment and so on (Iversen 2005). Since Kosovo was formed in the cusp of the twenty-first century, the logic of welfarism was also imposed upon the original central government ministries. Under Yugoslavia, the state also spent significant resources to employ professionals in the government in order to fight the sixty percent unemployment rate (Pula 2004 :801).

A comparison with states with similar small populations indicates that the budget burden of sustaining this bureaucracy is also high. Figure 3.6 demonstrates that Kosovo spends 24 percent of its budget on central government administrative expenses, while the average for the new European Union entrants from Central and Eastern Europe is 13.18 percent.

¹⁷ Thanks are due to Peter Katzenstein for suggesting this theoretical concept.

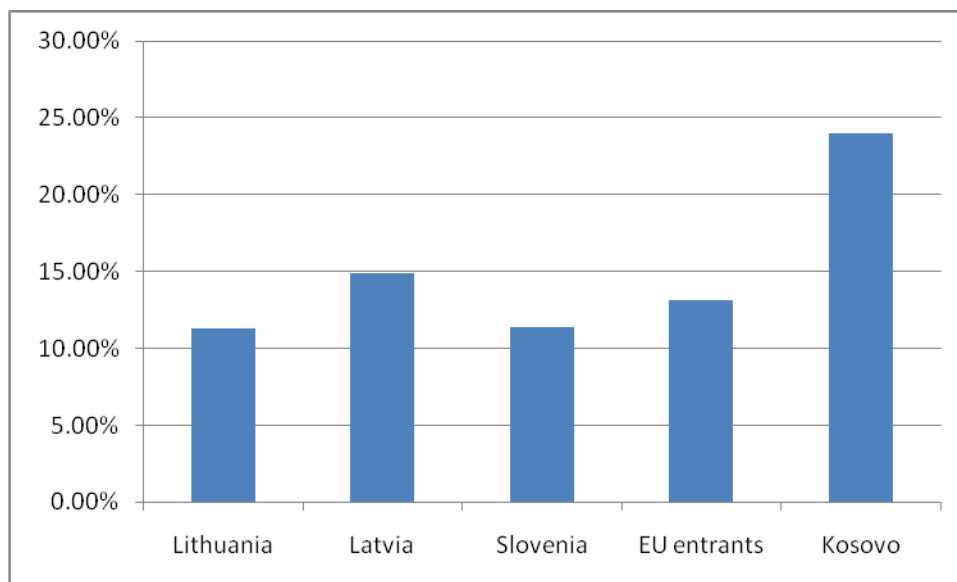


Figure 3.6. Central Government Administrative Expenses in 2006 (percent of budget)

Source: FRIDOM 2008: 10.

In summary, the various indicators of mission fulfillment point to the same direction, the ineffectiveness of the central administration. Publics, elites and international organizations view the government as inefficient and ineffective. The bureaucracy is unable to formulate policies and laws in its own, and its reliance on external consultants undermines the process of implementation of such laws. Incompetence and corruption also underscore its inability to spend the budget. The next section examines the high level of corruption in the central government and the lack of bureaucratic mechanisms to hold politicians accountable.

Penalization of Corruption in the Central Administration

The general public perception in Kosovo is that the politicians are corrupt and look after their own interests (YIHR 2010). Surveys show consistently that the central administration is viewed as one of the most corrupt institutions. According to Early Warning Report 25, in 2009, thirty nine percent of the public believed there was large scale corruption in the central

government (UNDP 2009). Privately, people are frustrated that politicians are living in luxurious houses and driving expensive cars, while the average citizen is wallowing in poverty. Since Kosovo is a small country with 2 million citizens, people were aware of the new politicians' quick ascent to wealth and power, despite having had neither a profession nor a job before becoming ministers.

The anti-corruption internal mechanism in the central government did not work since there were no trials for corruption until 2010. The public generally believe that politicians could steal with impunity. In an outrageous public statement, the former minister of culture in Kosovo, Astrit Haraqija, answered in the following way to the corruption charges by journalists: "I have abused my father's money. Why shouldn't I abuse the state budget?" The family metaphor also indicates the patronage basis of the central government. The minister did not lose his job after this announcement (Mark 2008). Indeed, no minister has been indicted for corruption since 1999 in Kosovo. This impunity could change, but only following an intervention by international organizations. For instance, in the second half of 2010, the EU Rule of Law Mission in Kosovo (EULEX) started public investigations of the Minister of Telecommunications and Transport and arrested his former chief of staff.

Politicians and senior government officials also undermine the work of the independent anti-corruption agency. The Anti-Corruption Agency, an independent public bureaucracy that reports to the parliament, was not successful in charging high officials with corruption. The agency tracks corruption in the public sector and publishes reports. The agency never publicizes the names of potentially corrupt officials, but it delivers reports on suspicious officials to the Prosecution Agency. Senior government officials have to disclose their income and property annually to the Anti-Corruption Agency, but the contracts were signed by junior officials who

also acted as intermediaries for the 10-15 percent kickbacks. Hence, the agency was unable to bring about the arrest of corrupt officials. Out of 168 cases the agency sent to public prosecution between 2007 and 2009, only five resulted in indictments and arrests (ICG 2010:4).

What explains this dismal result in penalizing corruption? The central government does not act on such charges, and politicians pressure judges and prosecutors against indicting them. In addition, since people's experience with the central government had been negative, they were likely to have underreported corruption to the agency. According to the director of the Anti-Corruption Agency, citizens were confused about whether reporting corruption to his agency was treachery or patriotism (quoted in YIHR 2010: 10).

While internal mechanisms and the independent Anti-Corruption Agency did not punish corrupt behavior, Kosovo politicians also vehemently opposed the international organizations' efforts to hold them accountable. Indeed, while Kosovo leaders did not publicly confront the international advisors, they reacted immediately when international prosecutors started investigating one of the ministers suspected to be engaged in extensive corruption. When the EU mission, EULEX, investigated the offices and houses of the minister of transport, Fatmir Limaj in May 2010, the prime minister claimed that such independent investigations were a violation of Kosovo's institutions. However, according to the constitution and the Ahtisaari agreement, the EU Mission had the authority to investigate such crimes. Such official opposition demonstrated the resistance of Kosovo politicians to prosecution of corruption among their ranks.

Despite the elite claims that the resolution of status would lead to more investment, foreign investors cite the inefficiency and corruption of the public administration as the main

obstacles to foreign investments in Kosovo.¹⁸ At least 80 percent of the surveyed investors were dissatisfied with the inefficiency of the public administration because it created various opportunities for corruption and the use of personal favors (World Bank 2010 :21).

In sum, there is little penalization of corruption in the central government. While the public has a high perception of corruption, the government does not have functional internal anti-corruption mechanisms. The independent Anti-Corruption Agency is also sidelined because the courts do not function well, partly as a result of political interference.

Responsiveness to the Public of Central Administration

The central government institutions are generally not responsive to the public. Two tests of bureaucratic responsiveness conducted by civil society organizations confirmed this widely held view. When the Youth Initiative for Human Rights tested the central government by sending public requests for information, the government answered only one in four requests for information, a low score of 25 percent. Nine out of nineteen ministries did not answer even a single request for information (YIHR 2007). In the 2010 transparency index, the Speak up Movement (2010: 15-23) NGO gave the central government the lowest rating of a closed level of openness to public requests. This low responsiveness to public requests for information confirmed the elite respondents' perception that the central government is distant to the concerns of the general public and civil society (YIHR 2010: 25).

18 The foreign investor perception survey for Kosovo was implemented by the Investment Climate Advisory Services department of the World Bank Group, through its Invest in the Western Balkans (IWB) program and Investment Generation Vienna Office. The objectives of the survey were to gather information from existing investors, both in Kosovo and elsewhere in the region, about the perceived strengths and weaknesses of the business environment in Kosovo (World Bank 2010: 22).

Mission Fulfillment of the Judiciary System in Kosovo

This section investigates the effectiveness of another bureaucratic organization, the court system. The core mission of the Kosovo judiciary is to be independent and impartial in its application of the legal order. As such it is important for both the inputs and outputs of policy-making, democracy and state-building. Kosovo's courts operate at different levels: constitutional, supreme and commercial at the central level; five district courts and 24 municipal courts. All courts hear civil and criminal cases, but the district courts are supposed to focus more on serious crimes such as homicide or political crimes. This analysis focuses on the central and the district level courts, even though the data available on backlogs is cumulative for the entire judiciary system.

The court system fails to provide access to justice for Kosovo's citizens. Indeed, the lackluster performance of the judiciary has a negative impact on the other institutions. Even if police catch criminals, they can go unpunished because courts do not try them on time. Courts have also failed to act on corruption cases sent by the Anti-Corruption Agency.

A huge backlog of cases has made it very difficult for Kosovo judges to render timely verdicts. An elite respondent claimed that it would take years for a judge to give a verdict on a simple car accident (Mark 2008). There are no precise data on the size of the backlog, since it is difficult to distinguish between backlog and pending cases. According to the European Commission (2008:14) report on Kosovo, the total number of unresolved civil cases pending at the municipal level in 2008 was 160,477, in addition to 36,000 criminal cases. According to the higher estimate by the Kosovo Judicial Council (KJC) in 2010, the backlog was between 213,967 and 300,000 unresolved cases (quoted in YIHR 2010:13-14). While thousands of cases were unpaid utility bills, other ones were more serious. Criminals were not convicted often because

Kosovo courts had a 30-month backlog for criminal cases. The slowness of the system therefore undermined the deliverance of justice. Homicides due to basic property disputes could also be prevented if courts would render timely verdicts.

In terms of public or elite satisfaction, courts rank the lowest of all institutions. Public satisfaction with the courts averages 20 percent (UNDP 2009). Such low satisfaction rate of the public toward the judicial system is similar to that of the Western Balkan neighbors. Across Western Balkans, surveys show that citizens are least confident of the judicial system and the courts. In Bosnia, 5.2 percent of respondents have a lot of confidence in the courts. 4.3 percent of respondents in Serbia and 7.7 percent in Macedonia have a lot of confidence in the courts¹⁹ (Gallup 2009). Elite respondents in Kosovo consistently cited the judiciary system as the institution that needed extensive reform.

One of the key indicators of judicial performance is the degree to which it protects property and enforces contracts (North 1981). If individuals and corporations need to enter into contractual agreements with strangers, contract enforcement by a third party facilitates the operation of free markets. In terms of contract enforcement, Kosovo courts have performed very poorly in comparison to other Eastern European countries. According to the World Bank's report *Doing Business 2010*, it took on average 420 days and 53 procedures to enforce a contract in Kosovo, and the cost of such enforcement could reach over 60 percent of the value of the claim. In Armenia, a country not known for effective rule of law, the enforcement process took 300

¹⁹ These comparative data suggest that Kosovans have a higher level of confidence in their institutions relative to other states in the region. Indeed various Gallup polls indicated that Kosovo residents were the most optimistic in the Balkans in the post-war period, despite the high level of poverty (Gallup 2008). When they compare their current conditions with the repression of the 1990s and the ethnic cleansing of three fourth of the Albanian population, Kosovo residents have had hope for a better future. Therefore, the comparison in the public confidence of the various institutions is more useful within Kosovo than across the different states. On the other hand, the personal experience of bribery gives comparable data across the different states.

days and the cost of enforcement was 19 percent. Due to the length and cost of legal enforcement, only 3 percent of surveyed Kosovar companies used the legal system in the past 3 years (World Bank 2009). In terms of both protection of companies and cost of enforcement, Kosovo ranked last of the 27 East European and Central Asian countries (World Bank 2010).

While the central government is bloated with employees, the Kosovo judiciary is starved of human resources. Compared to its neighbors, Kosovo has a low number of judges per capita. As seen in Figure 3.7, Kosovo had 14.19 judges per 100,000 people in 2009 as compared to 51.07 in Montenegro, 40.99 in Croatia, 39.41 in Slovenia and 22.12 in Bosnia. The state with the lowest number of judges per capita, Albania (7.41), also suffers from ineffective judiciary. Judging from its performance, however, this low ratio should not be interpreted in the same way as the similarly low ratios in the customs service and the police force (see Chapter 4). In those successful institutions, low rates of employment per capita indicated lean organizations with trained officials that performed their mission. The low ratio of judges per capita indicates a bureaucracy that does not possess the necessary human and monetary resources to fulfill its mission.

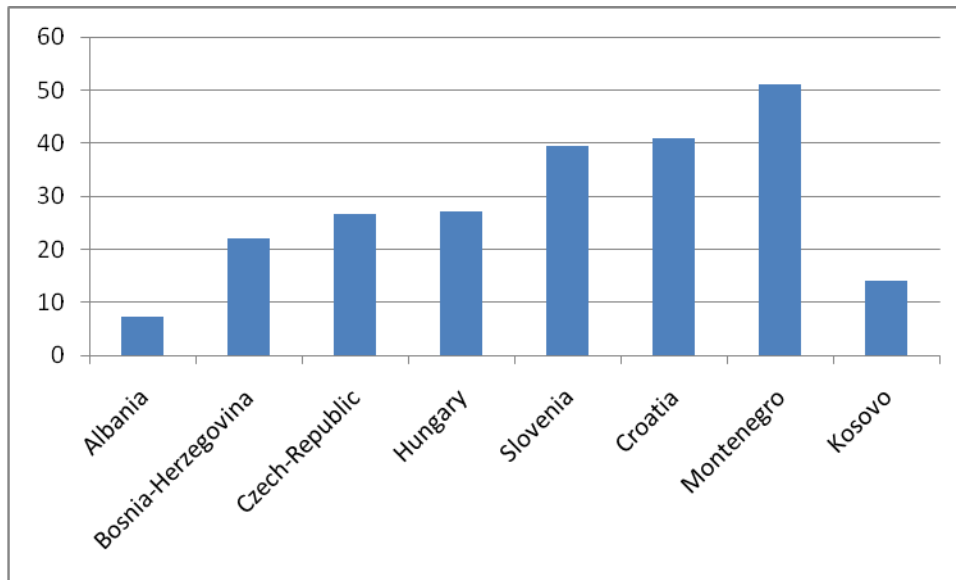


Figure 3.7. Judges per 100,000 population. Source: EULEX 2009: 88.

Penalization of Corruption in the Judiciary System

The judicial system was also perceived to be very corrupt as 42.44% of respondents agreed that there was high corruption in the courts (UNDP 2009). Elite respondents often claimed that it was one of the most corrupt institutions in Kosovo. Judges and prosecutors implicitly justified corruption in their ranks when they complained of low salaries—even senior judges earn 600 Euros per month—and many young professionals chose to work in the private sector as lawyers.

However, it is hard to disaggregate the degree of corruption with mismanagement issues inherent to an overburdened court system. While the court system is inefficient, the extent of bribery is probably lower than the perception. The percentage of survey respondents who had personally given bribes to courts officials in 2008 was less than 1 percent, the same as the average in the European Union (Gallup 2008). Direct bribes are however only one part of

judicial corruption. Other forms of judicial corruption include offers of employment to relatives by politicians, or facilitation of services such as bank loans (ICG 2010: 13).

The judicial system had internal formal institutional mechanisms to discipline corrupt officials that did not work in practice. Before the 2008 declaration of independence, the Judicial Investigation Unit (JIU) under the authority of UNMIK was responsible for examining complaints of professional misconduct by Kosovo jurists. In 2008, this investigation unit found misconduct in 87 out of the 164 cases received during that year and forwarded them to the Kosovo Judicial Council (KJC). The Judicial Council, the independent institution responsible for disciplining jurists for misconduct, was not working properly because of many vacancies in the organization's top ranks. Even though its Office of Disciplinary Council and Judicial Audit had charged some judges with corruption, the courts have yet to try their cases (ICG 2010: 14-16).

Responsiveness to the Public of the Judiciary System

In terms of responsiveness to public requests, the courts were one of the least responsive bureaucracies. The national and local courts had a sixteen percent response rate (YIHR 2007). The state prosecution office in Kosovo also had a very rudimentary organizational and legal approach to public relations. In the 2010 transparency index, it ranked at the lowest score of a closed level of openness, similarly to the central government (Speak up Movement 2010).

Lack of Insulation from Political Interference

Both the central government and the court system exhibited the presence of politicized appointments in their ranks. Public officials in the central administration were recruited according to political or nepotistic criteria, favoring the personal and party networks of the

elected political leaders. Insider observers of the central administration claimed that each minister hired individuals from his own network for government posts when the United Nations devolved part of its powers in 2002. Even positions that were very low in the hierarchy, such as specialists, administrative assistants, drivers and bodyguards were given to insiders. Government officials who were not members of political parties were warned that if they did not join the ruling party, they would lose their job (Valon 2008).

Despite exercising formal control over the justice system, UNMIK delegated the selection of judges and prosecutors to a local majority panel that chose Kosovo Albanian judges with experience in the Yugoslav era. In practice, the local judges were in charge of implementing laws from the very beginning. UNMIK introduced international judges and prosecutors soon after discovering the ethnic biases in the verdicts of local judges. However, international judges and prosecutors did not build the capacity of local judges because they did not insulate their local peers from societal and political pressures.

In the absence of meritocratic recruitment and promotion, the mechanisms of strategic calculation and role-playing enhanced the clientelist attributes of the bureaucracies. Government employees learned that in order to remain in their job, they had to be loyal to their patron and provide services to particularistic networks. Through the mechanism of role-play, the bureaucrats learned to behave obsequiously to their patron and condescendingly toward the general public. As a result, the bureaucracies were not able to implement their policies impartially or penalize corruption.

Development of the Central Government Administration

Beginning in 1999, international organizations started to build a new administration by recruiting and training local personnel. As part of capacity building, UNMIK spun off some of its departments to local administration (a process termed as Kosovarization). A perverse consequence occurred in this process when chiefs and middle-level management left because their salaries went down from 1000+Euros to 200 Euros. The whole local staff at the Central Election Commission—trained by OSCE and paid high salaries—left their employment when the commission spun off from OSCE to local administration (Altin 2008). Such immediate resignations indicate that the downgrading of salaries when the administration is localized generates rapid turnover that undermines the performance of the organization.

As part of devolving power to locally elected leaders, UNMIK gave away some of its central administration powers in 2002 after the 2001 national elections. From 1999 to 2001, UNMIK ran the central administration in collaboration with the political parties. The majority of employees in the central government, including the senior officials, did not have previous job experience in administration. In theory, democratic accountability was supposed to ensure that political leaders would build an effective bureaucracy. However, despite frequent changes in ruling parties, each new political party used the power to distribute the spoils of the state among its followers.

Various ministries of the central administration were therefore devolved to the local leadership by 2002. The elected assembly of Kosovo would appoint a president, who would propose a prime-minister that would be endorsed by the assembly. The government, formed after the 2001 elections, had authority and resources over the Ministries of Public Services, of Education, Science and Technology, of Labor and Social Welfare, of Trade and Industry; of Environment and Spatial Planning, of Health, of Agriculture, of Finance and Economy, of

Transport and Communication, and finally, of Culture, and Youth and Sports (Constitutional Framework 2001). Some ministries, such as Internal Affairs that oversees police service, were created after international devolution in 2008, when Kosovo declared its independence.

Until 2010, the civil service law in Kosovo, created by the UN mission regulation 2001/36, was based on 3-year renewable employment contracts. This was a contract-based civil service and not a career-based one. In an interview, one UN international administrator justified short term contracts as a means of checking and firing incompetent and unethical officials (Peter 2008). For example, the UN intentionally gave three-month long contracts to the head of an agency because they suspected him of being corrupt. After they found evidence that the official was indeed unethical, the UN Mission fired him. The unintended consequence of the contract system however has been the increased politicization of the civil service. In Kosovo, elected leaders built the administration on patronage. The flexibility of the contract-based civil service translated into the discretion of the ministers to appoint their loyal followers. The European Commission report (2008:12) also stated that “civil servants continue to be vulnerable to political interference, corruption and nepotism.”

There are obvious trade-offs in these different types of civil service laws. In the contract-based system, the employer is given a high degree of latitude to choose the size and composition of the administration, but employees lack guaranteed job security. The new public administration theory emphasizes the contract-based model because of its hiring flexibility and the faith it places in the manager’s discretion (Hamilton 2010 :139-140). In the career-based system, the rigidity in hiring practices is compensated by retaining capable public officials through job security. The Weberian hypothesis of competent administration based upon merit and tenure implies the career-based system.

Civil servants received low salaries that average approximately 230 Euros per month, and they lacked job security even if they performed their mission. In many countries, including the US, greater job security compensates for the lower salaries in the public sector compared to the private sector.

The politicization of the central administration occurred immediately after such bureaucracies were localized. The party elites brought their village or town networks and employed family and friends in the new administration. In 2-3 months after the turnover in 2002, the central government was filled immediately with new people who did not have experience in administration. In the words of Luan Shllaku, the leader of the Open Society Foundation in Kosovo, and a keen observer of the Kosovo political scene:

At the central administration, almost all the public servants are young. These young people studied their high school and university degrees in the basement schools²⁰ and therefore did not have a good educational background. It is instructive to see that many of the ministers in the government do not have other professions in the CV, and they start their professional life with the position “minister” (Shllaku 2008).

Each party and leader brought its own contacts to fill up the positions. The first government (2002-2004) employed people from the Drenica and Llapi regions, since the ministers hailed from those districts as well. Under the Haradinaj / Çeku prime-ministers, a big turnover occurred in the central government, as the employees came from the Dukagjini plain, the bastion of the prime-ministers’ party, AAK. Finally, in 2007, the Thaçi government moved fewer middle management employees, but added officials by hiring from the Drenica region, and placing them in key executive positions and public boards (Altin 2008).

²⁰ Since the Milošević regime did not allow education in Albanian language curricula in the 1990s, the pre-university and university education among Kosovo Albanians occurred in private houses, often in their basement (Sommers and Buckland 2004).

Strategic calculation was an important mechanism that ensured the high politicization of the central government. On the supply side, the party leaders used jobs in the public administration to reward their followers and promised such employment to entice voters during the election campaigns. Indeed, government leaders with short term horizons may rationally use the spoils of state administration to reward their followers and allies (Geddes 1994).

During electoral campaigns, public officials at all levels of the central administration were expected to participate in the re-election campaigns of the ruling political parties. Since each campaign lasted for months, such participation also lowered the productivity of civil servants. An international representative from the Organization for Security and Cooperation in Europe (OSCE) stated “when the elections come, they drop their pens and everything stops, because they are campaigning with the civil servants who are actually political appointees. Even if on the surface they are not political appointees, in reality they are political appointees” (Jane 2008).

The central administration jobs were both supplied by the politicians and demanded from below by their supporters. Poverty and high unemployment in Kosovo increased the likelihood of clientelist practices of providing administrative positions to political and personal connections. There is also little variation in background and education qualification amongst many job candidates. The young cohort of Kosovo Albanian employees did not have work experience, and shared poor university education training in the 1990s when the Milošević regime prevented them from formal university attendance. Merit was supposed to be the main criteria, but connections mattered most. One Kosovo Albanian-American advisor to the central government told me a story about an acquaintance who after complaining about the corruption in the government, asked the advisor to find him a job in the Anti-Corruption Agency. The advisor

found it ironic that the job sought through clientelist practices was in an agency that was set up to fight corruption. In the end, he struggled to tell the acquaintance that there was an impersonal application procedure for those jobs (Agim 2009). This vignette illustrates a common problem. While there were official positions for such jobs, many potential candidates did not apply because they believed that the position was already promised to a client of the politicians. On the other hand, international evaluators in the written exam and vetting in the customs service signaled to potential candidates that the position was open to competition from unconnected applicants.

Since the law did not provide clear criteria for renewal of contracts or promotion, top public administrators used their discretion for political and nepotistic appointments. The Kosovo central government did not have a civil entrance exam. The rules did not favor internal promotion of public officials, since the senior public appointments committee was not functional. Neither the government nor the parliament intended to implement the rulings of the Independent Oversight Board on unfair dismissals of public officials (YIHR 2010 :22). Current public officials did not enjoy any special treatment compared to external candidates when applying for higher-level vacancies. Due to the lack of promotion criteria and tenure, there were few incentives for public officials to improve performance and embrace a public service ethos (Sigma 2008: 6-7).

The turnover of parties in power meant that new political appointees replaced officials who were contracted under the previous government. The high turnover of public officials undermined the creation of a stable community of colleagues who communicated and monitored each other's performance. High turnover also weakened the impact of technical assistance from international organizations. Representatives of international organizations often complained that

they spent time and money training public officials who subsequently left office once a new government assumed power (Anita 2008). Government officials relied on the political party for their positions. Hence they often spent too much time worrying about their employment to do their jobs effectively. This paradigm produced servility as employees focused on being obsequious to the boss, instead of their performance. In addition, employees exhibited low morale in their jobs, often claiming that if they had a different offer, they would move immediately.

Due to politicization and low salaries the central administration jobs did not attract capable local professionals (Altin 2008). Various local professional interviewees argued that they did not want jobs characterized both by insecurity and low salaries. Even when they started consulting for the central administration, the government had trouble retaining these professional workers who knew that connections and not merit were paramount to a successful government career. At the conclusion of their project, these consultants moved on to the next high-paying job where their merit was recognized.

International support for central government

The central government of Kosovo was built initially under international administration but expanded substantially in 2002 when many of the powers devolved to the local administration. The UN Mission in Kosovo received a mandate from the UN Resolution 1244 to transfer to democratically elected leaders authority over the central government. The UN Mission, however, retained ultimate control over central government's budget until the declaration of independence in 2008, indicating its concern for maintaining international priorities and balanced budgets. Even after the transfer of authority in 2002, the central

administration has been a major recipient of international aid, ranging from training to material support. Indeed, technical assistance comprised an estimated 80 percent of international aid between 2005 and 2008 (European Commission/ World Bank 2008).

Most interviewees were cynical about the ability of technical assistance to build capacity of the central administration. In the words of an international organization representative:

There is no continuity between the various technical assistance international projects in Kosovo. A consultant comes for 3-6 months, working only in one section of one department of the government. The consultant produces a report. Only 2-3 people who worked with this consultant know that this report exists. If you go six months later to this department and ask “Has there been a report?” the answer will be “No”. There is no systemic effort to work with more than 2-3 people in each ministry (Erion 2008).

The international official blamed the lack of institutional memory on the high staff turnover at the ministry. As mentioned earlier, the trained officials often left when the new minister replaced their patron.

A senior European Union official who oversaw EU aid to Kosovo also expressed dismay about the lack of coordination and governmental capacity.

We use that money to hire consultants who are paid 1000 euro a day. The donor community is discussing how to improve coordination. Fundamentally, there are people who think that donor coordination exposes the failing of donor funding after the projects occur. People like myself think that it is ex ante, before the projects happen—checking out your plans, and then taking corrective measures with other donors. Then we talk with the government, saying, ok, we will cover this area versus another, so that we avoid the overlap. You need to make efforts to reduce the transaction costs that face the departments. There are government departments that get 10-12 different international projects. You can imagine what kind of advice they get. That is a big burden of government. So, you have a weak administration that is in addition overcrowded with many consultants. And there are good consultants and bad consultants (James 2008).

While donors talked about coordination, deeds did not follow their rhetoric. Donor organizations blamed both the government and each other for the lack of coordination. The government did not coordinate, because it did not have the necessary capacity. “Government

does not have ownership for anything, even for crucial policies that it is supposed to do,” said a frustrated international development official (Mike 2008).

All ministerial cabinets of the central administration received some form of technical assistance from the international community. Such assistance, however, did not succeed in reaching its goal to building capacity in the central government. Even the senior European Commission representative openly admitted that:

International organizations have not had the best results, since there was not sufficient focus on outputs, and most focus was on inputs. This is the worst cocktail you can have, since when you have bad consultants, they are very happy to focus on inputs, such as number of trainings. By outputs, I mean results. What will we have in two years time? The focus has been on ‘let us do this training now’ and results will follow. So, we have a bad [local] administration, we have not so good [international] consultants, and we have a [European] agency that is too busy with many things. We have a deadly cocktail in which nobody will make sure that people are doing what they have to do. The European Commission tries to change this by involving the Kosovo authorities more. It does not mean that local authorities decide what European law they accept. Once the government and the people express their wish to join the European Union, they have to adopt its laws and policies (James 2008).

The following vignette illustrates the confusion and lack of coordination in the government. One of the main advisors to the prime minister told me privately that his government colleagues did not understand the security sector reform process led by a major international organization (Pajtim 2008). There were multiple technical assistance experts who came in and out of his department, but everyone was confused about when they did. He actually asked me, an outside researcher, if I knew anything about the program so that I could explain it to him.

Local public officials in the central government relied excessively on the internationals. Central administration officials did not figure out their own priorities to the degree that they were able to ask the international organizations to focus on their local goals (Mike 2008). Instead, the

internationals wrote strategies and policies and then informed the local administrators. As a result, the indigenous bureaucrats were not proactive. Government officials on the other hand, accepted that they were not proactive, but they also blamed the donors for the lack of coordination, since donors needed to spend their funding regardless of possible project duplication.

Some international workers became too invested in the specific bureaucracy they supported, and then worried about their reputation if the institution failed. Their organization would also receive less funding if the project was judged unsuccessful. Therefore, while privately bemoaning the lack of local capacity and the doubtful impact of technical assistance, these international professionals did not air their misgivings in public (Mike 2008).

The central government became therefore dependent on international actors for its formal laws and policies. In the central government, public officials were often happy to let foreign consultants do their job, even if the former did not understand the policy or the law. After all, local officials were not evaluated on their performance or learning.

Recognizing that the large numbers of foreign consultants were not building the capacity of local administrators, UNDP Kosovo and the Soros foundation created an innovative capacity-building project. The project paid high salaries to local, regional, and diaspora professionals in order to assure knowledge of the region and to contribute to Kosovo's "brain gain," the return of highly educated professionals from the West. I interviewed four consultants who worked as political advisors in the government and they argued that their work involved mostly substituting for the lack of capacity of government officials. The advisors facilitated and wrote strategic documents that the local administrators were happy to outsource. The consultants also expressed dismay at the politicized nature of central administration and claimed they did not see a

professional future there. The project coordinator confirmed that no consultant worked in the government after their contract ended. Paying high salaries in the short term had unintended consequences for other public officials who were remunerated one fifth of the salaries of the regional consultants. The contrast in status and salaries probably lowered the morale of local officials even further. According to a British development agency official, temporarily high salaries have also failed to build government capacity in other parts of the world (Anita 2008).

In the struggle for control of appointments within the bureaucracy, the local politicians also enlisted the support of various international actors. Local politicians used technocratic solutions for their own political ends. The 2007-2010 Thaçi government successfully changed the policy on permanent secretaries from tenured civil servants to political appointees. DFID, the British development agency, invested for 4 years to develop the senior civil servant status of the permanent secretaries in the ministries. The project tried to create strong permanent secretaries who were not politically appointed, but rather, civil servants with a strong legal backing. The project began under a government led by another party, the Alliance for the Future (AAK). When the AAK-led government created the positions of permanent secretaries, they appointed individuals with clear political loyalties. After the 2007 elections, a different party, Democratic Party of Kosovo (PDK), assumed power. Its leader, Hashim Thaçi, discontinued the DFID project and asked for an American-funded project that brought in American models of public administration. Under the U.S.-backed project, the prime minister could appoint permanent secretaries just like the American cabinet secretaries appoint their chiefs of staffs. According to a think tank representative, this is a short term measure, since Kosovo will probably try to adhere to EU standards on this issue in the future. European standards emphasize depoliticization of permanent secretaries and their status as senior civil servants (Altin 2008).

Instead of focusing on strategies and policies, government elites devised patronage policies in which the government outsourced contracts to the private sector in exchange for kick-backs to public officials. Most of the current government budget is spent on patronage policies, such as road construction. Such distributive policies (Lowi 1964) contribute to an underdevelopment of bureaucratic effectiveness at the central government level.

The post-independence Thaçi government prioritized road construction partly because of its visibility and partly because outsourcing contracts was a major source of bribes for politicians. An investigative report publicized evidence which suggested that the minister of transport favored certain companies for public tenders although these had less resources or expertise than the other bidders. The former were building low quality roads that required frequent maintenance (Hamidi 2010). Since the anti-corruption mechanisms in the Kosovo government did not file charges against the minister, the media and the public expected the EU mission to start prosecuting corrupt officials. A group of twelve NGOs, coordinated by KIPRED think tank and the Foreign Policy Club, wrote two letters of appeal to American and European officials requesting full support for international action against corrupt ministers (YIHR 2010: 13, fn. 55).

Thaçi's government used patronage policies to enrich political leaders. Various observers noted that some of the ministers stole public funds when they provided public procurement contracts to personal acquaintances that were from their same region. The high degree of trust between the families within the same region made the denouncement of theft unlikely. The Kosovo publics, however, saw that insider businessmen received government contracts and unhappily observed that both government officials and their business contacts grew wealthy overnight.

Politicians also used patronage to protect themselves from international opposition. When government officials gave big procurement contracts to international corporations, they probably did not receive the customary 10 to 15 percent kickbacks. They possibly received protection, however, from the country whose commercial company received the contract²¹. In 2010, the Transport minister agreed to give a contract to Bechtel²², an American company, for 700 million Euros to build part of a highway that connected Kosovo to Albania. Since Kosovo's overall annual budget is 1 billion Euros, this is a huge sum of money for one contract. Such a large contract is also very favorable to the American company, since the company may decide to set the final prices after the project starts. Soon after the contract was announced, the American ambassador issued a statement that supported the embattled transport minister, Fatmir Limaj. When the EU Rule of Law mission attempted to indict minister Limaj for corruption in 2010, the US ambassador publicly stated that corruption is best fought by ensuring that politicians do not control the economy and not through the prosecution of individual politicians (Express 2010). In Kosovo, where the word of an American ambassador carries significant weight, some observers interpreted this as indirect support for the corrupt minister in exchange for the Bechtel contract (YIHR 2010 :34). The division between the United States embassy and the EU mission might therefore undermine efforts to indict politicians who could have abused their public office.

Development of the Judicial System

21 Romanian politicians used the same strategy of playing European institutions against each other in order to achieve EU accession. By giving big contracts to French and German companies, Romanian politicians leveraged the French and German influence at the European Council when the European Commission tried to push for deeper reform (Gallagher 2009).

22 The contract is awarded to a collaboration of Bechtel and the Turkish company Enka for a four lane highway that will connect the border with Albania to the south of Prishtina, Kosovo's capital.

Just like the central government, the court system received significant international support. The mandate of the UN Mission in Kosovo included the creation of “an independent, impartial and multiethnic judiciary with high standards of competence and professional ability.” The judicial system was formally under UNMIK authority until 2008, since the justice system was “intimately related to security,” and international actors were worried about “the risks to the rule law arising from inter-ethnic tensions as well as from potential intimidation of the judicial system” (Brayshaw 2011). However, the recruitment and advancement within the judicial system relied upon boards dominated by local actors. After initially appointing Kosovo jurists, the United Nations took the unprecedented step of including international judges and prosecutors in the criminal system of Kosovo. These international jurists worked on sensitive criminal and inter-ethnic cases, but they did not build the domestic capacity of the Kosovo courts. Instead, the international jurists substituted for local capacity in the parallel system of international judges and prosecutors.

UN Resolution 1244 also empowered the UN head of mission to make and amend law by issuing regulations. In his first regulation 1999/1, the Special Representative of the Secretary General (SRSG) defined his role as the sole legislative and executive authority, with the power to administer and appoint officials to the judiciary. UN officials saw the centralization of power as a means to coordinate the international administration.

The UN mission had to deal with a vacuum of officials who could administer justice by the end of the NATO bombing in 1999. As Serb forces and police retreated from Kosovo after the NATO-Serbian Military Technical Agreement, the Kosovo Serb police, prosecutors and judges left or refused to participate in the new judiciary system. The retreating Serb forces also took documentation of property and court cases (ICG 2010: 2). Since 1989, most Kosovo

Albanian judges and prosecutors did not participate in the system due to purges or resignations. As the UN noted in its report on the interim administration of Kosovo (Secretary-General report to Security Council 1999: 18) “[p]olitically motivated and ethnically one-sided appointments, removals and training led to a judiciary in which, out of 756 judges and prosecutors in Kosovo only 30 were Kosovo Albanians.” The few Kosovo jurists who worked in the judiciary in the 1990s were viewed as collaborators with the Milošević regime by the Kosovo Albanian majority.

To fill the vacuum of local jurists the OSCE considered bringing jurists to Kosovo. However, the United Nations declined to introduce international jurists in Kosovo immediately after the 1999 cease fire. Before the end of the NATO bombing, OSCE personnel planned to introduce international judges and prosecutors to work with local jurists. OSCE also identified Kosovo Albanian judges and prosecutors in refugee camps in Albania and Macedonia during the 1999 NATO bombings. The UN Mission, which had to prepare for administering the province in less than two weeks, rejected the OSCE proposal, because of concern that adding international judges and prosecutors to their executive and legislative power would make them vulnerable to accusations of neo-colonialism (Hartmann 2003:4). Senior UN officials in Kosovo believed that Kosovo had the capacity to tackle local ownership in its administration (O'Neill 2010). The United Nations officials at the helm of the justice department did not initially think that international jurists were part of the institutional development menu. Until the creation of hybrid courts in Kosovo, including both international and local jurists, there was no precedent of including judges and prosecutors in national judicial systems.

Therefore, in June 1999, UNMIK decided to rely on local judges and prosecutors, and took further steps to identify and appoint Kosovo judiciary personnel. To appoint judges and prosecutors, the UN Mission established a Joint Advisory Council (JAC), consisting of both

international and Kosovo representatives. Based on lists of jurists from OSCE and Kosovo attorneys, the UN mission appointed the first 55 judges and prosecutors to the Emergency Judicial System. Most of these jurists continued to serve in the regular court system, after the Emergency Judicial System was dissolved in October 1999. Almost all of these jurists were Kosovo Albanian, since not a single Kosovo Serb judge applied (Amnesty International 2008: 10).

By December 1999, NATO officers and UN administrators were convinced that Kosovo Albanian judges and prosecutors were biased against Kosovo minorities. Immediately after NATO forces entered Kosovo and Serb forces left, some Kosovo Albanians assaulted, murdered or bombed Kosovo Serb and Roma minorities. When NATO or international police forces would arrest former Kosovo Liberation Army members for attacking Serbs, the prosecutor and the investigative judge would release the accused. International observers noticed that the Kosovo Roma or Serb arrestees on the other hand were almost always detained even on insubstantial charges (O'Neill 2002: 83-88).

Both international civilian and military authorities in Kosovo created new procedures to increase the detention time of people they deemed a danger to national security. Such a policy was devised in response to local judges releasing the accused because the investigation would not be complete within the maximum six-month period of pre-trial detention. UNMIK amended the law to increase the pre-indictment detention period up to one year. NATO Kosovo Force (KFOR) also reacted to such judicial release by adopting a separate detention procedure from the regular Kosovo judicial detention. If KFOR believed the accused persons to pose a danger to stability, they would be detained in a KFOR detention facility for a time to be determined by KFOR. Human rights activists regarded such detentions as a violation of the rights of the

detainees as well as undermining the judicial independence of the local courts. KFOR legal representative, Richard Batty answered that, regretfully, KFOR would continue to use its own detention policies unless it viewed the early release of arrestees as reasonable. He defended this position by citing the release by a Kosovo Albanian judge of a Kosovo Albanian arrestee, despite the evidence from KFOR soldiers who saw the suspect throw a hand grenade at a Serbian store a day earlier (Hartmann 2003: 6).

The Kosovo Albanian judges and prosecutors were under tremendous political and social pressure to favor their ethnic kin. The jurists could lose their jobs, be denied promotion, or face threats against their lives. Politicians could threaten the judges and prosecutors in order to stop prosecutions of people connected to them. Jurists also feared threats against their lives, or their families (Frank 2008). After ten years of systematic repression against Kosovo Albanians, the neighbors and contacts also exercised pressure on the Kosovo judges and prosecutors to be harsh on the Kosovo Serb and Roma and easy on the Kosovo Albanian “war heroes” (Hartmann 2003: 7).

The international actors however, did not build the capacity of the court administration, despite their ambitious mission. First, international actors focused on two subsets of cases in the juridical system, inter-ethnic and political crimes. While impunity for these crimes threatened the stability of Kosovo, the immense backlog of cases made justice unavailable for most Kosovo residents. In addition, the variety and fragmentation of legal systems applied in Kosovo made the application of law difficult even for experienced jurists.

The ineffectiveness of international organizations should be understood in light of the difficult context in which they operated. For the first time in international peace-building, the UN Mission in Kosovo introduced a program of international judges and prosecutors. The UN

mission reached this decision incrementally in order to address the bias against Serbs and other minorities by Kosovo Albanian judges (Hartmann 2003; Strohmeier 2001).

This radical shift in the pursuit of justice in a post-war situation could occur because Kosovo's sovereignty rested with the UN mission. Other countries might not allow international judges and prosecutors the powers they had in Kosovo. The international judges and prosecutors were empowered to take on cases of any crime, including those that had already been assigned to Kosovo judges. When a UN employee with previous experience in Kosovo suggested that Haiti deal with its rule of law problem by incorporating international judges and prosecutors into its domestic system, the Haitian officials did not consent to such an intervention (Frank 2008).

The inclusion of international judges and prosecutors did not insulate the local jurists from political and social pressure. The initial recruitment and vetting was done by a mixed international and local council that merely appointed, but did not discipline, the jurists. According to the UNMIK constitutional framework, the UN chief appointed Kosovo judges based upon the recommendation of the Transitional Council, composed mostly of local political leaders. The judges and prosecutors recommended by the council had previously worked in Yugoslavia where they were used to political influence. These judges were also subject to political threats and interference if their cases targeted political leaders.

Even though the newly established Advisory Judicial Commission, whose majority was Kosovo Albanian, was supposed to vet and appoint judges and prosecutors, it failed to discipline them despite evidence of ethical and professional misconduct. Instead, it removed a Kosovo Albanian District Court President who had acted legally in asking judges to speak both Albanian and Serbian in court when Serb petitioners were involved (Hartmann 2003: 6).

In its choice of legal framework, UNMIK also quickly faced strong opposition from Kosovo Albanian judges and prosecutors. Under UN Resolution 1244, Kosovo remained “within the Federal Republic of Yugoslavia” even though it had “substantial autonomy.” Hence, the SSRG established in his first regulation that Yugoslav and Serbian law that had been in effect before the beginning of NATO bombings on March 24, 1999, would continue to apply in Kosovo provided they were consistent with “internationally recognized human rights standards.” The Kosovo Albanian judges and prosecutors, however, refused to apply laws used by Milošević to repress them during the 1990s. For them, the last “legitimate” laws were those passed prior to 1989, before Milošević eliminated Kosovo’s autonomy within Serbia, and forced most to leave their profession for a decade. Faced with non-collaboration from the Kosovo Albanian judges, UNMIK replaced the 1999 law with the 1989 law. The 1989 laws included laws of the Kosovo Criminal code, Serbian Criminal Code and federal Yugoslav Criminal code (Hartmann 2003).

Recruitment in the judiciary also suffered from many problems. Virtually no new judges had been recruited between 2001 and 2008. Vacancies were usually filled through relocation. Administrative measures to reduce backlog, such as transferring judges from courts with modest backlogs to ones with excessive backlogs, usually did not occur (European Commission 2008:14).

Merit was neither a factor in recruitment, nor in promotion within the judiciary. There was no performance evaluation system for Kosovo judges. Instead of focusing on performance, judges make sure they collaborated with elite politicians. The purported independence of the judicial system suffered as a result.

As they did not have security to protect themselves or their families, local judges did not feel safe in their work, and therefore did not tackle difficult political crimes. They also easily submitted to threats or incentives made by local politicians (EULEX 2009: 15).

The training of the judges was also ad hoc. The Kosovo Judicial institute organized some lectures on unrelated legal subjects. In addition, some international trainers were not familiar with the legal framework in Kosovo. Hence, in addition to poor recruitment, local judges and prosecutors were poorly trained as well (INPROL 2009: 8).

International Judges and Prosecutors

UNMIK therefore decided to introduce international judges and prosecutors into the existing Kosovo judiciary to counter the ethnic biases in the verdicts of local judges. Initially, the SRSG appointed one international judge and one international prosecutor to the district court of Mitrovica. This small regulation created the international precedent for hybrid courts, defined as the inclusion of both domestic and international judges and prosecutors in a country's criminal justice system. The United Nations would use such a precedent to appoint international judges and prosecutors in East Timor, Sierra Leona, and Bosnia and Herzegovina (Hartmann 2003: 7-8; Nouwen 2006).

International judges and prosecutors performed the same functions as their domestic counterparts in the Kosovo criminal justice system, but they had the right to take over any case. The UN mission perceived the mixed panels of two Kosovo Albanian judges and one international judge to be nevertheless biased against the minorities. This perception prompted the UN Mission to issue a new regulation enabling panels of three international judges to render verdicts in sensitive inter-ethnic, or political cases (Hartmann 2003: 11-13).

The power of the international judges and prosecutors to select any case of crime entailed important trade-offs in the pursuit of justice. On one hand, such selection flexibility could allow international judges and prosecutors to undertake explosive political crimes that Kosovo jurists might be unable to tackle due to pressure and threats. The power of the international jurists, however, proved problematic in the long term since it violated the judicial independence of domestic courts and had potentially negative effects on the capacity building of Kosovo judges.

Although international UN employees were distanced from the local culture, they did not try to change the recruitment rules for local judges. International UNMIK judges did not collaborate or mentor the local judges during this process, since they did not work together or in the same office. My interviews with international and local judges indicate that the two groups were very separate. The international UNMIK judges were deployed in the district courts before 2004, but after 2004 they were centralized in the capital (Frank 2008).

In an interview, a local judge in the Prishtina district court could not cite even one single interaction with international judges. She could only suggest that I meet the Supreme Court judges, since no judge at her level worked with international jurists. The only experience this Kosovo judge had with international judges occurred when she had to preside in a court case of a minority citizen. EU Mission (EULEX) judges came in the session to hear the case and the verdict, but they did not say anything to the local judge. Presumably, if the EU judges considered the verdict biased, they would have taken over the case. The local judge told me that she felt insecure in her professional role when she saw the international judges observing the court proceedings (Ardita 2009). Such impressions stand in stark contrast to the rapport between the customs service and police officials and their international mentors who listened and provided positive and critical feedback toward their professional growth (see Chapter 4).

The international jurists dealt with a small percentage of the criminal cases, but they did not interact with or support their local counterparts in the rest of the cases. Their focus on taking political and ethnic crimes left local judges and prosecutors to deal with the rest of the judicial load. International judges took less than five percent of the criminal cases, and sometimes either failed to finish them on time or not at all. Since there was little or no contact between the two groups, there was little mentoring or support for national judges. Additionally, international judges frequently did not conduct their proceeding in a timely manner, so they did not model efficient judicial procedures (Frank 2008).

The ambiguity of the UN resolution 1244 (see Chapter 2) also undermined the creation of a coherent legal framework for the operation of the UN Mission in Kosovo and the construction of a legal-rational order for the government. The applicable laws in Kosovo drew from the following sources: pre-1999 Yugoslav law, laws prepared by the UN mission in Kosovo and adopted by the Special Representative of the Secretary General of the United Nations (SRSG), and laws prepared by the Kosovo Assembly and approved by the the SRSG. Before the declaration of independence, the SRSG was the highest authority for the interpretation of legislation in Kosovo (Zaum 2007: 144-153). After the declaration of independence, the new Kosovo constitution is the highest law, and the supreme court is responsible for interpreting legislation. Since professional bureaucracies rely on clearly specified rules and regulations, such legal confusion undermined the growth of the Weberian state in Kosovo in the bureaucracies driven by the patronage networks.

The inclusion of international judges from both the common law and continental European practice added to the legal confusion. International judges had to improvise and usually followed their own home legal code. An international judge stated that:

[there was a] giant problem of interpretation between civil law and common law judges. As the first common law judge there I took a lot of hits. I couldn't get a clear answer on how to handle this – it seemed to be 'do your own thing time' so I did! (quoted in Amnesty International 2008: 30).

Various respondents also claimed that local judges were subject to political interference in their work. Many insiders believe that some judges were easily blackmailed because of their checkered past in the Yugoslav system. Most of the current judges received their education in the Yugoslav federal period. In 2009, the average age of the 269 Kosovo judges was 54, and only 2.7 percent were below 40 years of age (EULEX 2009: 84).

Since February 2008, the European Union and the United States have attempted to overhaul the judiciary system in Kosovo through a new vetting process. The Independent Judicial and Prosecutorial Commission (IJPC), consisting of five international judges and prosecutors, was mandated to conduct a one-time review of all the possible candidates for permanent positions in the Kosovo judiciary. The donors to this process were the European Commission, the U.S. Government and UNMIK (IJPS 2009). The goal of the vetting project was to create an independent and professional judiciary and prosecutorial service that would administer Kosovo's justice system. Since all the domestic judges and prosecutors had short term contracts with the UN Mission, Kosovo's declaration of independence was used as an occasion to conduct a one-time process of ethical and professional vetting of both existing jurists and new applicants. Both current employees and new applicants had to pass tests of ethics and professionalism to be part of the new service. By 2010, the international board already administered the ethics test and a large number of current judges were disqualified. It is too early to evaluate this intervention, but theoretically it could improve the quality of the judiciary.

Even though UN resolution 1244 tasked UNMIK with building an effective and impartial judiciary, the UN mission did not proactively pursue that goal. A senior official with the UNMIK Department of Justice admitted that “UNMIK understood for a long time that its job was not to develop Kosovar judicial authorities, but to handle high-profile cases—corruption, ethnic impunity, war crimes... Our job was not to train or build capacity” (quoted in INPROL 2009: 70). Faced with a difficult task, UN bureaucrats chose to redefine their mission in the judiciary by managing the situation, instead of transforming it.

Conclusion

Both the central administration and the judiciary were therefore ineffective bureaucracies. They did not fulfill their mission and penalize corruption successfully, and they were not responsive to the public. Patronage in the central government produces wealth for the politicians. Recruitment and promotion according to patronage undermined the success of these institutions.

Local ownership of these bureaucracies did not make them more effective. On the contrary, transferring authority early to elected leaders or appointed local judges undermined the performance of these bureaucracies. On the other hand, transferring authority gradually to local bureaucrats after meritocratic recruitment, training and promotion created bureaucratic capacity in the customs service and police force (see Chapter 4).

The devolution of power in the judiciary occurred differently from what worked for the other institutions. Instead of slowly transferring power from the international administrators to the local professionals, UNMIK started by giving power and local ownership to the local judges and prosecutors. However, when UNMIK introduced international judges and prosecutors, it reversed the process by taking some of that power back to the international administration.

International jurists ended up substituting for the capacity of the local judges and prosecutors, instead of building it.

This chapter also confirms the Weberian hypothesis that merit-based bureaucracy is superior to patronage organizations (Swedberg 1998: 62-70). The new public administration theory emphasizes the benefits of the patronage system, since the employee is going to be responsive and loyal to the political leader who appointed him or her. However, such patronage undermined the performance of the bureaucracies in this study.

Significant international aid did not build capacity in these bureaucracies. When multiple donors funded various consultants to work on the same policy without coordination, technical assistance was wasted as the local bureaucracy did not gain knowledge and capacity. Unfortunately, since technical assistance constituted eighty percent of international aid since 2005, most international aid for these bureaucracies was wasted. When the international donors were divided, local politicians could play them against each other. The current prime minister used the American consultancy to undermine the previous effort to institute depoliticized permanent secretaries.

In the next chapter, I will investigate the successful bureaucracies, the customs service and police. As I contrast these bureaucracies with the central administration and the judicial system, I will argue that the following variables do not explain the variation in bureaucratic capacity: local ownership, past institutional legacies, crowding out of capacity by international organizations, international resources and type of international organization. Instead, insulation from societal and political influence enabled the construction of the professional bureaucracies.

CHAPTER 4

“WITHOUT FEAR OR FAVOR”:

BUILDING PROFESSIONAL BUREAUCRACIES AFTER WAR

Dardan Velija (2008), a former senior government official, likes to tell an anecdote about how Kosovo traffic police officers stopped him twice for speeding. The police officer stopped the car, politely asked for the driver’s documentation, and then ordered him to pay the fine for driving above the speed limit. The police officer fined Velija despite noticing the VIP sticker at the front window that signaled the important government position of the driver. Velija, a political advisor to the Kosovo prime-minister, had to pay a fine just like any other citizen. “In Albania,” he added, “the police would not even stop me because they would notice the Kosovo VIP sign in the car.” Indeed, in South East Europe, police officers are notorious for getting bribes from normal citizens as well as not “touching” senior state officials. For example, in Serbia, police officers were considered the most corrupt public officials in a 2008 poll (Gallup 2008: 22).

This professionalism of Kosovo police officers²³ is also puzzling considering its recent history. The dominant narrative among a majority of Kosovo Albanians is that only the Serbian police treated them harshly.²⁴ However, in addition to the Yugoslav army, the (mostly Albanian) Kosovo police beat up students and workers in the 1981 massive protests in Prishtina. From 1989 to 1999, the Serbian police and military imprisoned and tortured thousands of Kosovo Albanian males, subjecting them to extra-legal beatings, interrogations and violations of their human rights. Given this history, we would expect that after the Serbian police left, the new Albanian-

²³ After the declaration of independence in 2008, Kosovo police service changed its name into Kosovo police. Likewise, UNMIK customs service became Kosovo customs service.

²⁴ For competing narratives in Kosovo’s war see Mertus 1999.

dominated Kosovo police would behave harshly toward minorities in retribution. Instead, the new police officers have demonstrated very little corruption and, for the most part, respect the human rights of all the residents in Kosovo.

Post-war Kosovo is full of such surprises. While one might expect the new Kosovo state to be weak, after examining the central administration and the courts I found instead that some bureaucracies were functioning quite well. The customs service is one such example. In the middle of an interview with a United Nations bureaucrat working for the European Union, the official stopped our conversation to answer an important phone call. The Kosovo customs director needed help clarifying the tax rate for oil imports because the ambiguity in the current law gave too much discretion to the customs field officer, and this could be exploited by traffickers. I was surprised that the customs director did not see the legal loophole as a way to enrich himself, like others in his position might. The UN official concurred that the Kosovo customs service is extremely professional compared to the rest of the South East European region; he found in his frequent travels that the well-dressed, young and respectful Kosovo customs officers stood apart from the typically rude and corrupt customs officials in neighboring countries (Dritan 2008).

Such professionalism is surprising because the customs bureaucracy is often one of the most corrupt and least effective institutions around the world. In the 19th century United States and modern day Albania and Bolivia, customs job candidates had to pay many times the annual salary in order to get a job. The customs service officials would then compensate themselves through kickbacks, bribes, and other illegal means. Political leaders also promise customs positions to friends, family and party followers. Such political appointments make customs officials loyal to the party leader and often highly corrupt. According to a World Bank study, the

performance of the customs service is severely compromised when its offices are sold to the highest bid or filled through patronage (Wulf and Sokol 2005 :33).

The effectiveness of the police force and the customs service is also surprising since they are the bureaucracies most susceptible to being corrupt, as the ranking in table 1.4 suggests. We would expect these organizations to be more highly corrupt and less effective than the other central state bureaucracies. Yet, the police force and customs service are the bureaucracies that have effectively fulfilled their mission, penalized corruption and responded to the public requests for information.

This chapter argues that the effectiveness of both the police force and the customs service in Kosovo is due to their insulation from political interference and promotion of a public service ethos. The international organizations recruited, vetted and promoted local officers according to merit, performance and ethical behavior. In these bureaucracies, international organizations acted as the main constituency for civil service autonomy. In Chapter 3, we saw that the central government and the court system recruited according to political patronage and the result was significantly lower bureaucratic effectiveness.

I will start the chapter by measuring the effectiveness of the customs service and police force according to three indicators: mission fulfillment, penalization of corruption, and bureaucratic responsiveness. I will then present the insulation argument and trace the recent historical development of the two institutions. After examining how international administrators transferred power to local authority, I will discuss alternative explanations and the specific implications of these findings.

Measuring the Bureaucratic Effectiveness of the Police Force and Customs Service

Mission Fulfillment of the Kosovo police force

In chapter 1, I outlined the three main indicators of bureaucratic effectiveness derived from an extensive review of the literature. How does the police service fulfill its mission? In terms of public trust, Kosovo police rank very highly. According to the UNDP (2009) polling data of the Early Warning Report 25, public satisfaction with Kosovo police from November 2002 to June 2009 is on average 81.5%. As Figure 4.1 indicates, public satisfaction has been nearly constant from the beginning of the polling in 2002, three years after the first local police officers started enforcing the law, and it has remained high after Kosovo declared independence in 2008.

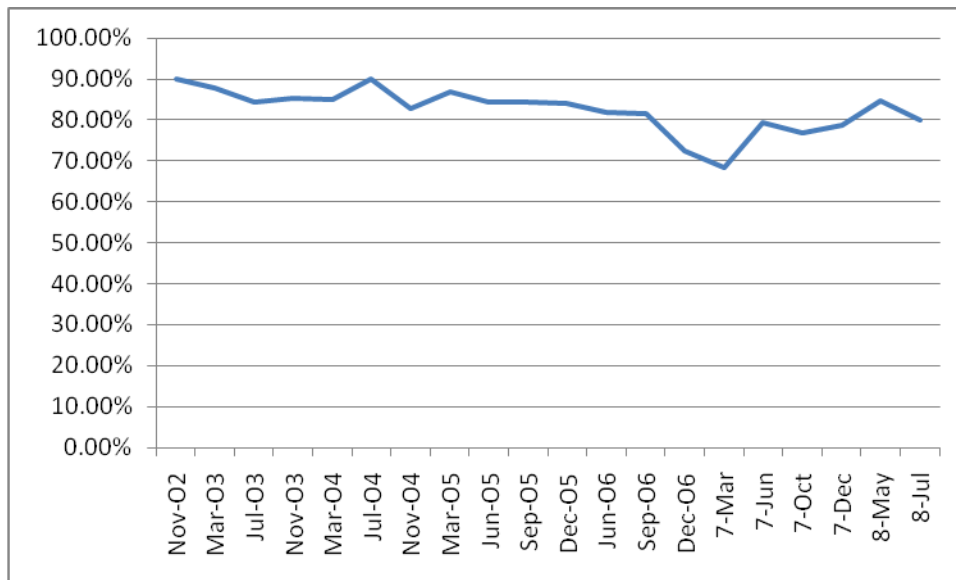


Figure 4.1: Public Satisfaction with the Kosovo Police Force

Source: UNDP Early Warning Report Fast Fact Presentation 25. June 2009.

As the main state bureaucracy tasked with its monopoly on violence, the mission of the Kosovo police force is to implement the rule of law in Kosovo professionally, effectively and efficiently. Its strategic objectives are to defend life and property, safeguard the law and public

security, prevent and solve crimes, defend human rights, and treat all citizens equally (Kosovo Police 2010). Since the Albanian majority in Kosovo saw the police during the Milošević years as an instrument of Serbia's repression, building public trust in the police has been a difficult process.

The general view among local experts and international organizations is that Kosovo police officers deal well with routine low level crimes, respond quickly to media requests, and behave politely and professionally toward citizens. Traffic police usually received good marks from elite interview respondents, as the officers courteously enforced the traffic rules. As the vignette at the beginning of this chapter illustrates, Kosovo police officers enforce the rules even for politicians, suggesting that they see no one as above the law. However, the good performance of field officers is often undermined by the lack of management and planning in daily operations (EULEX 2009 :45-46).

Elite interviewees and the various reports by European Commission (2009: 47-48), EU Rule of Law Mission (EULEX 2009: 34-37) and International Crisis Group (ICG 2010: 5-11) document that the performance of the police in combating organized and political crime has been less effective. Organized and political crime, however, has not been the sole responsibility of the Kosovo police force. Indeed, the Kosovo court system has been incapable of prosecuting political crimes (see Chapter 3). International judges and prosecutors have been tasked with the responsibility of prosecuting political and inter-ethnic crimes, but even they complain that guilty Kosovo political leaders have not been indicted due to the interference of the international community. According to former United Nations officials King and Mason (2006: 59-60), top UN administrators hesitated to prosecute certain Kosovo Albanian politicians because of the potential of a violent reaction from their supporters.

The overall crime rate in Kosovo was high immediately after the war ended in 1999 but has decreased significantly since that time. Reports from the US State Department (2003-2010) claimed that human trafficking has been one of the serious crimes afflicting post-war Kosovo. Traffickers forced women from Kosovo and the region into prostitution and coerced children into street begging. Like other territories with a significant number of international peacekeeping forces, Kosovo experienced an increase in involuntary prostitution (Kent 2007). Moreover, between twenty and forty percent of brothels' customers were international peacekeepers who constituted nearly two percent of Kosovo's population at the time. The international administration and the government of Kosovo have passed laws against human trafficking, and the Kosovo police frequently raided bars, coffee shops and nightclubs that employed victims of human trafficking. The official response to human trafficking has been achieving some results since the number of victims has decreased over the years (US Department of State 2010). As shown in Table 4.1 below, the number of assisted victims has declined over the years from 172 in 2001 to 29 in 2009 indicating that the practice of human trafficking is on the decline.

Table 4.1. Human trafficking in Kosovo.

Year	Number of assisted victims
2001	172
2002	89
2003	70
2004	58
2005	55
2006	65
2007	32
2008	27
2009	29

Sources: Kosovo police force, quoted in Kosovo Stability Initiative 2008 :14; US Department of State 2010.

Table 4.2 below also shows that Kosovo police have increased their capacity to prosecute cases of human trafficking and get the courts to convict the criminals. As the number of cases has decreased significantly over the years from 234 cases in 2002 to 58 cases in 2007, convictions have increased from 12 percent of all cases in 2002 to 88 percent in 2009.

Table 4.2. Human trafficking cases versus convictions.

Year	Number of cases	Number of convictions
2001	n/a	15
2002	234	27
2003	69	17
2004	85	16
2005	70	22
2006	68	16
2007	58	24
2008	24	15
2009	25	22

Sources: Kosovo Police data, quoted in Kosovo Stability Initiative 2008 :14; US Department of State 2010.

In terms of the crime rate, Kosovo has a lower average rate of homicides per capita than Bulgaria and Albania, but a slightly higher rate than Germany and Sweden. In global comparisons, Kosovo is a relatively safe country. Indeed, a recent UN (Office on Drugs and Crime 2008) study concluded that Kosovo and other South-East European countries are comparatively safe despite the image of the region as a haven for criminal activity. As table 4.3 indicated, a resident is twice more likely to be killed in the US than in Kosovo. One informal indicator of the safety in Kosovo is the high number of young expatriate professionals who are bringing up their children there. With the exception of Bosnia, international professionals do not tend to bring small children to post-war countries.

Table 4.3. Number of homicides per 100,000 citizens

	Number of homicides per year	Number of homicides per 100,000 citizens per year
Albania	179	5.68
USA	16,204	5.47
Bulgaria	240	4.1
Kosovo	61	3.05
Sweden	215	2.38
Germany	809	0.98

Source: Kosovo police force, quoted in Kosovo Stability Initiative 2008: 34.

Since the Kosovo police force is not the only actor that assures security in Kosovo, we cannot attribute all the stabilization success to its contribution. International United Nations police were also tasked with executive authority for law enforcement in Kosovo. In addition, NATO forces were tasked with securing Kosovo from both external and internal threats. Indeed, NATO military forces were at least as popular as the Kosovo police force, according to public satisfaction polling data (UNDP 2009). Because of shared responsibility for security, some critics of the police force argue that its success is fully dependent on the international force. For example, Phelps doubts that the Kosovo police will remain effective after the international military and police leave (Phelps 2010: 25-27).

Two final indicators measure the size of the police force compared to its population and number of crimes. If the first ratio of number of police per population is very small, then it might be harder for the police force to deal with all its responsibilities. If this ratio is big while its performance poor, then the bureaucracy is bloated and consumes unnecessary public resources. As figures 4.2 and 4.3 below indicate, the Kosovo police force is lean compared to others in the South East European region. At 321 police officers for 100,000 people, Kosovo has fewer officials than the European Union average and fifty percent less than neighboring Macedonia. In terms of average crimes per officer, the second ratio, Kosovo's average is less than the European

Union's, but higher than neighboring Croatia and Macedonia. Both ratios indicate that the bureaucracy is lean, despite a heavy workload.

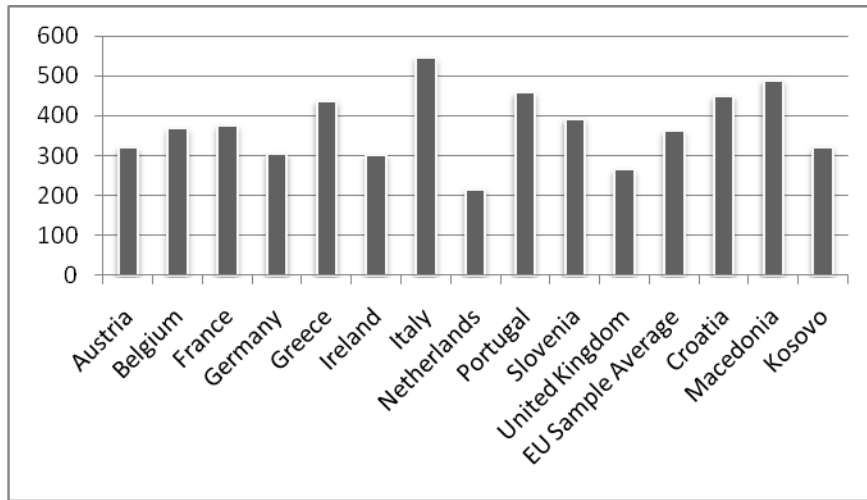


Figure 4.2. Number of Police per 100,000 people. Source: EULEX 2009: 67.

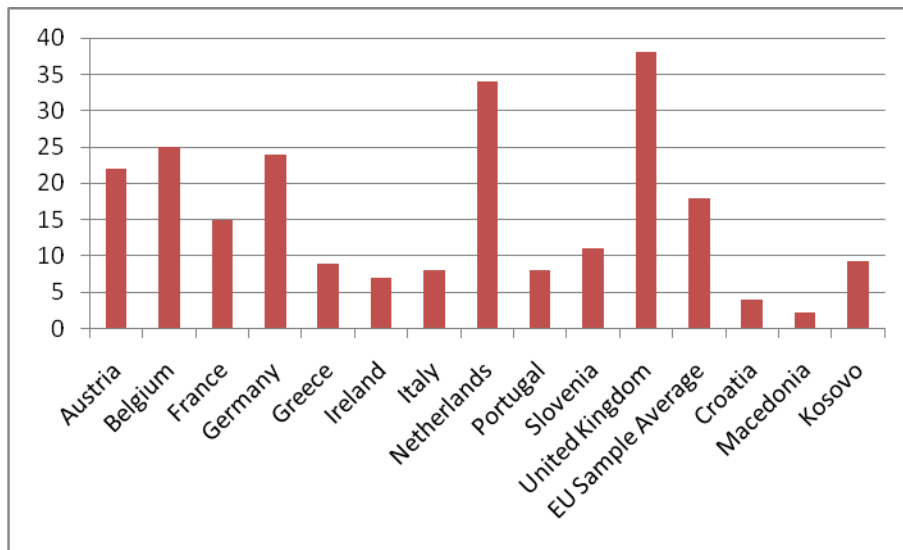


Figure 4.3: Average crimes per officer. Source: EULEX 2009: 67.

In summary, while we should be cautious about attributing stability solely to the Kosovo police's performance, this police force deserves considerable credit for its fulfillment of mission. Various interviewees claimed that like the Kosovo public, they were impressed that the indigenous police force developed quickly and treated them with respect and competence.

Penalization of Corruption in the Police Service

The police force is also judged by the public as the least corrupt of all the domestic and international institutions. According to the Early Warning Report 25, only 14.6 percent of people believed that there is large scale corruption in the Kosovo police force. By contrast, twice as many respondents believed that there was large-scale corruption in the UNMIK (UN Mission in Kosovo) international police, and twenty percent believed that international organizations were also significantly corrupt. Other surveys corroborated the finding that few police officers expect bribes in exchange for services (Gallup 2008; 2009).

In a comparative survey conducted by Gallup and the European Fund for the Balkans in Albania, Macedonia, Serbia, Kosovo, Montenegro, Croatia and Bosnia in 2008, Kosovo respondents had the lowest response to the following question: “During the past year, has any government official or civil servant, for example, a customs officer, police officer, or inspector in [country] asked you or expected you to pay a bribe for his service?” Only 5 percent of Kosovo residents responded “yes” to that question, as compared to 30 percent in Albania and 10 percent in Serbia. Meanwhile, the ratio of European Union citizens that replied positively to the same question was 8 percent in 2005 and 7 percent in 2007 according to Euro-barometer surveys. Only one percent of the Kosovo respondents in the Gallup 2008 survey claimed they had given bribes to police officers.²⁵ In 2009, 1.7 percent of Kosovo respondents bribed police officers (Gallup 2009). Euro-barometer data in 2007 indicated that an estimated 1 percent of the population in the European Union had given bribes to police officers.

Independent reports by the European Commission and EULEX also claimed that the Kosovo police force is not corrupt. Part of the EULEX mission is to monitor and evaluate police

²⁵ It is impossible to make statistical inferences from the information about the percentage of people who gave bribes to each institution, however, since the actual number of respondents is less than 15.

performance and ethics. The first EULEX report (2009:13) stated that “in spite of low remuneration among its lower ranks, the Kosovo Police is relatively free from corrupt behavior.”

Various Kosovo institutions have the capacity to monitor the performance and ethics in the Kosovo police. The Internal Investigation Unit, an institutional mechanism within the police, conducts internal investigations of minor offences within the organization. As a result of their investigations, seven police officers faced disciplinary action and had to resign from the force in 2008 (Kosovo Police 2008: 25). In 2009, the Unit investigated 866 cases, concluded 773 of them, and recommended 593 disciplinary penalties that included the dismissal of four officers. The Police Inspectorate of Kosovo, an independent institution that reports to the Ministry of Internal Affairs, monitors the most serious police violations. However, the Inspectorate was understaffed and lacked a director during the entire year of 2009. Without sufficient staff, this organization could only investigate approximately 400 complaints per year despite having a caseload of 1700 cases in 2009 and 2,024 cases in 2008 (ICG 2010:10).

Bureaucratic Responsiveness of the Police Service

In terms of responsiveness to the public, the Kosovo police had very good communication channels with local and international media. Based on a survey of Kosovo journalists in 2009, two NGOs, Youth Initiative for Human Rights and the Speak Up movement (Lëvizja Fol), named the Kosovo police the most transparent institution. Furthermore, both the Kosovo police and the police academy publish annual reports on their website including process and performance indicators (Kosovo Police 2010).

Despite this recognition for their media transparency, the Kosovo police were less responsive to civil society and other public requests for information. For the 2010 transparency

index of the government bureaucracies and public enterprises in Kosovo, the Speak Up Movement sent questionnaires with 24 specific questions on their public relations frameworks to numerous bureaucracies. The questionnaire scanned the whole public relations infrastructure in each institution by asking specific questions about laws, personnel qualifications and training, publication of important information online, and the classification of public documents. The Kosovo police received 55.5 points out of 100, because, despite their daily media communications and a useful web-site, the police force did not have clear institutional mechanisms to translate the law on access to information into timely responses to public requests. According to the index criteria, the Kosovo police were judged to be *partially open*. This indicates a low level of openness to public requests, but one that is still higher than the *closed* level assigned to the central government and the public prosecution (Speak up Movement 2010: 28-31). Similarly, in the bureaucratic responsiveness test conducted by the Youth Initiative for Human Rights NGO in 2006, both Kosovo police and the police academy had a 20 percent response rate. Overall, the Kosovo police service demonstrates a medium level of bureaucratic responsiveness. Despite its openness toward the media, the service is less responsive to the public and civil society.

Mission Fulfillment of the Kosovo Customs Service

The core mission of the Kosovo customs service is to collect revenue for the state budget and facilitate the movement of goods and people across borders. The customs service is responsible for raising general revenues for the state from international trade at the international borders. The service therefore sustains the government's budget with revenue that is then spent on infrastructure, education, health, welfare, and administration. Customs revenues constitute 65

percent to 70 percent of the annual state budget. The service is fully funded through the state budget and not through donors. Indeed, revenue from the customs service has ensured that Kosovo's self-government budget has been fully financed by domestic sources since 2003.²⁶

Even if Kosovo becomes an EU member, the customs service would still be able to raise significant revenues for the state, since only 14.8 percent of revenues would be affected (Huruglica 2011). In the event of EU accession, Kosovo would enter the common European market, and its only international port would be the main airport. However, customs duties—taxes charged upon imported goods produced outside Kosovo—constitute 14.8 percent of the overall customs revenue. The customs service also collects the Value Added Tax (VAT)—a tax charged upon the supply of goods made by a registered business in Kosovo—at 51.6 percent of overall revenues, and the excise tax—tax on certain goods such as alcohol and tobacco—at 33.6 percent of overall revenues. While it is responsible for customs revenues, excise tax and import VAT taxes, the customs service is not responsible for income taxation. The Tax Administration of Kosovo is responsible for income taxation and other domestic business taxes.

This impressive revenue collection is also not due to high tax rates in Kosovo. Customs taxes, Value Added Taxes and excise taxes in Kosovo are among the lowest in South-East Europe, and therefore revenue collection is due to efficiency and not high taxation rate. For most products, the customs tax is 0 percent, while the highest and only customs tax rate is 10 percent. Excise taxes are applied to various products, such as tobacco, alcohol, or petrol, while VAT rates are 0 percent for some products and 16 percent for most products (Huruglica 2011).

²⁶ In contrast, the US provides direct budget support for administrative expenses in Georgia and Afghanistan.

There are no known survey data on whether the general public is satisfied with the customs service. However, the organization was usually ranked highest in effectiveness by interview respondents from the government, international organizations, and NGOs in Kosovo.

Compared to other customs services in South East Europe that have undergone a longer period of institutional development, the efficiency and responsiveness of the Kosovo customs service are impressive. One measure of efficiency is the ratio of cost of customs collection as percentage of revenue received, as indicated in Figure 4.4 below. At 1.51 cents per Euro collected, Kosovo customs is almost twice as efficient as Bosnian customs and comparable to Macedonian, Serbian, Moldovan and Albanian customs services. These other customs services had been operating in the post-communist regime for a decade before the Kosovo customs service was created. In addition, the joint World Bank and European Union Trade and Transport Facilitation in Southeast Europe Project improved the efficiency and business friendliness of the other customs services in the region (World Bank 2005). Hence, the Kosovo customs service succeeded in very rapidly achieving regional norms of efficiency.

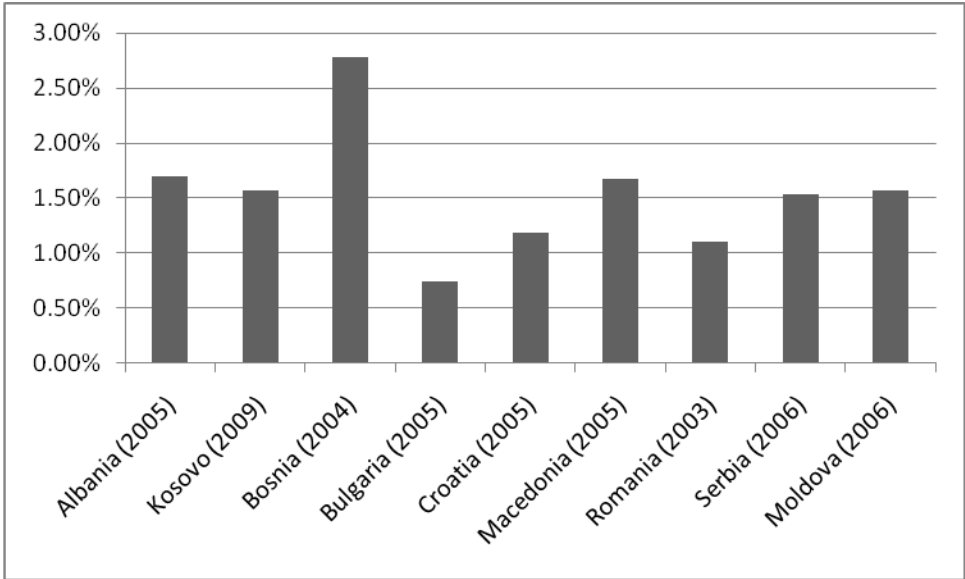


Figure 4.4: Cost of customs collection as percentage of revenue received.

Source: Kosovo Customs; World Bank 2005.

In terms of its size per capita, the Kosovo customs service was also very lean in regional comparisons, despite the high volume of work. As you can see from Figure 4.5, Kosovo had 28 customs officers per 100,000 people, while Albania had 40, Croatia had 71, Macedonia had 60 and Montenegro had 91. The performance of the customs service was thus particularly impressive given the low number of employees.

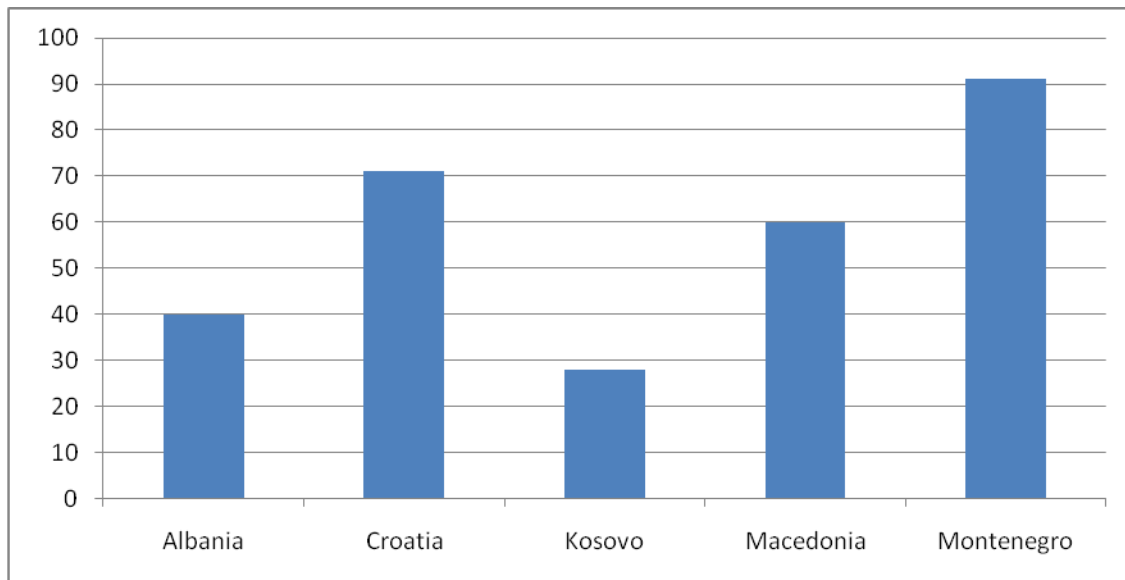


Figure 4.5: Customs service officials per 100,000 thousand people.

Source: Kosovo customs website, Albania customs website, Croatian customs web-site, Macedonian customs website, Montenegrin customs website. Accessed March 30, 2010.

Penalization of Corruption in the Kosovo Customs Service

As in other states, the customs service in Kosovo has a high potential for corruption since it processes taxes at the border and its officials have strong incentives to misrepresent the goods in exchange for a large bribe. The public perception of the customs service was that it was one of

the most corrupt institutions in Kosovo. According to the 25th Early Warning survey (2009), 38 percent of the public believed there was extensive corruption in the customs service. However, when asked about their sources for evaluating the extent of corruption, 46 percent of the respondents claimed it was based on the media and only 10 percent claimed they had a personal experience with corruption (UNDP 2009). In a recent survey conducted by the American Chamber of Commerce in Kosovo, 14.9 percent of respondents in the Kosovo Albanian business community also perceived the customs service as corrupt (Shaipi 2008: 13).

There is obviously corruption therefore in the customs service, but is it as high as it seems? Let us now consider the actual comparative experience of corruption in the region. According to the comparative Balkan Monitor poll (Gallup 2008), the actual percentage of survey respondents who have personally given bribes to customs officers in 2008 is less than 1 percent, the same as the average in the European Union. The same survey question in 2009 reported an even lower actual experience of bribe-taking from the customs officers in Kosovo, despite a higher level of corruption by government officials in general. While 10 percent of Kosovo respondents reported giving bribes to government officials in 2009, only 1.5 percent of them provided kickbacks to customs officials (Gallup 2009). Therefore, the actual corruption of the customs service was lower than the general public perception of its corruption.

The lower experience of bribe-giving is startling, and cannot be attributed to the lack of contact of citizens with the customs officials. On the contrary, Kosovo residents have frequent contacts with customs officials since most residents travel to the neighboring countries. In addition, since the economy is based upon trade, businesspersons have even more frequent contacts with the customs service than the average citizen. Therefore, the actual corruption level of the customs service is lower than expected.

While there certainly is corruption in the customs service, a functional internal institutional mechanism worked well to control corruption. The Unit of Professional Standards of the Kosovo customs service examined complaints about possible misconduct by customs officers and disciplined the officials who abused their public position. In 2008, the customs bureaucracy processed complaints against 85 officials and found that 32 of them were guilty. As a result, the professional unit performed 34 disciplinary actions, one promotion block, one transfer, and the removal of six of its officials (Kosovo Customs 2009:19). Therefore, despite the high potential for corruption, the customs service is highly successful in penalizing corrupt behavior.

Bureaucratic Responsiveness of the Kosovo Customs Service

The customs service is consistently ranked as the most responsive bureaucracy in Kosovo by the various NGO tests. According to the responsiveness to public requests test by Youth Initiative for Human Rights, the customs service received the maximum possible rating of 100 percent and stood out above all other local institutions. The service responded to all the public requests for information included in the test (YIHR 2007). In the 2010 transparency index of the government bureaucracies, the customs service was named the most transparent institution, accumulating 90 percent of all the possible points, although according to another study, the service was “not fully open” (Speak up Movement 2010: 25-28). A major economic think-tank in Kosovo, the Institute for Advanced Studies (GAP), also confirmed that the customs service was very open to sharing its extensive import-export data for policy research (Ahmeti 2008). As a researcher, I found the Kosovo customs service to be very open and responsive to questions and requests for information; its managers also allowed me to observe their field activities.

To sum up, the effective bureaucracies, police force and customs service are actually the ones that we least expect to be effective. The combination of the various measures indicates that these bureaucracies are significantly more effective than the central administration and the courts. Since bureaucratic effectiveness is an ideal type, that does not mean that the police force and the customs service score perfectly across the different measures. For instance, police is not fully responsive to the public demands for information, even though it is more responsive than the central administration and the court system. Similarly, while there is corruption in the customs service, a functional internal institutional mechanism systematically penalizes it. For both the customs service and the police force, the overall measures indicate that they are effective bureaucracies.

Insulation from Politics

Both the police force and the customs service are indigenous bureaucracies that were built by and remained under the authority of international administrators until independence was declared in 2008. The police force and customs service remained reserved powers of the UN Special Representative of the Secretary General in Kosovo because the UN Resolution 1244 made the UN mission responsible for matters concerning sovereignty and security. Since the customs service dealt with international border control, and the police force was responsible for the law enforcement, both of these institutions remained under international authority six years after the United Nations mission devolved the central administration to the elected leaders of Kosovo (see Chapter 2).

International organizations insulated the customs service and the police force from societal influence and promoted a public service ethos through the socialization of their

employees. Therefore, the evolution of these organizations emphasized performance and public accountability. International administrators recruited, trained and vetted Kosovo employees according to principles of merit and representativeness. The principle of merit meant that employees were recruited, promoted or fired based on their performance and ethics. They were also expected to play the role of impartial public servants. The principle of representativeness meant that these bureaucracies emphasized affirmative action for minorities in order to build a multi-ethnic state. Since public officials were selected through competition, they valued performance. As these officials trained and rose through the ranks together, they learned to communicate and monitor each other's performance. Hence, they were better positioned to limit corruption in their ranks despite low salaries.

One of the measures that make the insulation of the bureaucracies visible is their uniform. In the interactions with the citizens, the officers are dressed in crisp professional uniforms that set them apart from central administration officials and civilians (Kovchok 2001 :60). Such visibility of difference between the state officials and the civilians helps them maintain the bureaucratic culture of public service and performance. In contrast, the officials in the central government and the courts do not wear clear and visible uniforms that may distinguish them from the general population.

The mechanisms of meritocratic recruitment and promotion were crucial in building the effective bureaucracies. These measures enhanced the discretionary authority of the bureaucracy and instilled the ethos of public service in the organization. As meritocratic and inclusive principles governed the shift from international to local institutional ownership, institutional capacity was strengthened. This was not only a technocratic process, but also a highly political

one because international management and expertise provided a needed buffer from the institutional decay caused by nepotism.

In order to stay in their jobs, employees in the police force and customs service had to learn to behave according to the rules and procedures of the organization. Such rules emphasized performance and the impartial application of the legal order. Employees who were hired on merit and not loyalty valued their performance and monitored each other's work in the process. As the employees pursued a career in the civil service, they shared information and communicated with each other about organizational routines and practices. Since strategic calculation is an important mechanism, the socialization of employees in these organizations is not incompatible with rational choice institutionalism (Moe 1984).

The last two mechanisms of role-playing and normative suasion (Checkel 2005 :810-813) transcend rational choice institutionalism. When role-playing, the bureaucrats followed cues and shortcuts to enact particular organizational roles, without simply calculating the costs and benefits of their actions. During an interview with the director of the customs service, he started by apologizing that he was five minutes late. Since showing up 15 minutes late for meetings is common in South-East Europe, I told him that it did not matter. "No", he said, "I have learned from my international mentor that showing up on time for everything is the first step toward professionalism" (Sami 2008).

The final mechanism of normative suasion (Checkel 2005 :812) occurs when social agents are open to the redefinition of their interests and preferences as they persuade each other to behave appropriately. While the other mechanisms apply to both the police force and the customs service, I found evidence for the mechanism of normative suasion only at the managerial level of the customs service. Through intensive mentoring by international

representatives, senior local customs officials demonstrated a strong internalization of the norms of the service as they made statements such as: “We are here to serve Kosovo.” The next two sections analyze the institutional development of these organizations.

Development of the Kosovo Police force

Various interviewees indicated that the development of the Kosovo police force was influenced by the lessons learned from the Bosnian experience (Jeton 2008; Luke 2008). In Bosnia, only the pre-war police officers were recruited back into the force after only two weeks of training. The police force was not integrated at the central level, but divided according to the ethnic entities, Republika Srpska and the Federation into 13 different services. This fragmentation made coordination of policing between the different units very difficult (Vetschera and Damian 2006 :35). International efforts to create a multi-ethnic unitary police force subsequently failed. Republika Srpska leaders do not want to give up the coercive policing powers to the central level because the Dayton power-sharing mechanism empowers sub-national elites who resist the encroachment of national authority. Since there was no common European standard in policing, the local leaders also found it easier to resist the demands from the High Representative in Bosnia, Paddy Ashdown, when he tried to push the policy of police centralization (Muehlmann 2008).

The main lesson that the international organizations drew from Bosnia was that the international community needed to be more involved from the early stages in recruiting and training a multi-ethnic centralized police force. The responsibility for the recruitment and training of the Kosovo police force rested with two institutions, the UN police and the Organization for Security and Co-operation in Europe (OSCE). The UN police assumed

responsibility for recruitment and screening while the OSCE was responsible for basic training at the newly created Police Academy in Vushtri/ Vuciturn (Zimmerman 2004: 72-72).

International executive policing, where international police officers enforce the law in a foreign territory, started first in Kosovo and then continued in East Timor. A single sentence in the United Nations Security Council Resolution 1244 provided the authority for international civilian police (the UNMIK Police) to secure the territory and train the indigenous force. The tasks for the UNMIK police included “maintaining civil law and order, including establishing local police forces and meanwhile through the deployment of international police personnel to serve in Kosovo” (para 11(i)). However, this single convoluted sentence did not provide any guidelines for implementation.

International recruitment and coordination of this police force suffered various setbacks. The usual criticism of the UN police is that they needed more officers, heavier equipment and a stronger mandate (Hansen 2002: 11). In addition, the fifty-four international contingents in Kosovo did not provide consistent advice or standards to the fledgling police force. One of the senior UNMIK police officers said the following in an interview:

In the beginning, there were only internationals. There is good and bad about that. Bad, since it is difficult to run a chaotic organization with 30-40 different national standards and contingents. On the other hand, what is the alternative? I cannot think of any country that will say: I will take care of it and send my police. UK, USA, Turkey, none of them. Nobody has the proper resources to make the commitment that is needed (Luke 2008; see also Dwan 2002: 21-21).

The UN police recruited indigenous police officers through rigorous examinations in Kosovo. The recruitment and screening process involved an oral interview, a written exam, a psychological test, a medical exam, a physical agility test and a background investigation. In the initial tests, eighty percent of applicants failed, especially when taking the written exam. Recruits

had to be high school graduates between 21 and 56 years old, and they had to pledge their commitment to tolerance and human rights (Bajraktari et al. 2006: 49). The high age limit meant that former Yugoslav police officers could apply as well, but they had to meet the same standards. A police colonel who had worked in the Yugoslav police before 1989 stated this in the interview: “The United Nations did a much better job at recruiting professionals than our politicians would have done.” The implication is that the political leaders would have emphasized more personal connections and less merit in their recruitment strategy.

International organizations had to initially compromise with Kosovo political parties associated with the Kosovo Liberation Army for the recruitment strategy. Kosovo politicians demanded that the police force include only former fighters. The Organization for Security and Cooperation in Europe (OSCE) was firmly against such a strategy because some of the fighters had a criminal past (see Chapter 2). The informal compromise in the initial recruitment became a 50 per cent quota for former Kosovo Liberation Army fighters in exchange for the demobilization of the Kosovo Liberation Army (KLA). Therefore, there was some political interference in the recruitment process, but it was regulated.

Despite the initial compromise, international actors managed to keep the police force insulated from political influence. The 50 percent quota of the police force was an informal arrangement that held only for the first year of recruitment, where less than a thousand police officers were recruited. All the new recruits had to pass tests and vetting for criminal behavior, and 80 percent of them in 1999 were rejected (Kovchok 2001 :59). Since there was a pool of around 20,000-25,000 former members of the KLA to choose from, the recruitment process still managed to select some of the most capable ones. After 2000, OSCE did not use the 50 percent quota. By 2007, 25 percent of the police force, 2000 officers, were former KLA fighters, but

only half of them applied through the quota, the rest applied and got accepted individually. So, only 12.5 percent of the current police force entered through the quota system for former fighters, and they themselves had to be vetted in recruitment and promotion. In contrast, the Kosovo Protection Force (KPC), tasked with emergency civilian operations, was comprised mainly of former fighters. “I got the KLA members who did not have other options” claimed former KPC commander Agim Ceku (quoted in International Crisis Group 2006: 3).

The United Nations and OSCE also emphasized the recruitment of minorities following the norm of representativeness for the multi-ethnic society of Kosovo. Since the new police force had to be multi-ethnic and trust-worthy, the UN created a quota system for Kosovo Serbs and other minorities. The police force had to be representative of the society as a whole, even though in 1999, Kosovo was a society divided by ethnic and political cleavages (Harris 2005: 19:20). By increasing the density of contacts between police officers from different groups, the hope was that the population would also be more comfortable living in a multi-ethnic society²⁷. According to a spokesperson for the Kosovo police, the police academy was expected to socialize officers from various ethnic groups into a unitary professional organization (Jeton 2008). Almost all new recruits were assigned to their hometowns, so Kosovo Albanians covered Albanian neighborhoods and Kosovo Serbs covered their own. In 2009, Kosovo Serb officers constituted 9.9 percent of the Kosovo police force, slightly more than their proportion of the overall Kosovo population. Other ethnic minorities constituted 5.5 percent in the Kosovo police force, slightly

²⁷ While active recruitment of minority officers was a good strategy to rebuild bridges between the different communities, the theory reflected a short-term understanding of the conflict. Such an understanding of the war privileged ethnicity and did not recognize the fluidity of identities in the past (Duijzings 2000), or the coexistence and institutionalization of national identity in the Yugoslav era (see Chapter 2). Interestingly, many of my interviewees pointed out that the discourse of multi-ethnicity reminded them of Tito’s “Bratstvo i jedinstvo” (brotherhood and unity) motto. The emphasis on and institutionalization of multiple ethnicities or nationalities paradoxically had the cost of privileging the same cleavages it purportedly tried to heal.

more than their estimated proportion in the population. Female representation at the police force was 13.3 percent of the overall organization and 9.1 percent of the total number of managers and supervisors. While the gender ratio was less than fifty percent, it was significantly higher than the Western Balkan or European average of female representation in police organizations (EULEX 2009: 69-70).

The OSCE created and refined basic police training from scratch in Kosovo, since the organization did not have previous experience or blueprints on building police academies. The recruits initially received eight weeks of basic training at the police academy in the following topics: police code of conduct based on respect for human rights, use of applicable law, conflict intervention, evidence gathering and interview techniques, use of firearms, defensive tactics, traffic control, and first aid. After the initial basic training, police officers received 19-20 weeks of field training with an international UN police officer. During the field training, the Kosovo police officer came back for an additional 80 hours of further classroom training. In October 1999, the first class of 176 cadets graduated from the police academy, and by 2010, the police force had more than 7000 fully trained armed officers.

Difficulties in international coordination undermined consistency in police training. While the cadets received standard training at the Kosovo police academy, their in-field training quality varied tremendously. As noted earlier, because it was almost impossible for any country to send a substantial amount of its current police force abroad, the international UN police came from 54 contributing states and had frequent turnovers every six months. There was no common standard for policing activities, and as a result, Kosovo police officers did not get consistent advice. International police officers who did not come from the European Union or the US

sometimes recommended using harsh treatment of the citizens that contradicted the human rights curriculum at the academy (Jeton 2008; Luke 2008).

A lack of consistency in advanced policing tactics was seen as one of the key problems in the management of a major demonstration in 2007. In this protest organized by the Albanian nationalist movement Vetëvendosje (Self-determination), two protesters died and eighty were wounded. The protest started non-violently, but then some protesters pushed against the police officers, throwing eggs and wooden objects at them. While only international UN police officers shot rubber bullets at the protesters, a special report from the independent Police Inspectorate of Kosovo (2007 : 18-21) found faults with the lack of coordination within the crowd management forces of the Kosovo Police. The report indicated that the crowd management forces had received extensive training and funding, but different Kosovo regions trained according to different international practices. The Prishtina crowd management forces were trained according to the Danish tactics, while the Peja ones were trained according to the Italian Carabinieri tactics. During the demonstration, the crowd management forces from different regions did not know which way to act and were therefore passive. Their passivity allowed the demonstrators to push against the police. UN Romanian police officers then shot demonstrators with rubber bullets, killing two demonstrators and wounding others. As a result of this scathing review, the Kosovo police force chose the Italian Carabinieri tactic and renamed it the *Kosovar* tactic (Jeton 2008). After trying different models, the Kosovo police force clearly appropriated one international model without adapting it further to local conditions.

Over the years, as more Kosovo police officers were trained and rose through the ranks, both basic training at the academy and in-field training exhibited greater consistency. In the beginning, all instructors at the police academy were international and all mentors in the field

were UN international police. However, following the “training for trainers program” at the academy, indigenous police began to fulfill the tasks for standard police training. For specialized training in which there was no domestic expertise, international trainers were still used. In addition, as more indigenous police officers were promoted, the new recruits were increasingly monitored and mentored by indigenous superiors.

Based on procedures set up by the United Nations, promotion in the police force was also done according to written examinations and interviews. The written examination was used for the lower management level and consisted of 150 multiple-choice questions that measured knowledge of the Policy and Procedure Manual, the penal code, and other areas of the law. Interviews included questions about communication, leadership, decision-making, professional knowledge and experience, motivation and judgment (Bajraktari et al. 2006: 55-56). The emphasis on performance in promotion procedures contributed positively to professionalization of the police force.

One of the local police trainers rose through the ranks in the police force and became the head of state in Kosovo as well. Since April 7th, 2011, the fourth president of Kosovo is a 36-year old woman, unaffiliated with the political parties, but distinguished by her professionalism as a general in the Kosovo Police Service. Atifete Jahjaga started at the lowest rank in the Kosovo police force in 2000, when OSCE and the UN tried to encourage women’s participation in the formerly male-dominated bureaucracy. She rose through the ranks to become a general and acting chief of Kosovo Police force. When the political parties could not agree on a party candidate for the presidency of Kosovo, Mrs. Jahjaga became the consensual candidate and was elected in the assembly. As Kosovo is constitutionally a parliamentary democracy, the head of

the executive runs the daily operations of the government, while the president is the head of state and the security forces.

Development of the Customs Service

As frequently seen in immediate post-war situations, the introduction of a customs service was done in haste and without a clear strategy. International actors had to first agree on the construction of the revenue generating bureaucracy and then delegate authority to the European Commission for its set-up. Although the European Commission had formalized blueprints of the customs service, the international founder did not have a clear model for constructing the new bureaucracy in Kosovo.

The international community focused on building the customs service from the beginning of the UN mission for both normative and strategic reasons. The relevant international actors believed in the normative idea of a “market economy and fiscally responsible government and budget management” (Blair et al. 2005: 216). As part of the preparation for the UN mission strategy, the World Bank, the G-8, the International Monetary Fund (IMF), and the European Union met in Brussels in 1999 and agreed to focus on macroeconomic policies that would integrate Kosovo within the Western Balkans and the European Union. The recommended macroeconomic policies included a liberal trade and customs regime, a stable currency, functioning banking systems, a regulatory framework that ensured property rights, and a sustainable budget for the provision of basic services. The Bosnian experience since 1996 also reinforced the international focus on macroeconomic fundamentals. The report prepared for the May 1999 European Commission and World Bank donor conference on Bosnia notes (1999:17) that the macroeconomic institutional development there had been “modest” and “slower than

hoped.”

Strategically, the UN Mission had to raise revenues domestically because international donors were not prepared to fund Kosovo’s significant budget deficits. In the discussions among the G-8, the World Bank and the IMF during the summer and fall of 1999, finance ministers initially claimed that they would not fund a deficit higher than fifty million Deutsche Marks for the year 2000. This amount was not enough to pay for the anticipated costs of Kosovo’s civil service and the deficits in utilities services. The international actors vigorously debated this dilemma. In the words of former UNMIK officials:

This created a contradiction between the political imperative for UNMIK to begin making peace pay by establishing effective governance and the economic dictates of the international financial community to avoid subsidizing the provision of basic services (Blair et al. 2005 :218).

The debate was resolved when the finance ministers accepted the decision to fund for a specified period of time a higher budget deficit, and the European Union took responsibility for rapidly developing a customs regime at the international border crossings between Kosovo and its neighbors.

The basic premise of this customs service was to raise revenue by making it rational for business entrepreneurs to pay taxes instead of avoiding them (Blair et al. 2005: 219). The revenue collection system of the customs service relied initially on ad valorem tariffs at a flat 10 percent rate and was supplemented with excise duties and sales taxes on all imports. The overall tax system was changed within the first year to rely less on imports through levying excise taxes on domestic consumption and a service tax on hotels and food (Castillo 2008: 148-149).

However, because the customs service was efficient, it still generated most of the revenue. In order to assure the traders’ compliance, the customs service started by charging a low rate on

cigarettes, two Euros per one thousand cigarettes, as an incentive for importing companies to register rather than smuggle. After creating a pattern of compliance with traders and undermining cigarette smuggling within Kosovo, the customs service then slowly increased the tax rate to six Euros per one thousand cigarettes. Even after the increase of the tax rate, the compliance of importers remained the same (Blair 2005: 230). Customs officials have formal monthly meetings with the businesses to discuss their mutual collaboration.

In contrast with the customs service, Kosovo's Tax Administration has been relatively unsuccessful in ensuring tax compliance from businesses and individuals. While the customs service developed formal relationships with Kosovo businesses from the beginning, the tax administration started doing it later in 2008 (Ilire 2008). Since 2004, the tax administration has been under the control of the central government, and it has a reputation of favoring the business contacts of government ministers. The high turnover rate of the top managers in the tax administration is an indicator of the political interference of elected leaders within that institution.

By raising domestic revenues to fund public services, the international organizations also aimed at undermining the gray and black sectors of the war economy. During the 1990s, Kosovo Albanians contributed an informal 3 percent tax to their own parallel institutions, as they boycotted Yugoslav state institutions (Pula 2004 :817). The war of 1998-1999 created various links between criminal networks in the region and Kosovo actors. The Italian Carabinieri force in Kosovo mapped out the regional organized crime networks that passed through Kosovo during the 2000-2004 period (Evangelista 2007). Some former Kosovo Liberation Army fighters were involved in illegal trade in cigarettes, prostitutes, fuel and guns. Some commanders also seized vacant apartments and commercial properties belonging to Kosovo minorities, selling or giving

them to their followers as patronage (King and Mason 2006: 59). Through customs revenue collection, the new state institutions would provide public goods and lessen the population's reliance on such patronage. Unfortunately, as we saw in Chapter 3, the central government uses most of the domestic budget on patronage policies such as road construction.

Once the debate in Brussels among the representatives of the international political community provided parameters for the new economic policies in Kosovo, the first Special Representative to the Secretary General (SRSG), Bernard Kouchner, started to operationalize the new customs services. Kouchner knew that the clock was ticking before donor fatigue would start, and the donors would cease to support the budget deficits in Kosovo (Peter 2008).

There was no mention of the customs service in the UN resolution 1244 that created the legal authority for the United Nations to administer Kosovo. However, using legal creativity, the UN Mission considered the formation of the customs service sufficient within this resolution, since customs services are as much about international border control as they are about revenue collection. Since the SSRG had exclusive delegated authority from the Security Council in Kosovo for sovereignty matters, which included international relations, the customs service became his mandate. The vision was clearly stated in the July 1999 report to the Security Council (21):

Customs revenue will represent one of the most important sources of finance to meet public expenditures in the short term. UNMIK ... will commence collection of customs revenues for use to meet Kosovo public spending needs.

Despite the international focus, there was no clear map about how to build this bureaucracy. The UN and the European Union had another early debate about the operational form of the customs service. UNMIK first intended to set up a customs service similar to the UNMIK international police by bringing in hundreds of international customs officers from the

UN to run the service. A British customs director in Brussels from the European Commission persuaded UNMIK officials against this policy. He had set up customs building missions in Bosnia after the Dayton Accords in 1994, and Albania after the collapse of the state in 1997. The Brussels customs director recommended that the UN develop a home-grown service by using local staff and Kouchner agreed to this suggestion. The founder of Kosovo customs service argued that “it would have been a disaster if there would have been international customs officers running the place, since there would have been no [local] ownership” (Peter 2008). His understanding of local ownership meant including local employees, but not giving them prematurely the decision-making authority.

Due to a clear lack of strategy, the customs was first set up without a proper legal basis in August 1999. The European Union administrator recruited initially 37 Kosovo customs officers from the prior Yugoslav customs service to start the organization. An assistance mission arrived with 10 technical advisors from EU member states, and then the initial customs service stations were established in the Pristina airport and the border crossing with Albania. By the end of 1999, there was an expansion of the service, during which it hired another fifty local employees. The recommendation from the initial mission was for a senior international expert to be brought in to set up a customs service. After that post was advertised, Great Britain sent a senior customs officer to UNMIK in 2000. As the founder states: “the mission I was given when I arrived here was clear: to set up a customs service, to train it, recruit it, mentor it, structure it, in such a way that it meets Western European lines and start to hand it over to local ownership” (Peter 2008).

Just like in the police force, accountability lines of the new customs service ran through the international customs executive to the UN administrator. By 2000, the reporting line had cleared up, directly to UNMIK Pillar Four, run by the European Union. The Special

Representative of Secretary General (SRSG) appointed the customs director general and UNMIK had oversight of the service. Every officer in the service carried UNMIK identity cards, and all had UNMIK immunities and privileges. The UN did not plan it that way, but in order to make sure people were accountable and identified, they had to answer to SRSG.

International managers of the customs service were few, since the purpose was to involve professional local people and avoid the charge of neocolonialism. Initially, there was only one international customs service person in Kosovo, the director general. Since he needed more help with managerial activities, he asked and received two more customs officers from the British customs in 2000. For a brief period in 2003, a Swedish customs officer also joined the international directors of the service. Hence, during most of the 2000-2007 period, there were three to four international customs officers directing the service (Peter 2008). The rest of the service was composed of local officers, and by April 2007, all operations were run by local officials.

Experienced and dedicated international directors managed the customs service from 2000 to 2007. The international officer who built the Kosovo customs was an awarded officer in his home country. He had 38 years of service in the British customs and his specialization was law enforcement, especially criminal investigation. As recognition of his previous work in Northern Ireland and Scotland, he was appointed Honorary Aide de Camp to His Majesty the Queen in 1994.

The insulation of the customs service from political influence was the main strategy the international community used to build a professional bureaucracy. From early on, one key task of the international administrator was to prevent political interference from the Kosovo self-government institutions or UNMIK. The international senior customs officer in Kosovo had

direct access to the Special Representative of the UN Secretary General (SSRG), so the director could specify policies without the veto of the UN. The service remained the reserve competency of the UN mission until Kosovo's independence in 2008. The founder mentioned this in our interview (Peter 2008).

Because of that, we could do anything we wanted, if it was operationally the best thing to do, irrespective of potential consequences of vested interests. The point was to deliver the UN mandate under 1244 and the principles of the constitutional framework without fear or favor of the individuals involved.

The challenge in Kosovo, just like in other poor countries, was and is how to attract and train professional employees if the salaries are low. Recruitment and training of professional officials according to merit is crucial for the development of a competent service that is “as honest as possible”. The customs founder agreed however that the customs service is not “without corrupt officers, all public service in the world will have some corruption in it” (Peter 2008). He imported European Union rules and institutional mechanisms to penalize corruption in the service.

The organization relied on best European practices in the field of customs administration. The European Commission had already codified its experience in expanding the customs union to its new entrants from European Union through its customs blueprints—guidelines for strengthening the customs sector. Such blueprints allowed for overall coherence in terms of formal rules as well as flexibility for its field operations (European Commission 2007). When I asked the local director of the customs service if the Kosovo employees adapted or rejected any of the blueprints, he smiled and said, “no, we had to adapt to the blueprints,” and continued to speak enthusiastically about their technical implementation in the organization (Sami 2008).

Even though the international founder had to structure the customs service according to European Union rules, he knew of no precedent in creating a customs service from scratch. He drew an analogy from the development of the Russian customs service who built a professional organization despite low salaries in the public sector. The Russian customs service before the collapse of the Soviet Union was tiny, less than 3000 people, since it was the KGB that managed the borders in Soviet Union. Since the Soviets had only bilateral trading arrangements and no “free trade” agreements with other countries, they focused on the goods and people that went abroad, as opposed to the ones that came into the country. The current customs service in Russia has increased six-fold to 18,000 officers. One way Russians addressed the low pay in the service was by recruiting people when they were young, 18-19 years old. These young recruits were sent to Russian customs academy for five years to study law, economics, finance, and they all came out as customs officers with university degrees. The academy tried to inculcate into them the message that “you are part of an elite group of people that have been selected from secondary school to get these university qualifications to lead this important service for the Russian federation” (Peter 2008). The Russian officers started work at the age of 22 sharing the idea that they were doing something important for their nation. Based on that example, the founder of Kosovo customs derived the following lessons (Peter 2008):

So, I thought, if we can include young people under 35, who have good education qualifications, who can speak, in addition to their mother-tongue, English or German and Serbian, then we can inculcate these people with the need to deliver an effective service for the benefit of Kosovo. Since they were young, most of the recruits would come in without any political taint, not members of any political party.

Recruiting young people also made their socialization into the bureaucracy easier. The current managers in the Kosovo customs service started out as simple officers in the beginning. Good

education and foreign language skills also made the absorption of bureaucratic rules and training materials easier.

Just like in the police force, customs service recruitment had to accommodate the goals of meritocracy with representativeness of various communities in Kosovo. The customs service required a minimum of secondary school education from its applicants, in order to get minority participation. The dilemma was that if the customs service set the bar too high for its recruits, then minority members might not meet the requirements. If proficiency in Albanian language was a requirement, the Kosovo Serbs could not apply because they did not have to learn Albanian in Yugoslavia. If only university graduates could apply, the Roma community members would not be eligible. Hence, the international director general adjusted the recruitment criteria according to region, in order to get a proportional representation of minorities. For example, if the customs wanted to get more Roma Ashkali and Egyptian recruits from Prizren or Gjilan district, then they would be more flexible about education requirement in those regions (Peter 2008). The success of their recruitment is indicated by the statistics of their employees. Before the declaration of independence on February 17th, 2008, the customs service was 22 percent ethnic minority, of which 12 percent was Serb and 25 percent female. After the declaration of independence, 46 Kosovo Serb employees left the service and 16 new Kosovo Serb employees were recruited. In 2009, 13 percent of customs employees belonged to the non-Albanian ethnic communities (Kosovo Customs 2009; Peter 2008). In addition, female employees constituted 23.5 percent of the service (EULEX 2009: 17).

The recruitment of potential employees is done by direct competition that is administrated at the institution. Customs jobs are very competitive in Kosovo. With around 3000 applications for 10 jobs, this acceptance rate is probably the lowest in Kosovo's public administration. The

customs service also pays scholarships for young students to study customs curricula at the Pjetër Budi Vocational Institute in Prishtina, and only their best graduates are able pass the tough competition.

Formal and on-the-job training are part of the preparation of the customs officers. First, the accepted recruits have to go through eight weeks of formal training, five weeks to teach recruits theory and the rest of the three weeks devoted to on-the-job training. Then, there is a six month probation period during which the customs officers work under the supervision of a senior officer. At any stage of this process, the recruit could be fired if he or she does not meet the expected performance or takes bribes (Mirela 2008). In order to keep the job, employees have to learn to apply rules impartially. They monitor and communicate with each other about the expectations of the job. Initially, they learned to follow the rules strategically, and then became further socialized through role-playing and normative suasion.

Career advancement within the customs service also emphasizes performance indicators on the job. The service has clear promotion policies and all customs officials have grades within a definite hierarchy. The personnel get assessed annually according to performance through the Appraisal and Evaluation System. The main promotion procedure is for the customs service to advertise internally for a high position. Then, customs officers who want to apply fill in an application form, after receiving a recommendation from their supervisor. The shortlisted finalists then undergo an oral interview where they answer professional questions of the type: “What would you do if (you encountered this scenario)?” The secondary promotion procedure would be direct appointment by the director general based on previous performance (Mirela 2008). Both procedures encourage internal promotion, thereby encouraging stability and community among the customs officers. These promotion procedures and scenario-based

interviews are similar to hiring and promoting practices in businesses, non-governmental organizations, state administration, and educational institutions. Such isomorphism indicates that the customs institution follows standard procedures or best practices in public administration.

Transferring Power to Local Authority

Transferring responsibility to local ownership is one of the most difficult steps of the international policing mission because the typical profile of the police force before the international intervention is one of corruption, violation of human rights, ethnic exclusion and politicization. The goal of the intervention is to create “civilian, apolitical police forces that are composed of different political contingents and ethnic groups, and who will protect citizens, uphold the rule of law and help to maintain order with a minimum of force” (Call and Barnett 1999; quoted in Hansen 2002 :94). Just like the customs service and the courts, these bureaucracies were transferred to Kosovo state authority after the declaration of independence in 2008.

If done right, the responsibilities are transferred when the bureaucracy has built sufficient capacity to accomplish its tasks without international administration and supervision. A former senior UN police officer claimed that this was a very challenging process:

You have the mandate to train and develop a Kosovo police. It becomes as much diplomatic as practical. When do we hand over the Kosovo police? When are they ready? How do we know? UNMIK had a good structure and developed a system called “Monitoring of staff members, quality of staff training, the infrastructure for vehicles, IT system, and radio systems”. Basically, when it achieves 70 percent to 100 percent fulfillment of these criteria, the police is ready for a process we call transition. The executive part of me was released from me at the end of October [2008] and taken on by the Kosovo police. Some competencies are outside the competencies of the local police. First, you have to finish high school before going to the university (Luke 2008).

The education metaphor came up frequently in my interviews with international administrators of both the police force and customs service. I was interested in hearing whether the international administrator saw themselves as teachers who needed to merely transfer information to their mentees, or as Socratic teachers who improve the critical thinking of their students. I listened to both the perspectives of international administrators and their indigenous mentees. The international police officer said he saw mentoring as an “open book” education in which the local administrator would come up with a question to the mentor and try to figure out the possible answers. The mentor often suggests a process about how to figure out the answer (Luke 2008).

In contrast with the customs service, the Kosovo police force suffers from a lack of management capacity. The transfer of management competencies from the UN police to the Kosovo Police force happened fast without adequate training and mentoring of the force managers (ICG 2010: 5-10). A senior EULEX and former UN Mission police official however, blamed the lack of mentoring partly on the indigenous leaders who did not come up with questions to the international experts (Luke 2008).

As part of transferring local ownership to Kosovo’s new state, the international customs managers were more successful in preparing the new leaders of the customs service. A properly mentored indigenous manager took the responsibility of directing the service one year before the formal transfer of the bureaucracy to the new Kosovo state. The international director of the service needed to solve the organizational problem of identifying and training the future local leaders of the service. Almost all the new recruits in the service had not worked in the customs service before 1999. The current Kosovo Director General had not been a customs officer before 1999. The founder of the service offers a quip about this problem: “When I came to Kosovo, I

had 38 years of [customs] service. So where do you get 38 years of experience in terms of strategic management [in a much shorter time framework]?” One way would be to experiment putting different people in leadership positions and see how they perform at their duties, but that could take a long time (Peter 2008).

Technical assistance provided by customs advisors solved this problem by identifying and mentoring potential local leaders of the service. European Union funded various technical assistance programs that were designed to monitor and mentor customs service officials. Such programs included the Customs Assistance Mission in Kosovo (CAMK), the Customs and Fiscal Advisory Office Kosovo (CAFAO), and the EULEX Kosovo customs component. The recruits would have 6-8 weeks of training, so they would need a person to whom they would turn if they had a problem, be it a technical issue, or how to respond to unruly passengers. The customs technical assistance mission also brought a very senior customs official who spent two years mentoring three senior Kosovo members of the service. The international advisor would sit down in a daily or weekly meeting with senior customs officer in Kosovo and start the conversation by saying: “what do you want out of this meeting?” For example, the local officer would say: “I want to communicate this to my subordinates, and make sure they deliver it. Or, how should I deal with the subordinate officer if I have this problem with her work?” (Peter 2008).

The principles of mentoring and apprenticeship underpinned the transfer of tacit knowledge of how to manage a customs service organization from the senior international to the junior local professional. A similar concept to Socratic dialogue that expresses this form of mentorship is “managing up.” The motivated mentee takes charge of the relationship and the mentor provides help as needed (Zerzan et al 2009). The customs service mentee would come up with a problem and the mentor guided him to come up with better answers and better questions.

The ultimate goal is for the mentee to learn how to answer one's own questions in the future. In my interview with the Kosovo manager of the customs service, he expressed his gratitude and pride about learning from such experienced international officials.

Local leaders learned through role playing and normative suasion the appropriate rules in the bureaucracy. The Kosovo customs director claimed that he learned how to be professional from the British administrators (Sami 2008). Another customs shift manager claimed during my observation of his station that "we are here to serve Kosovo." The loyalties of the new managers were to impartial rules and norms in the institution, and not to the elected officials. This explains the vignette at the beginning of this chapter, in which the UN official receives a phone call from the customs service director to close tax loopholes.

This technical assistance process worked because the international customs advisors knew that their recommendations would be implemented by the international administrator. There would not be any political interference in the implementation of that technical advice. This policy ensured that promotion and appointment of customs service management would be based on merit and not political loyalties. The collaboration between the international manager and the advisory mission succeeded in both training and transferring managerial knowledge to the local managers of the Kosovo customs service.

As the mentor identified and promoted the new customs service leaders, the Kosovo political leaders found it hard to rescind that choice. When the Kosovo prime-minister fired the director of the Kosovo customs service after independence, he was reinstated within a month into his position after intense pressure from the European Union and the US (Sami 2008). In 2010, Kosovo government tried to remove the director again, but after strong opposition from the EULEX mission, the director remained in his position.

Such technical assistance advice also solved the problem of the international director's distance from local knowledge. He claimed that "the internationals are not in the culture. I could never say I was in the culture here, ever. The key to being in the culture is to identify people who are honest and capable of management" (Peter 2008). Because of the lack of contextual understanding, the international director had problems identifying these ethical and professional employees. The advisory technical assistance solved this problem and built a professional and empowering relationship with the local administrators.

On the other hand, at the central government level where patronage was prevalent, the interaction between the government officials and international administrators was more often fraught with tension. Agim Çeku, a former guerrilla leader and former prime minister of Kosovo, angrily stated in a conference in 2009 that the "international community should stop treating us like children." In informal conversations with the governmental officials, they also expressed frustration that even after independence, international officials treated them like children that needed to be educated and sanctioned. Paradoxically, however, the same officials would talk later about how they needed the international consultants or diplomats to help them work on another issue.

A top United Nation official justified international tutoring in the central government when he claimed that:

[t]he current political elite are inexperienced or have the wrong experience. They perceive public service as "getting my 10 percent" and do not look at public service as a public good. This breeds nepotism and corruption. This place lacks experienced personnel. Hence they do not know which way to look, how to set things up. They have to be taught, hand-held, by trainers from abroad, and most importantly, they have to listen and learn. It is not sure that they will learn. They will learn the hard way, they will make mistakes (Matthew 2008).

Yet, international experts could not help manage or prevent indigenous mistakes. Various employees of international organizations claimed that they were forced to intervene in various decisions because the local officials were not proactive or asked for their intervention. A USAID representative mentioned that the Americans get too invested in the specific institution, and then worry about their reputation if it fails (Mike 2008). Overall, in the successful institutions of customs and police forces, the international administrators mentored more through the use of the Socratic method, while in the unsuccessful institutions, internationals felt they needed to make decisions and transfer information.

Alternative Explanations for their Success

How sure can we be that insulation from political patronage explains the relative effectiveness of the police force and the customs service? Let us now consider four alternative hypotheses for their success: past institutional legacies, selection of local bureaucracies by international organizations, crowding out of capacity by international organizations, and international assistance.

Past institutional legacies from Yugoslavia do not explain why the police force and the customs service were built successfully while central government and the courts remained ineffective. Kosovo police force recruited back some police officers from the Yugoslav period, but most of the force had not worked for the police before 1999. Both the older generation of Yugoslav police officers and the fighters from Kosovo Liberation Army were recruited and vetted rigorously.

Central government in Kosovo relied on personalized networks that were similar to the Yugoslav administration and resistance movement. However, the young age of most officials in

the central administration suggests that they did not work in the Yugoslav era administration in Kosovo. The court system also relied mostly on Kosovo Albanian judges and prosecutors who had worked in the pre-1989 Yugoslav period. Clientelist legacies were therefore important for both institutions since international organizations did not insulate them from the patronage system.

Since Kosovo customs service developed from scratch, it did not carry legacies from the past Yugoslav customs service. In the words of the international founder: “[we] started with effectively with a blank piece of paper” (Peter 2008). During the Yugoslav period, Kosovo did not have its customs service, even though some Kosovo residents worked in the Federal Yugoslav Customs Service. The only human resource legacy was the 37 Kosovo Albanians customs officers who started the service in 1999. The Kosovo customs service had devised a vetting system that looked at both performance and ethics of its employees. All but two of the original 37 employees were removed from the service because of such vetting.

Why was bureaucratic responsibility transferred at different times to local ownership? As explained earlier, insulation from political influence occurred when international organizations effectively exercised authority over the local organization, and thereby ensured meritocratic recruitment and promotion. Local political leaders exercised formal and actual authority over the central government, in addition to fully penetrating the court system that remained formally under the UN control. The decision to transfer formal authority for some institutions to the locally elected leaders depended upon the legal interpretation of the UN Resolution 1244. The UN resolution reflected a compromise between Russia, which supported Serbia’s claim for sovereignty over Kosovo, and the US, UK and France, who supported Kosovo’s demand for self-governing institutions (see chapter 2). Therefore the UN mission was tasked with retaining

ultimate authority over matters of sovereignty—the management of international borders through the customs service, and security—police service. The legal criteria based upon a political compromise therefore shaped the timing of the transfer of authorities. In other words, the selection of bureaucracies did not depend upon expectations of their future effectiveness.

In their selection of domestic bureaucracies international organizations often did not get their preferred choice. Consistent with the bureaucratic model of politics (Allison 1971), various international organizations fought among themselves for bigger mandates and resources. OSCE fought with the UN Office of the High Commissioner on Human Rights for the responsibility to train the police and won that responsibility. On the other hand, OSCE failed to lead the building of the judiciary in Kosovo, as the second pillar of the UN mission took on this responsibility itself. The European Commission convinced the UN mission to take over the building of the customs service. The results of bureaucratic fighting were unpredictable from the outset, and often not intended by the various organizations. The international organizations did not necessarily build institutions for which they have previous experience from other mission. While the European Union could transfer its experience of enlargement during the construction of the customs service, the OSCE had to experiment with the concept and curricula of the police academy.

In addition, the international approach did not depend upon the salience of the local demands for ownership; i.e., the international organization would provide early transfer of authority if local politicians clamored for ownership. The local actors demanded and received ownership over central administration and recruitment and promotion in the courts. However, local actors demanded the same type of ownership in the police force, but were rebuffed by representatives of international organizations. When building bureaucracies such as the police

service or the judiciary, external actors had to negotiate with their local allies about the composition of these new organizations. The Kosovo Liberation army wanted to fill 100 percent of the new police force with its war veterans, but the OSCE representatives rejected such a proposal because it would undermine the performance and legitimacy of the new police force. As mentioned earlier, the temporary compromise in 1999 was for the police was to have fifty percent of the initial recruits come from the KLA veteran pool after testing and vetting. Since local politicians also demanded ownership of what later became an effective bureaucracy, the international approach did not depend upon local demands.

Insulation by international organizations was also not the same as the formal transfer of bureaucratic responsibility to local ownership. The successful bureaucracies remained under formal and actual international control until the declaration of independence in Kosovo. The customs service and the police force were under international control until 2008, while the central administration was devolved to elected leaders in 2002. The courts system, however, was under the direct supervision of the UN Special Representative of the Secretary General until 2008, and it is one of the least effective bureaucracies. Despite having formal control over the courts system until 2008, international organizations left recruitment and promotion processes in the court system to boards that were dominated by local actors, who used patronage instead of merit to build the judiciary.

Could international organizations have crowded out the capacity in central administration by attracting away the capable local officials through high salaries? The difference in salaries also does not explain why the police force and customs service performed better than the rest of the government bureaucracies in Kosovo. Both police officers and customs officers were paid by the same general budget as the central government. Their salaries have been between 250-350

Euros per month, comparable to 230 Euros average salary in the central government. The salary of a district court judge was 500 Euros per month. Instead, local professionals who worked in international organizations received between 1000 and 2000 Euros per month.

The salaries in the public sector were sufficiently low that one parent's salary could not cover the annual family expenditures. Assuming an average salary of 230 Euros per month, the annual salary of a public official in Kosovo was 2760 Euros. The estimate for annual expenditures in Kosovo in 2009 for families with higher education was 7472 Euros. Families with completed secondary degree consumed on average 5718 Euros. Families with primary education or less consumed annually 5380 Euros (EULEX 2009:89-90).

Officials in the effective bureaucracies remained in their jobs, despite low salaries, because the job became their professional vocation. They were recruited, vetted and trained to perform their duty, and their loyalty was to their institutional and not to a political patron. In addition, both customs service and police force jobs remained competitive in the context of an unemployment rate of 45 percent in Kosovo. Therefore, international organizations did not crowd out capacity in these two organizations.

International assistance also does not explain why these two institutions are more successful. All the new bureaucracies received substantial levels of international assistance from the same set of international organizations. The police force received significant international and local resources, but so did the other bureaucracies. OSCE spent millions of Euros to build the police academy, and the United Nations paid for the 7000 international police officers from 54 countries. Kosovo customs service also received 8.5 million Euros in technical assistance from the European Union from 1999 till 2009, excluding the EULEX expenditures (European Commission Kosovo 2009). However, the central government and the courts were also recipients

of significant amounts of technical assistance and aid. Since the salaries and most of the infrastructure of all these bureaucracies were covered by the Kosovo government budget, most of the aid went to technical assistance programs in the various sectors.

Table 4.4 and 4.5 indicate that each of these bureaucracies has received significant international aid from a variety of donors. Since the reports from the Donor Coordination Unit did not have data for the overall support to central government from 1999 to 2005, the figure of 65 million Euros for central government is underestimated significantly compared to the rest of bureaucracies.

In addition, since the same international donors fund both the effective and ineffective bureaucracies, we could not attribute the success of the new bureaucracies to the type of international organizations. The international organization responsible for the construction of the customs service, European Union has heavily supported both the central government and the judiciary (Table 4.4). Even a senior EU official admitted that they were often unsuccessful in their support of central government (James 2008). The construction of the police force was a shared responsibility of the OSCE and the UN, and both of them have been unsuccessful in constructing other bureaucracies; the OSCE failed to build a sustainable central electoral commission, and the UN failed to build the central administration and the judiciary.

Table 4.4. Donor distribution in the various sectors.

Donors According to Area of Focus: 1999-2009				
	Justice	Kosovo Police Force	Central Government	Customs service
Denmark		•	•	
EU (EAR)	•		•	•
Finland	•			
France	•	•	•	

Germany	•	•		
Japan	•	•		
Netherlands		•		
Switzerland	•	•	•	
UK	•	•	•	
UNDP		•		
USA/USAID	•	•	•	•
Italy				
Sweden			•	
Norway	•	•	•	
DFID	•		•	
Luxembourg		•		
World Bank	•			

Source: Reports from the Donor Coordination Unit 1999-2009.

Table 4.5. Aid per Domestic Bureaucracy (in thousands Euros)

Kosovo Police	€ 18,291.53
Justice System	€ 47,143.25
Central Government	€65,434.78
Customs Service	€10,500

Source: Reports from the Donor Coordination Unit 1999-2009.

As we can from Figure 4.6 below, of the 3.5 Billion Euro of overall international aid, 805 million Euros were spent on democratic governance, local administration and public administration. While this sum includes spending on civil society, media pluralism, elections and support to political parties, a significant sum has gone toward central administration. Since all the four bureaucracies received significant international support, resources do not explain variation in effectiveness.

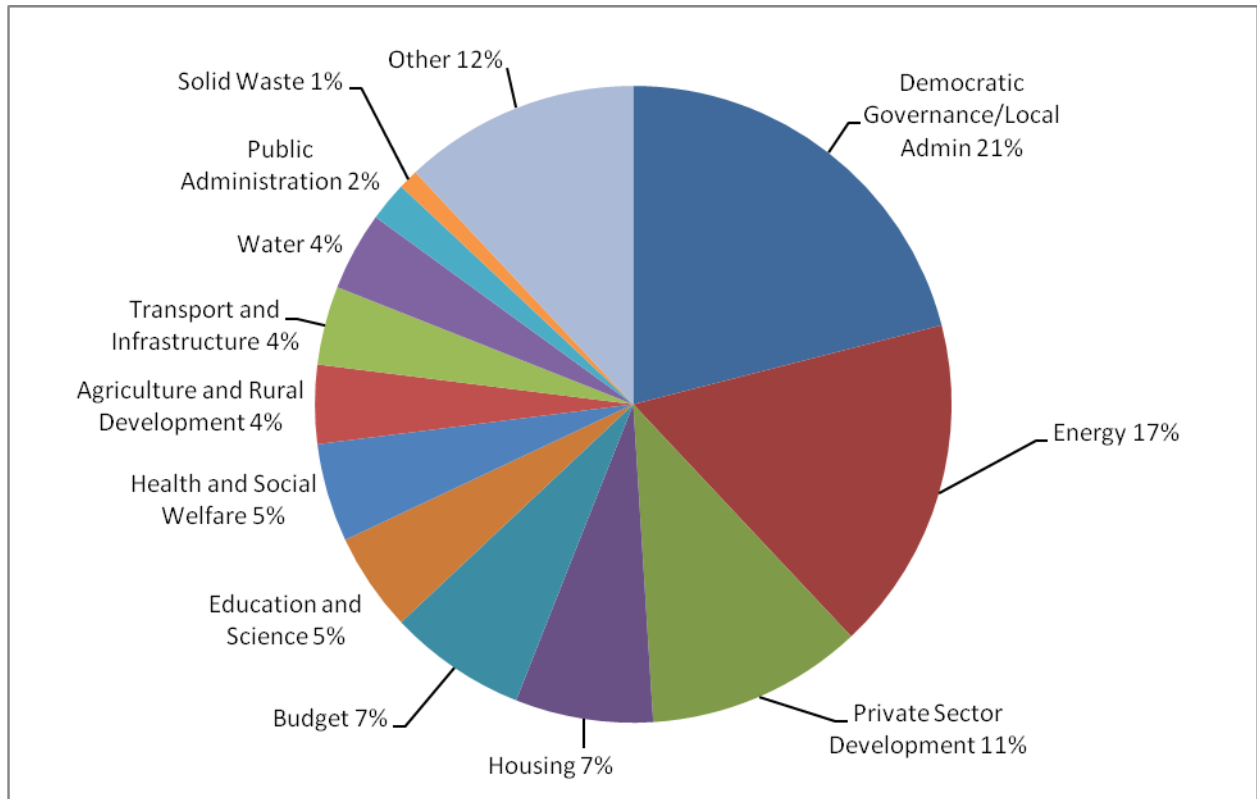


Figure 4.6. Aid Trends: Sectoral Concentration 1999-2007

Source: European Commission/ World Bank 2008.

It is only unlikely that different inherent international attitudes towards the indigenous employees contribute directly to the effectiveness of the bureaucracy. Evidence suggests that such attitudes are shaped by the types of local employees that interact with international administrators. First, international representatives mentioned across the board that they intervened more in decision-making in Kosovo than in their previous post-conflict sites because of both legal authority and local passivity. Second, the same international administrator of the customs service who had empowered meritocratically recruited indigenous customs employees, ruthlessly intervened to sanction and fire an indigenous tax administration manager who was suspected of being corrupt. Since the same international administrator reacted differently to two different local managers, recruitment processes seem to explain more than international attitudes.

Conclusion

The insulation of both the customs service and police force from political interference enabled the professionalization of the bureaucracy. Since they owed loyalty to the bureaucracy and not to political leaders or parties, the employees in these organizations valued performance. Such a finding is also confirmed by studies that link bureaucratic structure with its performance (Rauch and Evans 2000).

While bureaucracy by definition relies on the rational adaptation of means to ends, the construction of bureaucracy builds upon the principal agent framework and then goes beyond it as officials were socialized into the professional norms of bureaucracy. Such socialization however started through strategic calculation (Moe 1984), and continued with role playing and normative suasion as employees learned appropriate behavior in the organization. With time, employees therefore internalized such rules and acted on them habitually (Checkel 2005). Therefore, public administration employees need to be socialized into the rules and norms of the bureaucracy in order to behave in a rational Weberian fashion (Swedberg 1998: 62-70).

In the successful bureaucracies, international representatives recruited local officials after testing their knowledge and vetting them on their ethics. Since they were outsiders, international representatives were less likely to be part of the patronage networks that gave jobs in exchange for personal loyalty. Hence, they were better able to impartially evaluate the knowledge aspect of the recruitment competition process.

Because of their distance from the local culture, however, international representatives were less likely to know very much about the ethics of the candidates. Vetting for ethics required extensive background checks in the community where the candidate was from in order to prevent

criminals and corrupt individuals from entering the service. At the managerial level, mentors and advisors in the customs service made sure that the most capable and ethical candidate was chosen.

Another surprising finding was the success of the customs service, challenging the *substitution model* of international influence (Jacoby 2006). This model hypothesizes that when international actors shape institutions without engaging with local allies, they will not make “substantial and sustained contributions” to institution building (Jacoby 2006 :643). The model shares the same predictions with the constructivist hypothesis that insulation from local feedback undermines the achievements of international organizations (Barnett and Finnemore 2004 :40). However, the customs service in Kosovo was built from scratch by the European Commission without inputs or support from local allies. The international manager imported a model based upon European Union design and started hiring local employees who were young, educated and unaffiliated with political parties. After 10 years, the international organizations built a cohort of professional customs employees that valued merit and performance. Three years ago, Kosovo’s government inherited the customs service without making any changes to its rules and operations.

The finding that technical assistance worked better in the customs and police service also confirms broader patterns that are recognized by international practitioners. The transfer of know-how and expertise has been relatively successful in activities such as agriculture, health, population and high technology. The crucial factor appears to be the non-politicized environments into which the technical procedures are transferred (Morgan 2002: 5). Politicians are not going to be against transferring know-how and expertise about health procedures, agricultural innovations, and information technology. Yet, politicians might resist changes in the

organization of their bureaucracy if such changes threaten their hold to power or their access to resources.

In a paper that draws lessons learned from development aid, the UK Department for International Development (DFID) notes that the transfer of expertise in bureaucracies is easiest “where the organization has had more pre-existing capacity, particularly in terms of a clear mandate and where issues of management, staff retention and incentives have been addressed (DFID 2006: 4). While both the customs service and police service had clear mandates and non-politicized personnel procedures, the central administration did not have any of these characteristics. Therefore technical assistance usually builds upon pre-existing local administrative capacity, or can substitute for that capacity. Such assistance is not likely to produce capacity if the bureaucracy is organized under the patronage principle. Dardan Velija (2008), the former political advisor in the government, offers a pithy summary of his experience: “Technical assistance works best when it is not needed. If the locals have capacity then they will learn what they need. If they lack capacity, then they will not be able to absorb the technical lessons.”

Instead of democratic accountability from below, international accountability from above shaped the successful bureaucracies. It was not local ownership of decision-making by elected politicians, but local involvement and gradual transfer of authority to trained indigenous managers that made these bureaucracies more effective. The following chapter investigates the factors that enhance or inhibit democratic progress in Kosovo.

CHAPTER 5

MASS MOBILIZATION AND DEMOCRACY IN KOSOVO

Unexpectedly, Kosovo's president resigned in September 27, 2010, as the constitutional court stated that he was violating the constitution by remaining a leader of a political party during his tenure as president. When new elections were called, two new political parties emerged with a youth following. The new successful party, *Self-Determination* (Vetvendosja) is a nationalist civil society organization that became the third party in the upcoming parliament with 14 MPs. A coalition of professional civil society organizations also formed a new party, Fryma e Re (FER) whose name played on the double meaning of *New Spirit* in Albanian and *Fair* in English. Due to voting irregularities in the strongholds of the ruling party (PDK) in the 2010 elections, re-voting occurred in these areas a month later. However, none of the parties won more than 33 percent of the overall vote, and coalitions had to form between parties who were in opposition before the election.

As we can see from these recent political developments, Kosovo's democratic progress is uneven and similar to other postcommunist new democracies. On the one hand, critics may point to irregularities in the recent elections, and the continued supervision of elected officials by international organizations. On the other hand, the turnover of parties in power, the entrance of new parties in elections, media pluralism and the involvement of civil society in politics all show some democratic progress.

While Chapters 3 and 4 analyzed the variation in bureaucratic effectiveness in Kosovo, this chapter analyzes Kosovo's democratic breakthrough and the factors that have enabled or inhibited the quality of democracy. The first section will analyze the state of democracy in

Kosovo using various indicators. Is Kosovo democratic? Since democracy is defined as ““a regime combining three characteristics: freedom, uncertain results, and certain procedures” (Bunce 2001 : 45-46), the answer to this question requires the analysis of the following institutions and processes: the quality of elections, the pluralism and independence of the media, the quality of legislature, and the development of civil society. Despite some recent setbacks in electoral fraud and continuing problems with the judiciary, Kosovo has made significant progress in democratic reforms. Just like other post-communist countries, however, democracy in Kosovo is “thin and fragile” (Bunce 2001: 46). However, even this degree of success is counter-intuitive because Kosovo is a divided and poor society whose state borders are contested internally and internationally.

In order to account for the progress of Kosovo’s democracy, the next section explains the democratic breakthrough and the quality of democracy in Kosovo by investigating three potential hypotheses derived from the literature reviewed in Chapter 1. First, does citizen mobilization contribute to democratic breakthrough and subsequent development in Kosovo, as scholars of postcommunist transitions predict? (Bunce 2003: 172). Second, did the subsequent demobilization of the publics have an impact on democratic breakthrough or consolidation, as transitology scholars expect? (Karl 1990). Since Kosovo experienced both early mass mobilization and later demobilization of previously mobilized citizens, we can track its democratic development since the dissolution of socialist Yugoslavia. Finally, did democracy promotion by international organizations contribute to democratization in Kosovo? I find that the nationalist mass mobilization was the most important factor that contributed to democratic breakthrough in Kosovo, while mass demobilization undermined Kosovo’s democratic consolidation. International actors were secondary actors in the democratization process, since

agency rested with local actors. International actors enhanced democratization when they supported the mobilization and participation of the citizens. However, when international organizations joined politicians in demobilizing the public, they undermined the accountability of politicians toward voters and therefore hindered democratic consolidation.

Assessing the state of democracy in Kosovo

A multitude of indicators have been used in the literature to capture the state of democracy. Most of the various measures of democracy start from the premise that political and civic freedoms in the society are essential for the presence of democracy. Do citizens enjoy an array of freedoms and rights regardless of socioeconomic status, gender, national identification or other similar attributes? (Bunce 2001; Freedom House 2010a). If people are free to organize in political parties or civil society organizations, vote in free and fair elections for their representatives, and voice their concerns in public, then they are exercising their fundamental political and civil freedoms in a democratic regime. Such participation enables citizens to curb government abuses and hold the politicians accountable.

While there are various organizations and researchers who assess democratization outcomes, the conceptualization and quality of democratization data varies widely. In an insightful critique of the various quantitative datasets, Munck and Verkuilen (2002) point to the different ways researchers conceptualize democracy, select measurable indicators and aggregate these indicators. In terms of conceptualization, the scholars who focus on political competition as the main definition for democracy (Przeworski 2000) omit the essential attribute of participation. On the other hand, Freedom House includes a number of attributes such as “freedom from war” and “socioeconomic rights” that make the concept less useful analytically (Munck and Verkuilen

2002). The coding of the data by organizations such as Freedom House, the International Research & Exchanges Board (IREX) and the United States Agency for International Development (USAID) relies upon panels of local and international experts that might not lead to reliable comparative data. While recognizing the variation in the conceptualization and quality of data, this chapter will utilize diverse sources that assess democratization in Kosovo, including survey, expert and interview data. If the various sources of data points to the same direction, then we are more certain of our assessment. In the next subsection, we investigate whether free and fair elections ensure representation in Kosovo.

Elections

The uncertain results of elections in democracy allow the public to hold their elected leaders accountable. For some scholars, the uncertainty of results is the crucial element that distinguishes democracies from authoritarian regimes (Przeworski 2000). The alternation of parties in power is particularly important for democracy, because it theoretically makes policies more responsive to the public and ensures that succession will be peaceful, since the losers of this election round can reasonably expect to win in the next round.

Has there been turnover in power of Kosovo? Yes, as table 5.1 indicates, different parties have won the parliamentary elections in Kosovo. Until the elections in 2007, the Democratic League of Kosovo (LDK) party won the plurality of votes in Kosovo. In 2007, the Democratic Party of Kosovo (PDK) won 34 percent of the votes compared to LDK's 23 percent. The electoral system in Kosovo is a proportional representation (PR) system with the whole country as a single electoral district and 20 out of 120 seats reserved for the minority communities.

Table 5.1. Electoral results in parliamentary elections in Kosovo

Year % of votes and seats	2001		2004		2007		2010	
	%	No.	%	No.	%	No.	%	No.
Democratic League of Kosovo (LDK)	46	47	45	47	23	25	24.69	27
New Kosovo Alliance (AKR)	-	-	-	-	12	13	7.29	8
Democratic Party of Kosovo (PDK)	26	26	29	30	34	37	32.11	34
Alliance for the Future (AAK)	8	8	8	9	10	10	11.04	12
Reformist Party, Ora	-	-	6	7	4	0	-	-
Christian Democrats - Democratic League of Dardania (LDD)			2	2	10	11	2.14	0
Vetvendosje / Self-determination	-	-	-	-	-	-	12.69	14
FER	-	-	-	-	-	-	2.17	0
Others	9	7 + 10	7	5 +10	5	4 + 10		12
Coalition returns	11	12 + 10	-	-	-	-	-	-
Other Serb Parties			2	10		10	3.05	13
Total	91	120	99	120	98	120		120

Source: (Central Election Commission 2010; Stojarová 2010).

As table 5.2 indicates, there has been turnover of parties in power in Kosovo since the first national election. While the Democratic League of Kosovo (LDK) was part of several governing coalitions until 2010, it had different coalition partners, AAK or PDK. Since 2010, LDK is in opposition, while PDK formed an alliance with a new group of political parties. The voters have therefore exercised their right to change the government.

Table 5.2. Coalitions of parties in power

Election	Coalition parties
2001	LDK + PDK
2004	LDK + AAK
2007	PDK + LDK + SLS (Serb Independent Party)
2010	PDK + AKR + SLS (Serb Independent Party)

Source: Author's data.

Public perception of voting as influence also indicates that a majority of citizens believe that voting gives them a chance to influence the government in Kosovo. Indeed, according to a International Foundation for Electoral Systems (IFES) 2010 poll²⁸, 66 percent of Kosovo Albanians and 66 percent of non-Serb minorities somewhat or strongly agree with the following statement: “voting gives me a chance to influence decision-making in Kosovo.” However, 59 percent of Kosovo Serbs disagree with that statement (IFES 2010).

This negative assessment of the Serb minority requires some explanation, since the other ethnic communities in Kosovo are more likely to participate and be represented in the democratic institutions. Unfortunately, the interaction between the Albanian and Serb communities is limited to economic exchange (CDA 2006), and they have been boycotting each-other’s institutions since 1989 (see also Chapter 2). The UN and other international organizations have systematically tried to include the Serbs in the institutions, but have not succeeded. Kosovo leaders have begun courting the Serbian community only after the declaration of independence in 2008, while Belgrade keeps supporting through its patronage the continuing non-cooperation of the Serb municipalities with Prishtina institutions. In a rare point of strategic cooperation, Kosovo Serbs employed in public service receive two salaries: one enhanced salary from Belgrade, and one from Pristina institutions.

It is possible that, in addition to the recent history of hostilities, the negative perception of Kosovo’s democracy among most Serbs is a function of their proximity to the Kosovo institutions. The closer the Serbs are to Pristina, the more likely they are to participate in Kosovo’s institutions. Since the majority of the Serb minority in Kosovo lives in the northern

²⁸ Kosovo Post-Election Public Opinion Survey 2010 was funded by USAID, produced by IFES, and its fieldwork was contracted to Index Kosova, a local polling agency. The sample size consisted of 1,224 respondents representing the voting-age population in Kosovo (18 years+). Its margin of error was $\pm 2.8\%$ within a 95% confidence interval, assuming a pure random sample.

territory that is contiguous with Serbia, they avoid interaction with the Kosovo state. The Serbs who live in the southern territory have been voting more frequently in elections and have representatives in the legislature and the executive government. However, most Serbs in Kosovo share a lack of trust that Kosovo's institutions will protect and support them (ICG 2011). Since the six percent of Kosovo's population that constitutes the Serb community are not likely to participate in Kosovo's institutions, Kosovo's new democracy fails to be inclusive of its whole population.

Have the elections in Kosovo been free and fair? Since the end of the war, Kosovo has had general and local elections in the following years: 2000, 2001, 2004, 2007, 2009 and 2010. The elections held from 2000 to 2009 were judged by local and international observers as free and fair (Council of Europe 2007; Freedom House 2010b; OSCE 2011). Since OSCE organized elections until 2008, local authorities were responsible for the organization of the municipality elections in 2009 and parliamentary elections in 2010. These locally organized elections are therefore very important for judging the success of the democracy in Kosovo.

The elections in 2010 were marked by several irregularities and voter fraud with very high turnouts reported in two of PDK's strongholds: more than 94 percent turnout while the national average was 48 percent. The Election Complaint and Appeals Panels received 171 complaints from various political parties about individuals voting multiple times and about stuffing ballot boxes in these regions. Because of such complaints, the Central Election Commission decided to repeat voting in 21 polling stations, concentrating in the PDK strongholds. As a result of the re-run, PDK still won the majority of votes in its strongholds, but lost around 2 percent of its national vote (Central Election Commission 2010). The concentration of voting irregularities in strongholds should also be understood in the context of the

proportional representation (PR) electoral system, where all the votes for the parties get aggregated nationally. The post-KLA parties have the support of more than 50 percent of inhabitants in these bastion areas. However, the PR electoral system in Kosovo increases the incentive to commit fraud in areas where they already have majoritarian support. Supporters of these parties voted multiple times and intimidated or paid bribes to local commissioners from the other parties in order to increase the national voting proportion of their favorite party (BBC 2010).

Despite voting irregularities in 2010, the overall trend of elections in Kosovo is free and fair. When vote fraud occurred in the strongholds in 2010, both international and local election observers condemned it. Opposition parties, civil society organizations and the media also acted upon such information, and the complaints resulted in voting re-runs that produced relatively accurate results. Therefore, the reaction to the voting fraud setback in 2010 indicates that Kosovo expects free and fair elections.

Comparative assessment of Kosovo's democratization is also useful for situating Kosovo in the postcommunist context. Such assessment should be interpreted with caution, however, since intermediate values of democratic development vary widely across the different quantitative measures of democracy. There is general agreement across the rankings about who are the consolidated democracies and dictatorships, but little agreement about the ranking of the hybrid democracies. In these comparative measures, such as Freedom House or the USAID Sustainability Index or the Media Sustainability Index, Kosovo is coded as a hybrid democracy, similarly to its postcommunist neighbors.

Freedom House, which assesses overall democratization, codes Kosovo's status at partly free in 2010 (Freedom House 2010b), with scores of 5 for political rights and 4 for civil liberties.

The “partly free” status is similar to Bosnia, Albania, Armenia, Georgia, and the disputed territories of Abkhazia and Nagorno Karabakh. Freedom House experts rank each country on a scale from 1 to 7, where 1 is the highest degree of freedom and 7 is the lowest degree of freedom. In 2007, Kosovo received a ranking of 6 for political rights and 5 for civil liberties. It is important to note that Freedom House recognizes the competitive multi-party system, universal suffrage and the generally free and fair elections in Kosovo. However, Kosovo is not considered an electoral democracy because international representatives have the power to override legislation by elected representatives under certain conditions. From 1999 to 2008, the Special Representative to Secretary General in Kosovo had the power to promulgate laws and override legislation that violates human rights or minority protections. Similarly, the International Civilian Representative after the declaration of independence since 2008, has the power, guaranteed for a limited period under the constitution, to annul legislation that violates the Ahtisaari agreement, especially its minority protection clauses (Freedom House 2010b).

Voter turnout is another key indicator of popular participation in a competitive, multiparty political system. Consistently with the rest of the post-communist countries that experienced a sharp decline in turnout after founding elections (Pintor and Gratschew 2002 :77), Kosovo had a high turnout in the first post-war elections in 2000, and a steady decline over time (Council of Europe 2007) that resulted in a 40 percent drop in turnout in ten years (see table 5.3). However, such a decline is less than the 50 percent decline in Bosnia where voter turnout fell from 56 percent for the presidential elections in 2002 (52 percent for the parliamentary elections) to 40 percent in 2002, and 28 percent in the 2006 parliamentary elections. One of the main explanations offered for the decline in voting turnout in post-communist Europe is the disenchantment of the public with democratic politics on the face of deterioration of the

economic and living conditions (Krastev 2002; Mason 2004). A more plausible hypothesis for Kosovo and other new postcommunist democracies is that voters are more likely to be discerning instead of disenchanted; turnout is higher when the stakes of voting are the highest (Tucker 2002). The economic situation in Kosovo was the worst in early 1990s and immediately after the war period of 1999-2000. The elections in 2000 and 2001 had high turnouts. In addition, in 1991 Kosovo Albanians voted collectively to repudiate the abrogation of Kosovo's autonomy by Milošević in a secretly held ballot—89 percent of registered voters voted in this secret ballot that was observed by many international media representatives (Pula 2004: 807).

Table 5.3. Voter Turnout in competitive elections in Kosovo since 1999

Electio n	2000 Municipalit y	2001 Parliamentar y	2004 Parliamentar y	2007 Municipali ty	2009 Municipalit y	2010 Parliamentar y
Turnout	79%	65%	53.57%	54%	45 %	47.5%

Source: (Central Election Commission 2010; Freedom House 2010b).

Similarly to other new democracies (Grzymala-Busse 2007; O'Dwyer 2006), the political parties in Kosovo are personality driven and their only objective until 2007 has been the independence of Kosovo from Serbia. There are virtually no programmatic differences between the parties, and voters have usually voted for leaders. The main cleavage is ethnic as Kosovo Albanians have separate parties from Kosovo Serbs and other minorities. In my personal interviews with government officials and members of parliament in June 2007, seven months before the declaration of independence, I was struck by the lack of planning for post-independence Kosovo (e.g. Fadil 2007). The typical conversation included the following questions and answers:

Question: What do you plan to do after independence?

Answer: Kosovo will be free, and people will have jobs.

Q: How will these new jobs be generated? Do you have any policies for job creation?

A: Foreign investors will come to Kosovo after independence. (The emphasis in the answers was on job creation by the private market, and not through the widespread clientelist employment in the administration).

Q: Do you have any policies to encourage foreign investment?

A: (Slightly annoyed, the respondent diverts the interview to other bland statements about Kosovo's freedom, narrowly interpreted as independence from Serbia).

Indeed, until the elections of fall 2007, no party had a platform or policies for the many controversial issues in Kosovo: corruption, unemployment, or minority issues (Stojarová 2010 :163). There was no plan or agenda about how to achieve the general stated goals of independence, prosperity and development. As we will see later in the chapter, Kosovo Albanians were also afraid to criticize or protest against the government because they feared that potential instability would undermine the chance for independent Kosovo.

Another indicator of the reliance of political parties on the personality of their leaders is the division of the earliest and biggest party, the Democratic League of Kosovo (LDK) after the death of its founding leader, Ibrahim Rugova. Following the succession struggle between Fatmir Sejdiu and Nexhat Daci, the former speaker of Kosovo's parliament Daci led a faction of the party away from LDK and formed the Democratic League of Dardania (LDD). In the 2010 elections, another split occurred in LDK when the son of founding leader Ibrahim Rugova led another faction who joined an alliance with AAK.

The ease of forming new political parties in Kosovo demonstrates that the entrance costs for political parties are low. In most elections, more than 30 parties compete for votes. In 2007, an Albanian construction magnate built a new political party, New Kosovo Alliance (AKR). Promising fast economic development, AKR won 12 percent of the votes in 2007 and 7.29 percent of the votes in 2010. New parties emerged in the 2010 elections as well, even though the overall number of competing parties did not change since older unsuccessful parties like Ora

disbanded. The nationalist social movement Self-Determination (Vetvendosje) transformed itself into a political party, winning 13 percent of the national vote and becoming the third biggest party. Coalitions of civil society organizations that focused on policy-making have twice formed political parties (ORA and FER) but they did not pass the 5 percent threshold for participating in the parliament.

In sum, Kosovo’s election indicators place it squarely among the postcommunist new democracies that are thin and fragile. There is political competition and elections have largely been free and fair, yet political parties are driven by leaders’ personalities. In addition, international organizations still exercise authority over the legislative process, and the Serb minority is not likely to participate in elections. Next, we examine subjective assessment of the meaning of democracy in Kosovo.

Meaning of Democracy in Kosovo

While subjective in nature, public perceptions about the meaning of democracy and its progress are frequently used to assess how people view and support democracy (Braizat 2010; Bratton 2010; Diamond 2010; Shi and Lu 2010). Such survey questions clarify domestic understanding and expectations for democratic progress. The International Foundation for Electoral Systems (IFES) 2010 poll probed the meaning of democracy for Kosovo residents. The most common responses in the public poll have been:

Table 5.4. Common Responses to the Meaning of Democracy

Meaning of democracy	Kosovo Albanians	Non-Serb Minorities	Kosovo Serbs
Protection of human rights	56%	52%	52%

Everybody having work	50%	51%	37%
Freedom of speech	46%	46%	53%
Fair and consistent enforcement of laws	42%	25%	26%
Freedom to vote	35%	24%	40%
No official corruption	28%	8%	10%
Freedom of religion	24%	22%	27%
Freedom of the press	22%	14%	15%
Freedom of association	15%	10%	19%
System of checks and balances between executive, legislative, and judicial branches	11%	2%	10.00%

The prominence of human rights in the meaning of democracy is directly related to the main frame that the different communities in Kosovo used to express their grievances when the Yugoslav state began to unravel. The second most common response indicates that Kosovo residents have high expectations that democracy will help produce jobs, an expectation that they share with pro-democratic protesters in the Middle East. It is unclear whether citizens expect jobs to be produced in the public or private sector, but continuous high unemployment in Kosovo, currently estimated at 45 percent, might undermine the support for democracy in the future. The other answers indicate that citizens are aware of the different freedoms guaranteed in a democratic system.

Public poll data confirm that most of the population considers Kosovo to be democratic. According to the IFES (2010) poll, a majority of Kosovo Albanians (63 percent) believes that Kosovo is democratic, an increase of 7 percent from a 2008 poll. Such a view is not shared by a significant part of the minorities, especially by the Serb community. For instance, 91 percent of Kosovo Serbs believe that Kosovo is not a democracy, and 82 percent of them believe that

Kosovo is not moving toward becoming a democracy. Non-Serb minorities however believe that Kosovo is becoming democratic or is already democratic. 45 percent of non-Serb minorities believe that Kosovo is already democracy, and 54 percent claim that Kosovo is becoming democratic.

In sum, subjective perceptions of the meaning of democracy indicate that residents associate democracy with positive attributes that are important to their lives. One unusual attribute, everyone having work, has the potential to disenchant people in the long term, since even consolidated democracies tolerate certain levels of unemployment. Yugoslavia was also unusual among the communist states in its liberalization of the employment markets that allowed for unemployment. The subjective perception about whether Kosovo is democratic once again demonstrates the ethnic divisions. Most Albanians and non-Serb minorities see Kosovo as democratic or becoming democratic. On the other hand, Kosovo Serbs, who see Kosovo as a state for the Albanians, do not believe that Kosovo is democratic. Such differences in perception across ethnic groups are problematic for Kosovo's development in the long run, as a part of its population feels excluded from the democratic project.

Civil Society

The social trust literature indicates that robust civil society organizations teach citizens habits and norms of collaboration, negotiation, and participation—values and skills that build and sustain the democratic project (Putnam, Leonardi, and Nanetti 1993; Putnam 2000). In transitions to democracy, civil society has played important roles in demanding political liberalization through organizing protest, verifying electoral results and supporting pro-democratic leaders (Bunce and Wolchik 2011). In addition to voters and the media, civil society

organizations also help hold elected leaders accountable through evaluating their performance, criticizing their policies, and providing solutions and services. However, civil society might undermine democracy if the citizen associations have anti-democratic agendas and draw from a narrow segment of the population (Berman 1997; Chambers and Kopstein 2001).

Do citizens organize themselves in civil society organizations, both formal and informal, in Kosovo? Despite the usual problems with subjective data, survey responses on citizen participation are the main data available to answer this question. One in six Kosovo residents participates in civil society organizations according to the UNDP poll (2008). As table 5.5 indicates, the majority of participants are members of civil society organizations. In terms of types of organizations, 6 percent of all Kosovans participate in sports clubs, 4.4 percent in syndicates, 3.5 percent in cultural clubs, 3.4 percent in local associations and 3 percent in NGOs. In addition, 19 percent of Kosovans participate in various civil initiatives, such as project implementation by local governments of NGOs, citizen initiatives, petitions or public debates. While 11.7 percent of respondents had volunteered prior to 1999, 12.1 percent volunteered between 1999 and 2008 (Haskuka 2008: 78-79).

Table 5.5. Manner of involvement in civil society organizations

	Percent
Volunteer	4.2
Employee	1.4
Member	11.7
Beneficiary	.2
Not involved	82.7
Total	100.0

Source: Haskuka 2008: 78-79.

As 87 percent of Kosovans have some knowledge of civil society, they associate the following characteristics (among others) with this sector: human rights (55.2 percent),

volunteerism (54.1 percent), service provision (45.5 percent), representation (24.2 percent) transparency (23.4 percent), accountability (18.6 percent) and democratization (6 percent) (Haskuka 2008: 77). The strong association of civil society with human rights, volunteerism and service provision should be understood in the recent context of how civil society developed in Kosovo. During the civil resistance in the 1990s, a small number of civil society organizations provided health and education services to the Albanian population and collected data on human rights violations to raise international and domestic support (Bekaj 2008; Pula 2004).

The presence of significant external funding influenced civil society development in Kosovo. 500 international donors provided funding for civil society organizations after the war ended in 1999. As the UN mission made NGO registration very easy, the number of NGOs in Kosovo mushroomed into 5000 by 2009 (USAID 2010 :123). In the immediate post-war context of 1999-2001, such organizations provided services in lieu of local government, such as reconstructing houses, publishing books for pre-university education, and collecting waste (Skendaj 2008: 87). As international funding began to dry up in 2005, the number of active NGOs shrank to less than 300. Such dependence on international donors undermines the sustainability of most civil society organizations in Kosovo, as it does elsewhere according to a number of studies (Pouligny 2005; Cooley and Ron 2002).

The quantitative USAID sustainability index rates Kosovo's civil society similarly to the rest of the South Eastern European countries, that are overall ranked worse than Central European countries and better than the former Soviet republics. Like the Freedom House indicators, the sustainability index ranges from 7, a low level of development to 1, an advanced level of development. The index looks at a set of indicators that comprise the legal environment for civil society, organizational capacity of the NGOs, financial viability, advocacy, service

provision, infrastructure and public image. In the 2009 index, Kosovo is ranked overall at 3.9 out of 7, and therefore comparable to the overall scores of Albania (3.9), Bosnia (3.7), Bulgaria (3.2), Romania (3.5), Montenegro (4.1) and Serbia (4.3). In Kosovo, as in the rest of the region, NGOs are struggling in terms of their financial viability, since the international donor base has been shrinking, while alternative government or domestic private sources are lacking (Ceku 2008; USAID 2010). As table 5.6 below indicates, the NGOs in Kosovo have made progress since the early post-war environment, but their scores worsened slightly in 2007. The reason for this decline and subsequent stagnation is the shift of donor focus from civil society to government and the subsequent decrease in overall funding for civil society (European Commission/ World Bank 2008; Skendaj 2008 :95-96).

Table 5.6. NGO sustainability in Kosovo

1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009
4.4	4.6	4.6	4.3	4.2	3.8	3.8	3.8	3.9	3.9	3.9

Source USAID 2010: 123.

Civil society organizations in Kosovo rely on international organizations, not only for funding, but also for influence. In Kosovo, domestic NGOs often lobbied the Kosovo missions of international organizations to get their government to respond. Such lobbying is similar to the mechanism of a boomerang effect in which domestic NGOs lobby their nonresponsive government through transnational networks of organizations (Keck and Sikkink 1998). There are many examples of such lobbying that channels NGO influence in Kosovo.

For instance, civil society organizations successfully lobbied the international organizations and domestic government in Kosovo for a change in the electoral rules. Since domestic parties build their strategies on the basis of the incentives of the electoral system,

changes in electoral rules are comparatively rare (Renwick 2010). A group of NGOs, led by the Kosovar Institute for Policy Research and Development (KIPRED) spearheaded the change of electoral rule from a closed list proportional system to an open list proportional system (Malazogu 2008). While voters can only vote for the party as a whole in the closed list system, they can influence the order in which party candidates are selected in the open list system. Different actors opposed initially the suggested change from closed list to open list system for different reasons. The OSCE opposed the change to open list because the closed list system was easier to organize, while political parties opposed it because the closed list system favored the leaders (Malazogu 2008). Arguing that the closed list favored the centralization of the political parties and increased the distance from local constituencies (Kipred 2005), civil society organizations convinced OSCE and the UN to change the law, despite opposition from political parties and the OSCE.

Additionally, protests from civil society have also influenced the selection of the administrators of independent government institutions, such as the ombudsperson. The government produced as a leading candidate the brother of the most famous Kosovo Liberation Army martyr, Adem Jashari, who did not have any human rights experience. The Youth Initiative for Human rights (YIHR), a regional NGO, protested against such a selection and the nomination of the ombudsperson took more time until an ombudsperson with a human rights background was selected (YIHR 2009).

Civil society organizations also mobilized when the government attempted to change the law on civil society that would treat NGOs in the same vein as market-based corporations, making it harder for them to receive tax-free donations. Led by the Kosovo Democratic Institute, civil society organizations held various public debates and successfully made a request to amend

the law (USAID 2010: 126). Among other international actors, the American embassy intervened by calling the members of the parliament before the vote and the law was amended in 2009.

Ad hoc NGO coalitions have also advocated against the election of corrupt members of parliament. The Organization for Democracy, Anti-Corruption and Dignity, “Stand Up” (Çohu) and the Anti-Corruption Network have also organized a campaign that named and shamed corrupt politicians before the general elections. Encouraging transparency and accountability, the Anti-Corruption Network provided voters with independent information about their representatives. Replicating the idea from a Romanian NGO, the Romanian Academic Society, the Kosovo network collected information from independent parties about the main party candidates who did not have a clean record while they were in power. Before making the information public, the NGO gave it to the parties themselves so that they could present contrary evidence before the data on unsuitable candidates for the parliament were released to the media (Anti-Corruption Network 2007). The final list had fifty five candidates from the various political parties that had precedents of corruption. Of them, twenty eight candidates, 56 percent, did not enter the parliament. Since almost all of these candidates belonged to the major parties, the NGO and media criticisms have arguably influenced the vote against these candidates (Arben 2008).

Like the rest of new postcommunist democracies, civil society is weak, yet generally supportive of the democratic progress of Kosovo. Civil society went through various transformations in the past two decades: from service provision to post-conflict reconstruction to advocacy roles (Ahmeti 2008; Bekaj 2008). On one hand it has achieved impressive results through the support of international actors. On the other hand, its dependence on international donors raises questions about civil society’s future sustainability.

Media

Pluralist and independent media are also essential for democracy (Kumar 2006). A pluralist media presents many competing sources of information and promotes the freedom of speech for citizens. In addition, the independence of at least part of media is desirable, since only independent sources of information can challenge the government and other powerful actors. The media therefore acts like a public watchdog in democracy and helps the citizens hold the government accountable.

The public perception of media in Kosovo is positive as the majority of the population trusts the information they get from the media. 79 percent of Kosovo Albanian and 57 percent of non-Serb minority respondents have a great deal or fair amount of confidence in the media. Consistent with the other findings, a majority of the Serb minority does not trust the Kosovo media but most of them also do not use it (IFES 2010 :12-13).

There is indeed a plurality of media organizations in Kosovo, nearly all of them created after the intervention in 1999. Before 1999, Yugoslav Kosovo had only one daily newspaper, one broadcaster and various local radio stations, all of them under state ownership and control. Under Milošević's rule, Belgrade banned and closed down the Albanian-language daily newspaper Rilindja and the Kosovo-wide TV and radio broadcaster.

The current media in Kosovo is a product of the wider process of expanding freedom of expression and the flow of international aid after the 1999 intervention. Within the first year of international administration, an explosion of privately-owned media occurred as the freedom of expression was guaranteed: three Kosovo-wide TV-stations, five daily newspapers, and more than 10 radio stations suddenly appeared. In the past two years, professional online news sources

such as *Telegrafi* and *Infoglobi* have started to compete with the print media's news and editorial coverage.

According to the independent media regulator, the Independent Media Commission, the broadcasting media in Kosovo by 2007 consisted of the following (Independent Media Commission 2007 :2):

- 3 Kosova-wide televisions (1 public television, and 2 private televisions).
- 4 Kosova-wide radio stations (2 public radio stations, and 2 private radio stations)
- 15 local televisions
- 73 local radio stations
- 3 low-power televisions
- 16 low-power radio stations.

The broadcasting media also supports minority languages:

- 70 broadcasters broadcast in Albanian language as the main language, including the public broadcaster (RTK)
- 35 broadcasters broadcast in Serbian language as the main language
- 3 broadcasters in Bosnian language
- 3 broadcasters in Turkish language
- 2 broadcasters in Gorani language, and
- 1 broadcaster in Roma language.

The International Research & Exchanges Board (IREX) has created a media sustainability index that measures the following indicators through a questionnaire filled through a panel of local experts and the IREX editorial staff (IREX 2011):

1. Legal and social norms protect and promote free speech and access to public information.
2. Journalism meets professional standards of quality.
3. Multiple news sources provide citizens with reliable, objective news.
4. Media are well-managed enterprises, allowing editorial independence.
5. Supporting institutions function in the professional interests of independent media.

The Media Sustainability Index (MSI) scores range from 0 (the country does not meet the indicator or the government does not implement the law); to 4 (the country meets the indicator and it has been implemented steadily, which suggests sustainability). Kosovo's score has jumped

from 1.90 in 2001 to 2.54 in 2011 which placed it in the “near sustainability” bracket. Indeed, Kosovo has the highest MSI score in South-East Europe (average score is 2.23), higher than even the two EU members, Bulgaria (MSI score 2.29) and Romania (MSI score 2.29). The government and the society in Kosovo generally respect the “sophisticated legal framework” that guarantees press freedom. As there are various opportunities for academic journalism programs, the professional journalism indicator score has also increased by 43 percent since 2001. In addition to the presence of multiple news outlets, an increasing number of these media use business plans and audience ratings. Importantly, many of the media outlets and all the television stations can sustain themselves on advertising revenue, suggesting a move away from dependence on donor funds (IREX 2011 :61-72).

The shift to advertising revenue, however, has had some effects on the independence of some of the private print media that rely on governmental advertisements. Since the central administration places its ads in select media outlets, it has attempted to prevent criticism of its policies by threatening to take its advertisements to other outlets (Berani 2007). However, the national private broadcasters and the largest print media rely on a multitude of advertising and are able to maintain their independence from government’s interference.

In addition, a general debate in 2009 occurred because the government tried to influence the editorial policy of the publicly funded television in Kosovo. In 2009, the general director of the public radio-television, Radio Television of Kosovo (RTK) resigned, claiming that it was “impossible to run RTK in a responsible manner” as the government officials tried to impose their version of the events on the news coverage (IREX 2010: 55). Researchers agree however, that in terms of quantity, RTK programming is divided equally across the various political parties, even though the quality of programming favors the governing political parties (IREX

2011: 67). In addition, investigative journalists lead a highly popular TV program in the Kosovo public television, *Life in Kosovo*, which makes scathing critiques of government policies.

In sum, the media in Kosovo has gone through an impressive transformation within a decade. The plurality of broadcasting, print and online media enables freedom of expression and criticism of government's policies. As the media revenues shift from donor funding to advertising, their sustainability chances also increase. On the other hand, the independence of public and private media is sometimes threatened because of governmental pressure.

Legislature

Strong legislatures have a positive impact on democracy since they balance and monitor the power of the executive branch of government (Fish 2006). Public support for Kosovo's assembly in 2010 remains overall positive. 59 percent of Kosovo Albanian and 55 percent of non-Serb minority respondents have a great deal/ fair amount of confidence in the Kosovo Assembly. The majority of Serb respondents do not trust Kosovo's assembly, but they do trust their own parallel institutions of Kosovo Serb assembly (IFES 2010).

In the initial years of 2001-2003, Kosovo's assembly received significant support from the OSCE as part of institution building and improving inter-ethnic relations with mixed results in both areas. Ruling party leaders set the agenda in the parliament and the debate did not usually include criticism of the government. In addition, interethnic relations did not improve in the legislature (Taylor 2005). However, the assembly demonstrated slow progress over time according to Franklin De Vrieze, an OSCE analyst and practitioner. By 2004, legislative committees started reviewing draft legislation proposed by the government in a timely manner. The assembly, however, did not review the implementation of the legal acts. The assembly also

started to exercise executive oversight over the government, while the public hearings provided interested citizens with access to the legislature (de Vrieze 2004).

By 2006, De Vrieze identifies 3 main positive trends in how the assembly functioned:

(1) moving from merely adopting legislation to reviewing the implementation of legislation; (2) increased knowledge and the use of the Rules of Procedure during political debates and a self-correcting review of compliance with the Rules of Procedure; and (3) increased assertiveness on the part of the Assembly to exercise its role in budget review..." (de Vrieze 2007 :58).

Despite the positive emphasis by the OSCE analyst, the progress in the legislature seems clearly slow, if the members of parliament have merely "increased knowledge" or "increased assertiveness" to exercise its duties.

The European Commission also notes that the assembly has made its working procedures more efficient and has increased its capacity to monitor the government budget by 2009.

However, the Commission notes that both parliamentary oversight of the government and the capacity to examine draft legislation needs to be improved (European Commission 2009 :7).

The inclusion of Vetvendosje, a nationalist movement in the parliament of Kosovo after the 2010 elections is increasing direct criticism of the government's performance. As LDK is now an opposition party after two decades of leading Kosovo, it is also exercising a stronger role in government oversight.

To sum up this section on the state of democracy in Kosovo, the various indicators of the institutions of elections, civil society, media, and legislature demonstrate that Kosovo is an unconsolidated democracy. While the performance of all these institutions is similarly weak, they support overall the democratic development in Kosovo. The next section attempts to explain the factors that impact the democratic process in Kosovo using the various hypotheses identified in Chapter 1.

Explaining Kosovo's Democratization

What factors enhance or inhibit democratic progress in Kosovo? On one hand, we have low theoretical expectations for Kosovo's democratic potential in the context of a) low economic development and a GDP per capita at 2500 USD that potentially should undermine its democratization (Przeworski 2000); b) no democratic tradition; c) a divided society across ethnic lines without a consensus on state borders (Bunce 2003); and d) a civil war in 1998-1999. On the other hand, widespread citizen mobilization and significant international support for Kosovo create expectations for democratic progress.

The first hypothesis is that citizen mobilization contributed to democratic breakthrough and its subsequent development. In Kosovo, citizen mobilization occurred in the context of the Albanian nationalist movement for independence. Building on such mobilization, Kosovo Albanian politicians called themselves democratic in order to strategically appeal to their international allies. Nationalism in the context of the struggle for independence became a force in creating a consensus that the new system would be democratic. Such mobilization homogenized the Albanians and made it easier to think of a new society where people would have equal rights as citizens (see also Chapter 2).

Faced with job losses, school cuts and arbitrary imprisonments from 1989 to 1999, Kosovo Albanians mobilized through protests, votes and strikes. Organizations such as the Youth Parliament organized peaceful protests. Starting with the protest march of the Trepça miners in 1988 and the miners' hunger strike in 1989, solidarity strikes occurred in 230 enterprises in Kosovo between 1988 and 1989. The Independent Trade Unions of Kosovo also organized a general one day strike after the firing of 15,000 Albanian workers, but Belgrade fired

an additional 5,000 workers. As 150,000 Albanian workers or 90 percent of the workforce were fired by 1991, strikes became less important as a form of civil disobedience (Pula 2004 :811).

Participation in elections, even though not recognized by Belgrade, was also a major form of mobilization for Kosovo Albanians. As Belgrade rescinded Kosovo's autonomy, Albanians organized a secretly held referendum between 26 and 30 September 1991, four days after the Kosovo Assembly adopted the "Resolution on Independence and Sovereignty of Kosovo." The Albanian population came out strongly in this secret poll. Eighty nine percent of registered voters participated in the elections and 99 percent of the voters were in favor of the independence. Kosovo's independence henceforth became the stated goal of the Albanian nationalist movement (Pula 2004: 807).

Following the mass mobilization, participation in the secret election of 1991 constituted a democratic breakthrough in Kosovo. With the exclusion of the Serb community, the mobilization created cross-cutting linkages among urban professionals and rural people as well as among residents from different districts in Kosovo. Both leaders and followers knew from 1991 that their authority was built upon democratic procedures such as elections.

In addition to consolidating the movement, elections were also important for attracting international support. In the elections of 24 May 1992, a large number of foreign observers from international governments and over 100 foreign media organizations certified the elections as "largely regular" (Pula 2004: 817). Even though the vote was secret, international monitors provided witness to the struggle for independence and democracy in Kosovo, as they supported citizen mobilization.

Facing the formidable Yugoslav army, the fourth largest in Europe at that time, Kosovo Albanians needed to appeal to democratic international allies in the US and the European

Community. Since they were also the majority, Kosovars could use democratic means to voice their protest, and hence the wide-spread participation in elections. The alternative to democracy was portrayed as repression and direct rule from Belgrade. The choice to rely on democratic elections was therefore partly a strategy to appeal to international allies, and partly a result of the diffusion of the democratic model in the postcommunist setting. There was no other model upon which to build legitimacy, and it was also the model of the international ally.

Albanian leaders used the name “democratic” to strategically appeal to the international community. The Democratic League of Kosovo (LDK), the party that dominated Kosovo Albanian politics for most of the 1990s was formed around a group of intellectuals headed by Ibrahim Rugova (Pula 2004). In these elections the League of Democratic Kosovo (LDK) won 76 percent of the votes and became the undisputed leader of the national movement. Bujar Bukoshi, the prime-minister of the LDK government in exile claims that:

The LDK was a spontaneous reaction to events in Kosovo. We settled upon League in the name because we didn't want a selective, narrow political party. A party would've been more risky, too. And “democratic” [he laughs] was an “in word” at the time. We included it to gain some kind of immunity, since Albanians were frequently branded as extremists and terrorists. It's not a particularly proud story but we knew we had to use this word for strategic reasons. In the back of our heads, of course, we knew that first we had to get out from under these Serbs. Democracy wasn't a priority at the time” (quoted in Hockenos 2003 : 184).

Such strategic alignment with potential international allies is not surprising. Scholars have already documented how domestic NGOs and insurgent movements reach out to transnational actors to influence their non-responsive governments. While some scholars focus on the positive normative impact of such local-international coalitions (Keck and Sikkink 1998; Risse and Sikkink 1999) others point out to perverse consequences of such collaboration (Bob 2005; Schmitz 2006).

The strategic alignment of the Kosovo elites and public with Western democracies is a case of a domestic political actor aligning itself with powerful international allies by imitating their policies. Curiously, it is similar to Yugoslavia's alignments after World War II. Between 1945 and 1948, the triumphant communist party of Yugoslavia aligned itself with the Soviet Union and both its foreign and domestic policy reflected the Stalinist blueprints of party centralization, forced collectivization, and rapid industrialization. After the break up with Stalin, Yugoslav communist elites ended up with the non-alignment policy, essentially fostering links with the global south, while retaining links with both the Soviet communist bloc and the US-led capitalist alliance. The implications of non-alignment for domestic policy were profound as well, since Yugoslavia became one of the most open, liberalized and certainly the most decentralized polities in Eastern Europe (Zimmerman 1987). Imitating the ally's regime type was not just a 20th century strategy for the region's state-builders. In the 19th century, when the international allies were monarchies, the new Balkan states consciously chose the monarchical constitution in order to project their self-determination cause internationally (Binder-Iijima and Kraft 2010).

In sum, nationalists in Kosovo framed their struggle around human rights and the pursuit of a democratic regime. Much like other nationalists from minority communities in Eastern Europe, Kosovo Albanians knew that they could not fight Serbia without international support. Their international allies were democratic regimes, and therefore, Albanian elites strategically identified democracy as their preferred future regime. Electoral democracy also suited the interests of the ordinary Albanians who, with 90 percent of the population, would see gains at the polls. Unlike in Serbia, where the liberals and the nationalists diverged, the Albanian nationalists and liberals united in the same front against a common enemy, the Milošević regime. Such

convergence of nationalism and liberalism was also typical of late nationalism in communism, that saw liberal democracy as the best regime for the fulfillment of nationalist goals. Citizen mobilization created cross-cutting linkages among Kosovars and directly contributed to the democratic breakthrough in the 1991 elections.

Citizen Demobilization

Similarly to other post-communist transitions to democracy (Bunce 2003) mass mobilization shifted the balance of power from authoritarian to pro-democratic forces and cause the democratic breakthrough in Kosovo. Contrary to the expectations of the transitology literature (Karl 1990), citizen demobilization clearly did not contribute positively to the democratic breakthrough.

Since demobilization of the citizens in Kosovo occurred soon after their mobilization, this section will trace its negative impact on democratic consolidation. While mobilization empowered the public to demand changes, the nationalist demobilization that occurred after 1992 undermined the ability of the public to hold politicians accountable. The marginalization and silencing of the liberal critics and publics enabled the elites to undermine opposition parties and put legitimate public demands off the political agenda.

Even though nationalism was important in mobilizing large groups of people to protest, vote, and engage in clandestine activities in the early 1990s (see Chapter 2), it also demobilized critics of the leadership in the later years. Similarly to demobilization in Yugoslavia (Gagnon 2004), Kosovo leaders used the national issue to silence critics, and prevent socio-economic issues from entering the political agenda. As LDK consolidated its power after 1992, its leaders started to demobilize the citizens. Mass demobilization grew stronger and violent after the 1998-

1999 war, as the nonviolent faction and the militant faction competed for power. Critics who questioned the nationalist leaders' decisions were branded as "traitors" and assaulted verbally in media and even physically. In a tight-knit society such as Kosovo's, a person's reputation and his family's livelihood could be destroyed because of such accusations. Other people in the community could ostracize the critic and his family. The nationalist leaders therefore policed the boundaries of the national communities and ostracized people who did not toe the line. Indeed, in-group policing might be at least as important as ethnic outbidding and mobilization as a mechanism that ensures the hegemonic national idea.

In-group community policing is cited as one of the key ways to manage inter-ethnic conflict. The logic is the following: the leader makes sure that a member of his own group does not hurt one belonging to the other group (Fearon and Laitin 1996). Yet, the dark side of in-group policing is that it may prevent other issues from entering the political agenda. In Kosovo after 1992, nationalism restricted the public space for debate and the circulation of information on various important political or social issues because of the fear that putting such problems in the public domain would have negative repercussions for broader issues, such as Kosovo's independence from Serbia. Thus, the public did not value the national project above socioeconomic issues. On the contrary, people have many other concerns, such as unemployment or corruption, but do not voice them due to fear of community ostracism.

While we do not have survey data about public concerns in Kosovo in the 1990s, we can guess that the violation of human rights and unemployment ranked very high among the majority Albanians. However, acute social problems did not receive attention because they could reflect negatively on the nation. For example, when a Kosovo journalist reported a story about the dismissal of three pregnant minors from an elementary school, LDK officials were outraged. The

news story revealed to the media that a school teacher had impregnated at least one of the girls. The story had all the key ingredients of a social scandal: violation of minor pupils by their teacher, the custodian, followed by blame for the victims, who after the dismissal from school, had fewer opportunities for the future. When the journalist published a newspaper article with evidence that the main suspect responsible for the pregnancy of minors was a school teacher, the immediate reaction from the politicians was: you are putting dirt on our nation. There was no commitment either to investigate the claims or to take measures against suspects. The easiest path was to blame the journalist for "inventing the story". After the Democratic League of Kosovo (LDK) party branches sent her faxes protesting against the report, her sources retracted the information. The journalist was forced to publish another article where she claimed that after her sources withdrew their claims, there was not enough evidence to support her previous article (Berani 2007). By linking the individual guilt to collective guilt, criticism against a member of a nation attracted personal attacks. Such political pressure on the courageous journalist illustrates how demobilization undermines media freedom and subsequently democratic consolidation.

By 1992, the creation of parallel institutions of health and education under the leadership of LDK coincided with the public demobilization of the Albanians. Various groups who had protested before 1992: miners, teachers, students and youth, now were told to stop protests and other forms of nonviolent confrontation with the regime. The Belgrade regime's repression and in-group policing were both factors that caused such demobilization. First, by firing Albanians en masse, the Serb regime prevented one of the most common types of contentious politics: strikes. Second, the LDK prevented any type of public protest for fear of inciting Serb military retaliation. Local leaders at the village level had a role to manage their community to prevent

both nonviolent protest and violent acts (Clark 2000 :1). When youth groups or students protested nonviolently against Serb repression, they did it against LKD wishes (Pula 2004 :811).

Demobilization became stronger after the war in 1998-1999, when various nationalist factions competed for political power in Kosovo. The journalists and public intellectuals who dared to speak against the Albanian retaliation against Serbs after 1999 received death threats and were branded “traitors” or “Serbian spies” by the nationalist forces. Veton Surroi, an influential Kosovo Albanian newspaper publisher whose father was a Yugoslav diplomat, wrote an editorial in his newspaper *Koha Ditore* in August 1999 condemning “the organized and systematic intimidation of all Serbs simply because they are Serbs.” He added that “from having been victims of Europe’s worst end-of-century persecution, we are ourselves becoming persecutors and have allowed the specter of fascism to reappear... Is this what we fought for?” (quoted in King and Mason 2006:83). The response from the media controlled by the KLA provisional government was brutal. On October 2nd, 1999, an article in *Kosovapress* newspaper personally attacked Veton Surroi, claiming that he had a “Slav stink” and was a Milošević supporter. After arguing for “revenge” against such traitors, the article concluded that “such criminal and enslaved minds should not have a place in free Kosovo” (quoted in King and Mason 2006:83).

Personal attacks by nationalist leaders are not limited to members of the national community, but extend to foreign critics as well. When a Council of Europe report accused the former KLA leader and prime-minister Thaçi of running organized crime networks, the government accused the Swiss rapporteur, Andy Marty, of being “anti-Albanian” and compared his report to Serb propaganda (Economist 2011). When the BBC found evidence for the horrors

of wartime KLA prison camps, the reaction from the government was immediate: if you accuse one, you accuse all of us (Montgomery 2009).

Political elites in Kosovo used the uncertainty over the status question to evade responsibility for their lack of attention to bread and butter policy issues. The uncertainty here refers to the state of the world in which local actors lacked information about whether their preferred solution to the status question would be achieved. Local politicians were obsessed with what was going to happen to the national and sovereignty issues, and therefore had no plan beyond demands for greater autonomy or actual statehood.²⁹

The population, however, desired public goods and security. Public opinion polls in Kosovo clearly indicate that the mass public cared strongly about social and economic issues such as unemployment, poverty and corruption at the same level and even more than the status issue (e.g. Index Kosova 2006; UNDP 2007). Local elites used the status question—Kosovo’s aspirations for independence—to ultimately decrease feedback and accountability. Elites gave the message to the citizens that they needed to wait for the national question to be resolved before tackling any other issue. As mentioned earlier in the chapter, politicians often claimed that uncertainty of status was undermining international investment and thereby preventing the development of Kosovo. While the uncertainty of Kosovo’s status increased the political risk for investors and undermined privatization efforts, it did not follow that after independence, investors would flock to Kosovo with funding.

In addition, UN negotiators told Kosovo politicians by 2006 that Kosovo would become independent (see Chapter 2), so the veil of uncertainty should not have prevented local

²⁹ After the delay of status resolution during the summer of 2007 because of Russia’s rejection at the UN Security Council, the Kosovo parliamentary elections in November 2007 did not revolve around the status question. The public understood that the status question was beyond the local leadership, so they expected more from them.

politicians from focusing on bread and butter issues. Yet, they did not work on other socioeconomic policies. Kosovo self-government institutions had money in the budget and the authority to tackle problems in education, health, energy since 2002. Yet, such issues received only rhetoric attention, since the top politicians publicly proclaimed only the importance of status.

While clearly visible to most Kosovo residents, criticism of significant levels of corruption of leading politicians did not occur. A sociologist complained in an interview about the practical difficulties of criticizing Kosovo's politicians in public (Fehmi 2007).

We have made some progress in Kosovo in terms of democratization but it is still hard to see this in practice. It is very hard to say what we think, it is very hard to complain about something that you do not like. There were many topics that were taboo. The main struggle in a society in crisis is to keep topics as "taboo", by not putting them in the public agenda. Take corruption, for example. We all complain about informal practices. But nobody says who the main actors who commit such corruption are. Nobody is publicly saying: how can a person who was so poor in 1999 have today 5 million Euros without working a single day? He does not have a profession, but has fought in the war and is now in politics.

Nationalist demobilization did not merely occur among Kosovo Albanians, but also among Kosovo Serbs. Liberal critics there also face the charge of being a "traitor to the nation" if they bring up undesirable stories about leaders' corruption. A Kosovo Serb journalist shared this painful story with me. When the journalist wrote articles against a moderate local Serb leader, he did not receive any threats. However, when he wrote articles against the radical nationalist local leader, thugs beat him up and broke his teeth. The journalist could not report this crime to the Serb police, since the radical leader used funding from Belgrade to pay salaries for fictional work to the wives or children of police officers. The journalist faced the dilemma of cooptation or upholding his ethical standards (Dragan 2008).

What would I do if I gave in [to the radical leader]? I would become his personal advisor and he could use my knowledge and lack of public criticism. I would gain a salary of 2000 Euros per month [a high salary]. As an internal Serbian refugee, I would also have a five room apartment for free. So, for ten days I mulled over it. I thought first, yes, I will do it. Then, I decided against it. My gut would not let me!”

Even though a simple cost-benefit analysis pointed to the cooptation route, his emotional reaction to the assault on his human dignity by the thuggish leader made him decide against submission. The journalist found another job for which he had to commute outside his town. In this case, the strategy of nationalist demobilization managed to silence a liberal critic through use of violence and thereby undermined media freedom and democracy.

The demobilization of the Kosovo Albanian public increased at the beginning of Kosovo status negotiations in 2006 and subsequently decreased in 2007. As Figure 5.1 illustrates, the readiness to protest declined sharply in June 2006, as UN negotiators were facilitating talks between Belgrade and Prishtina. Why did the readiness to protest increase again in 2007? During the protracted negotiations over Kosovo's status, the population suddenly understood that its leaders—who got elected promising independence—could not deliver independence on their own, but relied heavily on the decisions in Washington, New York, Brussels and Moscow. During my field work in Kosovo in June 2007, the media and cafes were buzzing with the frustration over their leaders. The main argument was summed up by a taxi driver “We shut up as these politicians became wealthy through corruption. We are poor now, but what have they done for us? They promised independence, but now we understand that it does not depend on them.” After independence, the trend of higher readiness for protests has increased, as more people are willing to challenge the government. Therefore, more protests have occurred among the poorly paid state officials, such as teachers, doctors and police officials (UNDP 2009).

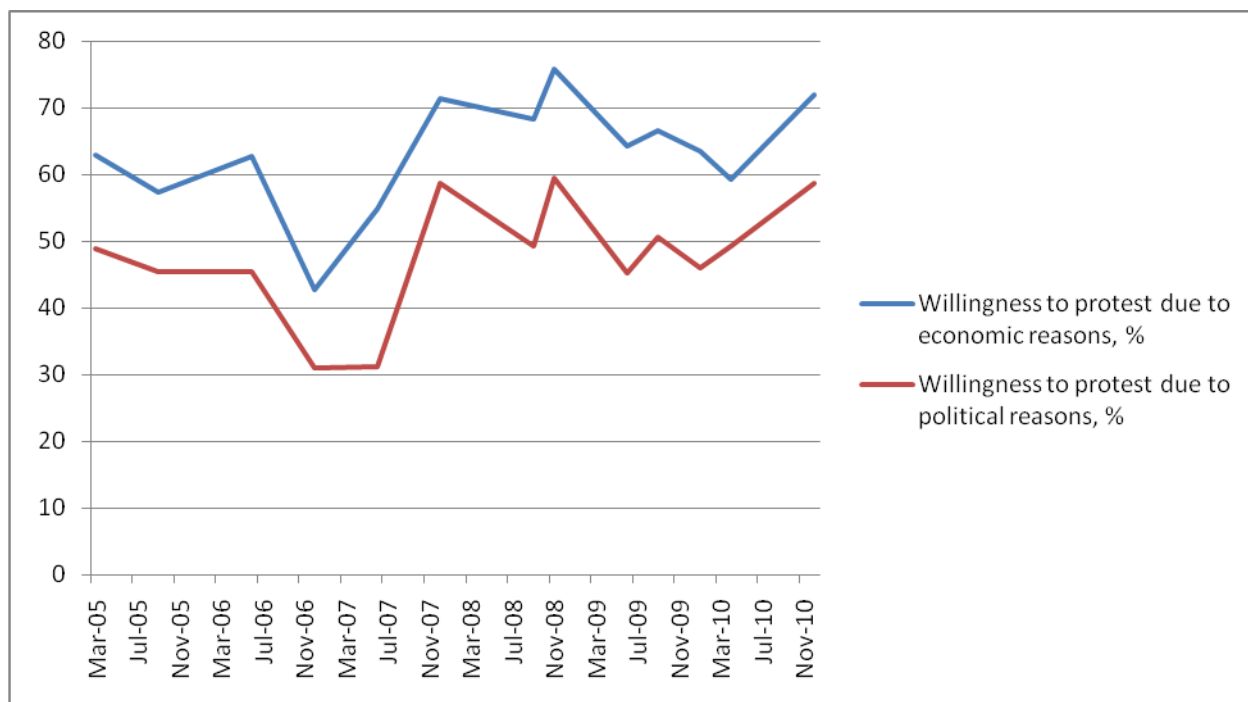


Figure 5.1. Willingness to protest due to economic/ political reasons. Source: UNDP 2009³⁰.

Kosovo’s central government invents new reasons for its lack of economic and social policies, despite increasing public demands for such policies. Before independence, the main claim for legitimacy was that the party was getting the Albanian public closer to independence. The current rhetorical strategy emphasizes that the state needs time to be built and that a lot of effort has been expended to get more international recognition for Kosovo (PDK 2010).

Nationalist demobilization in Kosovo therefore undermined democratic consolidation. Such demobilization, however, is not unique to Kosovo, and its negative impacts on democracy can be seen elsewhere as well. Gagnon documents how Serb and Croatian leaders in their respective countries used demobilization to silence critics and maintain their hold on power. By silencing and excluding previously mobilized citizens, Milošević and his allies managed to shift

³⁰ The Early Warning Reports are funded by UN Development Program and USAID. The surveys are based on face to face interviews that rely on randomly selected samples. For the 25th survey, the sample included 1,290 respondents: 829 K-Albanians, 233 K-Serbs, and 228 respondents from other minorities.

attention from the burgeoning economic problems of the transition to crony capitalism to an emphasis on cultural division between the Serbs and others (Gagnon 2004). Milošević gained power through fostering nationalist divisions, even though he was not a nationalist himself. In the 1987 Kosovo Serb protests, people came in as workers, protesting on economic grounds, but they returned as Serbian nationalists (Bieber 2011). Milošević redefined the problem from general economic decline into the Serb victimization by Kosovo Albanian majority, playing into a trope that had some resonance with the population. Milošević then enhanced the nationalist cleavage in the society and thereby demobilized the liberal opposition, who could be called traitors if they did not agree with his positions. In other words, if you do not toe the official line, then you are against the whole group, the Serbs, and you weaken the state³¹.

International organizations and democratization

It is clear that the international context after the end of Cold War favored the spread of democratization, especially in postcommunist Europe (Bunce and Wolchik 2011). However, a narrower question is: how did international organizations contribute to democratization in Kosovo? It is hard to imagine post-war Kosovo without the high level of international resources—funding, expertise, and blueprints. Yet, the presence of international organizations has had its costs as well as benefits on the democratic development in Kosovo. The impact of international organizations on democracy depended on whether they supported citizen mobilization and participation.

³¹ In-group policing does not occur just in the somewhat “exotic” places like the Balkans. President George W. Bush famously used a similar in-group policing tactic when he said after September 11: “If you are not with us, you are against us!”

International democracy assistance was helpful when it supported the mobilization and participation of citizens. International representatives served as monitors in the secret poll in 1991 when 89 percent of registered voters participated in the election. Their presence supported the Albanian nonviolent mobilization and made it harder for Belgrade to repress the Kosovars. Such support, even though indirect, contributed to the formation of a democratic order in Kosovo.

International support for the organization of elections and party development has played an overall positive role for democracy in Kosovo. The Organization for Security and Cooperation in Europe (OSCE) endowed Kosovo with an advanced legal framework for free and fair elections. The OSCE also had executive authority over the elections in Kosovo until the declaration of independence in 2008. The 2009 and 2010 elections have been organized by the local Central Election Commission, and OSCE has provided support and advice for the operations. Every citizen older than 18 years old, regardless of one's social status or cultural group, has the right to participate in Kosovo's elections (OSCE 2011). In addition to successfully organized elections until 2008, international organizations set up election procedures, trained political parties in democratic procedures and enabled cooperation among the different factions after the war.

International organizations were also crucial actors in promoting freedom of the press in Kosovo. International donors poured 36 million Euros from 1999 to 2006 toward media development and supported media pluralism. The former Media Commissioner Robert Gillette claimed that the growth in the media sector occurred due to "the uncoordinated licensing of stations by UNMIK and KFOR [NATO] in 1999-2000 as well as by initial licensing policy of the

Temporary Media Commissioner, aimed on utmost pluralism and the maximum right of freedom of expression (quoted in Gacaferi 2008: 110).

International organizations also created a citizenship regime that aimed to be inclusive of all the residents in Kosovo. Kosovo has a citizenship regime based on both territory and residence, and therefore different from the rest of the former Yugoslav republics. The citizen in Kosovo is defined not according to ethnicity, but through continued residence within the territory. The creation of such a civic law was determined mostly by the various international institutions involved in the country. Indeed, the law on Citizenship in Kosovo was part of the Ahtisaari package that was passed three days before the declarations of the independence. Such a law reflects the liberal worldview of international organizations that aimed to create an inclusive multi-ethnic society in Kosovo with civic ties to the state (Krasniqi 2010).

The influence of international actors has not been positive for democratization when they supported the demobilization or inhibited the participation of the citizens. Unfortunately, various international actors in Kosovo aided politicians and contributed to the demobilization of the public when they publicly argued that protests would undermine the resolution of Kosovo's political status. International representatives repeated frequently in press that jobs and economic development would arrive in Kosovo after independence would offer foreign investors certainty in their investments. Various civil society activists argued that international actors tried to influence public opinion against engaging in protests or visible criticism of government policies (e.g. Arben 2008). One UN official wanted to stop making public the news that investment had increased in Kosovo during a period, because that would contradict the received wisdom that lack of clear status impeded foreign investment (Altin 2008).

International representatives were also suspicious of nationalist mobilization and tried to discourage even nonviolent public protests around socio-economic issues. Since most international organizations aim to build a multi-ethnic Kosovo, their representatives tend to distrust the positive role of nationalism in any social sphere. As a result, international representatives undermined the public criticism of the government because they were also afraid that protests would lead to violence which would undermine the purpose of the peace-building intervention.

In Kosovo, as elsewhere, unintended consequences of democracy promotion include the promotion of elitist NGOs that might not encourage wide participation. Many of the successful NGOs were elite organizations embedded more in relations with the international community than with the ordinary people. Critics have argued in similar cases that such elitist organizations have trouble representing the interests and priorities of ordinary publics (Pouligny 2005; Sampson 2002). The dependence of non-governmental organizations on donor funding, just like in the rest of the Balkans (Krastev 2002), undermines the sustainability of civil society. Other civil society organizations with grassroots following do not receive international recognition or support because their ties build upon war-time cleavages. For example, the Association of War Veterans in Kosovo emerged from the Kosovo Liberation Army to demand entitlements from the state for its members (Pula 2004: 20).

Finally, in yet another unintended consequence, the dependence of Kosovo politicians on the resources and legitimacy of international actors undermines their accountability to the voters. In order to investigate the relative importance of different actors in holding the government accountable, I asked the following question to my elite interviewees from the government, civil society and international organizations.

Do any of these actors hold the Kosovo politicians accountable: The international community, voters, or the civil society? Can you rank them by the order of influence on the politicians (1-least important; 3-most important)?

Since the question intended to rank the influence of the various actors, the respondents could not assign a “most important score” to all three actors.

The elite interviewees generally agreed that the international community was the most influential set of actors who held the government officials accountable for their actions.

Respondents from civil society generally conceded that they were mainly able to influence the politicians through the transmission belt of international organizations and the media.

Government interviewees mostly claimed that if they lost the support from the international community, especially the US Embassy, they could lose power relative to their domestic competitors.

I included a version of the question in an UNDP nationally representative survey conducted from September to December 2008, during the first year of Kosovo’s independence³². Instead of using the “least important” to “most important” ranking of the interviews, the survey question used an interval variable in which each respondent could rank more than one actor with the same answer: “not at all”, “somewhat”, and “most important”. As table 5.7 indicates, the public believes that all these various actors are able to hold Kosovo’s politicians accountable, suggesting that the domestic constituencies of voters, civil society and media are functioning in Kosovo’s democracy.

³² The Civil Society in Kosovo survey used a nationally representative sample of 1251 individuals in Kosovo to measure the public perceptions of civil society. UNDP subcontracted the conduct of the survey to UBO Consulting, a private polling company in Kosovo with significant expertise in this field (Haskuka 2008)

Table 5.7. Do any of these actors hold the Kosovo government accountable?

	International Community (%)	Voters (%)	Civil Society (%)	Media (%)
Yes, a lot	51.9	31.7	32.9	43.9
Somewhat	25.7	38.8	39.7	32.3
Not at all	13.0	22.1	18.8	15.1
I do not Know	9.4	7.4	8.6	8.7

Source: Civil Society in Kosovo Survey 2008; Skendaj 2008: 92. Numbers represent percentage of respondents who agree with the statement.

I then tested the hypothesis that the public ranks the international community as the most influential actor. Since “holding the government accountable” is an interval variable (see Lewis-Beck 1995 :7-9), I recoded the answers into: “Yes, a lot”, as 2, “Somewhat” as 1, and “Not at all” as 0. As the results of the paired samples tests in table 5.8 indicate, the difference is statistically significant at the 99 percent confidence interval ($p < .01$). The general public therefore ranks the international community as the most important actor in terms of holding the government accountable, followed by the media, civil society and voters. The media was considered to be more influential than both voters and civil society in holding Kosovo’s politicians accountable. Interestingly voters were considered to be less influential than the international community, media and even civil society.

Table 5.8. Test of Political Actor Sentiment in Kosovo

	Mean	Standard deviation	Standard error mean	<i>t</i>
International community – media	.11	.84	.03	4.22
International community – voters	.32	.76	.02	14.36
International community – Civil Society	.27	.72	.02	11.93

Media – Civil Society	.16	.65	.02	8.37
Media - Voters	.22	.73	.02	10.32
Civil Society - Voters	.06	.61	.02	3.42

Source: Civil Society in Kosovo Survey 2008; Skendaj 2008: 92.

These tests indicate that the public concurs with the elite responses that international community is more important than any other actor in holding the politicians accountable. The international community is clearly understood as a driving force in Kosovo’s political development, even though the domestic constituencies are important as well. Unfortunately, the implication for democracy is that voters are disempowered when they perceive that politicians do not listen to them, but to unelected international representatives. Ivan Krastev (2002: 51) pithily summarizes this dilemma of accountability in Southeastern Europe: “Governments get elected by making love to the electorate, but they are married to the international donors.”

What explains the perception that international actors are most influential in holding Kosovo politicians accountable? First, local politicians in Kosovo rely on international actors for legitimacy and support. After the 1999, public surveys showed that the UN mission was the most legitimate actor (Index Kosova 1999). As the UN mission had the formal authority to administer Kosovo after the war, political actors had to work with international organizations in order to participate in government. If politicians failed to collaborate with international actors, they would have no chance to enter government coalitions.

Even after the public support for the United Nations mission decreasing significantly (UNDP 2007), specific international actors, such as the American embassy, hold a very special place for both Kosovo Albanian public and elite. The public widely credits the Americans for the

NATO attacks in 1999 that pushed Milošević military forces from Kosovo. Therefore, unlike many Iraqis, most Kosovo Albanians view Americans and NATO as liberators. A local joke illustrates this point. During a recent Spanish NATO command changeover in Kosovo, in which municipal and party officials participated, an old man was emotionally hugging a Spanish major who was about to leave Kosovo. At one point the Spanish major asks the old man: “Why do you like us so much, when Spain has not even recognized Kosovo’s independence?” The old man replies smilingly: “Well, you have discovered America, and that is enough for us.”

A common perception existed among the political elites in Kosovo that if a politician fell out of favor with the Americans, they would not be in power. If American embassy would signal that a certain politician does not have their support, this politician will not be able to secure domestic allies. Instead, the politician’s competitors would be able to win over him in election. Voters would also be less likely to vote for his (all party leaders are men) party, and the party itself would move away from the disgraced politician. Hence all politicians in Kosovo, with the exception of Self-Determination movement in opposition, love to have a picture taken with American officials. American officials are also extremely aware of the power they have in Kosovo, and they frequently do not hesitate to exercise this power. In a way, Kosovo politicians act as clients to the American officials in an international-local patronage network.

Kosovo politicians are also clients to the European Union, since the contested state of Kosovo aspires toward the eventual EU membership. However, the European Union, as a patron, punches below its weight, despite being the largest international donor to Kosovo. Why does the US, which provides only 16 percent of the overall donor funding in Kosovo, have so much more leverage? The main reason is because the European Union does not have a coherent policy for post-independence Kosovo. Five out of twenty-seven EU member states have not recognized

Kosovo due to secessionist movements within their own borders. If Kosovo Albanians are allowed to have their own state, why should the Basques in Spain or the Turks in Cyprus not have their own state? The ambiguity of European Policy toward Kosovo is also evident in the largest EU law and order mission, EULEX. EULEX remains neutral toward the status of Kosovo—it does not take a stand on whether Kosovo is independent—even though it is supposed to work with the very state institutions that form the core of Kosovo’s state.

Demobilization of publics also undermined the linkage between voting and politicians’ accountability, and enhanced the dependence of politicians on international actors. Politicians told the voters that all the other socio-economic issues depended upon the question of independent statehood for Kosovo. Until the 2007 elections, all the main political parties competed around who was the best defender of Kosovo’s independence.

In summary, international organizations have been successful in democracy promotion when they supported the mobilization and participation of citizens in various activities: voting, civil society initiatives, media pluralism. International funding also has supported the various domestic constituencies for democratization in Kosovo. However, not all funding and not all international initiatives have enhanced democratization. When international organizations demobilized the publics, they undermined the politicians’ accountability toward the voters. In addition, when international actors supported mainly elitist NGOs, they did not encourage citizen participation and therefore undermined the democratic consolidation in Kosovo.

Conclusion

Unlike state bureaucracies that vary in terms of their performance (see Chapter 3 and 4), the various democratic institutions of elections, media, civil society and legislature are all

similarly weak, yet overall supportive of democratic development. After tracing citizen mobilization and then demobilization, this chapter supports the theoretical argument that mass mobilization and public participation contribute to democratic breakthrough and subsequent development. Demobilized publics, on the other hand, undermined democratic consolidation because voters and civil society refrained from criticizing their elected leaders.

International democracy promotion in Kosovo has also had varied impact on democratization. When international actors supported the demobilization of the citizens or hindered their participation in democratic institutions, democratic consolidation was undermined. Survey data and elite interviews also suggest that international actors are even more influential than voters, media and civil society in holding Kosovo's politicians accountable. Such unintended dependence on international actors undermines the politicians' accountability toward the voters whose policy preferences are not articulated or represented in the public agenda.

These findings therefore elaborate on the *coalition model* of international influence (Jacoby 2006), in which international actors try to influence the choices of domestic actors by building alliances with local factions. The coalition model is mostly silent about non-elite domestic actors that support democratization. Similarly to the rest of postcommunist transitions, Kosovo's democratic development suggests that when pro-democratic elites support nonviolent mass mobilization, international actors should support both elites and mass mobilization. However, when elites, whether they are democratic or not, support mass demobilization, they should not be supported by international actors.

Crucially, international organizations had a positive influence on democratization when they supported the mobilization and participation of the public in democratic institutions through encouraging political and societal influence on decision-making. This approach, however, is

different from the successful international approach in state-building. As we saw in Chapters 3 and 4, international organizations have been successful in building effective bureaucracies when they insulated them from societal and political clientelism.

CHAPTER 6

MASS MOBILIZATION VERSUS INTERNATIONAL INSULATION: CONSTITUENCIES FOR DEMOCRATIZATION AND STATE-BUILDING

This dissertation gives a nuanced answer to the question posed in Chapter 1: Can ambitious international interventions build democracies and states? The evidence provided in this study suggests that international organizations can be successful in both endeavors if they take different approaches to state-building and democratization. In order to build state bureaucracies, international organizations need to insulate them from political and societal influences. By contrast, international assistance can support the development of democratic institutions by promoting citizen mobilization and contestation, and therefore encouraging political and societal influences to shape, constrain and inform democratic decision-makers. International actors thus face short-term trade-offs between supporting state-building and democratization. In the long term, state-building and democracy promotion become complementary processes because democratic constituencies need to support civil service reform, and state-building constituencies need to support further democratization.

This chapter advances some conclusions in response to the democratization and state-building hypotheses outlined in Chapter 1. The first section summarizes the findings of the dissertation. The second section highlights the contributions of this study to the literatures on democratization, state-building and international interventions. The third section draws important implications for other controversial interventions by the international community in Afghanistan, Bosnia, Iraq and East Timor.

State-building and Democratization in Kosovo

This study investigated state-building when international organizations followed one of two approaches: insulation from political influence or local ownership. Insulation from political influence occurred when the international organization controlled the recruitment processes into the bureaucratic organization and structured the bureaucracy according to the mission of service to the society. In practice, representatives of international organizations formed majorities on the boards that tested and vetted the candidates for public office. Public officials were insulated from politicians and the society and they learned to enforce rules impartially in a professional bureaucracy. Alternatively, local ownership occurred when local actors controlled the recruitment and advancement processes into the bureaucracy, often resulting in patronage.

In the successful organizations of the customs service and the police force, the local officials worked as rule-bound bureaucrats. These local bureaucrats became socialized into the impartial rules and norms of the civil service through the following mechanisms: meritocratic recruitment and promotion, strategic calculation, role-playing, and normative suasion (Checkel 2005: 810-813).

In the absence of a domestic constituency, effective bureaucracies required international protection against politicization. Until a domestic constituency for civil service reform exists (Shefter 1994 :28), international organizations serve as the main guarantor against further politicization of the bureaucracies. Once a broad constituency of bureaucrats, civil society organizations and political parties supports civil service reform, international organizations are then in a position to decrease pressures on elected leaders.

Finally, as expected in such massive international intervention, state-building in Kosovo had its own unintended consequences. The international organizations built self-government

capacity as part of its mission, but those institutions became the proto-state institutions for independent Kosovo. This is therefore a similar process to how federations and empires help build new states through segmented state institutions (Roeder 2007).

Similar to other postcommunist transitions, mass mobilization by the Kosovo Albanian public in the early 1990s was found to be the main contributor to the democratic breakthrough in Kosovo. This mobilization created cross-cutting linkages among diverse citizens as well as gave clear signals both domestically and internationally that democratic procedures would be the only legitimate ones. The nonviolent mobilization of Kosovo Albanians strengthened the society and undermined the authority and power of Belgrade's authoritarian regime. In addition, this nonviolent resistance movement increased the awareness of citizens about democratic norms and procedures such as free and fair elections and the protection of human and civil rights.

However, the national issue also demobilized potential critics in the later period, and therefore contributing negatively to democratic consolidation in Kosovo. Such demobilization silenced potential critics of the government, and undermined the public accountability of the elites. This variation confirms the insight that nationalism is "wanton", and can have either a positive or negative effect on democratization (Bunce 2005 :412).

External actors also contributed to democracy in Kosovo when they supported citizen mobilization and participation. International organizations encouraged political actors to participate in democratic institutions and thereby support the nonviolent adjudication of conflict (Dziedzic 2002 : 37-39). They also supported voter registration, free and fair elections, media pluralism and civil society networks.

Such international assistance has not been without its costs for the democratic development of Kosovo. When international organizations helped in the demobilization of the

public, voters, civil society and media refrained from criticizing the government for corruption. The dependence of Kosovo politicians on the international community has also weakened the link between voters and government accountability. The dependence of civil society on donor funding, just like in the rest of the Balkans, poses difficulties for the sustainability of civil society. Therefore, in contrast to state-building which relies on insulation from the public, democracy building depends on the participation of publics and the competitive contestation of political parties (Dahl 1971).

Contribution to Literatures on Democratization and State-Building

The theoretical framework for the construction of effective bureaucracies builds upon and confirms the Weberian statist theory, which states that any measure that enhances the insulation of the bureaucracy from societal pressures increases its performance (Weber 1954: xxxix-xliii, 40; Bensele 1990 : 94-237). Martin Shefter, a student of patronage and bureaucratic organizations, points out that a political constituency is necessary to push for and sustain the transition from patronage to a professional civil service system. Until now, scholars have investigated primarily the domestic sources of such political constituencies (but see Vachudová 2005). However, when international actors have wide authority to implement state-building and democracy promotion strategies, the source of such political constituencies can be international. Shefter argues,

[I]f a civil service system ... is to resist the depredations of patronage-seeking politicians, the administrators or public officials who would defend it must be backed by a constituency that has a stake in the system and is sufficiently powerful to prevail over competing forces" (Shefter 1994: 28).

As this dissertation has shown, in the absence of a domestic constituency for civil service reform, international organizations have taken on that role and successfully crafted state bureaucracies.

Instead of viewing the state as an abstract and unified entity, this dissertation makes an argument for disaggregating the state into its constituent bureaucratic organizations. Future research in state-building and democratization must pay attention to Levi's recommendation to focus on "the organization and individuals who establish and administer public policies and laws" (Levi 2006: 6). Explaining sub-national variation in both democratic and public provision outcomes is more theoretically promising than focusing on the abstract notion of the state, since it allows us to unpack the black box of bureaucracy and investigate how external influence, structures and political choices actually operate on the ground. Had this study focused on the unitary and abstract concept of the state in Kosovo, we would miss the important distinctions in the organizational level. Had we generalized that the state of Kosovo was overall weak, we would miss the micro- and meso-level approaches that enabled the construction of several effective bureaucracies.

In addition to unpacking the state into its core bureaucracies, this dissertation also makes an important contribution toward the measurement of bureaucratic effectiveness. The consistent use of the various measures around three sets of indicators: mission fulfillment, penalization of corruption, and bureaucratic responsiveness, allows the researcher to compare the effectiveness of different bureaucracies. This study also highlights the importance of using subjective measures of institutional effectiveness through public perception polls, since citizens are able to evaluate the service they are receiving. If subjective measures are used in combination with other objective measures of bureaucratic effectiveness, they produce a more representative picture of the bureaucracy than the usual organizational output measures of funds spent, or meetings

organized. It is hoped that such measures at the bureaucratic level will enrich the stateness literature.

The creation of effective state bureaucracies within a decade in Kosovo challenges the theoretical expectation that states require extended time to increase their capacity. The shift from patronage to Weberian bureaucracies under local ownership took centuries in European or Japanese state-building. The insulation of certain bureaucracies from political processes, thereby, slowly enabled the creation of a more professional public administration. In Western Europe, the state gained power over the society through war-making between rivaling states (Tilly 1992 :ch. 3). In Japan the state became autonomous from the society through the consolidation of bureaucratic rationality (Silberman 1993). In Kosovo, only part of the central bureaucracies became professional through meritocratic recruitment and advancement, but that occurred within a decade.

International organizations can therefore build domestic bureaucracies within a decade and do not need to remain in charge indefinitely. Hence, despite apparent similarities, my argument differs from Krasner's (2004) recommendation for "shared sovereignty" institutions, defined as state bureaucracies that are managed by international organizations or foreign states at the request of a sovereign state for an indefinite period of time. Stephen Krasner, a renowned political scientist and a policy maker, argued that the direct control by external actors in the "shared sovereignty" institutions is superior to transitional administrations and governance assistance. While I find some limited evidence for shared sovereignty, the Kosovo examples do not fit the formal definition, since Kosovo was not sovereign and did not ask the international community to run specific institutions. The internationals were there as part of an agreement with Yugoslavia and ended up setting up these institutions in order to administer the territory. In the

ineffective bureaucracy of central administration, the removal of international control over balanced budgets led to the runaway spending in 2011, and subsequent loss of international funding from the IMF, European Union and the World Bank. On the other hand, international administrators in the successful bureaucracies, customs service and police force, prepared to hand over the management of the institutions to local ownership within a decade instead of planning to remain there indefinitely.

This dissertation finds that international assistance is associated with both effective bureaucracies and ineffective ones. The same set of international donors supported the various bureaucracies in Kosovo. My findings suggest that the effectiveness of international assistance depended upon bureaucratic effectiveness and therefore international insulation. In the bureaucracies insulated by international actors, international assistance was more effective in achieving its goals. By contrast, pathologies of international aid were clearly evident in the bureaucracies plagued by widespread clientelist practices.

Did economic incentives, which figure prominently in the principal-agent framework, explain the variation in bureaucratic capacity (Moe 1984)? Specifically, did the high salaries in international organizations crowd out local capacity as locals would not prefer to work for low pay in state bureaucracies (Fukuyama 2004a: 39-41)? Since both the customs service and the police force had similar salaries to the other state institutions, the difference in salaries did not explain variation in bureaucratic capacity. The applicability of the principal-agent theory is therefore limited when the context is one of weak and failed states. It is often unclear who the principal is, or he/ she could be a warlord and not a senior bureaucrat (Fukuyama 2004a: 53-91; Taylor 2010: 29-30).

On the other hand, sharp reduction in salaries for trained professionals at institutional spin-offs undermined bureaucratic capacity. OSCE hired local experts at international salaries for the Central Election Commission (CEC) under its authority, and then downgraded their salaries when CEC spun off to local control. All the trained staff left when faced with a five-fold reduction in their salary (see Chapter 2). The implication is that local employees should start receiving competitive salaries for the local market. Capacity building programs that start paying high salaries that will not be extended beyond the original projects are not likely to be sustainable.

The debate on the sequencing of democracy and state-building addresses whether institutions and state bureaucracies should be built before mass participation in democracy (Huntington 1968; Paris 2004). My findings suggest that while there are trade-offs between building democracy and building state bureaucracies, the best way to deal with this dilemma is not through sequencing but through building them simultaneously with different approaches. International organizations should therefore encourage political competition and pluralism in the democratic sphere through party development, promotion of rule of law, and support for free and fair elections and civil society development. When building state bureaucracies, however, international organizations should limit political competition and focus on civil service rules for meritocratic recruitment, promotion, training and result-based rules. This strategy of insulation from clientelist pressures produces more effective bureaucracies that are better equipped to provide public goods.

Departing from conventional wisdom then, my research suggests that in order to support democracy and foster local legitimacy, Western interveners should simultaneously help organize elections, support civil society and promote media freedom while insulating nascent state

bureaucracies. Although civil society and independent media should be supported from the beginning, actual elections should be postponed for a short period. An initial period of democratic development is necessary before holding elections to ensure that they will be conducted freely and fairly. Waiting a short period of one to two years before holding elections will allow the main cleavages constructed by the war experience to subside, and new parties to form around cross-cutting cleavages. In addition, the elections should put the elected leaders in charge of the policies but not in charge of building the bureaucracy. Elected leaders would still be able to appoint a small proportion of the senior administration officials, but civil service commissions with a majority international participation would build the various layers of bureaucracy at the low, middle and senior levels. This process would ensure that the leaders in these bureaucracies will not be political appointees but rather the beneficiaries of meritocratic promotion.

Could the state bureaucracy exist without any political appointees? No! In all state bureaucracies, including the US, Germany, Canada, and Sweden, there are political appointees for understandable reasons. Elected leaders need to rely on their own people to carry out the policies for which the public voted them into office. However, states with professional bureaucracies place strong limitations on political appointments in terms of both quotas (less than 30 percent for US ambassadorial jobs, for example) and the qualifications that the appointees need to have. An independent commission could also vet the nominated appointees. In post-war countries, such commissions should also initially have a majority international presence.

The findings also contradict the local ownership hypothesis for state-building which posits that high local ownership leads to more effective state bureaucracies (Evans 2004;

Putnam, Leonardi, and Nanetti 1993; Weinstein 2005). When international actors devolved the central administration and the courts quickly to the control of elected leaders, these bureaucracies became embedded sites of patronage politics in which employees were only loyal to top politicians, without substantial concern for public service. The socialization of employees in such bureaucracies emphasized loyalty to the patron or boss above following impartial rules and procedures. The international funding that flowed to these institutions through technical assistance projects failed to influence them, since the bureaucracy was geared toward providing jobs rather than implementing policies.

My argument of insulation is therefore different from Peter Evans' argument of "embedded autonomy" that combines the Weberian ideal type of professional meritocratic bureaucracy with the links that this autonomous bureaucracy creates with various civil society actors (Evans 1995). My findings imply that embedding the bureaucracy before it has become autonomous is problematic. In other words, bureaucratic autonomy must be insulated before it becomes embedded. Initially, in the post-war context, the bureaucracy would need political insulation from political and societal patronage. In the long run, the autonomous and professional bureaucracy may become transparent and open to requests for policy involvement from diverse societal actors in the country. The customs service is doing that already by having frequent meetings every year, in order to address issues of concern to the business stakeholders. By responding to the issues posed by businesses, the customs service ensures continued compliance and is better able to fine tune its revenue collection. The police service is also increasingly using the community policing approach to respond better to citizens' needs at the local level.

While forming competent bureaucracies through meritocratic recruitment and promotion might seem to be a matter of common sense to many people, it actually contradicts the current

dominant model in public administration. The new public administration theory actually revives the patronage bureaucracy by recommending that public bureaucracies move from the merit-based civil service to the at-will employment system because of its hiring flexibility and the faith it places in the manager's discretion (Hamilton 2010 :139-140). We can speculate that the reason that this at-will employment system might work better in the US is because the basis of bureaucratic rationality has already been built, and political appointees enter a bureaucratic organization that values performance. On the other hand, in a state bureaucracy based on patronage, the officials occupy an office because of personal or political links to the state rulers, owe loyalty to their political patrons, and do not have to perform according to clearly defined responsibilities. In a clientelist state organization, the responsibilities of public officials are unclear, ad hoc and not the basis for their performance.

Since the 1970s, the diffusion of democratization has created high expectations for democracies to produce public goods. However, such high expectations have been countered by the worrisome trend of bad governance in many countries. Larry Diamond (2007: 119), one of the most prominent scholarly advocates of international democracy assistance, laments that:

There is a specter haunting democracy in the world today. It is bad governance—governance that serves only the interests of a narrow ruling elite. Governance that is drenched in corruption, patronage, favoritism, and abuse of power. Governance that is not responding to the massive and long-deferred social agenda of reducing inequality and unemployment and fighting against dehumanizing poverty. ... The democratic spirit of elections drowns in vote-buying, rigging, violence, or all three (Carothers et al. 2007).

Widespread corruption and patronage therefore undermines democracy in the long run, since ordinary people see few or no benefits from democracy. For scholar-practitioners like Diamond, greater political competition and public participation will lead to more democracy in these hybrid regimes. While he is right about democracy, his analysis is incomplete for state-building.

Corruption and clientelism also undermine the construction of professional bureaucracies, and therefore have a negative impact on state-building. Specialized and impartial bureaucratic structures can also reduce patronage and kleptocracy and contribute to a better provision of public goods.

This dissertation's findings confirm the hypothesis that mass mobilization contributes positively to democratic onset. Similarly to post-communist transitions to democracy, mass protests undermined the power of authoritarian elites and emboldened pro-democracy leaders to demand change (Bunce 2003: 172). This finding confirms the general argument that a sharp break with the authoritarian past is more likely to invest in a successful transition to democracy (Bunce 2003). The nonviolent nationalist mobilization encouraged Kosovo Albanians to participate in democratic institutions. This dynamic was similar to India where the anti-colonial movement led by Gandhi created cross-cutting links among the various parts of the country through the mobilization of millions of supporters. As the nation was constructed, democracy became more durable (Ahuja and Varshney 2005). One caveat is in order however. Citizen mobilization is an effective way to affect democratic transitions, but it is not the only way, as the various democratization hypotheses in Chapter 1 indicate.

By contrast, the demobilization of the publics undermined democratic consolidation, since voters and civil society did not hold their politicians accountable. The transitology literature has a bias against mass mobilizations since citizens could threaten authoritarian elites with possible revolution and undermine a negotiated pact between authoritarians and democrats (Karl 1990). Such distrust of mass protests and other forms of nonviolent mobilization misconstrue "mass protests" as dangerous for democracy. When diverse groups of people engage

in such nonviolent protests for democracy, they signal public discontent with the rulers and strengthen the pro-democratic forces (Bunce 2003; Bunce and Wolchik 2011).

Policy Implications

The main policy recommendation is the simultaneous creation and strengthening of domestic and international constituencies for democracy building and civil service reform. International organizations should therefore strive to support local allies and build coalitions to support both processes.

How can the work of international organizations improve in the area of state-building? First, international organizations should start collecting specific data on the presence of civil service rules and procedures that support meritocratic recruitment and promotion in the various states in the world and make this information public. Civil society organizations, the media, and other international organizations may use this information to pressure government officials to rein in patronage practices. Second, international organizations that recruit and advance their own employees according to merit are going to be more effective at building domestic bureaucracies that rely on meritocracy. Hence, international organizations that often rely on political appointments, such as the UN should themselves reform their recruitment practices, even though, organizationally, this reform is very difficult (Brown 2008).

Timing is another important implication in the state-building efforts. Constituencies of merit-based bureaucracies should strike while the iron is hot, as they try to get the organization to move in the direction of a meritocratic path. The longer period the bureaucracy is invested in patronage, the stronger the resistance to reform from both politicians and bureaucrats who benefit from these conditions. Historical case studies also indicate that early choices and

contingency relating to local conditions shape subsequent developments in state formation (Gavrilis 2008; Hui 2005; Tilly 1992). In the successful institutions of the police services and custom service, the international organizations started building the bureaucracy from the beginning of the intervention. Meritocratic recruitment, training and promotion according to results set the stage for high quality local employees to learn, calculate, role play and convince each other as they grew professionally together.

Careful sequencing of the transfer of authority to local actors is also an important implication. Until the bureaucracies have been professionally constructed, elected politicians will not have the power and the authority to build the bureaucracy according to their wishes. What about local demands for patronage through quotas? There are possible compromises with political actors, including quotas in the recruitment of certain bureaucracies. In Kosovo, one quarter of the Kosovo police recruits had to be former Kosovo Liberation Army fighters. Since this meant recruiting 2000 former fighters out of a pool of 25,000 people who claimed the fighter status, the recruitment still managed to select some of the best candidates. Candidates who did not meet the training, performance or ethical requirements were fired during the probation period.

As the experience of the Kosovo police shows, even if quotas for specific groups of people are included in the recruitment strategy, international actors should use competitive recruitment and promotion to select the best of these candidates. Qualified international administrators should manage the process of competitive recruitment to ensure that merit and not patronage is the criteria for employment.

Previous employees of the bureaucracy should be retrained under probation and if they do not perform, they should be fired with some possible compensation or external retraining

scheme. If the new recruits enter a bureaucracy with rampant corruption that is tolerated from the management and the politicians, then their ability to reform the institution will be very low.

If they are not present, civil service rules and procedures have to be passed into law in order to safeguard the bureaucracy from future political attacks. Civil service procedures should specify meritocratic recruitment through competition or education criteria, performance and ethical criteria for public officials, internal promotion rules, and mechanisms for penalizing bad performance and unethical behavior.

The findings of this research claim a larger role for the field missions of international organizations than usually assumed by studies on democracy promotion and state-building. Authoritative international organizations can therefore have significant impact on the processes of both state-building and democratization (Barnett and Finnemore 1999). International administrators and the field missions of international organizations can be important actors in the domestic politics of building state institutions. In addition, the decisions made by the field missions can be more important than guidelines issued from the headquarters of the international organizations in shaping political outcomes.

Local knowledge and sensitivity to domestic context (Scott 1998: 6, 316-319; Gagnon 2002) therefore did not produce the expected public goods in the bureaucracies that were devolved early. Unfortunately, in the post-war or failed state context, local knowledge often means literally “whom you know.” War produces economic scarcity, insecurity and generalized distrust. Therefore, people rely on particularistic networks in order to access resources for survival. Such behavior is called “blat” (Lovell, Ledeneva, and Rogachevskii 2000) in Russian, “guanxi” in Chinese, “old boys network” in English or “miku” in Albanian. This behavior then leads directly to patron-client relations where people with resources provide support and

protection to others in exchange for their loyalty. Such particularistic patronage undermines democratization since most people are excluded from the benefits of the democratic process. Clientelism also undermines the state-building process since bureaucratic organizations are built upon loyalty and exchange of favors instead of merit and performance.

De-mystifying local ownership and knowledge is important, since it has become one of the buzzwords with multiple meanings among international organizations in their field missions. Even though donors claim to support the idea of local ownership, they often resist engaging domestic stakeholders in the building of state institutions. After all, international organizations usually intervene when the local government structure is not providing the expected public goods (Chesterman 2007 :4). On the other hand, respondents from the NGO and government community frequently told me in their interviews that “local knowledge” meant in practice that some local participants would assent to the international agenda and projects. Often, this “buy in” literally meant that local NGO leaders agreed to be subcontractors of an international NGO in exchange for being awarded a small project.

Distance and lack of knowledge about local context is usually seen as a liability of representatives of international organizations and central governing institutions in general (Scott 1998). However, distance can be an asset since the international administrators are not part of the political networks that dole patronage employments to loyal protégés without professional qualifications. For instance, appointing their own protégé to the customs service management could potentially be very lucrative for politicians, since they could use these ties to monopolize specific imported goods by barring entry to business competitors.

The insulation argument does not simply privilege the international administrators while downplaying local agency or institutional factors. In successful institutions, local employees run

the institutions, and they have learned through training and work experience to behave in professional rule-bound way. On the other hand, providing jobs as patronage is rational in an economy with a 40 percent unemployment rate. The government in Kosovo since 2001 has been a coalition government, and each coalition party provides jobs to their followers in exchange for loyalty and votes. While most respondents in public surveys bemoan the role of nepotistic networks in employment, rational individuals still use these networks in order to get scarce jobs.

While previous experience with state-building projects can help international organizations, the ability to learn and experiment seems at least as important for the international organization's success in state-building (Campbell 2008). The previous experience of the European Commission in building customs service capacity in Eastern Europe enabled the codification of customs blueprints that are guidelines for customs service reform. However, despite the lack of OSCE experience in police training, it experimented and learned during the process of building a police academy. The police academy became a success story in Kosovo, and its curricula were later transferred to other post-war countries.

Another implication for state-building is that generating revenue through a properly built customs service can sustain the state budget. Since the customs raises approximately 70 per cent of state revenues every year in Kosovo, it is a crucial sector for provision of public goods. Studies of earlier European and American state-building indicate that revenue extraction was crucial in ensuring state longevity and the accountability of states to their citizenry (Tilly and Ardant 1975; Tilly 1992; Pollack 2009). States that manage to raise revenues on their own are also able to increase their authority towards their citizens through the provision of public goods (Brautigam, Fjeldstad, and Moore 2008). On the other hand, states that rely indefinitely on

international aid to fund their budgets fail to provide public goods, since the state is not accountable to its citizens (Moss, Pettersson, and van de Walle 2006; Van de Walle 2005).

Democratization also requires additional international support in order to bolster allies who use democratic procedures to build legitimacy. International organizations also deter potential spoilers who might push for authoritarian solutions. International organizations can also inspire local NGOs who could use them to address issues that they feel are not addressed by the central administration (Keck and Sikkink 1998; Risse and Sikkink 1999). Democracy promoters should encourage widespread participation and political contestation, and not focus their support on elitist civil society organizations.

The neighborhood of the country is also a factor in democratization and state-building success. States located in a neighborhood of consolidated democracies are more likely to attract flows of resources and ideas to the state-building and democratization projects (Kopstein and Reilly 2003). Since the former Yugoslav states border the European Union, they have been able to attract significant support for democratization and state-building compared to states in Latin America and Africa (see Figure 2.3). On the other hand, a neighborhood of weak and failed states is going to undermine reconstruction and state-building.

International actors may exit once domestic constituencies become stable and the post-war country is a member of international organizations. A constituency for civil service reform needs to be created that links domestic and international actors. As the international organizations transfer authority to elected officials, they should keep some temporary safeguards to assure that the elected leaders will not politicize the bureaucracy under their authority. The civil servants who have been recruited according to merit will obviously become a constituency that supports the depoliticized civil service. In addition, the local media, civic

associations and even political parties could form a domestic constituency to ensure the sustainability of bureaucratic capacity. Scholars have already documented how domestic NGOs reach out to transnational actors to influence their nonresponsive governments (Keck and Sikkink 1998; Risse and Sikkink 1999; but see Bob 2005; Schmitz 2006). Such domestic constituencies could publicize periodic indicators about the performance of the bureaucracy over time. When violations of civil service reform occur, then the media and civil society can report on them. Finally, the civil society and the media can try to influence their government through access to international forums and organizations.

International interventions, such as one in Kosovo, violate the Westphalian sovereignty, which refers to the exclusion of external authority structures from the decision making processes of a state (Krasner 1999). However, when interventions produce more successful states and societies, such interventions are justifiable and desirable. Just like the semi-sovereign state of the Federal Republic of Germany after World War II (Katzenstein 1987), Kosovo and Bosnia should be embedded in international organizations such as the European Union (Chayes and Chayes 1995). Fortunately for Kosovo and Bosnia, Europe has a dense set of international institutions that provide rules for appropriate behavior in addition to the incentives and sanctions provided by powerful states. The relevant institutions for the Balkans include NATO, the European Union, the Organization for Security and Cooperation in Europe (OSCE), and the Council of Europe (Keohane 2003).

Since the EU is heavily involved in Kosovo's state-building and democratization, it should pay particular attention to logic of welfarism in the central administration. Just like in Greece, Kosovo's democratically elected leaders used patronage employment in the government to provide welfare support for their personal and political contacts. Kosovo's eventual admission

into the European Union should be made conditional upon verification that runaway patronage spending in the central administration has stopped. The EU should therefore ask that the central government and the court system in Kosovo become more like the customs service and the police force, and not vice-versa.

Implications for Other International Interventions

International interventions such as those in Kosovo, Bosnia, and Afghanistan, have been controversial for a number of reasons including the questionable motivations of the interveners, costly unintended consequences, and the impact of unmet expectations. In each case, all parties involved would be better off if these interventions managed to achieve the elusive goal of constructing a state that effectively provides public goods while being sufficiently restrained by the social and political mechanisms of a functioning democracy. However, such a lofty goal has not been fully realized in any international intervention. This dissertation sheds light on this controversy by analyzing the factors that contribute to more effective international interventions.

What are the implications for Afghanistan, Iraq and Bosnia or East Timor where the international community invests resources to build democracy and state institutions? At first glance, it seems that the Kosovo experience cannot be transferred elsewhere. Kosovo had a small population that received significant international human and monetary resources. Due to its communist legacy, Kosovo has a high literacy rate and higher social capital than most countries in Africa where a majority of failed states are.

Once we relax the assumption of significant international resources per intervention, several conclusions can be made. First, it is much harder and therefore less probable to build democracy and state bureaucracy if the state is still in the midst of internal war. In that case, to

assure stability in the country, the international interveners would have to intervene with sufficient military and economic clout to deter potential spoilers, and attract or co-opt others (Doyle and Sambanis 2006). The international force necessary for the intervention may vary depending on the strength of the local spoilers. Conventional forces would be needed, for example, to fight the army in Burma (Myanmar) where the army controls the authoritarian state. In Sierra Leone, a British general brought stability to the country with a small troop of 1000 British soldiers, since the ragtag rebel armies who terrorized the populations had few soldiers. The Sierra Leone case shows that Western interveners do not always need high numbers of soldiers to defeat the rebels. However, in the absence of political agreements, institutions and the presence of large paramilitary forces, a large number of foreign soldiers is necessary for the stabilization of the country. It is therefore unlikely that military intervention will occur in places like Burma, and the nationalist nonviolent mobilization remains the best route to both peace and regime change.

The size of the state is also an important variable that influences the success of bureaucracy building, since vetting, training and mentoring in the bureaucracy become more difficult with a large number of employees. The larger the size of the state therefore, the more difficult the state-building mission will be. It is easier to build a smaller police force in Kosovo than a much larger one in Afghanistan. The size of local bureaucracy poses a personnel problem for international organizations: they have to provide a significant number of internationally trained people. For instance, it has been difficult for the US State Department to recruit American professional civilian staff for its post-conflict stabilization force. Only 800 out of the 2000 expected officials have been employed thus far. The financial sustainability of the office is also unclear, since the US Congress halved its budget for 2011 (Traub 2010).

Building bureaucratic effectiveness is therefore a political process that requires confronting domestic leaders who could threaten to be spoilers (Stedman 1997). The UN mission successfully coopted the different factions in Kosovo, then tried to distance itself from the people who had committed crimes, and work with the members who were clean. Former members of the state bureaucracy or any political faction could find a job in Kosovo's effective bureaucracies if they met the requirements of merit and ethical conduct. This was easier in Kosovo than elsewhere for two reasons. First, all the Albanian factions had incentives to collaborate with international community since the common enemy was Serbia. Second, NATO in Kosovo had overwhelming power and public support, so local leaders faced steep costs if they did not cooperate. Third, the international community had significant leverage, since NATO and Americans were seen as liberators by the Albanian majority, and the United Nations administration was the legitimate government after the war in 1999 (Index Kosova 1999).

This approach of engagement is different from the failed American policy of removal of all members of the Baathist party from public employment in Iraq and the disbanding of the Iraqi army (Diamond 2004). In effect, American administrators de-bureaucratized the Iraqi state, a choice that had terrible consequences. The de-Baathification policy in Iraq created enemies out of potentially clean members who lost their livelihood, and turned many into insurgents.

What do Kosovo's state-building best practices suggest for Afghanistan? The new Afghan centralized state is by most measures extremely weak across its different bureaucracies. The central administration is weak and corrupt, the judiciary is absent across large parts of the territory, revenues from the customs services are often siphoned from warlords, and the police preys on the people, instead of protecting them (Ulrich and Weinzierl 2010). A recent survey of the Afghan population demonstrates the wide-spread corruption of the Afghan state in 2009

(United Nations Office on Drugs and Crime 2010). The UN Office on Drugs and Crime asked a representative sample of Afghan citizens for their experiences of corruption. Dissatisfaction with the state’s public services ranked even higher than insecurity and poverty as the citizens’ main concern. While 59 percent of the population lamented public dishonesty, 54 percent were concerned about insecurity and 52 percent about unemployment. Table 6.1 below indicates that police officers were the most likely public officials to ask and receive a bribe.

Table 6.1: Percentage of adult Afghan population who paid at least one bribe during the last 12 months by type of public official requesting the bribe

Police Officers	25.5
Municipal, provincial officers	25
Judges	18
Prosecutors	13
Doctors	12
Members of Government	11
Nurses	9
Cadastre officers	8
Tax/revenues officers	7
NGOs	4
Teachers	4
Customs officers	3
Members of Parliament	3
Afghan Army	2

Source: United Nation Office on Drugs and Crime 2010 : 25.

Instead of meritocratic recruitment and promotion, international actors concurred with the local actors in making patronage the cornerstone of Afghan state-building (Berman 2010). The Ministry of Interior in Kabul selected the trainees without any vetting from the US or other international actors. The recruitment of Afghan police and army was not done according to meritocratic criteria, as the presence of children among the recruits demonstrates. Patronage and

not merit was therefore the basis of employment for these inexperienced and frequently illiterate police officers (Ulrich and Weinzierl 2010).

While Afghan recruits needed longer training periods, they received shorter trainings than the police officers in Kosovo. In Afghanistan, Germany and the US shared the responsibility for training police officials: German trainers taught in police schools, while the US State department was in charge of the in-service training. The three core courses offered in the Afghan police school were adapted from basic training at the Police Service School in Kosovo which included: an eight-week course in basic police skills for literate police officers, a five week course for illiterate police officers and a fifteen day training for experienced officers. In comparison, new Kosovo police officers received 8 weeks of basic training, 19-20 weeks of field training with an international police officer, and 80 hours of further classroom training (see Chapter 4). By 2007, a total of 71,147 police officers had received some training in Afghanistan, compared to 9,000 in Kosovo.

This police training also did not have significant results due to lack of classroom experience for the Afghan trainees, incomplete absorption of information and skills by illiterate police officers, and the lack of experience of international police officers who had to transmit information through poorly trained Afghan translators (Ulrich and Weinzierl 2010). Illiteracy and lack of formal education for the recruits, a consequence of the long civil war in Afghanistan, undermined such transfer of knowledge and their capacity-building.

There was little or no enforcement of learning after the initial training, since the trainees were then sent to patrol in their place of origin without follow up training or mentoring, or monitoring on how they applied their learning. Indeed, Afghan police officers had to serve under

local commanders in their posts who did not understand or care about protection of human rights (Bayley and Perito 2010 :20-22).

The lack of meritocratic recruitment and advancement meant that police forces did not represent the various societal groups in East Timor. Unfortunately, the police recruits came mostly from one party, while the military troops were recruited mostly from another party. The police force and the military fought against each other when the political leaders of the two parties disagreed between each other. The training of the police in East Timor was also left to the UN mission, who had trouble mustering the resources for the training academy (Goldsmith and Dinnen 2007).

There was no meritocratic recruitment or vetting of new police in Bosnia either. Instead, the old police officers were briefly trained and sent to their own ethnic enclaves. Scholars and practitioners agree that the Bosnian police force needs substantial reform because it is fragmented and corrupt (Muehlmann 2008). However, such reform has become one of the most difficult processes after the war. The lack of meritocratic recruitment and advancement has arguably undermined the performance of the Bosnian police.

International actors have not only built state bureaucracies in post-war contexts. While colonialism has been justifiably criticized for its various sins, some colonial powers have left behind a meritocratic civil service when the colony became independent. For instance, the Indian Civil Service was built by British colonials and retained the same rules after independence. The terms of the services became part of the Indian constitution (Rothermund 2010).

The Afghan, Bosnian and East Timorese state-building efforts did not therefore result in effective bureaucracies. When we compare the Afghan, Bosnian and East Timor's experience with Kosovo's building of police forces, we can see that the recruitment and vetting was more

meritocratic in Kosovo, basic training was longer, and there was continuous training and some mentorship after basic training. This comparison suggests that the insulation from political influence hypothesis can travel beyond Kosovo. If the international actors had employed the insulation approach, then the state-building impact would have been more positive.

Finally, as the US faces dilemmas on how to respond to the mass protests for democracy in the Middle East, the lesson of Kosovo is the same as the lesson from nonviolent protests in other post-communist countries, Latin American states, Indonesia and Philippines. Mass mobilization for democracy affects both the onset and the deepening of democracy, if the approach is nonviolent and the mobilization includes people from diverse social cleavages (Bunce 2003; Bunce and Wolchik 2011). International organizations and the US should therefore support the nonviolent mass protests and exercise pressure on the authoritarian state not to respond violently to such protests.

Conclusion and Further Research Avenues

Instead of investigating the unitary state as a whole, this study compared various bureaucracies in terms of their overall effectiveness, and found that different international approaches support or undermine the process of state-building. Insulation from political and societal clientelism enabled the construction of effective bureaucracies that fulfilled their mission, penalized corruption, and were responsive to the public. On the other hand, international assistance supported democratization in Kosovo when it promoted citizen mobilization and contestation, and thereby encouraging political and societal influences to shape the inputs of policy-making.

In addition to the two different international approaches, various factors such as domestic legacies, presence of war, size of country, size of bureaucracy, neighborhood effects, and wrong early choices can make the state-building and democratization efforts less likely. Are there some domestic conditions that make state-building an impossible project, regardless of international resources and expertise? Perhaps such a project is impossible in societies that have a combination of low literacy rate, fragmented national identity and extremely weak civil society. Further research however, has to be conducted in Afghanistan and the African failed states to see the limits of the state-building project.

More research also needs to be conducted to answer the following question: Under what conditions does democracy necessarily lead to higher bureaucratic effectiveness? The current theories of good governance assume that as voters hold their leaders accountable, politicians will provide better public goods through increased government capacity. However, this dissertation posits that the absence of rule of law and citizen demobilization undermine the link between voting and bureaucratic effectiveness.

The reverse question would be: under what conditions does state-building lead to deeper democratization? Effective provision of public goods arguably increases the citizens' trust of democracy. Another implication of civil service reform is that the presence of professional bureaucracies might improve a leader's accountability to the public. If the civil service is safeguarded by law, then politicians will all face the same constraints in political appointments. Their strategies toward voters will probably emphasize less particularistic policies and they might provide more programmatic appeals to their voters.

Finally, who are the main actors and mechanisms that assure the sustainability of professional bureaucracies once international actors have transferred authority to local control? I

found preliminary evidence that the media and civil society can support professional bureaucracies through monitoring their work and publicizing the results of public support for them. In a democratic system where leaders care about getting elected, monitoring by domestic actors would motivate some politicians to support professional bureaucracies.

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