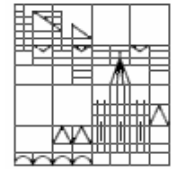


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DESIGNING MULTIDIMENSIONAL PEACE OPERATIONS

THE CASES OF INTERNATIONAL INTERIM-ADMINISTRATIONS
IN BOSNIA, KOSOVO, AND EAST-TIMOR

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ABBREVIATIONS AND ACRONYMS

ACABQ	United Nations Advisory Committee on Administrative and Budgetary Questions
ASEAN	Association of South-East Asian Nations
AusAid	Australian Agency for International Development
BELUN	NNGO in East Timor supported by Planning Assistance, Care International in Timor-Leste, and CICR
Brahimi-Report	Report of the Panel on United Nations Peace Operations
C'34	Special Committee on Peacekeeping Operations
CFSP	Common Foreign and Security Policy of the EU
CICR	Center for International Conflict Resolution of Columbia University
CIDA	Canadian International Development Agency
CIVPOL	Civilian Police Component
CNRT	National Council of Timorese Resistance
CPRU	Conflict Prevention and Reconstruction Unit – World Bank
CSCE	Conference on Security and Cooperation in Europe
DDR	Disarmament, Demobilization, and Reintegration
DPA	United Nations Department of Political Affairs
DPKO	United Nations Department of Peacekeeping Operations
EAR	European Agency for Reconstruction
EBRD	European Bank for Reconstruction and Development
EC	European Community
EC TAFKO	European Commission Task Force for Kosovo
ECHA	United Nations Executive Committee on Humanitarian Affairs
ECHO	European Humanitarian Aid Department
ECOWAS	Economic Community of West African States
EISAS	Information and Strategic Analysis Secretariat (UN)
EPC	European Political Cooperation
ETTA	East Timorese Transitional Administration
EU	European Union
EUAM	European Union Administration of Mostar
EUPM	European Union Police Mission in Bosnia and Herzegovina
Falintil	Armed Forces for the National Liberation of East Timor
Fretilin	Revolutionary Front of Independent East Timor
FRY	Federal Republic of Yugoslavia
GFAP	General Framework Agreement for Peace – Dayton Peace Agreement
GNI	Gross National Income
GNP	Gross National Product
HR	High Representative
ICG	International Crisis Group
ICJ	International Court of Justice
ICTY	International Criminal Tribunal for the Former Yugoslavia
IFOR	Implementation Force
IMF	International Monetary Fund
IMTF	Integrated Mission Task Force
INGO	International Non-Governmental Organization
INTERFET	International Force in East Timor
IOM	International Organization for Migration
IPA	International Peace Academy
IPI KCL	International Policy Institute King's College London
IPTF	International Police Task Force
JIAS	Joint Interim Administration Structure (Kosovo)
KFOR	Kosovo Force
KTC	Kosovo Transitional Council
LICUS	Low-Income Countries Under Stress initiative
MONUC	United Nations Organization Mission in the Democratic Republic of the Congo

NATO	North Atlantic Treaty Organization
NCC	National Consultative Council (East Timor)
NGO	Non-Governmental Organization
NNGO	National Non-Governmental Organization
OAU	Organization of African Unity
OCHA	United Nations Office for the Coordination of Humanitarian Affairs
OHR	Office of the High Representative in Bosnia and Herzegovina
OMIK	OSCE Mission in Kosovo
ONUC	United Nations Operation in the Congo
ONUMOZ	United Nations Operation in Mozambique
OSCE	Organization for Security and Co-operation in Europe
PBSO	Peacebuilding Support Office
PBPS	Peacekeeping Best Practices Section in DPKO
PIC	Peace Implementation Council (Bosnia)
PISG	Provisional Institutions of Self-Government in Kosovo
PRT	Provincial Reconstruction Team (Afghanistan)
ROE	Rules of Engagement
RS	Republika Srpska
SC	United Nations Security Council
SG	United Nations Secretary-General
SGDN	Small Grant Donors' Network
SFOR	Stabilization Force
SRSG	United Nations Special Representative of the Secretary-General
STM	Stabilization and Association Pact Tracking Mechanism
TNI	Indonesian Armed Forces / Tentara Nasional Indonesia
UCK	Kosovo Liberation Army; often referred to as KLA
UK	United Kingdom
UN	United Nations
UNAMA	United Nations Assistance Mission in Afghanistan
UNAMET	United Nations Mission in East Timor
UNAMI	United Nations Assistance Mission for Iraq
UNAMIR	United Nations Assistance Mission in Rwanda
UNAMSIL	United Nations Mission in Sierra Leone
UNAVEM	United Nations Angola Verification Mission
UNDG	United Nations Development Group
UNDP	United Nations Development Programme
UNEF	United Nations Emergency Force
UNESCO	United Nations Educational, Scientific and Cultural Organization
UNHCR	United Nations High Commissioner for Refugees
UNICEF	United Nations Children's Fund
UNMIBH	United Nations Mission in Bosnia and Herzegovina
UNMIK	United Nations Administration Mission in Kosovo
UNMIS	United Nations Mission in the Sudan
UNMISSET	United Nations Mission of Support in East Timor
UNOTIL	United Nations Office in Timor-Leste
UNPROFOR	United Nations Protection Force
UNSAS	United Nations Stand-by-Arrangement System
UNTAC	United Nations Mission in Cambodia
UNTAES	United Nations Transitional Administration for Eastern Slavonia, Baranja, and Western Sirmium
UNTAET	United Nations Transitional Administration in East Timor
UNTEA	United Nations Temporary Executive Authority
US	United States of America
USAID	United States Agency for International Development
WFP	World Food Programme

INTRODUCTION

Since the end of the Cold War, weak or failing states have arguably become one of the most pertinent problems for the international order as they appear to be the source of many challenges the world faces today: from poverty to AIDS and from drug trafficking to terrorism. The international community responded with an unprecedented dynamic of peace operations performing state-building and reconstruction tasks mainly channelled through the United Nations system. Recently, extensive missions have been deployed in Liberia, Haiti, and Sudan and the United Nations Department of Peacekeeping Operations currently directs and supports eighteen peace operations involving estimated costs of annually US\$5 billion and over 80.000 personnel.¹ Despite several success stories, one of the most influential evaluations of the UN peace operations, the so called Brahimi report, stated in 2000: “over the last decade, the United Nations has repeatedly failed to meet the challenge, and it can do no better today” in executing its peacekeeping and peace-building tasks (A/55/305-S/2000/809 21 August 2000: xiii). In addition, the widely recognized Report by the UN Secretary-General’s High-Level Panel on Threats, Challenges and Change of 2004 reaches the conclusion that despite the fact that post-conflict peacebuilding is an area of “vital concern” to the international community, “post-conflict operations, for example, have too often been characterized by countless ill-coordinated and overlapping bilateral and United Nations programmes, with inter-agency competition preventing the best use of scarce resources” (UN 2004: 18).

Empirically, it is obvious that the conduct of a peace operation cannot be as easy as Ignatieff claims. According to him, “a new empire” of humanitarian intervention and nation-building is needed in which a combination of American military power, European money and humanitarian motives betters the world (Ignatieff 2003: 20). In addition, it is neither analytically nor theoretically helpful to simply put forward the often found normative claim that one needs better designed mandates and interested committed parties for the success of a UN transitional administration such as that in Kosovo and East Timor (cf. Eide et al. 2005, Keohane 2003: 298).

The goal of scholars engaged in this field of study should rather be to theoretically explain the misfit between an operation’s design as laid down in the mandate and the requirements defined by the reconstruction task. In this study, we identify two major shortcomings of the scholarly literature: firstly, most studies do not connect sufficiently the international level on

¹ Source: <http://www.un.org/Depts/dpko/dpko/bnote.htm>.

which peace operations are designed and underpinned with relevant resources and guidance and the implementation level in which a mission operates. Both levels are mostly treated as closed systems each having its own dynamics and (dys)functionalities. Secondly, theoretically driven approaches that allow for general conclusions can hardly be found; rather single, narrative case studies dominate the scene.

This study aims at addressing these gaps by theoretically challenging the common implicit assumption that peace operations are based on functionally derived mandates and do simply enhance their performance by shifting their priorities and changing procedures in the field. We assume rather that the design of a mission's mandate by a coalition of supposedly rational actors having the intention and the clear interest in the successful use of their invested resources does not necessarily result in a design that would fit the local situation best. We expect furthermore that the institutional context of the international level is characterized by stickiness and ambiguity rendering functionalist outcomes even more unlikely. The designing and implementation processes of the transitional administrations in Bosnia, Kosovo, and East Timor serve as a basis to test the plausibility of these assumptions.

This thesis pursues three main objectives: firstly, it is necessary to broaden the theoretical perspectives for the analysis of multidimensional peace operations, a field of research that remains by and large under-theorized. The transfer of classic organizational and implementation theories supposedly prepares the ground for better understanding and generalization of these complex undertakings.

Secondly, by linking explicitly and systematically the policy development with its implementation in a comparative study we will enhance the already rich empirical debate on peace operations. This follows an advice by Cousens who claims that the comprehensive multi-level, holistic analysis is the best way to approach these cases (Cousens 2001, cf. Lederach 1997: 60). Hooper and Taylor make a similar point by recommending the review of mission mandating to identify common patterns and precedents among the structural embodiments (Hooper and Taylor 1999: 16). The study also aims to enrich the understanding of the examined missions by weaving in some new primary sources, such as expert interviews. The focus is in particular on the institutional design of international transitional administrations as one extreme type of multidimensional peace operations as they link most densely the international environment with the multidimensionality of administering and reconstructing a whole state-structure.

In the conclusion, we will thirdly try to link theory and practice by pointing at some lessons learned as well as policy implications. We will try to be constructive in a sense to avoid

what Hood (Hood 1999, quoted in: Lipson 2004: 39) describes as the "Greek Chorus approach to organizational theory" in which the analyst plays the role of the "chorus in classical Greek theatre [which] periodically comes on to the stage to stress the folly and unpredictability of human affairs."

Hence, the thesis will start with a review of existing literature outlining two major shortcomings in the study of multidimensional peace operations: firstly, scholars tend to analyse descriptively "closed systems" in the described sense. Secondly, theoretically driven, comparative research is hardly found. Based on these assessments, the second chapter develops the theoretical underpinnings of the study by outlining possible limitations of the common functionalist approaches to the design of peace operations. We assume that the higher the heterogeneity of the designing coalition the more heterarchical the institutional design of a multidimensional peace operation becomes. This is mainly due to the inclusion of various stakeholders, the need for compromise formulas, and the complexity of the task. Hence, the designing process is based on considerations and dynamics that are external to a proper assessment of the conflict at hand. A similar, non-functional effect is predicted in a second hypothesis which assumes that long chains of decision-making, the existence of complex informal structures, and the deficits in information-gathering and -sharing characterize the international institutional environment as sticky and ambiguous. The operationalization of the main variables and concepts as well as the rationale for the chosen methodology, for the case selection and for the used data sources are elaborated in chapter three on the research design.

In the empirical part of this thesis, the plausibility of the theoretical assumptions is evaluated. In a first step, chapter four assesses the institutional context in which peace operations are designed and redesigned. It is shown that this environment is characterized by stickiness and ambiguity. In the subsequent three chapters, the three chosen cases, the transitional administrations in Bosnia, in the Kosovo, and in East Timor, are examined by analyzing the development of the mandate, the formal and the real authority structures, and the performance of the mission in its tasks to establish good governance and sustainable socio-economic structures. In a conclusion the main findings are summarized and some policy implications outlined.

PART I – THEORETICAL FRAMEWORK AND RESEARCH DESIGN

Chapter 1 – Previous Research

In this chapter the existing scholarly literature on peace operations will be reviewed by highlighting two aspects: first, the linkage between policy development on the international level and its implementation in the post-conflict area and, second, attempts to come to general conclusions on the basis of a theoretically-driven approach. We will identify major shortcomings in both aspects leaving space for future scholarly endeavors.

1. State of the Art – the Study of ‘Closed Systems’

As having outlined, this study focuses on the link between the international processes leading to a mandate of a state-building activity in form of an international interim-administration and its consequences on the implementation level. In the following, we will give a short outline of the existing literature in this field of study centered around three core themes that have attracted the most scholars to deal at least partially with the link between international system and mission area: firstly, the legitimacy of intervention and principle of sovereignty; secondly, issues of preventive diplomacy and peace agreements; and thirdly, the performance of externally imposed authorities.

A first field of study in which authors link the international level to conflict areas is the legitimacy of intervention and the principle of sovereignty. Bain, for instance, identifies a shift to political inequality in the international system (Bain 2003: 163): whereas states had been more or less equally protected through the principle of sovereignty, now a more hierarchical order could be observed where states are ranked according to their capacities for liberal democracy and “sovereignty as responsibility”. Should they break these norms, an international intervention with armed forces seems to be unavoidable.² Similarly, Paris states that “peace-builders promote [an internationally sanctioned] model in the domestic affairs of war shattered states as the prevailing ‘standard of civilization’ that states must accept in order to gain full rights and recognition in the international community” (Paris 2002: 650) – the Westphalian model of sov-

² This points to a typical dilemma of the UN and its principle of sovereignty. Many scholars undertook research on this issue: Paris (2000: 44) points at two new scholarly journals, a number of special issues, and the Social Sciences Index citing over 330 articles under the subject heading “United Nations—Armed Forces” between April 1990 and March 1999.

ereignty seems to be replaced by “gradations of sovereignty” (Krasner 1999) or “post-Westphalian perspectives” (Bellamy et al. 2004) when setting up transitional administrations.

A typical scholarly debate in this area can be observed in the case of Kosovo, which caused a great repercussion in political science focusing on a legitimacy of the military intervention without a mandate of the UN Security Council (Clark 2005: 199/200, 211-216, Handrick 2005: 11, Holzgrefe and Keohane 2003). This discussion is often centered around the normative question, when states should intervene. Mandelbaum answers this by stating that only a narrowly defined national interest, be it economical in nature or based on security concerns, provides a legitimate basis (Mandelbaum 1996).³ Hoffman, however, brings in some moral arguments that intervention in failed states is necessary both in the interveners narrow interest but as well grounded in humanitarian motives (Hoffman 1995). The latter is emphasized as the single most important legitimation by Walzer: only a “shock to the conscience of humanity” counts (Walzer 2004a). As Wheeler argues (2000: 4), the Kosovo intervention does not necessarily mean that humanitarian action has somehow become “right” in an absolute sense (Brown 2001: 97), but that it was increasingly possible to act on such principles because “some international actors have become convinced of their rightness and validity” (Murphy 2000: 797). Apart from these normative discussions, Brock and Müller identify three factors that force states to intervene: utilitarian motives, institutional domestic pressures, and a logic appropriateness due to membership in alliances (Brock and Müller 2004, cf. Maull and Stahl 2002).

This debate relates directly to the effectiveness of external authorities in the field. Some authors (cf. Caplan 2005b) refer to a dilemma between the alleged universal principle of sovereignty including the right of self-determination and the imposition of a transitional authority being the quasi-sovereign and not accountable to the people they govern but to a *mélange* of international bodies (cf. the case of Bosnia: Zaum 2003). What is then the right way to intervene? Fukuyama claims that there is no best way, no “philosopher’s stone” to responding internationally to state weakness. Firstly, the cases are complex and different. Secondly, if a state lacks popular legitimacy and the population is not actively supportive to capacity-building measures, external experts have only limited leverage (Fukuyama 2004: 120-123). But still, we do claim that it seems appropriate to assume that the way mandates are developed and peace operations designed is intertwined with their performance in the field.

³ This normative assumption is, for instance, confirmed in a quantitative analysis of Lemke and Regan (Lemke and Regan 2004) but that does not say that necessarily all interventions are based on these narrowly defined interests.

The second issue of this section, preventive diplomacy and peace agreements, is as well examined by many authors (Bercovitch 1996, Cahill 2000, Wilkenfeld et al. 2003, Zartman 2001). All too often authors conclude with the hardly surprising outcome that prevention is better than a later massive intervention and that preventive action is more than simply imposing sanctions and threatening with the deployment of troops (cf. Sriram and Wermester 2003). In addition there is a range of studies that try to identify local factors on how to overcome a conflict and to create a sustainable peace (Lederach 1997, Miall et al. 1999)

However, there are some attempts to link the peace agreement even to the peacebuilding efforts later on (Hampson 1996, Hartzell and Hoddie 2003). Hampson, for instance, identifies a linkage between the pre-settlement and the post-settlement phase of a conflict: “Peace agreements sometimes contain the seeds of their own destruction” (e.g. Versailles Treaty). And he asks if it anticipates functionally the means to cope with the issues of the future. Does it contain proper monitoring and enforcement mechanisms? Does it contain ambiguities in the text? Or are they too rigid for later adaptation? (Hampson 1996: 3). Hampson remains, however, unspecific theoretically as well as empirically as regards the general mechanisms behind these links as does the quantitatively conducted study by Doyle and Sambanis. Whereas they indicate a causality between the broad type of an UN mission as well as the degree of international commitment and duration of peace after conflict as well as the local reconstruction efforts (Doyle and Sambanis 2000, c.f. Page Fortna 2004), the broadness of the categories and sheer amount of cases omit important details on how the decision for a mission type and the establishment of an authority structure come specifically into being, and how this relates to implementation efforts.

Wesley (1997) comes closest to the topic of this thesis and we will shortly elaborate on his study on “casualties of new world order”. He analyzes the misfit of some mission designs with the characteristics of the local and regional conflict environments and he identifies two factors behind that finding: the weaknesses of the sponsoring coalition and the permissiveness of the conflict environment. The latter is occupying the major part of the empirical analysis but is not as developed as, for instance, the related literature on spoilers (see below).

Innovatively and of major interest for this study is the argument on the sponsoring coalition. Wesley claims in a rationalist tradition that member-states are driven by considerations of securing sovereignty and the government’s and representatives’ tenure (Wesley 1997: 4). Wesley concludes that the first point is not met for the major intervening powers as the conflict areas do not pose an immediate threat to their security. In our point of view, this is difficult to

generalize: the conflicts on the Balkans, for example, are in the immediate backyard of the Western European States and a destabilization in this region is assumed to have direct effects on their security concerns. As Wesley is rejecting this first point, he is concentrating on the latter, meaning that electoral pressures and tenure are the driving forces behind any intervention. The pressures by the media cause both non-democratic and democratic states to intervene (Wesley 1997: 5). Thus, they are more concerned with matters that are external to the conflict at hand and hence, they often devote insufficient time to understanding the conflict they are about to address.

Despite his view of the UN as a mere forum as it possesses no capability for major purposive independent action (Wesley 1997: 3), he outlines that states do fall back on the UN as a means to share the cost of an intervention and to provide for internationally recognized legitimacy. The necessary compromises are often either too vague or too rigidly formulated (Wesley 1997: 8).

Wesley analyzes the cases of mediation in Bosnia, peacekeeping in Somalia and Mozambique and election monitoring in Angola and Cambodia. Thus, he does not provide much insight for the challenges the complexities of the new multidimensional peace operations pose analytically. Furthermore, he remains vague on the distracted and competing way member-states formulate a mission mandate in reality, on how compromises translate into vagueness and rigidity and whether the coalition members do really act as rational as he assumes. In addition, he neglects the institutional constraints the UN system poses – to regard the institutional contexts merely as an instrument and forum could prove shortsighted as we shall see in the second part of this chapter.

As seen, many authors deal with the decision to intervene or the local effectiveness of peace agreements, most of the studies, apart from the minor exceptions just outlined continue to regard these two perspectives as disconnected from each other. As we shall see, this finding is reinforced when we turn to the review of existing literature that deals explicitly with the performance of externally imposed transitional authorities, the third focus of this section.

Some authors fall back on historical parallels to the mandate systems by the League of Nations, to the reconstruction of Germany after the Second World War, and to the trusteeship system of the UN which was set up to accompany the decolonization processes (cf. Berdal and Caplan 2004). These studies are insightful but lack oftentimes the real “lessons learned” for today’s undertakings – Chesterman (2004) might have provided an exception. Most studies, however, focus on the way of transition, once a peace operation is in place. Paris (2004) as well

as Pugh (2002), for instance, observe that state-building activities have become more and more conflated with liberalization of both the economy and the political system recently. They argue that a strict and rapid liberalization can reinforce social cleavages and hamper the reconstruction process at all – the approach should rather be “institutionalization before liberalization”(Paris 2004: 7). Chesterman adds the need to consider local politics as early as possible in planning processes and the importance of leadership and personality to achieve this goal (Chesterman 2004: 6/12). Quite similar is the argumentation of Covey et al. (2005). In a very thorough analysis of the Kosovo conflict they try to derive general conclusions on the transformation of internal conflict to self-sustaining peace. Imposed stability by an international intervention and strengthening the domestic institutions as a second step are both necessary to achieve a viable peace: “peace becomes viable when the capacity of domestic institutions to resolve conflict peacefully prevails over the power of obstructionist forces” (cf. Cousens 2001: 12, Covey et al. 2005: 14). Hence, the long-term, sustainable objectives should never take a back-seat related to short-term consideration like a rush to elections or a quick impact on the development of GDP – but exactly this happens all too often, according to Dobbins et al. (Dobbins et al. 2005, Dobbins et al. 2003). While the first is leading all too often to the strengthening of the former warring parties (Lyons 2002), the latter causes the problematic of aid dependency is dealt with as well (Pugh and Cooper 2004) In general, this points to the tension between the “logic of peacekeeping and emergency relief” (self-sustained, short time-frame, quick results) and the “logic of development” (bottom-up, long time frames), which is often highlighted in this respect (Beauvais 2001, Caplan 2005b, Forman et al. 2000).

Other authors focus more on the importance of creating first a secure environment⁴ as “unlike other nation-building tasks, the maintenance of law and order can not wait. If there is no law from day one, criminal activity thrives” (de Mello 2000). Salomons underlines that the (inter-)dependence of economic development and political reform are dependent on the creation of a safe and secure environment, security sector reform, and, in particular DDR mechanisms (disarmament, demobilization, and reintegration) in every peace-building activity: “where strong political will, effective military enforcement capacity, and sufficient economic resources converge, the transition from a war economy to a peaceful society has a fair chance to succeed” (Salomons 2005: 20).

⁴ A secure environment is oftentimes not only understood as the absence of violence but involves the non-existence of economic, environmental, social, and other forms of privation related to the concept of human security which is “the absence of threat to various core human values, the most basic human value, the physical safety of the individual” (Hampson 2004: 178/179).

Stedman (1997) by contrast concentrates on internal and external spoilers being “leaders and parties [and neighboring states] who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it” as well as on the domestic availability of valuable, easily marketable commodities such as gems or timber (no peace agreement as been fully, successfully implemented where these are present) (cf. Downs and Stedman 2002: 44, Stedman 2001: 366). Interestingly, he emphasizes that the coordinated and coherent strategy of the international actors towards these spoilers and the interpretation of the conflict as a national security issue are crucial in overcoming a conflict (cf. Downs and Stedman 2002: 44, Stedman 2001: 414).

Following this, Stedman makes the normative case that the choice of strategy should be determined by the difficulty of the case and the threat posed by spoilers. The implicit normative conclusion à la “peace operations need to be better designed” is reflected in many single but as well in some comparative case-studies. Doyle (2002: 78/79), for instance, states that “effective transitional authority that governs how peacekeeping, peace-building and peace enforcement are exercised must be designed to fit the case if it is to succeed in establishing a self-sustained peace”. Though often highly valuable and with analytical depth like the King’s College studies (IPI 2003), these lack a theoretical approach and an answer to the question why are they not better designed? Is there a way of better designing?

Most of these single studies deal instead with implementation and coordination failures in single missions (c.f. Cousens and Cater 2001, Smith and Dee 2003, Traub 2000, Yannis 2004). As said, these studies are often well elaborated and give valuable insights in particular histories and first-hand experiences, but they tend to be rather descriptive and under-theorized: the very nature of this type of single case studies is that they cannot tell us much about how common particular patterns are. They tend to focus on the immediate sources of an observation. Many broad structural features as well as long, slow-moving processes which may be crucial preconditions for institutional developments recede from the view (Pierson 2004: 141). Very rarely, the reasons for weaknesses and strength of a mission are discussed by looking comparatively and – at least partially – at the processes that lead to a mandate (Caplan 2005a, Chesterman 2004) and, as outlined, even more parsimonious is the literature on linking theoretically mandate formulation to mandate implementation and questioning the mandate’s functionality related to its dependency on an international, possibly non-functional designing process. Hence, peace operations are, in the terminology of Scott (2003), all too often dealt with as closed systems. According to the closed system theory, peace operations are rather viewed as discrete entities being bounded and autonomous from their international environment, having clear

goals and achieving these goals via coordinated decision-making and behavior are than as open systems being in constant interaction with their international environment with its shifting boundaries and multiple, loosely coupled elements (cf. Lipson 2005). A theoretically driven, open system approach would be helpful for the identification of additional sources for dysfunctions of a peace operation's performance falling back on its dependency on international support.

2. International Organizations as Organizations

As seen, peace operations of all kind have attracted a rapidly increasing number of publications in recent years, but most of the articles lack a theoretical framework (cf. Paris 2000: 27). Only recently, some authors, for instance, appreciate explicitly the notion of „state“ in state-building and call for a closer look at administrative processes and bureaucratic structures (Call and Stanley 2002, Fukuyama 2004, Mosegaard 2004, Schnabel 2002). This is particularly surprising, as Fukuyama (2004: 31) is pointing out, because the link between an international institutional context and the daily life of a state administration as in case of transitional administrations is an obvious invitation to transfer well established theories of organizational and administrative theory. This approach does not only seem to be promising but also indispensable when analyzing the performance of such operations.

As most of the scholars on multidimensional peace operations have an international relations (IR) background, a closer look on this strand of study could provide an explanation to this shortcoming. In IR, many researchers deal with international organizations (IOs). In general, IOs can be analyzed as pursuing the role of “instruments”, “arenas”, or “actors” (Rittberger and Zangl 2003: 23).

The two dominant rational theories of international relations, (Neo-)Realism and (Neo-) Liberalism, are based on the perception of the international system as being shaped by the interaction of independent nation states being rational, power- or utility- maximizing actors in an anarchic environment. International institutions and organizations are seen as reflecting the interests of their member-states and, accordingly, as intentionally designed. These approaches stress the rent-seeking nature of international individual actors or their dependency on electoral majority to maximize their chances of staying in office⁵, but tend to neglect that international

⁵ Based on the ideas of Adam Smith (Smith 1890) who observed the maximization of self-interest as the basic human characteristic, Anthony Downs referred already to the politician as entrepreneur and analyzed policies as by-products of the competition on votes (Downs 1957). In the modern literature of the “rent-seeking”, e.g. by Tullock (Tullock 2005), this idea of vote-maximizing politicians finds its expression.

institutional contexts potentially shape the behavior of government officials and that international organizations may be actors as well. Realism viewed international organizations and institutions as purely instrumental and passive arenas (Morgenthau 1973). Only by the neo-institutionalist challenge, they began to abandon this simplistic view (March/Olson 1984). Whereas the neorealist approach emphasizes the role of power and control in influencing the rise and fall of international institutions and exerts still an instrumental view (Grieco 1988, Waltz 1979)⁶, the neoliberal and institutionalist school focuses on transaction costs, on the dissemination of information, and on the importance of existing institutions in constraining and motivating the development of new ones (Keohane 1984, Keohane 1989, Moravcsik 1997, Williamson 1985). Besides, there are the cognitive strands stressing the role of scientific consensus, of ideas, and of interaction of epistemic communities with interest groups in affecting the course of institutional development (Haas 1992, Kratochwil 1982). IOs are viewed as arenas of collection, creation, and exchange of information and only partially as actors (Haftendorn and Keck 1997: 11-33). The specific mechanisms in decision-making and interaction processes are rarely elaborated (Hasenclever et al. 1997, Keohane 1984: 60, Krasner 1983: 64)⁷. And even constructivist authors that view IOs after all as autonomous actors state that „Constructivists know very little about the internal workings of IOs or about effects they have in the world” (Barnett and Finnemore 1999: 726).

Hence, it seems fair to say that in IR, there is still a lack of specification in the analysis of IOs as autonomous actors: in the words of Brummer, a undertheorizing is observable (Brummer 2005: 59)⁸. “For several decades, states have taken IOs more seriously than have scholars” (Abbot and Snidal 1998: 29).

Classical organizational theory could provide various opportunities of theory transfer (Ness and Brechin 1988: 261, Rochester 1986: 783-784) and even though there are many IR scholars “familiar with principal-agent problems and the ways in which bureaucratic politics can compromise organizational effectiveness, [...] these approaches have rarely been applied to IOs” (Barnett and Finnemore 1999: 701), - so much the worse as „without a knowledge of how

⁶ „International institutions are unable to mitigate anarchy’s constraining effects on interstate cooperation [...]” (Grieco 1993: 116).

⁷ “Regime theory deals with institutions at such a general level that it has little to say about the particular institutional arrangements that organize international politics [...] they treat international institutions as more or less passive: even] the canonical definition of regimes (Krasner 1983: 6-7) encompasses only norms and collective choice procedures, making no provisions for active and independent functions” (Abbot and Snidal 1998). There are only minor exceptions like Cox and Jacobson (1973).

⁸ Similarly, Halliday is recognizing a „blindness in the study of international relations“ (Halliday 1995: 1995:39), and Koremenos et al state that „in broad international relations theories institutions play only a modest role. It is, after all, cooperation under anarchy“ (Koremenos et al. 2001: 766).

institutions work – and what makes them work well – there are likely to be fewer, and worse, institutions than if such knowledge is widespread” (Keohane 1989: 74).

There are many examples of this neglect of IOs (and INGOs) in literature on peace operations mirroring the general trend in IR approaches. As seen, Wesley (1997), does not assign any role to the UN as actor of its own and Sutterlin (2003) presents the UN as passive being totally dependent on its constituent member states. Especially in the research on conflict and peace management, this gap is not reasonable: as Miall (1999) and Brummer (2005) point out, institutional settings exert possibly a direct (coercive and non-coercive mediation, arbitration, or monitoring) as well as indirect (being present in the field as well as in the forums of relevant discussions) influence on international coping with complex conflict and post-conflict situations.

There are only few exceptions to this finding that organizational and administrative theory has so far not yet found its way to explain issues related to peace operations. Daase (1999), for instance, explains the emergence of the new complexity of peace operations as a consequence of many separate functional decisions by actors that cannot foresee the cumulative effects of their actions. In the end, peacekeeping arises more or less ‘spontaneously’ created by an ‘invisible hand’. Similarly, Fosdick (1999) analyzes the agenda-setting processes in this regard by using partially some ideas of organizational theory. More coherently, Lipson treats the post-Cold War transformation of peacekeeping as an agenda-setting problem, and employs a garbage can model of organizational choice. The new generation of peacekeeping he explains as a result of political entrepreneurs linking a solution stream (new instruments of peacekeeping) to a problem stream (post-Cold War instability and conflicts) in the context of a “window of opportunity” (end of the Cold War) (Lipson 2004) – Blume (2004) uses the garbage can model to analyze processes of organizational change and adaptation of peace operations itself by falling back on an analysis of civilian police components in Bosnia and Kosovo. Lipson provides further insightful ideas in not yet published articles on how transfers of organizational theories could be undertaken in the research on peace operations (Lipson 2003, Lipson 2005). The concept of organized hypocrisy (Brunsson 1989), for instance, is used to explain the partially positive effects of dysfunctionalities in the organizational networks of peace operations: conflicting pressures between the requirements for effective action and environmental norms are mitigated by creating two sets of structures: processes and ideologies. Breul (2005) develops a theoretical model of learning processes in international organizations and examines fruitfully the adaptation of the UN Department of Peacekeeping Operations (DPKO). But still these authors remain exceptions and recognized publications are yet to come.

Thus, we have identified two main deficits in the literature on the new phenomenon of multidimensional peace operations: Firstly, the field of study remains heavily under-theorized and this is particularly true as regards the transfer of organizational and administrative theory. Secondly, both, the international level where peace operations are designed and the mission level where the policy choices are implemented are oftentimes treated as closed and disconnected systems. Many scholars assume implicitly a functional logic of the mandate's designing processes, as it is viewed as just inherited assuming and most of the problems and weaknesses are assigned to the implementation processes themselves. In the following we will develop a theoretical framework that will address these gaps and that will derive hypotheses on the crucial linkage between policy development and its implementation.

Chapter 2 – Theoretical Framework – Functionalism and Beyond

As we have identified, the literature on peace operations neglects the questions of where the mission design came from and in how far this explains weaknesses and strengths of its performance – they are treated as closed systems disconnected from its designing and redesigning processes. As Kreps states, “having a theory about how institutions arise and evolve could be more informative than theories of equilibrium within the context of a given set of institutions” (Kreps 1990, quoted in: Pierson 2000b: 475). This neglect is surprising as many theories of political science, notably of organizational and implementation theory, provide various opportunities for theory transfer. Furthermore, it is a well established insight that there is an important connection between how institutions are constructed and prepared and how this their design shapes their policy outcomes (cf. for instance: Desveaux 1995, Galbraith 1973).

A classical policy cycle, as, for instance, identified among others by Ramesh and Howlett (2003: 13, cf. Sabatier 1999), follows five stages: first, identification of the problem and agenda-setting; second, devising solution and formulating a policy; third, choice of a solution and taking a decision; fourth, implementing the chosen policy by “translating the plans into practice” (Howlett and Ramesh 2003: 185); and fifth, evaluation of the policy’s implementation. This corresponds to classical “life cycles” of institutions (Kimberly and Miles 1980) and, thus, when trying to assess the weaknesses and strength of peace operations the interplay between its designing process (stage one, two, and five), the institutional design (stage three), and institutional behaviour in the implementation phase (stage four) must become a critical focus of study. This chapter considers potential theoretical links between these stages and derives hypotheses from that account.

1. The Functionalist Approach

As Hall observes, “the notion of design has a very rational ring to it. We simply design organizations to attain their goals and be effective” (Hall 1999: 98). This describes a functional logic according to which institutional arrangements are explained by their consequences. In particular, the actor-based functionalism⁹ rests on the claim that institutions take the form they

⁹ Pierson (Pierson 2004: 105-108) differentiates between an actor-centered functionalism that is described here, and a societal functionalism (the invisible hand functionalism according to Wendt (cf. Daase 1999, 2001)) which emphasizes that a particular institution exists because it constitutes an effective response to some kind of societal problem and focuses on the actual effects of institutions rather than the intended ones – we will elaborate on this issue shortly in the subsequent sections. Our notion of functionalism rests on the actor-centric functionalism as

do because powerful actors engaged in rational, strategic¹⁰ behavior are seeking to produce the outcomes observed and anticipating the effects an institutional arrangement will have (Pierson 2004: 14/107). According to Pierson (2000b), functionalist treatments of institutions are prevalent in political science. In particular, rational choice theorists fall back on this reasoning relying heavily on Williamson's new institutional economics (1975) according to which the development of a particular organizational form can be explained as the result of the efforts of rational actors to reduce transaction costs. This means that a chosen policy would be designed on the basis of a strategic assessment of the necessary measures to achieve the envisaged solution by using agreed resources and that they appear to be simply tools that enact the command of their creators precisely and accurately (cf. Goodin 1996, Ness and Brechin 1988: 247). Koremenos et al. emphasize in this tradition that "states use international institutions to further their own goals, and they design institutions accordingly, they are the self-conscious creation of states" (Koremenos et al. 2001: 762).

When examining multidimensional peace operations according to that logic, it seems plausible that they are designed to end a given conflict and to establish viable peace. Otherwise one would endanger the high amount of human and financial resources that are invested there by the major actors. According to this assumption, a mandate of a peace operation would be formulated based on an intensive assessment of the conflict at hand and underpinned with the necessary resources.¹¹ By following this line of argument one could assume that the complexity of the task to import a whole government creates the need to include more and more actors for new sensibilities like environmental protection, the promotion of civil society, and democratic policing arise necessarily (cf. Caplan 2005a). One could argue that the more complex the task, the more heterarchical a design might be as one organization would never be able to provide adequate responses to all of these sensibilities and a proliferation of actors might be the consequence (Jones 2002: 104/105). Related to this point is the claim that the size of the conflict area is a determining factor for institutional designs. Caplan, for instance, supposes that interim administrations were only set up by in small territories, whereas in bigger ones like Afghanistan,

described by Pierson. However, there are similar strands of theory in the study of international relations: functionalist approach emphasizing that international organizations are created to solve problems on essentially technical issues (Mitrany 1975). This assumption of "form follows function" is quite close to our notion of functionalism. However, it is connected with a normative statement that the concentration on factual issues might help to overcome the system based on nation-states that is not of interest in our study (Conzelmann 2003: 144). Neo-functional approaches (Haas 1964) develop these thoughts a step further emphasizing processes of socialization and "spill-over" (from technical to political cooperation) focusing on explaining – partly as well normatively laden – existing regional integration phenomena mainly in Europe (Conzelmann 2003: 149).

¹⁰ Strategy refers to a deliberately chosen set of tasks or goals linked together to achieve a larger purpose over time (Desveaux 1995: 39).

¹¹ This is by and large the recommendation inherent in the Brahimi-report (A/55/305-S/2000/809 21 August 2000). The theoretical ideas were already developed in classical organizational theory, e.g. by Child (1972)

lower scale assistance missions like the “light footprint” approach with a considerable degree of outsourcing phenomena do exist (cf. Caplan 2005a: 30).

This logic that form follows function is often reflected in normative statements in many official documents and scholarly literature stating that form must follow function. To cite an example, the recently published report on integrated missions concludes: “When developing strategic and operational plans, designing mission structures and selecting key personnel for integrated missions, the desired function (i.e. what overarching strategic objectives the mission is supposed to achieve, and the activities needed to get there) should determine the structure” (Eide et al. 2005: 4)

Designing is an ongoing activity as there will be feedback from the implementation level providing the basis for learning activities, adaptations, and redesigning processes. Almost all theories of learning refer to how events in the past influence current action and organizational structures (Haas 1964, Haas 1992). There are several taxonomies related to learning concepts. Howard, for instance, applies one to peacekeeping falling back on the terms “first-level learning” meaning the learning during a mission and “second-level learning” as the ability to learn between missions (Howard 2001: 1/2, quoted in: Smith and Dee 2003: 119). The functionalist claim is that actors are able to identify potential weaknesses and necessities for adaptations that might develop between the functioning of institutions and their own preferences. They redesign accordingly, refining a mission’s blueprint (Goodin 1996: 24).

But in the scientific literature, many critical voices can be heard as regards the „scientific functionality“ of these functionalist assumptions in international relations theory. As Pierson is stating, “functional explanations of institutional origins and change are not wrong-headed but they are radically incomplete. They suggest a world of political institutions that is far more prone to efficiency and continuous refinement, far less encumbered by the preoccupations and mistakes of the past, than the world we actually inhabit” (Pierson 2000b: 496). Hence, we must expect that bureaucratic structures emerge from a variety of reasons, many of which are, at best, only indirectly associated with the technical requirements of specific policies (cf. Moe 1990, Pressman and Wildavsky 1973) leading potentially to non-functionalist roots of institutions. In the following, we will outline these alternative explanations of institutional design of multidimensional peace operations. The main focus will be on limitations that are grounded specifically to the actor-centric functionalist before elaborating some potential contextual limitations as well.

2. Limitations of the Functionalist Approach from an Agency Perspective

Hence, the question arises: what are the alternatives to the functionalist assumption that states choose subjectively rational institutions? One, of course, is that states knowingly choose institutions that will defeat their purposes, but that does not seem very plausible in general as they invest particularly in multidimensional peace operations many human, financial, and informational resources – investments which they need to justify to their respective domestic constituencies. Rather, as we will elaborate in this section, there are good reasons to assume that there are inherent characteristics in the behavior of designing actors and of groups of designing actors (the sponsoring coalition) that render functionalist outcomes unlikely.

As Mayntz is elaborating, the success of a policy program is not only a function of the problem that needs to be solved and the assessment of the field of policy intervention but is to a great extent dependent on the processes of policy development (Mayntz 1980: 239) and on the skills of the actors that will implement it later (Mayntz 1983: 16). Due to these various factors, she assumes a frequent discrepancy between the original program objectives and its real impact (Mayntz 1980: 136). As North has argued: “political markets are far more prone [than economic markets] to inefficiency. The reason is straightforward: it is extraordinarily difficult to measure what is being exchanged in political markets and in consequence to enforce agreements” (North 1990: 362). Hence, little credibility attaches to the assumption that a consistent relationship obtains between an overall policy strategy and the design of public agencies (cf. Starbuck and Nystrom 1981). Lindblom even denies any one-to-one realization of rational-central planning activities, the “planning and control mode” he calls it, of complex policy development – rather “mutual adjustment”, “muddling through” (Lindblom 1959, cf. Seibel 1983: 260), and “incrementalism” dominate the scene (Pressman and Wildavsky 1973).

This can be explained by many factors of in principle rationalist approaches that all contradict to some degree a purely functional logic as put forward before. As elaborated by Tullock (Tullock 1975), public servants or political elites¹² involved in the respective choice of policy are no different from any other economic agent in seeking to maximize their individual self-interest. Rhetoric about “public service” implies that government officials will somehow be oriented toward acting in the broad public interest when in fact their behavior is better explained by self-interested motives like career planning and tenure. Following Simon’s conception of “bounded rationality” and “satisficing”, actors will abdicate any further calculations of

¹² Cf. Haas who is highlighting the role of elites in institutionalization processes – often as innovators (Haas 1964, Haas 1990: 7). The importance of leadership is similarly recognized by Selznick (1966) and in pointing at the role of institutional entrepreneurs by Kingdon (1984). We will have to consider this factor in our empirical analysis.

complex matters, as soon as they reached a certain minimal aspiration level in fulfillment of these motives (Simon 1957). Similarly, actors might intend that the results lead to effective organizations, but they may not have enough information or they may not understand the information at disposal. In addition, there might be tensions between past promises and on-going practices (Fierke and Wiener 1999: 20). This may be intentionally grounded in purely symbolic action like “saying something is doing something” (Edelman 1967, Kratochwil 1989: 8). But it is often more convincing to regard this as an inherent feature of the time lag between actor’s actions and the long-term consequences to which actors usually pay too little attention (Pierson 2004: 14) as in complex environments they experience cognitive dissonances (Festinger 1957), information overload, or time constraints. With hindsight, they do make mistakes and cause unintended consequences.¹³

The inadequacy of the purely economic rationality model is perhaps best illustrated by the garbage can model (Cohen et al. 1972/1988) that cause wide repercussion in the literature. It assumes that organizational actors have a repertoire of responses to problems which are located in their respective garbage cans. If a proposed solution to a problem appears to be satisfactory or appropriate, it is applied to the problem. Actors do not perceive that something is occurring about which a decision has to be made until the problem matches one with which they have already had some experience. They make decisions in small increments that make sense to them and in this interpretative task there are clearly limits to rationality. Hence, it is not logical to assume that intentionally strategic choices are necessarily the optimal choices (Chandler 1962, Child 1972) and that they are based on an assessment of the requirements and challenges a conflict at hand poses to be solved.

This assumption is even strengthened when considering that actors assign more weight to possible losses as to possible gains, as Tversky and Kahnemann observed (Tversky and Kahnemann 1979: 269). Critical junctures¹⁴ or shocks can thus be seen as a stimulus for bureaucratic change that does not necessarily follow a functional logic (Carley 1986: 223) but rather as a trigger for trial-error learning not involving necessarily rational regularities (Lindblom 1959)¹⁵ for learning processes that overemphasize bad experiences (cf. Diehl and Goertz 2000:

¹³ “Unintended consequences may be particularly likely in the domain of institutional design, precisely because it typically involves bargained outcomes among competing interests in contexts where multiple issues are simultaneously at stake” (Pierson 2004: 117).

¹⁴ See for further details on critical junctures and their effects on learning processes the discussion by Thelen (2003).

¹⁵ This is not to say that on the long run, there might be rationally grounded patterns. Mintzberg and Joergensen (1987) famously call this the phenomenon of an “emergent strategy”: strategies can emerge – even effective ones – through a host of processes, some gradual, some collective, some spontaneous, many of these not even man-

187, Ikenberry 1994). This counts obviously as well for good experiences: some authors, for instance Arthur (1994), emphasize the frequently dysfunctional character of “best practice” mentality, where a practice that works in one case is immediately publicized and set up as model for other cases.¹⁶ Patterns of path dependency¹⁷ are the logical consequence as the costs of switching to some previously plausible alternative rise (Fukuyama 2004: 82, Pierson 2000a: 21). The basic argument can be outlined as follows: the presence of increasing returns (or positive feedback) encourages actors to focus on a single alternative and to continue to move down a particular line once the initial steps are chosen¹⁸. For this reason, interests are possibly not only learned in interaction but sustained by it (cf Wendt 1999: 331). In sum, following Weick (2001), designing is not only about fallible people but as well about people who keep going being rather able to interpret goals ex post than pursue goals ex ante. Learning phenomena, as identified in the previous sections, are thus not necessarily attached to a functional logic.

The decision to develop a policy for later implementation is, however, not taken by single actors but, as already implicitly mentioned in the approaches by Lindblom and Mayntz, by a group of actors. As potentially each member of this sponsoring coalition is a veto player (Tsebelis 1995, 2000)¹⁹, the composition of this coalition is of special interest when analyzing peace operations. The veto players’ theory says that policy change will be made more difficult as the number of veto players increases, and also their policy distance and cohesion. Hence, this study will consider not only the multiplicity of actors but foremost the dimension of homogeneity and heterogeneity of the members forming the coalition. The more complex an undertaking, the more actors with various backgrounds and constituencies are involved, and the more differentiated and intertwined the possible policy responses of the bargaining parties are, the more barriers to streamlined approaches do exist – under these circumstances of various interdependencies among actors and among issues, only less conflictive issues are resolved by oftentimes resorting to the lowest common denominator (Pressman and Wildavsky 1973, Scharpf 1976,

aged” (cf. Pressman and Wildavsky 1973). But there might be a logic to the search process, so that over time, patterns evolve in the policy responses of bureaucracies.

¹⁶ One can expect that the “best practices” may be adopted because they conform to cognitive scripts designating appropriate structures, processes, and behaviors, rather than because they have been shown to improve operational effectiveness (Lipson 2003: 15). In general, see for more details on learning processes, for instance, the seminal studies by Hedberg (1981) or Argyris and Schön (Argyris and Schön 1978).

¹⁷ Path dependency refers to dynamic processes involving positive feedback, which generate multiple possible outcomes depending on the particular sequence in which events unfold (Arthur 1994, cf. Pierson 2004: 20)

¹⁸ This is even more true as individuals tend to develop routines and habitus in situations of complexity (Bourdieu 1980)

¹⁹ Tsebelis defines a ‘veto player’ as any institutional or partisan actor whose agreement is necessary for approval of a policy choice.

Schickler 2001), as the heterogeneity among bargaining partners requires the negotiation of complex formulas of side payments and compensations (Olson 1970)²⁰.

In this case, we assume that an agreement is either too vaguely formulated as it entails compromise formulas each party can interpret to find at least parts of his position. As Grieco notes, a constant reassessment of the commitment of coalition members is likely to follow whilst the implementation takes place already (Grieco 1988). Likewise, one can expect rather rigid wordings that might ensure both a continuation of the once chosen path on the basis of a (fuzzy) compromise and the inclusion of various stakeholders in the implementation process. These assumptions hold that conflicts that cannot be solved during the designing phase are often relocated to the implementation level. Consequently, the composition in the sponsoring coalition, especially when there is heterogeneity to be observed, leads to a high likelihood of non-functional outcomes in the implementation. Due to the ambiguous wording, inflexible compromises and the inclusion of stakeholders, we assume a mission design that is not based on a best fit between means and ends, between available instruments and clear objectives after an accurate assessment of the conditions in the conflict area – a coherent strategy with clear lines of authority to make necessary and sound adaptations once a mission is set up, is thus not very likely, and we do expect a more heterarchical²¹, network-like design comprised of many stakeholders and interpretative leeway of the mandate.²² Homogeneity by contrast, is expected to lead to more streamlined responses with assumed clear hierarchical arrangements (cf. Maurer 2001: 158-164).

This study, however, does not claim that the type of an institutional design as such is causally connected to the functionality of a mission – a heterarchical design may be the outcome of a rational, intentional and well assessed decision-making process to foster flexibility, the “ability to transform existing capabilities into new ones” (Cohen 1986: 55). However, some theorists point to advantages of hierarchies: Williamson (1975), for instance, claims that hierarchies are better than markets at preventing appropriation by individuals of the benefits of acting opportunistically, at auditing and at adjudicating disputes. Simon (1957) states that they help to guarantee the coordination of action because everyone in a group gets, and knows that the others get, decision premises from the same long-time-horizon source. Similarly, Thompson

²⁰ In his “The Logic of Collective Action”, Olson (1970) argues that the interest representation is a public good for all members of a group meaning that once provided everybody in one group enjoys the same access to it. In bigger groups, the problem of free-riding occurs and the incentives for certain members to provide that good decreases.

²¹ We will discuss and define the terms of hierarchy and heterarchy in chapter three.

²² Of course, this is based as well that a peace operation is set up at all – if the heterogeneity is too high, there cannot be any compromise on wording and on the establishment of a peace operation. As we will point out in chapter three, we will include the counterfactual to the analysis as well, by looking at extended time-periods on the international response to given crisis.

(1967) concludes that high coordination requirements mark a need for hierarchy as they lower costs of communication. While the latter is assumed to be of importance in the analysis of the performance of peace operations, this points to a classical and open-ended debate of organizational theory: whereas efficiency requires the delegation of discretion in decision-making and authority, the very act of delegation creates problems of control and supervision²³ (Jensen 1998: 2, cf. Keohane 2003). The main argument of this study does, however, not point to any general assessment of which generalized mission structure might be superior to another, but rather on the mechanisms leading to these. The claim is that the process of “designing” is disconnected from a functionalist assessment and that variance in the design and the performance during the implementation phase cannot be understood without taking the setting up of a mandate into account. These thoughts lead to the following actor-centric hypothesis:

H1_{heterogeneity}: If the coalition that consists of bounded rational actors deciding upon the mission’s mandate is heterogeneous, a heterarchical mission design, disconnected from a functionalist logic, is more likely.

As we have seen, one could assume that there is a complexity and intricacy in the process of decision-making in the run-up of the establishment of peace operations which makes it potentially irrational. For this reason, there is ample scope for the argument that the functionalist logic does not prevail even by taking quasi-rationalist assumptions into account. As Blyth states: “Indeterminacy, defection, and a lack of successful collective action seem to be the unavoidable outcomes of a rationalist world” (Blyth 2003: 696). However, there might be other factors that contribute to non-functional outcomes of designing processes. The most important of these alternative explanations and control variables, stemming from organizational theory and results of previous research in the field, will be outlined in the following section.

3. Additional Perspectives

In the main hypotheses, responding to the functional assumptions prevalent in research on peace operations, we used likewise an agency perspective by focusing on the composition sponsoring coalition and the behaviour of actors within this coalition. As Aggarwal in a neo-institutional tradition points out: institutions do not develop and are not developed in an institutional vacuum (c.f. Aggarwal 1998). Even if state-actors choose designs rationally, this may be

²³ As established in the Taylorist approaches (Taylor 1911), formal systems of monitoring and accountability particularly in public administration entail very high transaction costs (Fukuyama 2004: 51).

less interesting than the underlying structures that make certain choices intentionally rational in the first place.

Hence, we should consider some structural approaches as well because, as outlined before, there are good reasons to assume that organizational and environmental factors influence the decision-making processes in the run-up to a peace operations. Furthermore, they seem quite neglected in the previous research as outlined in chapter one. We do not abdicate the position of a methodological individualism (c.f. Buchanan 1968: 78, Coleman 1990), but according to Miller the institutional context is not only influenced and created by coalition of actors but constrains and channels the translation of certain preferences into policy (Miller 1987, cf. Spruyt 2005: 7). Similarly, Young states that they “affect behavior of actors and thus the outcome of international negotiations” (Young and Levy 1999).

This is the logic of the classical structural contingency theory: choices are made in a system of constraints and are dependent on the institutional contexts in they are made (cf. Donaldson 1996, Lawrence and Lorsch 1967). Similarly Allison (1971) observes in his seminal analysis of the Cuban Missile Crisis that bureaucratic structures are largely dependent upon external determinants and public agencies themselves are generally conceived at best to be reactive (as opposed to anticipatory) to policy problems. To be more precise, institutional designs, be it on the international or the mission level, determine the flow of information of the actors, their respective opportunities to negotiate for the actors, their ability to monitor other’s compliance (Keohane 1989: 2) and the implementation by partisan or institutional actors.²⁴ Hence, a perspective is needed that integrates the ‘lenses’ of agency and structure. We will elaborate here that some contextual factors like the ambiguity and the stickiness inherent in the international as well as the mission’s institutional environment make single actors or a coalition of actors more likely to come to non-functional conclusions.²⁵

The importance laid on the link between organizational ambiguity and on interaction processes between various organizational players is best described in the theoretical models on organized anarchy and garbage cans (Cohen and March 1986, Cohen et al. 1972/1988, Cyert and March 1963, March 1988, March and Olsen 1976). As March and Weissinger point out, to ob-

²⁴ The neoliberal institutionalist definition of an “institution” as put forward by Keohane seems thus to be an appropriate starting point for this study: “a persistent and connected set of rules (formal and informal) that prescribe behavioral roles, constrain activity, and shape expectations” (Keohane 1989: 3) and that develop capacities to implement assigned policies.

²⁵ The counterfactual that structures that facilitate cooperative arrangements lead more likely more effective and functional outcomes, is already positively examined by some authors (cf. Maurer 2001).

serve patterns of garbage can models²⁶ there is a need to include significant contextual elements for garbage can processes occur within and can be manipulated by the structure of information access and decision-making in organized anarchies (March and Weissinger-Baylon 1986: 5/6). According to Cohen and March (1986: 3), organized anarchies are organizational settings that exhibit the following general properties: firstly, problematic goals based on a variety of inconsistent and ill-defined preferences²⁷ discovered through action itself; secondly, unclear technology leading to a simple set of trial-and-error procedures, the residue of learning from accidents of past experiences, and the inventions born of necessity; and thirdly, fluid participation as the participants in the organization vary among themselves in the amount of time and effort they devote to the organization, and the boundaries of organization appear to be uncertain and changing. Under these circumstances of ambiguity and complexity the decision outcomes in the organization tend to become increasingly separated from the formal processes of decisions as the organization has a weak information base due to limits in knowledge management (Cohen and March 1986: 206/207).

Under these environmental and structural constraints²⁸ decision-making processes do not follow a functionalist logic. To develop this argument further and to add a new dimension, in the presence of complexity, ambiguity, and the resulting uncertainty²⁹, a social, political, or economic system will less likely be changed by actors as patterns of path-dependency emerge (Plümper 1996: 179/195). This is based on a classical “lock-in” hypothesis which holds that initial taken decisions can, according to the punctuated equilibrium model, manifest rapidly relationships between actors; once locked in, however, the relationship does not fundamentally change (cf. Diehl and Goertz 2000: 11): people do not stop at every choice they make in their lives and consider their optimal response (DiMaggio and Powell 2001). The more complex and rigid an institutional context, the less likely positive learning processes become and the more actions are based on norms: an increase in establishing routines can be observed³⁰ and more actions are based on a logic of appropriateness instead of a logic of consequentiality and argu-

²⁶ As developed above, garbage can models hold that problems and its solutions are linked together by organizational actors and “political entrepreneurs” in complex organizational environments more or less on a random basis in windows of opportunity that are externally determined but wait for being seized by these actors (Cohen et al. 1972/1988, Kingdon 1984, Zahariadis 2003).

²⁷ As Kuran describes, it is a common pattern that actors misrepresent their one genuine wants under perceived social and institutional pressures. He terms this phenomenon “preference falsification” (Kuran 1995).

²⁸ Hence, there are potentially “lids” on the garbage cans (Levitt and Nuss 1989).

²⁹ Uncertainty refers to the extent to which actors are not fully informed about others’ behaviour, the state of the world, and/or others’ preferences (Koremenos et al. 2001, Simon 1957). As Thompson outlines, uncertainty as being based on organizational as well as environmental factors are not always solvable: oftentimes it leads to a high degree of ambiguity that is intractable for the organizational actors (Thompson 1967: 159).

³⁰ (cf. Esser 1993, Hickson et al. 1971, Meyer and Rowan 1977, Nelson and Winter 1982); see as well the seminal work by Schelling on “focal points” (cf. Greif and Laitin 2004: 637/638, Schelling 1963).

ing³¹. Normative considerations like ideology and legitimacy, being the domestically or internationally grounded, should be included in studying these phenomena (c.f. Finnemore and Sikkink 1998).

The reliance on established norms and routines restrains innovatory undertakings and it seems reasonable to assume that those who develop a policy design do not exploit all possible knowledge bases like an information-sharing with those who must implement the policy. Oftentimes, this goes hand in hand with an absence of adequate and effective coordination mechanisms due to sunk costs, free-rider problems, distributional issues, uncertainties, limited understanding of alternatives, and asymmetric information. Institutionalized rules enable actors to choose behavior in complicated situations while devoting limited attention to decision-making in non-institutionalized situations. But this reliance on formal rules constrains actors, so that tacit knowledge is created³² but knowledge about environmental changes remains hidden (Nonaka 1994, Polanyi 1966). This leads to a resort to the use of prefabricated responses, of templates of policy designs – this appears to be a common phenomenon when analyzing the effects of bureaucratic structures (cf. Seibel 1983: 239, Steinberg 1978). Hence, the formal and informal rules and patterns in the institutional environment can provide a basis for path-dependency. These phenomena are often described as institutional stickiness.

Following Aldrich (cf. 1979: 53-70), many institutional and environmental factors have an influence on the stickiness of an organizational setting: Are enough resources (human, financial, or informational) available to handle the assigned tasks and are they accessible for the actors via coordination mechanisms? Are the institutional rules and routines characterized by a high degree of complexity and rigidity? We will, thus, focus on the institutional configurations in which the designing process of a peace operation takes place. Immergut, for instance, explains that “political decisions require agreement at several points along a chain of decisions” (Immergut 1992: 63, cf. Pressman and Wildavsky 1973) and she characterizes institutional configurations in terms of their ‘veto points’ that are institutional arrangements creating potential

³¹ The logic of appropriateness refers to an interaction where actors, instead of weighing costs and benefits, choose on the basis of what is normatively appropriate (c.f. March and Olsen 1998). The concept of communicative rationality (or logic of arguing) formulated first by Habermas (1981) Risse (2000) views as an alternative both to rationalism’s logic of consequentialism (or logic of bargaining) and the logic of appropriateness emphasized by constructivists. According to Habermas, strategic (a form of instrumental and functionalist) rationality of bargaining and the rationality of arguing exhibit different “orientations toward action,” the former being oriented towards success, the latter towards achieving consensus or understanding . However, as Deitelhoff and Müller point out, the logic of arguing cannot be isolated empirically from bargaining: they found that arguing was ubiquitous in all negotiations, whereas pure bargaining was the exception (Deitelhoff and Müller 2005: 171). Accordingly, this study does not consider them being independently from each other. These logics were the basis of the section two of this chapter.

³² cf. “nested rules” in the terminology of Goodin (1996: 23).

obstacles to policy change (Immergut 1993). The higher, for instance, the multiplicity of forums and committees that have a say in a decision-making process and the stricter the formal and informal rules of voting providing several actors with a de jure or de facto veto power, the higher is the degree of institutional stickiness. We expect furthermore that a lack of information-sharing mechanisms and a lack of financial, human, and informational resources aggravate this situation.³³ Pointing to this theory, Spruyt shows that institutional configurations matter particularly when preferences diverge (heterogeneity) – “similarity of preferences reduces the number of vetoes” (cf. Aldrich 1979, Spruyt 2005: 25). For this reason, the following hypothesis should be regarded on the one hand as an alternative explanation. On the other hand, the fact that these explanations are not completely independent of each other should not be omitted but rather highlighted in the research design and the empirical analysis. As will be shown, we adopt thus a broader conception of causality.

H2_{stickiness}: If the formulation of a mandate takes place in an ambiguous and sticky institutional environment characterized as an organized anarchy and by a high amount of veto points, the design of multidimensional peace operations is rather oriented on former templates, or on normatively and randomly derived compromises than on an assessment of the conflict at hand.

The actor-centric and the contextual assumptions elaborated in this chapter, do not only count for the designers and their designing environment but as well for the established design: firstly, the behaviour of the implementers might not automatically assume the new patterns anticipated by the designers of a new operation (Mohrman et al. 1997: 195). Rather it follows the same partly irrational characteristics as identified above for the designers. Much depends, as seen in the previous chapter, on leadership, the background of key implementing actors, and their leeway in shaping an operation’s design in mitigating or aggravating these problems (cf. Jones 2002: 95-99). Secondly, the outcome of a designing process may not be the result of a planned process but merely an adaptation to the existing environment in the mission area (DiMaggio and Powell 1983, Scott 2003). Following the classical works of Perrow (1986) and Lawrence and Lorsch (1967), institutions operating in an uncertain and dynamic environment create structures and internal processes different from those operating in a more certain and unchanging environment. When organizations face multiple and conflicting environmental contingencies while pursuing a complex task like reconstructing functioning state structures, they may respond with “misfits”(Gresov 1989) as, for instance, a decoupling of their daily activities

³³ As we have outlined above, Tsebelis (1995, 2000) incorporated this model into a more general ‘veto players’ theory including besides partisan veto players as well institutional ones that are identical to the veto points.

and the responses to conflicting external pressures by separation in time, by topic, by environment, or by organizational unit (Brunsson 1989). For example, an office may be created or an organization chart redrawn for symbolic purposes, but with little connection to actual organization behavior.³⁴

As a consequence, this study seeks to analyze as well the performance of multidimensional peace operations to make a judgement in how far the designers were able to anticipate these assumed dynamics, to mitigate potentially arising problems and in how far a mission develops a life of its own. This reasoning points more to the closed system approaches that are common in the study of peace operations. We will have to consider them as control variables but they are not in the immediate focus of this study as they do not specifically link the process of designing to the implementation phase.

In sum, we have identified many factors related to the designing phase that could potentially contribute to non-functionalist design of peace operations and explain the way a mission is performing the way it does. Two lines of argument have been outlined: firstly, the composition of the sponsoring coalition and the behavior of its actors may result in designing processes that take various considerations into account that are primarily external to the conflict at hand. Secondly, the outcome of these decision-making processes might be heavily constrained by the institutional landscape in which the mandates are designed. This is a very complex theoretical framework but as Walzer already said: “We need a political theory [...] as complicated as our own lives” (Walzer 2004b: 140). In the following, we will outline the research design of this study.

³⁴ Similarly, Meyer and Rowan (1977) observe that organizations tend to incorporate the inconsistencies of its environment into its internal structures and processes to correspond to external pressures.

Chapter 3 – Research Design

In this chapter the research design will be outlined by providing an overview of the derived hypothesis, by defining and operationalizing the main variables and concepts and by explaining the rationales for the chosen methodology, for the case selection and for the used data sources.

1. Hypotheses

Starting from a classical holistic view of a policy cycle, we found in our theoretical analysis various explanations for the inappropriateness of the mandate of peace operations and for various inefficiencies and failures of transitional authorities that might stem directly from the designing process. In short, heterogeneity of the designing or sponsoring coalition is assumed to lead to a heterarchical mission design (H1) and the inherent non-functionalist logic might be reinforced by institutional constraints like ambiguity and stickiness (H2). Hence, this thesis will test the plausibility of the following main hypothesis 1 and our additional explanation in hypothesis 2:

H1_{heterogeneity}: If the coalition that consists of bounded rational actors deciding upon the mission's mandate is heterogeneous, a heterarchical mission design, disconnected from a functionalist logic, is more likely.

H2_{stickiness}: If the formulation of a mandate takes place in an ambiguous and sticky institutional environment characterized as an organized anarchy and by a high amount of veto points, the design of multidimensional peace operations is rather oriented on former templates, or on normatively and randomly derived compromises than on an assessment of the conflict at hand.

2. Defining the Variables and Concepts

As stated before, the theoretical framework of this study is quite broad and touches upon many dimensions. Many concepts are mentioned and some can only be part of the analysis as additional control variables – we will get back to this point in our discussion of the methodology. In this section, the author will clarify the basic concepts and operationalize the main variables as laid down in our hypothesis H1. We will thus take a closer look at the dependent vari-

able, the institutional design of multidimensional peace operations along the dimensions heterarchy-hierarchy as well as on the main independent variable, the composition and heterogeneity of the sponsoring coalition. In our additional hypothesis H2, we assume that the contextual factors, ambiguity and stickiness of the institutional context, reinforces the mechanism of H1 but constitutes as well a distinct source of limitation to the functionalist logic. The findings of the theoretical discussion will be summarized and the factors defined. As shown in chapter two, it will be essential to additionally assess the mission performance because of two reasons: firstly, we expect constant processes of redesigning; and secondly, it will be necessary to judge the functionality of the operation's design (be it in parts or entirely) to link the two phases of designing and implementing.

2.2 The Dependent Variable: Institutional Design

As Fukuyama (2004) points out, to analyze the institutional capacity of a given setting, the research on institutional design is not only of highest interest but provides also the best fundament for theoretical transfer of well established theories of management, public administration, and economics.

Hence, there is a lot of literature in political science dealing with institutional design: e.g. tradeoffs between various political design goals such as “representativeness” and “governability” (Diamond 1990), between different presidential and parliamentary systems (Linz 1990) or between dispersed and concentrated power (MacIntyre 2003, Morgan 1986: 145). Many classical works in organizational theory draw upon power structures or patterns of authority in describing the design of an organization or an organizational network. Cox/Jacobsen (1973), for instance, distinguish oligarchic-state based, pluralistic-bargaining, and monarchic-administrator based influence structures.

Multidimensional peace operations are by definition complex undertakings. The term “peace operations” is referred to mostly by the Brahimi-Report (A/55/305-S/2000/809 21 August 2000: para. 10-14). Multidimensional peace operations may be comprised of peace-enforcement, peacekeeping, and peacebuilding activities.³⁵ We expect them to be dense institu-

³⁵ *Peace-enforcement* is the essence of the concept of collective security as contained in the charter that if peaceful means fail, the measures provided in the chapter VII should be used, on the decision of the Security Council. *Peacekeeping* refers to the deployment of a United Nations presence in the field, hitherto with the consent of all parties concerned, normally involving United Nations military and/or personnel and frequently civilians as well – the traditional principles of consent, neutrality and impartiality, however, were de facto abandoned in most of the missions in the last decade. *Peacebuilding* refers to comprehensive efforts to identify and support structures which

tional networks of regularly interacting organizations and organizational units, all involved in a common enterprise to reconstruct states according to the mandates assigned and all facing sometimes conflicting institutional, political, and technical pressures (DiMaggio and Powell 2001). Many authors use the degree of civilian power³⁶ given to the special representative to categorize these complex undertakings. Doyle, for instance, distinguishes between supervisory authority, executive authority, administrative authority and monitoring (Doyle 2001: 529, in connection with environmental factors, see: Doyle 2002: 86)³⁷. These approaches are useful in a variety of contexts. The hypotheses and the theoretical underpinnings, however, do not suggest that such a specific conceptualization is helpful in the context of this study – even more though as the boundaries between the different categories appear to be rather blurred in the border cases. Caplan falls back on a simpler typology: “one can distinguish the various types of international administration on the basis of the degree of authority that international agents assume in each case. It is possible to imagine these different operations as lying along a continuum with supervision at one end of the spectrum and direct governance at the other” (Caplan 2004: 54). This study aims, however, to test the broad mechanism between international factors on the one hand and institutional design on the other, and does rather focus on the division of authority that is within the international presence in a mission area than on the relationship between the presence and the local parties. This is in line with classical definitions in organizational theory: according to Andersen (2002: 344, cf. Chandler: 14) an institutional design is the description of the division of work and the division of authority found *in* any institution. Mohrmann et al. (1997: 192) as well as Scott (2003: 231/232) highlight that a design encompasses the technology, the processes, and the structures that manifest these authority relationships within an institutional setting and they emphasize the importance of the distribution of information and resources in this context.

Following this, the term of authority appears to be central in our analysis. In the literature, there is a distinction between a principal’s formal authority, meaning the right to decide and real authority, meaning the effective control over decisions, within organizations (cf. Grossman and Hart 1986, Simon 1951). As Aghion and Tirole (Aghion and Tirole 1997) elaborate, there is strong interdependence between the two: real authority is determined by the structure of information and the flow of resources which in turn depends on the allocation of formal authority. An increase in an agent’s real authority promotes initiative but results in a loss of control

will tend to consolidate peace and advance a sense of confidence and well-being among the people (cf. A/47/277-S/24111 17 June 1992, A/50/60-S/1995/1 03 January 1995).

³⁶ Power, according to Putnam, is the “probability of influencing the policies and activities of the state, or the probability of influencing the authoritative allocation of values” (Putnam 1976: 6)

³⁷ Similarly, Chopra uses the taxonomy of governorship, control, partnership, and assistance (Chopra 1998: 13/14).

for the principal – this is the case in network-like structures. For this study, this means that it is not enough to examine the legal texts on which a mission and its head(s) perform. It is even more important to analyze its correspondence with the real authority of the principals by looking at the implementation processes: whether there is a multiplicity of superiors (a lower real authority for each of them and a possibility for agents to cheat), whether there are lenient rules or routines that either strengthen or weaken the real authority as regards the dissemination of information and resources, whether there is an information overload or high urgency of decisions leading to a loss of oversight capability, and whether there is a high reputation of either some subordinates or some principals that increase their respective real authority.³⁸ Hence, there can be a considerable variation: the institutional field may be highly vertically integrated, have relatively strong central authorities and significant operating responsibilities or be little more than network-like forums for consultation. We expect them to be found on a continuum between hierarchical and heterarchical extremes.³⁹

Hierarchical characteristics refer to a vertical pattern of organization based primarily on explicit relations of social rank and social control that is centralized and highly structured (Roberts and Bradley 2001: 4/5). Coordination is formal and deliberate, linking policy making at the top of the organization with operations at the bottom. The strategic-managerial level is in the prominent position (c.f. Thompson 1967: 11) be it by a strong function of the UN or a lead nation or by a strong role assigned to the Special Representative of the Secretary General (SRSG) – see chapter four. Hierarchical settings are necessarily control-based.

Heterarchical settings, however, refer to a horizontal structure of social connection that is decentralized, network-like, as well as fluid and transitory in form. It is based on mutual links between single more or less autonomous entities on the operational level (c.f. Thompson 1967: 12). Coordination is ad-hoc, emergent and collaboration-based (Roberts and Bradley 2001: 5/6).

To assess whether an institutional design is closer to the heterarchical or the hierarchical extreme, this study will fall back on the analytical dimensions of centralization, formalization, and complexity (cf. Hage 1965, Hall 1999: 50-78). The degree of centralization refers to the

³⁸ In the following the author will refer only to authority when real authority is meant. Reference to formal authority will be indicated as such.

³⁹ This relates to some classical distinction of institutional structures: for instance, between hierarchies and markets (Coase 1937), between tightly and loosely coupled organizational settings (Crecine 1986: 79-88, cf. Cyert and March 1963, cf. March and Olsen 1976), or between organic and mechanic models (Burns and Stalker 1961). Hall (1999: chapter 3) gives an excellent overview of various classical taxonomies in organizational theory.

distribution of power⁴⁰ and control within the institutional field and provides answers to the questions on how informational and financial resources are disseminated, to which degree single agencies and staff are independent in their action, and to whom are single actors accountable⁴¹? Power relationships can firstly be observed vertically. There are two of these basic principal-agent relationships of interest for the purpose of this study: between the respective international headquarters and the head of mission and his relationship with the subordinated departments and staff in the field. Secondly, the horizontal dimension needs to be considered as well pointing to inter-departmental, inter-agency, and staff-line relationships (Hall 1999: 115). Centralization correlates positively with the hierarchical extreme.

Formalization represents the use of written and unwritten rules in an institutional setting. The mandate is thus not only constituted by a initiating resolution, for instance, but by various assignments of different actors as rules of engagement for the military or reports of the Secretary-General for UN staff, by established routines and traditions, and by questions of legitimacy⁴² of action. Degrees of codification, of standardization, and of rule observations are measures of the latitude of behavior that is tolerated from standards. Low latitude means high formalization. Hence, the following questions should be analyzed: how well defined are the rules of authority? How are, for instance, key officials elected? What is the interpretative leeway for the mission's executing personnel and how will institutional rules and procedures accommodate new circumstances in the missions' environment? Formalization correlates as well positively with the hierarchical parameter value.

Complexity is operationalized by looking at the multiplicity of departments, divisions, and job titles (how many agencies and parties are covered by the mission's mandate?), and at whether there is a deficit in provisions for control and coordination. Additionally the scope of the mission is of importance: in which reconstruction and peacekeeping issues is the organization involved? A large scope, deficits in coordination mechanisms, and multiplicity of actors is assumed to correlate positively with high complexity which in turn points to a more heterarchical design.

⁴⁰ Definition of power by Dahl (1957: 202/203): "A has the power over B to the extent that he can get B to do something B would not otherwise do"

⁴¹ Accountability refers to the various norms, practices and institutions, whose purpose is to hold public officials (and other bodies responsible for their actions and for the outcomes of their actions (Caplan 2005b: 464).

⁴² Legitimacy is to be understood as] a property of a rule or rule-making institution which itself exerts a pull towards compliance on those addressed normatively [...and...] the perception of those addressed by a rule or a rule-making institution that the rule or institution has come into being and operates in accordance with generally accepted principles of right process" (Franck 1990: 16/19). The importance for peace operations can be illustrated by the comment of Hutton commented in the "Observer" (24 August 2003: 29) on the Iraqi situation: "the priorities must be legitimacy, legitimacy, and legitimacy".

These dimensions are, of course, intertwined to some degree, but they provide a reasonable approximation to assess the characteristics of an institutional design on the dimension heterarchy-hierarchy.

2.2 The Main Independent Variable: Heterogeneity of the Sponsoring Coalition

To avoid what King et al. (1994: 120) call the problem of more inferences than observations this paper restricts the analysis to one main independent variable: an indeterminate research design can be circumvented by adding a set of observations measured at a different level of analysis. For this reason, our main focus will be on the heterogeneity of the sponsoring coalition, and, as outlined already, there will be a number of control variables that potentially serve as an alternative explanation to the structural hypothesis – most importantly the contextual variable of ambiguity and stickiness that will be operationalized in the next section. Here, the focus should be on the assessment of the degree of heterogeneity of the coalition that designs a multidimensional peace operation.

Heterogeneity of a sponsoring coalition refers to the degree of divergence of interests, preferences, and commitments among its members, the importance members attach to the enforcement of their own preference and to the obstruction of preferred alternatives (issue salience), and the number of available and contested alternatives. As regards the latter, the number of actors is certainly of relevance. This refers to the actors that see a potential relevance in engaging in the designing process – most likely this occurs if they have stakes in the conflict area to be reconstructed, if the actions conducted by other actors affect them, or if they are simply part of institutionalized settings that decide upon the design. As outlined in chapter two, potentially, each member of the sponsoring coalition is a partisan veto player – otherwise, he will not be part of the coalition – the issue salience he attaches to his preferred alternative is the other dimension which might potentially increase the heterogeneity of the coalition.

It will be essential to identify the main interests and preferences of these coalition members. Both are, however, fuzzy terms that are often used in daily language. Preferences are understood as comparative evaluations of sets of objects such that the rankings are invariant to alternative but logically equivalent ways of eliciting the same preferences (Tversky and Kahnemann 1987: 69). To make matters simpler, we equal interests in our analysis with the goals an actor does pursue when engaging in a conflict. Both will not be easy to analyze – in particular not within the scope of this thesis. As Chesterman notes, often states hide behind dubious claims of altruism not openly acknowledging their interests and preferences at stake in inter-

vention and reconstruction efforts (Chesterman 2004: 47). Moravcsik (1997) and Putnam (1988) point out government officials do play to games at once as they need to fulfill both the domestic and the international demand. According to Tonra (2002: 49), one has to analyze thoroughly the interacting dimensions of interests, means, and processes of policy formulation when analyzing the foreign policy of a state.

Hence, we will look at the number of actors and alternatives, their divergence of interests and preferences, and the importance they attach to this divergence when analyzing the heterogeneity of the sponsoring coalition. All three dimensions correlate positively with the independent variable.

2.3 Ambiguity and Stickiness of the Institutional Context

As having outlined in chapter two, without a model of the environment and its requirements, meaningful statements about the development and the performance of a design are hardly possible (cf. Cohen 1986: 55). We have identified two main interrelated dimensions that might render an institutional context unsuitable for functionalist outcomes of designing processes: ambiguity and stickiness.

To approximate the degree of ambiguity of an institutional context, we fall back on the concept of “organized anarchy” by Cohen and March (1986: 3). This points to three general properties that we have described in more detail in chapter two: problematic goals based on a variety of inconsistent and ill-defined preferences (similarly to the heterogeneity dimension just discussed but to be found throughout an institutional context; the complexity due to number of institutional actors involved is hence of importance as well (Mohrman et al. 1997: 200/201)), unclear technology (pointing to the clarity of procedures in disseminating human, financial, and informational resources), and fluid participation of institutional members. These three dimensions correlate positively with the degree of ambiguity.

Stickiness of institutional configurations we conceptualize by falling back on the ‘veto points’ model by Immergut (1993). As outlined before, veto points are institutional arrangements creating potential obstacles to policy change. The higher, for instance, the multiplicity of forums and committees that have a say in a decisions-making process and the stricter the formal and informal rules of voting providing several actors with a de jure or de facto veto power, the higher is the degree of institutional stickiness. As Fukuyama points out, all formal institutional settings are overlaid with informal groups which only sometimes correspond to the formal organization’s boundaries – whether agency, branch, division, or office – and sometimes

cross these boundaries (Fukuyama 2004: 63). And similarly Thompson (1967) observes that many organizations are designed with a ring of buffering structures surrounding what he called a “technical core”. Hence, we do have to observe carefully the informal patterns and routines that might determine the degree of institutional stickiness. We expect furthermore that a lack of information-sharing mechanisms and a lack of financial, human, and informational resources aggravates this situation as they relate directly to potential communication problems and makes it easier to hamper streamlined decision-making processes due to omission (conscious or unconscious deletion of aspects of messages) or distortion (altering meanings of messages) (Hall 1999: 179).

We will assess these dimensions in chapter four. While concentrating on the UN headquarter system, we will add the European security institutions to our analysis as they had potentially a great influence on the missions in Bosnia and Kosovo (see below for the case selection).

2.4 Performance of a Multidimensional Peace Operation

As March points out, making sense of an organization’s performance is complicated by the fact that organizations exist on two levels: the level of action (cope with environment, experience, learned routines) and of the level of interpretation (adapting history, intellect, metaphors of theory) (March 1986: 273). The evaluation of peace operations is highly debated as it adds further complexities mainly through the outlined link between in international, anarchic environment and the administrative tasks of running a state. As Downs and Stedman emphasize (Downs and Stedman 2002: 43), it is “difficult to think of an environment that is less conducive to the conduct of evaluation issues: the number of cases is small and the measurements of potentially important variables, such as the military capability and political goals of different parties, are often unreliable.” A variety of potential contextual variables, as seen in chapters one and two, renders the issue even more complicated. Nevertheless, it will be necessary to analyze performance of the peace operations we are examining in the empirical part, precisely because we aim to link the designing processes and the weaknesses and strength of the subsequent implementation. In addition, a peace operation is not only set in place once but underlies a constant process of redesigning (see chapter two). And for a judgement of the functionality of a mission design, the assessment of its performance is essential.

Peace operations are often analyzed on an abstract and broad level: many authors use its contribution to lasting peace and sustainable development on the political, social and economical dimensions as a litmus test (cf. Diehl 1993) but this implies a danger of setting such high

standards of success that each and every case has to be regarded as failure. It seems to be more appropriate to judge the performance of a mission against its mandate: if a mission achieves its authorized tasks, it could be called successful. But one should be aware of the fact that the mandate accomplishment is defined by the United Nations itself makes it “endogenous”. As Downs and Stedman point out, “this endogeneity may seem attractive, as it protects the measure from criticism that it represents a goal that the agent being evaluated never intended to accomplish in the first place, but it is actually less of a virtue than it might first seem because it makes evaluation the prisoner of ambition; an institution can lower its goals just to be successful; a mandate may not be appropriate” (Downs and Stedman 2002: 47). But as we are explicitly interested in these intentional processes of design and redesign, this objection does not count. Furthermore, we are not primarily interested in certifying the overall success and failure of an operation but merely in how far the choice of design was based on an assessment of its functional requirements and in how far this choice is crucial in understanding weaknesses of strength of a mission’s implementation performance. This study will thus analyze illustratively the main sub-goals of a multidimensional peace operation as outlined below.

As Downs and Stedman (2002: 50-53) highlight, one needs to control for the nature of the mission in analyzing its performance. This means that one cannot weigh a traditional peace-keeping operation with an international interim administration if one does not aim to test specifically the differences between these two types. Hence and due to the outlined fact that the multidimensionality is most present in these cases, the analytical lenses will be on an extreme kind of multidimensional peace operations: on international interim- or transitional administrations assuming temporarily some or all of the powers of a state (Chesterman 2004: 4/5).⁴³

According to Beauvais (2001: 1105), there are three core spheres/sub-goals of a transitional administration if it is to achieve a self-sustained state based on good governance⁴⁴. Firstly, law and order pointing to the creation of a “specific and distinct subset of governance activities related to law enforcement, adjudication, and dispute settlement”. Unlike other nation-building tasks, the maintenance of law and order cannot wait. If there is no law from day one, criminal activity thrives undermining the other activities. Secondly, the establishment of a civil administration denoting the “set of public institutions through which policies sanctioned by the legitimate political authority are implemented”; and thirdly, the creation of a democratic

⁴³ The constitutive entity of state-building is obviously the state that is the highest institution of governance in a territory and not on nation and nation-building pointing to people sharing common customs, origins, history, and frequently language. See for an excellent discussion on the constitutive elements of a nation, on nation-building, and on nationalism: (Özkirimli 2000)

⁴⁴ Nye defines governance as “the processes and institutions both formal and informal, that guide and restrain the collective activities of a group” (Nye 2000: 12).

political system referring to the “set of officially sanctioned institutions and mechanisms through which policy decisions are made during the transitional period”, and which are gradually given in the hands of the local population by fostering a civil society and by conducting elections.

Caplan adds to these three dimensions two more chief functions in the socio-economic area that need to be performed as well: firstly, repatriation and reintegration of refugees and internally displaced persons as well as economic reconstruction and development (Caplan 2005a: 44, cf. Chesterman 2004: 7). We add to this a further dimension: as shown already in chapter one, the provision of emergency humanitarian relief is of constitutive importance for a mission when entering a post-conflict area.

The performance in these areas will be assessed by looking particular at the possible occurrence of three “gaps” or weaknesses that hinder successful implementation in peace operations (cf. Serafino 2004): the first, the deployment or commitment gap, points to the transfer of appropriate human as well as financial resources originally foreseen in the mandate. The second is the enforcement gap, where those deployed lack necessary skills to handle their assigned tasks. This includes the question of leadership. The third is the institution gap, where different components of a mission do not work hand in hand pointing to a lack of working coordination mechanisms or conflicting external pressures to single components like contradicting mandates.

As Covey et al. (2005) and many other scholars show, the activities of a multidimensional peace operation are heavily interwoven: failure in one area can overshadow successes in other parts. However, to make the analysis comparable and structured, we will try to analyze them step by step. Hence, we will look at the described sub-goals and dimensions (see: table A.1 in annex 1) when analyzing the development of the real authority lines, the consequences of a mission design and redesign, as well as the overall performance of a mission:

3. Methodology

As the evolutionary processes of policy design and the developments of lines of authority unfold through time, longitudinal and rich case studies bridging the all too often separate domains of international and local level will be necessary to understand the inherent dynamics (Cameron et al. 1993, Mohrman et al. 1997: 198/203, Putnam 1976: 17). “Without a deep understanding of time, you will be a lousy political scientists, because time is the dimension in which ideas and institutions and beliefs evolve” (North 1999: 316). Hence, we will follow the advice of Steinberg (2004: 2) to trace back the relevant historical processes in each of these

cases examined for, as already Søren Kierkegaard said, “life is lived forward, but understood backward”⁴⁵.

Arguably, conducting a case study and searching for and identifying sources of variation in outcomes can lead to richer models than a quantitative research strategy that “can easily use controls and randomization to build a wall separating a larger causal mechanism from a small number of variables of immediate interest” (McKeown 1999: 174) – especially game theoretical models need to be kept very simple analyzing often settings that involve only a few actors and a few options (Pierson 2004: 60). This can be highly valuable but it necessarily omits variables in particular in analyzing longitudinal processes as outlined above. As Fukuyama observes, the reason that studies of management, public administration, or state-building “cannot be formalized to the extent of microeconomic theory is not because the field has yet to be approached with sufficient analytical rigor but because of reasons inherent in the subject matter as norms and other partly irrational factors have important behavioral consequences (Fukuyama 2004: 77)”. Hence, some authors point out that “the basic concept in social sciences should be [...] specifying small and medium-sized mechanisms for human action and interaction” (Elster 1989: viii, quoted in: Pierson 2004: 6) and that the process of constructing a case study is superior to other methods for the task of reconstructing these mechanisms (McKeown 1999: 175).

A comparative case study offers the possibility to analyze the assumed causal links in depth. It allows for granting attention to the range external factors that exert possibly influence on the dependent variable. De Vaus states that “case studies are particularly useful when we do not wish or are unable to screen out the influence of external variables but when we wish to examine their effect on the phenomena we are investigating” (De Vaus 2001: 232). The consideration and control of these variables is particularly important for the internal validity of the analysis. If the results of the comparative case study fit with the theoretical assumptions this would mean support for the validity of the main hypothesis. However, case studies can be no basis for a final decision and further analysis would always be necessary in order to improve the external validity of the analysis.

Another methodological challenge in this framework is caused by the so called endogeneity problem. The values of the explanatory variable are sometimes a consequence, rather than a cause, of the dependent variable (cf. the problem of causal interference: Geddes 2003, King et al. 1994: 185). Following Keown, however, the strict methodological rules as set forth for instance by King et al. (1994) “are problematic when they are employed to provide a basis for

⁴⁵ (quoted in: Holbrooke 1999: 54)

assessing research practices that rely on intensive investigation of a small number of cases rather than extensive investigation of as many cases as sampling theory suggests are needed” (Keown 1999: 187). As the object of interest, multidimensional peace operation and, as outlined above, in particular international transitional administration, forces us to rely only on a small universe of cases, we adopted a broader conception of causality, in which causation means that the presence of a given variable changes the likelihood of a given outcome (Pearl 2000). Following Mayntz, the connection between the development of a policy program (in this case a peace operation) and its implementation cannot be conceived in terms of a pure causal link – rather one has to assume a dynamic interplay between various factors (Mayntz 1983: 17) and as we assume in this study, in a reciprocal interaction of feedback and redesign (cf. Weick 1993).

As always, analytical and methodological choices like the setting of temporal and spatial scope in the social sciences inevitably involve trade-offs, and it is important rather to make these explicit than to abstain from the scholarly undertaking.

4. Case Selection

Our primary criterion for selecting the cases is, as outlined, that the multidimensional peace operations constitute an international transitional administration as we expect them to link the international system most densely to the multidimensionality of reconstructing and administering a state. The main characteristics of international territorial administrations are its broad scope (assuming governmental as well as legislative functions while exercising state-building activities) and the authority over this scope.

To ensure as much internal validity as possible the cases in this study will be selected in a way that allows a high coherence among the control variables (e.g. designed in a similar institutional setting by comparable actors) and, if not possible, at least a systematic control of alternative explanations (e.g. by analyzing the mission’s performance, we will try to assess if the assumed dysfunctions do really relate to the designing phase and if there were direct lessons learned from preceding missions). An additional frequent problem in qualitative case study designs is the selection bias on the dependent variable. The selection of cases “should allow for the possibility of at least some variation on the dependent variable” – in our case the institutional design of a multidimensional peace operation – in order to avoid predetermination of the outcome (King et al. 1994: 129). Most importantly, however, we choose the cases according to their variance on the independent variable, the heterogeneity of the sponsoring coalition. This

can only be done by a preliminary assessment of the cases without, however, going into the details of assumed mechanisms and causalities.

As Zisk is highlighting, the new generation of multidimensional peace operation was finally established as standard model in the mid-1990s (Zisk 2004: 4). Even though the Secretary-General (SG) Boutros-Ghali described the various dimensions of new peace operations in his “Agenda for Peace” (A/47/277-S/24111 17 June 1992) including preventive diplomacy, peacekeeping and peacemaking already in 1992, these dimensions were still quite separately outlined. An integrative approach with a greater focus on peace-building was missing. It was not before 1995 that these dimensions were fully incorporated. Early complex missions assuming administrative functions in Congo (UN Operation in the Congo – ONUC), the UN Temporary Executive Authority (UNTEA) in West New Guinea, and UN Transition Assistance Group (UNTAG) in Namibia are viewed often as aberrations within the first generation (cf. Daase 1999, Lipson 2003: 2/4); and apart from UNTEA, they were no full-fledged transitional administrations.

Another often debated case is also the UN Transitional Authority in Cambodia (UNTAC). In Cambodia, administrative powers exercised by the international community were, however, explicitly limited to create a secure environment for the conduct of elections (Ratner 1997). In addition UNTAC found itself with all the authority to give binding directives to the parties but did not have the authority to enforce the directives (chapter VI authorization instead of chapter VII). (Doyle 1995). Hence, even though, this was a new stage in the history of peace operations, UNTAC cannot be regarded as an international transitional administration as defined above – as Mortimer point out, UNTAC was “misleadingly” called “transitional authority” (Mortimer 2004: 8).

Hence, we do follow Caplan who points out that there are only four international interim-administrations that really pursued the complex task of administering and reconstructing a whole territory: the international presence after the Dayton agreements in Bosnia, the UN Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium (UNTAES) in Croatia, the UN Administration Mission in Kosovo (UNMIK), the UN Transitional Administration in East Timor (UNTAET) (Caplan 2004: 17-21/53). This is in line with most typology by many scholars (cf. Chesterman 2004: 258/259, cf. Doyle 2002: 86)⁴⁶.

⁴⁶ Chesterman does not assign any legislative function to Bosnia. Our preliminary assessment shows that he might probably not right in this regard. Doyle does include UNOMIL (UN Observer Mission in Liberia) to his “ecology” of executive authority but restrains his choice in a footnote as it was in fact a monitoring mission. Further, the mandate (S/Res/866 1993) does not support to count UNOMIL as a full-fledged transitional administration: ”es-

We will not include UNTAES in our analysis primarily due to its proximity to decisions related to Bosnia but as well due to a lack of real state-building activities: UNTAES was not only on both the geographical and temporal dimension much smaller than the other undertakings, but can as well only be understood by looking at the intervention processes in Dayton (Boothby 2004: 37/38) of which it was merely a byproduct. As Coleiro states, “Eastern Slavonia is a small region and its importance could have easily been diminished after the Dayton impasse was unblocked, whereas linking [the international forces in Bosnia] and UNTAES at a security level, ensured that Eastern Slavonia did not fall off the radar screen” (Coleiro 2002: 74). As this study explicitly links the decision to intervene with the later performance, it will be methodologically hard to make a distinction between processes that were related to Bosnia and those that were directly linked to Eastern Slavonia. Thus, a concentration on Bosnia seems appropriate.

Furthermore, UNTAES is oftentimes not seen as being engaged in a state-building exercise: in fact, it was deployed to unbuild a part of a nation in effect (Caplan 2005a: 3) and to transfer a territory from one established state into another (Chesterman 2004: 70, cf. S/Res/1037 1996): “UNTAES was responsible for a “region” and not a country, and sovereignty was not an issue” (Coleiro 2002: 76). It is clear that this can be argued for UNMIK in Kosovo as well where the issue of sovereignty was officially neglected for a long time but the difference is that most observers do agree, as we will see, that the efforts and tasks of the international presence point to some kind of independence.

In Bosnia⁴⁷ a supposedly heterarchical international presence was established after the Dayton Agreement in 1995 having its foundations in a very heterogeneous international community. The mission is only partly accountable to the UN and was redesigned several times. At the latest since 1997, the mission has been qualified as a transitional authority comprising a

established to exercise good offices in support of the efforts of the Economic Community of West African States and the Liberian National Transitional Government to implement peace agreements; investigate alleged ceasefire violations; assist in maintenance of assembly sites and demobilization of combatants; support humanitarian assistance; investigate human rights violations and assist local human rights groups; observe and verify elections”. Other “border cases” that scholars refer to as international transitional administration are firstly, UNAMA (UN Assistance Mission in Afghanistan) that is actively involved in virtually all aspects of civilian administration but the forms of Afghan sovereignty have been carefully preserved (light footprint approach) on the basis of (S/Res/1401 2002) and the ‘Bonn Agreement’ (5 December 2001); and secondly, a binational, in fact uni-national Provisional Authority that was a de facto protectorate of the US in 2003-2005 and could be called “international”. This state of affairs was only recognized by the Security Council (S/Res/1483 2003), rather than authorized (Mortimer 2004: 9).

⁴⁷ In keeping with widely accepted usage in the English language, we use “Bosnia” (and the adjective “Bosnian”) to refer to the state of Bosnia and Herzegovina made up of two entities as defined in the Dayton Accords: the Republika Srpska (RS) and the Federation (cf. Solioz and Vogel 2004: 20). Often one can find the acronym “BiH” as well appearing in this study only in direct quotations from other texts.

network-like institutional landscape. In Kosovo⁴⁸, UNMIK followed a controversial military intervention led by NATO forces. Disputes about the intervention were soon followed by controversies on how to formulate the mandate. The institutional setting was officially termed an integrated approach but our preliminary assessment indicates many elements of a heterarchy. The decision to intervene in East Timor⁴⁹ appears not as having been really controversial. After the intervention by an UN-sanctioned International Force in East Timor, UNTAET was established in a supposedly integrated and hierarchical designed.

Hence, the selected cases vary considerably primarily on the independent variable (assumed heterogeneity in the case of Bosnia and Kosovo; homogeneity in the case of East Timor) as well as secondary on the dependent variable (heterarchy in the case of Bosnia, a tendency to heterarchy in the case of Kosovo, hierarchy in the case of East Timor). The spatial (Bosnia and Kosovo) and temporal (Kosovo and East Timor) proximity can be seen as an analytical advantage for one can hold probably hold several intervening variables constant.

The research proceeds by a “small-n” comparative approach. This is inevitable, considering the small number of international transitional administrations as the most complex type of multidimensional peace operations. In a perfect research environment of a large number of cases, one would have been able to derive probabilistic statements with considerable certainty. In this study, however, we do expect “only” a test of plausibility of the proposed mechanisms by pursuing primarily a diachronic before-after comparison (Spruyt 2005: 35) within the narrative of the same case which allows for the control and parsing of many causal factors. In addition, often counterfactuals are omitted in the analysis or tend to be speculatively added: what would have occurred in the mission’s absence? Nevertheless, they add necessary insights especially related to the control variables to the analysis (cf. Mahoney and Goertz 2004). As de Vaus explains, even time periods can be judged against each other. Hence, we will not only analyze the setting up of a mission but go back further and asking why it was not set up earlier – having thus the counterfactuals included in one case⁵⁰. We distinguish three phases: firstly, the decision (not) to intervene; secondly, the formulation and passing of a mandate laying the foundation for a mission design and, thirdly, the assessment and redesigning of the institutional

⁴⁸ Throughout this study, the term “Kosovo” is used, even though this is only one Serb name of the region. The Albanian term is Kosova or Kosovë and in the official Serbian language “Kosmet” is used, referring to “Kosovo and Metohija” whereas the latter part points to the cloistral properties of the orthodox church. This choice does not reflect a political statement, it is rather to simplify matters.

⁴⁹ The author uses the English name of East Timor knowing that since 2002, the new independent state is called „Timor Leste“ derived from the Portuguese. As the focal point of the study will be the period of UN administration, the term “East Timor” used by the UN seems to be appropriate.

⁵⁰ The term “case” can be widely defined: “even organisations, events, decisions and time periods” can be cases (De Vaus 2001: 220/221).

setting of a peace operation. Due to the scope of this thesis, we are well aware of the fact, that our approach will necessarily be selective. The aim of the case studies is thus simply to enrich the knowledge about the assumed causal mechanisms and to weigh the plausibility of the theoretically derived hypotheses.

5. Data Sources

This study is based on three main sources for data: first of all, relevant secondary literature was consulted by the author. As outlined in the beginning, different peace operations have been described in various articles and books, even though the theoretical underpinnings remain most of the time vague and they are rarely comparatively written. Secondly, official documents mainly issued by the United Nations (such as reports by the Secretary-General, Resolutions and presidential statements by the Security Council, Resolutions and documents by the General Assembly, reports of the DPKO, and regulations and statements by the missions) but as well by other international organizations like NATO, EU, OSCE, IMF and World Bank or by governments provided useful insights of institutional developments, empirical facts and budgetary questions. Thirdly, the author conducted expert interviews to enhance the understanding of the – mostly informal – processes which are often not considered to a great extent in the literature. The interviewees had different backgrounds and could provide various insights into the processes at headquarters and into the developments ‘in the fields’ of Bosnia, Kosovo, and East Timor. The complete list of interviewees and the interview report can be found in annex two at the end of this study. To rely on this broad range of sources allows for a greater validity of the study.

PART II – CASE STUDIES

Chapter 4 – The Institutional Context

This chapter on the institutional context serves two aims: firstly, it should be an assessment of our assumption that the ambiguity and stickiness of the international institutional context constrains a functionalist designing process of transitional administrations. Secondly, an introductory overview of the complex institutional web will be given to facilitate the understanding in the subsequent chapters. The emphasis will be on the UN system as the international focal point on questions of peace and security. As we will analyze two cases on the Balkans an inclusion of the relevant European and transatlantic institutions, namely the EU (and the WEU), the NATO, and the OSCE, seems to be appropriate. In the case of East Timor, none of the Asian intergovernmental institutions has so far developed a comparably high degree of institutionalization⁵¹. At the end of this chapter, we will shortly outline the relevant international financial institutions like the World Bank, the IMF and some regional bank as they appear to exert a considerable degree of influence in reconstruction efforts (but play only a minor role in designing peace operation, as we will see).

1. The United Nations

In this section, the author will examine more closely the principal UN bodies that are involved in peace operations, the Security Council (SC), the Secretariat including the Secretary-General (SG) and the General Assembly (GA). As far as the other three principal organs are concerned, the Economic and Social Council, the International Court of Justice, and the Trusteeship Council, they will be referred to as it seems appropriate throughout the study as they do not play a primary role in the context of peace operations⁵²

It is clear that the UN bodies referred to are still the most important point of reference as related to decisions on peace operations. In the mid of the 1990s, the UN was, as Brown calls it,

⁵¹ The Association of South-East Asian Nations (ASEAN) established in 1994 a so called ASEAN Regional Forum to address security issues in South East Asia. However, it remained largely a loose discussion forum. After the Asian economic crisis in 1997, ASEAN set up an ambitious schedule for economic liberalization. The political issues still await this dynamic. For our case of East Timor these developments came certainly too late.

⁵² Some author claim that the Trusteeship Council should be assigned a role in the future as regards peace operations (cf. Chesterman 2004: 46, Mortimer 2004: 13). However, as there are no remaining trust territories it is charged of, it meets only every fourth year to elect a president and a vice president.

in a “mid-life crisis” (Brown 1998: 243) due to failings in the missions of Rwanda⁵³ and Srebrenica⁵⁴. Thereafter the deployment of peacekeepers lowered significantly (see: scheme A.1 in annex 1). Despite these developments, the subsequent international undertakings related to peace and conflict management assigned the organization a major role – but not always the principal one.

1.1 The Security Council

The SC is at the same time the main legislative and an executive body of the UN (Paepcke 2004: 102). It sets in essence the policy others (mainly the Secretariat) are implementing (Akashi 1998: 126). Based on article 25 of the Charter of the United Nations, it has a far-reaching monopoly of power, and it alone decides whether there is an “existence of any threat to the peace, breach of the peace, or act of aggression”. This is underlined in article 41/42 which assigns the SC the monopoly of legitimating the use of force after having exploited all the means of peace settlement as expressed in Chapter VI of the Charter.

The SC consists of 15 member states: five permanent members, usually referred to as “P5” (the US, Russia, the UK, France, and China), having veto power and ten elected ones rotating on a two-years basis and elected on the basis of proportionate geographical representation by the GA (see table A.2 in the annex 1 for a list of the elected members in recent years). The presidency is rotating monthly among the fifteen member states. Its role involves the setting of the agenda, presiding at its meetings and overseeing of current undertakings and crises. It alternates in alphabetical order of the members' names in English. Decisions in the 15-member Security Council on all matters require the affirmative votes of nine members. A veto by a permanent member prevents adoption of a proposal, even if it has received the required number of affirmative votes (an abstention is not regarded as a veto). Even though Malone (2004: 7) observes a sharp decline of the use of the veto, he states that the P5 dominate the Council in all regards, by expertise developed in the many years of membership, by a tend to informal consultations among the P5 only, and by monopolizing the drafting as not only the presidency but as

⁵³ In 1993, the United Nations Assistance Mission in Rwanda (UNAMIR) was established to observe the implementation of the Arusha accords, which had ended a long civil war in Rwanda. In April 1994, however, genocidal violence broke out – conducted by the Hutu-majority against the ethnic Tutsi-minority – leading to the killing of eventually more than 800.000 people in just three months. The UN was present but seriously understaffed and ‘under-mandated’: the lack of political will of SC members and other troop-contributing states but as well the wrong handling of available resources and instruments by the Secretariat led UNAMIR and the credibility of the UN to one of the most disastrous failures in its history (Barnett 2002). As Randolph Kent added in an interview with the author, Rwanda was strategically a relative unimportant place for the major powers: this was ‘peacekeeping in isolation’” (Interview with Randolph Kent, 11 October 2005).

⁵⁴ See chapter V of this study.

well limited-membership steering groups set the agenda. Among these P5, the key driver in the Council's decisions today, both actively and passively, is the agenda of the US, the "Permanent One" according to Malone (c.f. Foot 2003, Malone 2004b: 8).

But the SC has no own military capabilities; it is dependent on the willingness of member states to provide support. The most obvious sign of this weakness is the Military Staff Committee that meets every second week originally "to assist and to advise the Security Council" and to be "responsible for the strategic direction of any armed forces placed at the disposal of the Security Council" (Art. 47). But these armed forces were never put under the command of the Security Council having a negative impact on the organization's military capabilities (Sutterlin 2003: ch. 4). Hence, the meetings of the Committee are more a farce and a sign of languishing (Schuler 2002: 118). Increasingly, there are calls for at least standing high readiness brigades for the military⁵⁵ and for civilian police (Kühne 2003: 724).

In this regard, the famous founding myth of peacekeeping still seems to persist: "peacekeeping was a creative effort to marry the limited means at the disposal of the United Nations to the lofty ends of maintaining international peace and security" (Chesterman 2004: 101). A "muddling through" approach that is also reflected in the words of the former SG Hammarström that peacekeeping is between the legal basis of Chapter VI and VII – he discovered a 'Chapter VI½' of the Charter to point to this improvisational aspect of the peacekeeping. The SC has, however, several means at its disposal to strengthen a mandate for a peace operation (cf. Hawley and Skocz 2005: 63-65): firstly, to enhance the awareness by putting forward a single resolution instead of a patchwork of several texts; secondly, bolstering the legitimacy by including references to relevant regional precursory documents and to the local parties; thirdly, increasing the implementation power by streamlining a mission (according to Hawley: an integrated approach, a strong SRSG, and a Chapter VII authorization – in short: a hierarchical mission design); fourthly, being honest on the need for longstanding commitment and of the schedule; and fifthly, exercising leverage as regards the relationship to the Secretariat by a quasi-veto right on the appointment of the SG (Art. 97,2 Charter) and on high-level officials

⁵⁵ With UNSAS, the United Nations Stand-by-Arrangement System, there is already a structure in theory but it has to be developed further and filled with real life (Debiel 2003: 238). Canada's creation of the Pearson Centre, and Denmark's leadership in standardizing peacekeeping training and in the creation of the Standby High Readiness Brigade illustrate these roles. The latter is an effort of 14 UN member states—not officially a UN project—to maintain a rapid reaction force available for deployment within 15-30 days in the startup phase of a UN peacekeeping mission. It has been criticized by developing countries for "excluding them from participation by setting standards for readiness, training and equipment that they cannot meet (Jakobsen 1998: 119, Lipson 2003: 15). But still today, most peacekeeping troops are sent on a voluntary basis by South-East Asian and African countries.

(see section on the Secretariat). But, as we will see, the requirement for consent at least among the P5 is of striking importance related to the first four aspects.

As Chesterman notes, the SC is more led by practice and not by theory leading rather to reactive and improvised approaches to current tasks (Chesterman 2004: 48/49). The now well established procedure of deciding that a territory will be administered by the UN and of delegating this task to the Secretariat, was not foreseen as such in the Charter and it took some precedents that it was taken for granted (Sarooshi 1999: 59-63). After the Cold War, the SC showed an unprecedented dynamic: more and more resolutions were passed and missions mandated (Doyle 2001: 530). However, the basic procedures did not change but remained like established after the Second World War, and operations were set-up without having the real consent and thus support of the member states but merely as a tribute to this dynamism (Jett 2001: 59). In addition, the workload was oftentimes enormous. Caplan states that it had to oversee many missions at one time meaning that the oversight necessarily was cursory (Caplan 2005b: 471). Hence, every institutional reform in questions related to the planning and establishment of peace operations essentially needs a reform of the SC as it is “at the heart of any crises” due its central role assigned by the Charter (Kühne 2003: 725).

Even though it is commonly stated that a SC-resolution is determining the institutional design of a UN mission, it may be not much more than a frame for the mission: many of the budgetary and administrative details and even some revisions are finally fixed within an interplay between the GA and the Secretariat. The following to sections will elaborate on this issue.

1.2 The General Assembly

According to Tomuschat, the General Assembly (GA), though merely a conference- and discussion forum, can pass binding resolutions especially on financial issues (Tomuschat 1991: 225). Even though a duplication of the work of the GA and the SC has to be avoided (according to art. 12 of the Charter: “When the Security Council is exercising [...] the functions assigned to it [...], the General Assembly should not make any recommendation [...] unless the Security Council so requests”), both have a saying in consecutive steps in setting-up a multidimensional peace operation: the SC has the prerogative to determine the period and broad resources for each mission, whereas the GA has the authority to approve the actual allocation and release of funds from the peacekeeping account.⁵⁶ By the time of GA approval, sometimes more than half

⁵⁶ Voting in the General Assembly on important questions including recommendations on peace and security and budgetary matters is conducted by a two-thirds majority. Each of the actually 191 member states has one vote.

a year later, the mission were starved for cash and their credibility suffered (Salomons and Dijkzeul 2001: 20). The reasons for this and the details of the financing mechanisms are outlined below after a short introduction to the relevance of the Fourth Committee of the Assembly.

1.2.1 The Fourth Committee and the C'34

The Special Committee on Peacekeeping Operations (A/Res/2006(XIX) 18 February 1965: para. 2/3) is reporting to the Fourth Committee for Special Political and Decolonization and started off comprising 34 member states which contributed troops to the first peacekeeping missions (in UN jargon, it is still called C'34 even though, there are now about 100 member states present in the Committee). As Simma pointed out, the C'34 was not only symbolic in nature as it is often claimed to be. Rather, from 1977 on, it developed several guidelines and principles that were considered in future missions (Simma 1994: 574). As was confirmed in several interviews, however, in the 1990s, the C'34 was slow to adapt to the requirements of the new multidimensional peace operations. It was only after the Brahimi-report, that the Committee was working reluctantly but in a constructive manner on the oversight and evaluation mechanisms of the new missions.

As will be shown in the chapter on the Secretariat, the C'34 recently gained influence in the conceptual debates on peace operations and it adds a further line of complexity to the system. However, its direct influence on the designing processes remains limited.

1.2.2 The Fifth Committee and the ACABQ: Financing and Staffing Peace Operations

Much more important in understanding the setting-up and the performance of peace operations is the Advisory Committee on Administrative and Budgetary Questions (ACABQ), the “budget watchdog” of the UN system (Durch et al. 2003: xxvi). This advisory committee reports to the GA's Fifth Committee for Administration and Budgets having thus an advisory function vis-à-vis the Assembly as laid down in rule 157 of the GA's rules of procedures: “it advises the General Assembly on any administrative and budgetary matter referred to it” (Simma 1994: 300). Its unique status “at the center of the budgeting process of peacekeeping and peacebuilding activities”⁵⁷ derives from numerous requests having enlarged the responsi-

Apart from approval of budgetary matters, including adoption of a scale of assessment, Assembly resolutions are not binding on the members – as we shall see, this two-thirds majority is not mirrored in the GA's sub-organs leading to de facto vetoes of single member states at these levels.

⁵⁷ Interview with GenMajor a.D. Manfred Eisele, 17 November 2005

bilities steadily. According to Simma (1994), it considers budgetary economy and efficient and effective administration to be its primary goals, and its existence is viewed by the larger contributors as a safeguard of their financial interests vis-à-vis majority decisions of the General Assembly.

Its sixteen members are “selected on the basis of equitable geographical representation, personal qualification and experience” (A/Res/14(I) 13 February 1946). A former Assistant Secretary-General emphasizes the latter two requirements: “the members of the ACABQ are elected “ad personam” so that they should not interpret their jobs as bound by domestic considerations of the national constituency – by some permanent missions they are even called “loose guns”. Another characteristic is their financially technocratic view. This is due to the fact that often they are elected precisely because of budgetary and financial expertise. Thus, the negotiation and consultation processes of the ACABQ can be rather lengthy”⁵⁸. Other interviewees, however, point out that even though the members are independent experts in theory, the “geographical representation” is the dominant feature.⁵⁹

In general, no interviewee agreed with the assumption that that some members of the SC would vote in favor of a resolution containing a mandate in the knowledge that they will be able to influence it afterwards strategically in the ACABQ. This can be true of alleged minor issues for the decision to intervene is too important and cannot be changed afterwards. GenMajor Eisele emphasized that the intergovernmental logic is eminent again in the Fifth Committee as the consensus principle is well established there: thus, member states have a quasi-veto. “Even though the recommendations by the ACABQ are most of the time approved, long discussions and minor, sometimes even major adjustments are no rarity [...]. For instance, when the Secretariat was trying to establish a computer-based logistics system already having the support by NATO to fall back on their software and by Germany to fund this installation, the Fifth Committee in spite of recommendation by the ACABQ didn’t give the approval at this time because of the disagreement of two member-states”⁶⁰ Furthermore, many countries not represented on the Security Council regard the budgetary discussion in the committees as an opportunity to air their views of the peacekeeping operation in political terms (Salomons and Dijkzeul 2001: 19). As Gordenker adds, however, the complexity of the processes leads to an

⁵⁸ Interview with GenMajor a.D. Manfred Eisele, 17 November 2005

⁵⁹ Schumann, for instance emphasized that “the members of the ACABQ cannot free themselves from their respective national backgrounds as they are elected on the basis of a clear-cut nationality-based proportional representation” (Interview with Peter Schumann, 28 November 2005).

⁶⁰ Interview with GenMajor a.D. Manfred Eisele, 17 November 2005; Durch is citing a lot of additional examples showing the great influence the ACABQ exerts in the UN system (Durch et al. 2003: 26/32/45/58/66/92).

overrepresentation of the major powers, as they can generally provide the experts that are able to influence the often important, but alleged minor decisions (Gordenker 2005: 30).

The ACABQ and the Fifth Committee only decide on the distribution of assessed contributions for peace operations that are calculated and revised every third year by the UN's Committee on Contributions reflecting a member states' ability to pay based on the GNI adjusted for national indebtedness and measured per capita as well as others minor indicators (Durch et al. 2003: 4) – the 2003/2004 budget for peacekeeping was US\$2.2 billion. Voluntary contributions from member states supporting specialized agencies and subsidiary organizations of the UN family gained an increasing importance during the last years. Donors are often generous in their rhetoric on pledging conferences but in the end avarice prevails: simple repacking previously pledged funds is a common phenomenon (Chesterman 2004: 190) adding to the poor coordination of the various efforts⁶¹ and to the conditionality of aid – the latter leading to inflexibility of the mission in the field. An additional forum, the Committee on Program and Coordination, functions to restrain expensive development and humanitarian undertakings that are of great importance for multidimensional peace operations.⁶²

Still, it is not only a lack of resources that can be blamed for serious under-financing of peace operations in the daily implementation processes but rather the flow of funds and its flexible use are of great importance (A/59/2005 21 March 2005: 115). Reforms in 1994 (A/Res/49/233 23 December 1994) have resulted in improvement in the efficiency of UN's budgetary practices. In particular, a fund for rapid start-up funding of peacekeeping components as well as standardization of budget processes and harmonization of budget cycles had positive impacts (Salomons and Dijkzeul 2001: 9). Further steps were taken in the SG's reform agendas in 1997 and in 2000 – the latter provided for similar rapid response funding mechanisms for political missions and peace-building like the ones already established for peacekeeping components (A/Res/53/206 05 February 1999: par.9).

However, the SC cannot impose any expenditure on the member states beyond the traditional military/administrative intervention model mirroring the problematic division between security and economic affairs inherent in the UN Charter. This leads Salomons and Dijkzeul to

⁶¹ Each donor has its own strategy paper his commitment is relying on: "Britain produces a "Country Strategy Paper", Japan develops "Country Aid Implementation Guidelines", the United States has a "Strategic Plan", UNDP uses a "Country Cooperation Framework [...and the Financial Institutions] follow a "Policy Framework Paper" (IMF) [or] a "Country Assistance Strategy" (World Bank) (Chesterman 2004: 193). An overall strategy is missing.

⁶² The Committee was founded in 1966 in a financial crisis when the US wanted to minimize the budget. It submits very detailed comments to the Fifth Committee and, despite an expanding agenda, it contributed to the fact that the real increase in the UN budget was held at zero from 1990 until 2003 (Gordenker 2005: 29).

conclude that the “level of funding appears inadequate and organizational support remains fragmented” (2001: 11). This is particular true for multidimensional peace operations where such separation appears highly artificial for the various dimensions are highly interdependent (Covey et al. 2005). Salomons and Dijkzeul identify two possible solutions: firstly, tightening the control over member-states by changing the rules of the game in New York towards an inclusion of all expenses in the assessed contribution mechanism. Secondly, to improve the micro-management by falling back on various instruments like trust funds⁶³, cost-sharing projects⁶⁴, and parallel financing arrangements⁶⁵ being at the disposal of the head of mission oftentimes after multilateral donors conferences (Salomons and Dijkzeul 2001: 14-16). Still, the basic procurement and financial regulations are by some described as archaic and unresponsive (Smith and Dee 2003: 105) but they can be applied more time-efficient nowadays: “in principle, the access to the peacekeeping and peacebuilding funds to establish a mission on a short notice is fairly easy today but it depends on the personal commitment to do so, especially of the SRSG and his administration”⁶⁶ – a lack of coherent application of the resources already available is the consequence. Furthermore, the UN logistics base in Brindisi, Italy, was finally established after a longstanding discussion and is now functioning very well in filling some gaps in equipment⁶⁷.

Going hand in hand with financial resources, decisions on human resources are of equally high importance to peace operations and the Fifth Committee and the ACABQ do play a similar relevant role in this regard. Until recently, as Salomons (2003a) is pointing out, there was a high amount of inflexibility in the today’s human resources management at the UN. One missed to keep the pace with the developments in the 1990s where the environment of recruiting became more and more competitive and many qualified potentials decided to anchor in the

⁶³ The donors place their contribution in trust with a fiduciary institution which can be itself very bureaucratic but tend to be quite flexible on average (Salomons and Dijkzeul 2001: 46/48-50).

⁶⁴ A contribution of financial resources to an agency administering a project or a program that involves funds of its own (Salomons and Dijkzeul 2001: 46).

⁶⁵ Funding of a project by some donors and/or multilateral organizations but each one is administering its resources separately (Salomons and Dijkzeul 2001: 47).

⁶⁶ Interview with GenMajor a.D. Manfred Eisele, 17 November 2005

⁶⁷ But it was not easy to bring this idea through the ACABQ as GenMajor Eisele pointed out: “when I had to dissolve the mission in Somalia, I sent the equipment to Brindisi. The ACABQ, however, had the opinion that all the equipment should be sold in the local economy and that a new mission should be equipped with new material. After long discussion, one agreed on the Brindisi solution” (Interview with GenMajor a.D. Manfred Eisele, 17 November 2005). Based on these events in 1994, the UN set up the supply and logistics depot to facilitate the storage and maintenance of reusable assets from missions being closed down. This arrangement has resulted in increased efficiency and considerable savings. In addition, the depot’s strategic location has helped lower costs of shipping to newly-created missions and redistributing equipment. Last year, for example, the UN realized a savings of \$3.40 in new procurement costs for every \$1 it spent in running the depot. The Brindisi Logistics Base also provides facilities for satellite communications used by operations at United Nations Headquarters, peacekeeping missions and a number of other field offices (source: DPKO).

private sector or in other IGOs as well as NGOs. Even though some reforms have been introduced already in 2000 (A/51/950 14 July 1997), there is still an adherence to careers-for-life staffing models, to ignoring the competitive employment market, to patronage and to equitable geographic distribution (Salomons 2003a: 136/137).

In 2002, however, the SG issued a second major package of reform that included additional measures to improve human resource management (A/57/387 09 September 2002: para. 172-194) supported by the GA (A/Res/57/300 07 February 2003). Only recently, a working group has been established to develop proposals to ensure that the existing budgetary, financial and human resources policies, regulations and rules are aligned with the current and future needs of the organization and to enabling the SG to carry out his managerial responsibilities effectively (A/60/340 19 October 2005: para. 31).⁶⁸ For the case studies examined here, one has to consider the rigid human resource system described above.

In sum, there is a tension between the administrative practice that requires flexibility and inflexible institutional rules and settings⁶⁹. The institutional technology remains complex and partly unclear, there are many inconsistent preferences between various organizational actors, and long chains of decision-making pointing to a high amount of veto points. As elaborated in chapter one, it is well recognized today that security and development are intrinsically linked but institutionally the multilateral system has not been sufficiently adapted to meet this insight as could be illustrated in the different procedures for peacekeeping and peace-building.

1.3 The Secretariat

The Secretariat⁷⁰, not the Secretary-General as it is often assumed, is one of the six principal organs of the United Nations (Art. 7 Charter). The importance that peace operations, in particular peacekeeping missions, play in the Secretariat's daily business is reflected by the fact that related tasks account for over 80 % UN Secretariat procurement of goods and services (Durch et al. 2003: 93). Even though Chesterman points out that the Secretariat has no role to play in pure enforcement missions as they are usually conducted by a coalition of member states upon authorization of the SC (Chesterman 2004: 4), its main institutional structures are

⁶⁸ See for further information and updates: http://www.un.org/reform/reform_update.html

⁶⁹ Interview with Randolph Kent, 11 October 2005 (cf. Eide et al. 2005: 6)

⁷⁰ To simplify matters, the study will simply refer to the Secretariat, to the Secretary-General (SG) or to the General Assembly (GA) if the respective UN bodies are meant. Likewise spelled bodies of other organizations will always be marked. As regards the Secretariat, the author will use this term sometimes although only referring to the elements of it.

constantly involved in issues of peace and conflict despite experiencing high constraints due to lack of coordination, understaffing, and time pressures.

1.3.1 The Secretary-General

The role of the SG is described by Paepcke as being the “personification, the autonomization, and the politization” of the United Nations (Paepcke 2004: 16). Boutros-Ghali was stating, when he reviewed his term in office: “if one word above all is to characterize the role of the Secretary-General, it is independence” (SG/SM/6133/Rev.1 17 December 1996)⁷¹. According to the Charter, the SG is the “Chief Administration Officer” (Art. 97) of the United Nations and can thus act only on delegation by the SC and the GA. Since 1976, he has been appointing the heads of department, but the member states try to exert a high influence: the permanent members of the SC, for instance, decided informally on a “gentlemen agreement” that they would have the right to nominate the second rank immediately below the SG – as a result, always five of the Under-Secretary-Generals belong to one of the P5 nationalities. Additionally, the heads of the largely autonomous organisations under the UN umbrella, such as UNDP, are only nominated by the SG in concurrence of the GA restraining the influence of the SG further (Gordenker 2005: 14/23). But as Paepcke describes in detail, this does not prevent him from assuming a highly political role: his influence exerted by elaborating the regular budget is of enormous importance (Annan 1993). In addition, the SG has the right for initiative and thus an certain degree of agenda-setting power as regards the meetings of the SC (art. 99 of the Charter) and by issuing the annual reports, he is an essential part of the political process within the United Nations.

An example for the innovative role, a SG can play, is the “Agenda for Peace” issued by SG Boutros-Ghali (A/47/277-S/24111 17 June 1992). In this he emphasizes preventive diplomacy and proposes a strengthening of UN peacemaking, peacekeeping, and peace-building activities. As outlined in chapter three, despite the extension of the originally at least in theory limited peacekeeping concept these new dimensions they were still quite separately outlined and an integrative approach with a greater focus on peace-building was missing – as did an overall strategy. The same counts for the follow-up report (A/50/60-S/1995/1 03 January 1995) that develops the ideas of the first and proposes further reforms but remains quite vague on several issues of implementation and peace-building. In the areas of early warning, preventive

⁷¹ Interestingly, it was Boutros-Ghali who experienced his dependency on the SC’s nomination right of art. 97.2 and, especially, on the US policy when he was not allowed to stay a second term in office.

deployment, and fact-finding, the contributions of the Agenda are positively judged (Paepcke 2004: 182-190). Overall, these reports showed the Secretary General's innovative thinking and they continued to influence reforms over the following decade. But these kinds of innovation has its limits in the consent of the major member states as the most radical approach of SG Boutros-Ghali to UN financing shows: when the US refused to pay its dues and a financial collapse of the organization was near, the Secretary General proposed global taxes as a new funding source. But Washington reacted with fierce objections. This political defeat and, as we will outline in greater detail later, his performance in the Bosnia crisis, led the US to veto his candidacy for a second term shortly after.

Additionally, perhaps most importantly, the SG acts quite autonomously via tacit and retroactive authorizations of actions carried out in the absence of a mandate. These are by now well established in a range of areas like conflict prevention, fact-finding, good offices and mediation often conducted through a Group of Friends of the SG, a well established instrument since a successful attempt in Namibia 1983 (Paepcke 2004: 117/188). This latter role is best described by Franck and Nolte: the SG is serves “as a catalyst for compromise, a formulator of structures for their implementation, and a resource that enables the parties, when agreement has been reached, to present it to their domestic constituencies as the product of an irreversible global consensus” (Franck and Nolte 1993: 179).

One of the most crucial roles of the SG that will have a substantial impact on policy setting is the provision of information and analysis to the SC. In most cases, the Council establishes a peace operation following the submission of a report by the SG to the SC. The report normally describes consultations that the SG or an envoy had with the parties in conflict, an analysis of the political-military situation, recommendations for the dispatch of a peace operation, what its mandate should be and what resources would be required to fulfill the mandate. The SC's decisions are thus heavily influenced by the SG (Akashi 1998: 128). But, as one former staff member of the Secretariat pointed out, “in formulating drafts for mandates based on SC Resolutions or in submitting budgetary proposals to the GA, one can surely assume that the Secretariat knows about the chances of a draft to be approved – for this reason, they are not necessarily based on a strict expert assessment but often on “anticipatory obedience”, in particular as regards the recommendations in terms of necessary troop strength. It is, however, fair to say that the Secretariat did get much better since the Brahimi report in telling the SC what it needs to know rather than what it would like to hear.”⁷² But in sum, informal processes in absence of a mandate and the advantage of information makes the SG a political actor not only a chief ad-

⁷² Interview with Sebastian von Einsiedel, 18 October 2005

ministrator or a constable – he is an obvious veto-point related to his partly formal, partly informal powers. In the following, we will assess the various departments the SG is heading and its influence on peace operations.

1.3.2 The Departments: Planning and Coordination Mechanisms

In general, there are several institutional actors involved in planning and implementing a peace operation: the Department for Peacekeeping Operations (DPKO), the Department of Political Affairs (DPA), and the Department of Public Information (DPI). In budgeting and personnel related questions, the Office of International Oversight Services, and in legal issues, the Office of Legal Affairs exert a great influence on any decision (see for an overview of the Secretariat's organizational chart: scheme A.2 in annex 1). The Secretariat adopted its structures to this new dynamic and complexity of peace operations quite lately. Whereas the Department of Management, the DPA, and the DPI remained by and large as before regarding peace operations, the Office for Special Political Affairs was expanded in 1992 - and renamed in Department of Peacekeeping Operations (DPKO). In 1993, an Office of Planning and Support, a 24-hour situation center and an Office of Operations were established and in particular the latter staffed mostly with former DPA personnel⁷³.

By now, the DPKO is the central actor in peace operations⁷⁴ as it is responsible for a wide range of related activities like the civilian and military planning and organization of UN peace operations including training and logistics (E/AC.51/1995/2 17 March 1995). As regards the latter, a UN Training Unit (later renamed the Training and Evaluation Service) in DPKO was established in 1993 and later supported by the UN Institute for Training and Research Programme of Correspondence Instruction in Peacekeeping Operations (UNITAR POCI).

But DPKO seems constrained in exercising these tasks assigned to it. Some interviewees claimed that DPKO continued to think in the old categories, especially in the Office of Operations (cf. Goulding 2002)⁷⁵. In addition, DPKO was seriously understaffed throughout the 1990s. The situation aggravated even with a very harsh GA resolution (A/Res/51/243 15 September 1997) demanding more or less the withdrawal of “seconded”, meaning in fact “gratis”,

⁷³ Interview with GenMajor a.D. Manfred Eisele, 17 November 2005

⁷⁴ Interview with Sebastian von Einsiedel, 18 October 2005 – cf. for an organizational chart: scheme A.3 in annex 1)

⁷⁵ As Diehl claims, the successes in some missions and recognition by the Nobel Peace Prize of 1988 nurtured this thinking (Diehl 1993: 2/3)

personnel in the Secretariat, leaving an additional serious staffing gap mainly in DPKO.⁷⁶ Even though DPKO has gained 50 per cent more staff since 2001, “the human resource policy remains a problem (the ratio between headquarter in field personnel was 1/100 in 2000 and it is now 1/110⁷⁷) as each additional single post has to be approved the ACABQ. But recently, as mentioned, a small military advisory staff advises the SG, keeps watch in a 24hour, seven-day situation room, and improves the speed of reaction of DPKO and the SG in mission related matters (Gordenker 2005: 40).

In general, the DPKO and the UN Secretariat in general are not encouraged by its member states to engage in early planning in part because of the political implications of such actions (effective occupation of a member state cannot be publicly planned in advance) (Caplan 2005a: 164). But as GenMajor Eisele pointed out, there are grey areas where preparation is at least tolerated: in the Guatemala crisis of 1996/1997, for instance, the resolution for a disarmament mission was blocked by China as Guatemala did not pursue a One-China-policy recognizing Taiwan (cf. Möller 2005: 39). “In DPKO, we got notice that there would be a window of opportunity to use a cargo ship which could easily bring equipment from the Angola mission (UNAVEM III). We decided to load the ship and to set it on course to Guatemala. In the meantime, the Latin American countries took a common stand and threatened China with a breakup of diplomatic relations. A ‘compromise’ was achieved by changing ‘three commas’ one day before the ship arrived in Guatemala.”⁷⁸ Hence, there is some scope for informal arrangements that adds to the formal rules established within the UN system. DPKO appeared in this example as an actor in its own right.

Additionally to the DPKO, the DPA and DPI further add to a kind of small intelligence network of the Secretariat. The DPI is responsible for the public information on the goals and activities of the United Nations and it was significantly strengthened following the process after the first reform package by SG Annan (A/51/950 14 July 1997). The dissemination of information is based on the United Nations Information Centers all over the world. The DPA, by contrast, is delivering political advice and analyses as well as early warning with only partial success as there exists within the UN’s culture a reluctance to gather intelligence, stemming from

⁷⁶ Almost a quarter of the personnel (130 staff members) had to leave DPKO as many Southern states regarded this mechanism as a Trojan horse of the western states to gain even more influence on the decisions on peace operations (Kühne 2003: 721).

⁷⁷ Interview with Wolfgang Weisbrod-Weber, 25 October 2005.

⁷⁸ Interview with GenMajor a.D. Manfred Eisele, 17 November 2005. As Möller’s analysis shows, the Chinese foreign policy in the 1990s was just mirroring its problematic relationship with Taiwan (Möller 2005). Apart from the Guatemala example, the Chinese obstruction to mandate peace operations in Macedonia or Haiti can only be explained by the facts that Macedonia recognized Taiwan at that time and, similarly, the Haitian president Aristide once supported in a speech before the GA the acceptance of Taiwan as member state of the UN (Möller 2005, Schuler 2002: 73).

fears that this will impair the impartiality of missions in the eyes of the disputants (Wesley 1997: 131). Still, as the convenor of the Executive Committee on Peace and Security, the DPA assumes an important, notably conceptual role in the politics of peace operations (A/51/950 14 July 1997: Part V, para. 129). Almost every interviewee pointed to a deep rivalry between DPA and DPKO which hampered the effective use of information-sharing and many do claim that the best way of reforming the Secretariat in this regard would be the merger of DPKO and DPA (Kühne 2003: 722). So long, the DPKO seems to be the more important actors as DPA appears in terms of resources to be “dwarfed by DPKO”⁷⁹.

But there are several coordination mechanisms in place; not only within the Secretariat but as well, convened by it, throughout the UN system. The UN System Chief Executives Board for Coordination (before 2001: Administrative Committee on Coordination)⁸⁰, for instance, brings the executive heads of all organizations to further coordination and cooperation on the whole range of substantive and management issues facing the United Nations system. It delivered highly influential but not always successful initiatives like the ‘strategic framework approach’ (UN 1997) which was first tested in Afghanistan in 1997: in close and continuing consultation with all parties involved in reconstruction efforts, local and international, this framework was intended to establish the principles, policies, and recommendations that all of the international partners could use to guide their relief and development interventions. The hope was that all entities would stand to benefit from the systematic sharing of knowledge, information and perspectives (cf. Roberts and Bradley 2001). In fact, however, the conceptual basis remained “too vague and not elaborated in practical terms” (Hooper and Taylor 1999: 49).⁸¹

Furthermore, SG Boutros-Ghali established weekly meetings of a Task Force on United Nations Operations (A/49/681 21 November 1994) – but still, the coordination is, besides the planning⁸², one of the weaknesses of the Secretariat. According to the former head of DPKO, Goulding, “the Secretariat adjusted too slowly to the demands of the new type of conflict which proliferated after the end of the Cold War” (Goulding 2002: 17). SG Annan took the decision to undertake a major reform step quite late. Although, he wrote already in 1997, that there is a need of “adapting and learning to do things differently” and of “strengthening [the UN peace

⁷⁹ Interview with Edward Rees, 20 October 2005

⁸⁰ This board or committee is convened mainly by ECOSOC but the Secretariat is strongly involved into the over-all organization.

⁸¹ Recently, however, Afghanistan seems to be again a test case for a similar approach: “Since 2002 going hand in hand with UNAMA, the approach has changed considerably: one tries to follow an inter-agency mechanism in the run-up of a peace operation – ‘joined on the top’” (Interview with Edward Rees, 20 October 2005).

⁸² As Eisele states, “until the mid 1990s, planning was a foreign word in the UN system” (Interview with GenMajor a.D. Manfred Eisele, 17 November 2005). Of course, deficits in planning is depended on the other dimensions as coordination and as intelligence gathering.

operations'] machinery" (Annan 1997: 185), only after the two reports investigating the failures in Rwanda and Srebrenica (A/54/549 15 November 1999, S/1999/1257 15 December 1999)⁸³ and having in mind the upcoming Millennium Summit in New York, he set up a panel of experts under the supervision of Under-Secretary-General Lakhdar Brahimi (Durch 2004). In the end, this report represented "a serious and commendable effort at taking stock and pointing the way forward" (Berdal 2002). Especially in the C'34, the report was bitterly debated (Malone 2004a) but accepted in the end. A working group at the Secretariat was established to oversee the implementation as well as to consider further recommendations by the C'34 (the role of the C'34 was thus strengthened in general), and the Lessons Learned Unit at DPKO was expanded to a Best Practice Unit (PBPS) including a Criminal Law and Judicial Advisory Unit which should lead to a more coherent approach to judicial reform.

But several important decisions were either not at all or only marginally implemented: the main division of labor in the Secretariat remained unchanged. Brahimi recommended, following the outlined failed attempt of strategic frameworks, an Integrated Mission Task Force (IMTF) to ensure a system-wide UN response by subsuming various actors and approaches within an overall political-strategic crisis management framework. (A/55/305-S/2000/809 21 August 2000: par. 198-217, cf. Eide et al. 2005: 12-14). As Weisbrod-Weber highlights, by now, the IMTFs remain quite formal and are not filled with life yet. Furthermore, the problem of coordination with other actors outside of the UN is not yet resolved⁸⁴.

As the Brahimi-Report observed further (and as we have described already) there has been historically little capacity within the United Nations for cross-departmental planning. This gap in institutionalized coordination mechanisms could only partially be filled with personal networks and ad hoc planning groups (c.f. A/55/305-S/2000/809 21 August 2000: para. 183/200). But still, member states refused to give the Secretariat the proposed unit for strategic information gathering, the Information and Strategic Analysis Secretariat (EISAS). The capabilities for pre-mission planning and preventive action were consequently not strengthened and the advice that „the Secretariat must tell the Security Council what it needs to know, not what it wants to hear" could not be met (A/55/305-S/2000/809 21 August 2000: para. 64, cf. Debiel 2003, Kühne 2003: 722/729).

As one of the latest reform efforts was undertaken by the SG in his report "In Larger Freedom" (A/59/2005 21 March 2005: para. 114-119). The World Summit 2005 followed the rec-

⁸³ The Report on the fall of Srebrenica (A/54/549 15 November 1999), Berdal called "[t]he most notable and, indeed, the most impressive exercise in UN soul-searching in recent years" (Berdal 2002)

⁸⁴ Interview with Wolfgang Weisbrod-Weber, 25 October 2005; (cf. Jones 2002: 111).

ommendation only partly. One of the most important institutional changes is the recent establishment of an intergovernmental Peacebuilding Commission with a related Peacebuilding Support Office (PBSO) to address the recognized need for a “coordinated, coherent and integrated approach to post-conflict peacebuilding” and for “a dedicated institutional mechanism” (A/Res/60/1 24 October 2005: para. 97). “The main purpose of [it] is to bring together all relevant actors to marshal resources and to advise on and propose integrated strategies for post-conflict peacebuilding and recovery” (A/Res/60/1 24 October 2005: 98).

Even though the expectations of the SG were not met in total, especially as regards the fuzziness of terms (what has to be subsumed under the term “peacebuilding”?) and the Peacebuilding Support Office (establishment of a “*small* peacebuilding support office [...] within the Secretariat and from within *existing* resources”, (A/Res/60/1 24 October 2005: para. 104) which should “*catalyse* the United Nations system and outside expertise” (A/60/340 19 October 2005: para. 19)⁸⁵), most interviewees highlighted – reluctantly though – their hope that at least with the PBSO there will be indeed improvements as regards coordination within the Secretariat as well as with the Bretton Woods institutions (cf. Harland 2005). As one DPKO official put it, “the future PBSO will not change much – only idealists in DPKO and UNDP believe that. I do expect only minor improvements”.⁸⁶ In funding terms, the new recommendations do not go far beyond the existing mechanisms: the Summit urges the Secretary-General “to establish a multi-year standing Peacebuilding Fund for post-conflict peacebuilding, funded by voluntary contributions and taking due account of existing instrument [...] ensuring the immediate release of resources needed to launch peacebuilding activities”. (A/Res/60/1 24 October 2005: 203).

The overall assessment suggests that the Brahimi-report is right when it is stating that the Secretariat is forced by member states and by institutional complexity to view multidimensional peace operation rather an exception than the rule (A/55/305-S/2000/809 21 August 2000: para. 78). Consequently, the complexity of the task has still to be confronted on an ad-hoc basis without being handled by a standing institutional players dealing with these issues. Despite the described lack of staff, administrative hurdles, and the deficits of coordination, however, recent studies conducted by RAND and the US General Accounting Office indicate that the overall

⁸⁵ Italics by the author.

⁸⁶ Interview with Edward Rees, 20 October 2005; others were more optimistic: “as the future Peacebuilding Commission will be a further intergovernmental body, there should be only modest improvement to be expected as regards the formulation of the mandates. On other issues like resource mobilization, coherent approaches by key actors, etc. the Commission – if ever created – will make a significant difference. In addition, the PBSO could enhance coordination of planning and assessment” (Interview with Sebastian von Einsiedel, 18 October 2005).

efficiency of the UN Secretariat is high and satisfying.⁸⁷ As the cases of this study deal with operations that have been set up before these latest reform steps were undertaken, we have to assume a Secretariat that meets clearly the requirements for an institutional stickiness and institutional having in mind the shortcomings in interdepartmental coordination and communication, the rivalry among different units, the deficits in intelligence gathering, and the existence of informal procedures. In the following, we will analyze the elements of a generic mission design by the UN. This will provide us firstly with an insight in the major points of view that persist within the UN system on how to design a mission and secondly with a clarification of some basic terms and relationships we will encounter in the analysis of the case studies.

1.3.3 The Head of Mission (SRSG) in a Generic Mission Design

The Special Representative of the Secretary-General (SRSG)⁸⁸ is appointed in exceptional circumstances. In the case of peace operations he is often described as the “hub” (A/51/950 14 July 1997: Part V, para. 119) or a “custodian” (Covey 2005a: 77) of the peace process. Indeed, the chart (scheme A.4 in annex 1) of a generic, integrated mission structure issued by DPKO in 2003 shows the central role that is supposed to be assigned to an SRSG in an integrated UN peace operation. He is assumed to be at the top of the hierarchy, following a major recommendation of the ‘Brahimi-Report’ that has criticized the UN’s ad hoc, bottom-up approach to peace operations (A/55/305-S/2000/809 21 August 2000, Roberts and Bradley 2001). The Office of the SRSG is tasked with the management of political aspects of the peace operation, the provision of leadership, the coordination of the various components of the mission, and, most importantly, the implementation of the mandate in all its dimensions (UNDPKO 2003).

But there are always many possibilities of who is heading the mission: as in Bosnia, the UN is involved in the nomination process but not the main focal point of the so called High Representative – rather an ad-hoc international body is playing that role, Peace Implementation Council (see chapter five). Some even suggest a plenary organ instead of a single head of mission for future missions (cf. Forster 2005). In fact, even within the UN system, there are many possible masters: the UNDP Resident Coordinator who is leading the UNDP country office often well in advance of a mission’s deployment and is normally *au fait* with the local circum-

⁸⁷ Interview with Wolfgang Weisbrod-Weber, 25 October 2005; (cf. Kühne 2003: 722).

⁸⁸ Sometimes the SG appoints a Personal Representative and sometimes the Special Representatives are called Transitional Administrator if they are heading a transitional administration. In this study, we will fall back only on the acronym SRSG as long as a mission head nominated by the United Nations is meant.

stances⁸⁹, and the Humanitarian Coordinator, often appointed by the UNHCR to coordinate the humanitarian efforts. Sometimes these two tasks are performed by one individual, but nevertheless both have serious arguments on their side to guide the implementation process of the subsequent peace operations. Already 31 August 1998, the DPKO on behalf of the SG issued a Directive for Special Representatives calling for “appropriate relations” which was followed by a Note of Guidance developed by the Executive Committee on Peace and Security, the Executive Committee on Humanitarian Affairs (ECHA), and the United Nations Development Group (UNDG) clarifying the relationship by putting the SRSG at the center of a peace operation and assigning in this case the deputy role (DSRSG) to the Humanitarian and Resident Coordinator (UN 10 December 2000). As Hooper and Taylor outline, the DSRSG should focus on the development and humanitarian side and the day-to-day business of a mission (Hooper and Taylor 1999).

Usually, the lines of authority are formally further clarified either by issuing terms of reference compiled by the Secretariat (and in case of an integrated military force, the rules of engagement of these troops), or by, more important, the mandate pointing to the main resolutions of the SC and subsequent reports of the SG. But a mandate is never clear on all points (to which degree, we will assess in the following three chapters) and it leaves interpretative leeway. According to Boothby, there are two ways of interpreting a mandate: either as a ceiling or as a floor. On the one hand, if the mandate is taken as the ceiling, the leadership when asked to act often poses the question ‘Is it in the mandate? If not, we shouldn’t do it’. On the other hand, if the mandate is taken as the floor, the question is posed differently: ‘Is there anything in the mandate to say that we should not do it? If not, let us proceed’. The latter is certainly more proactive (Boothby 2004: 49).

Considering thus the dimensions of authority we have outlined in chapter three, there are several sources of authority a Head of Mission can possibly reckon on besides the formal one and that are often supposed to have a greater impact (cf. Hooper and Taylor 1999: 31/46): personal relationships, communicative skills and managerial capabilities are sources of real authority based on network an SRSG/Head of Mission is establishing with the Secretariat, with the SG, other international agencies and organizations, the international community and in particu-

⁸⁹ This makes UNDP a major actor in peace operations. As one interviewee from DPKO puts it: “UNDP has the advantage that its geographical reach is much wider: they are present in almost every country and can bring valuable knowledge and direct expertise into the planning processes” (Interview with Edward Rees, 20 October). 2005

lar the donating states, and the local parties⁹⁰. As regards the latter, the question of legitimacy still seems to be underestimated as a source of real authority as the UN Administrator is nominated by the Secretary-General with little or no consultation with those who are to be administered (de Mello 2000: 3).⁹¹ Formal authority can even be constrained by those who nominate him: as de Mello notes, “the UN Administrators [often] have – under Chapter VII – quasi-dictatorial powers, but when it comes to internal management, UN rules tie their hands: hiring and firing of staff, procurement and disbursement of funds, accepting of donations are all heavily centralized in New York and subject to complicated and slow procedures [...] It is like being asked to perform Olympic gymnastics and then being placed in a straitjacket” (de Mello 2000: 6).

Apart from the issue of authority, there is still an overarching general weakness as regards a human resources pool for this high-level management. As de Mello lamented, “a standard clause in UN contracts allows the SG to send staff wherever he wishes. Unfortunately this clause is seldom if ever enforced” (de Mello 2000: 3). GenMajor Eisele gives an example: “even though there were major improvements in creating a stand-by pool for senior posts, when the SRSG Jacques-Paul Klein in Liberia received the message that he was about to be unseated against his will due to obvious political reasoning, the UN was not able to find a successor. Hence, the Secretary-General asked Mr. Klein to stay in office until a successor has been found. Mr. Klein refused obviously. This is not the kind of strategic planning one should expect.”⁹² And it is clearly not in line with a functional logic. This is not only a problem of the head of mission rather the UN has “great difficulty in finding candidates with the vital skills in public administration, law and order, power, water, agriculture, finance, procurement, audit, border-control, tax, - the skills actually required to run a country” (de Mello 2000: 3). Responding to this demand, DPKO has established recently some operative training seminars for senior leaders of military, diplomacy, police and administration being involved in peacebuilding activities: “this is a very positive step forward [but still one needs] to include other agencies and department better sooner than later.”⁹³

⁹⁰ As Salomons is elaborating, the United Nations Operation in Mozambique (ONUMOZ) serves as an excellent example: without the proactive role the SRSG Ajello was assuming, the peace operation would never have been such a success story (Salomons 2003b).

⁹¹ In some missions, an Office of the Ombudsman exists based on a Swedish tradition. This is an independent public official who receives complaints from aggrieved individuals against public bodies and government departments or their employees. It has the power to investigate, recommend corrective action, and issue reports. But his powers vary considerably and often, the mission itself can not be confronted with any allegations.

⁹² Interview with GenMajor a.D. Manfred Eisele, 17 November 2005

⁹³ Interview with GenMajor a.D. Manfred Eisele, 17 November 2005

By now, we have outlined the main bodies and the main concepts that are of high relevance within the UN headquarters system. Of course, there are much more UN agencies involved in the designing process of multidimensional peace operations: the Office for the Coordination of Humanitarian Affairs (OCHA) keeps watch on growing emergencies and is prepared to coordinate the humanitarian efforts in the entire system of UN organizations. Within the remit of the General Assembly is the UN High Commissioner for Refugees (UNHCR) whose central concern with victims of persecution who left their own country has been expanded to concern with internally displaced persons. The United Nations Development Programme (UNDP) offers assessment of local conditions, helps with short-term projects but as well with longer term development, and created an Emergency Response Division in 1995 (later renamed in Bureau of Crisis Prevention and Recovery) devoting five per cent of its core budget to it. Similar arrangements were put in place by the UN Children's Fund (UNICEF – Office of Emergence Operations), and the World Food Programme (WFP – Protracted Relief and Recovery Operations) (Chesterman 2004: 189). An increasingly important role can be assigned to highly professional NGOs like the International Committee of the Red Cross or Care, and to partnerships between the private and public sectors being at the core of the UN Secretary's initiative to create a 'Global Compact' (Clarke and Edwards 2004: 4) – in general, in peace operations that is an increasingly important theme: more and more activities are "outsourced, even in the highly delicate issue of armed forces, prisons, and security in general (Spearin 2001)

In sum, the UN is both a forum of discussion and of achieving compliance but as well an actor in its own right. We can conclude with a reference to Roberts and Kingsbury: there are indeed signs that the UN has developed a life and an ethos of its own" (Roberts and Kingsbury 1993: 16) with considerable influence independently of its member states. But it should be clear as well that member-states continue to be the backbone of UN policy that can thus only be understood by looking at the interplay between organizational and intergovernmental factors. This institutional overview leads us to assume that, theoretically, there is a clear need for the inclusion of organizational theory in research on the UN and that, empirically, the UN is in many ways not particularly well suited to plan for the complex undertaking of an international administration. Even though the UN system is able to fall back on a variety of instruments and agencies and to provide for unmatched legitimacy which are assumed to be essential for the setting up and the conduct of multidimensional peace operations, the structure of the organization reflects both political compromise among its 191 members and bureaucratic complexities,

and leading to institutional stickiness and to ambiguities of an organized anarchy. We will elaborate on this point below.

2. Other Relevant International Organizations

As outlined, we will shortly analyze the relevant institutional context that is outside the core of the UN system: firstly, the European and transatlantic institutions, the EU (and the WEU), the NATO, and the OSCE, and secondly, the international financial institutions like the World Bank, the IMF and some regional bank. The former as they appear to have exerted a considerable degree of influence in the Balkan cases and the latter as they are involved marginally in designing but more importantly in the implementation efforts of the international community.

2.1 The European and Transatlantic Institutions

2.1.1 The EC/EU

In general, the European Community and the European Union were always more directed to internal integration processes than to a coherence in its external relations (an exception might be the trade policy). However, there are some mechanisms in place that are worth to be considered when analyzing peace operations. The European Political Cooperation (EPC) was established by the 1970 European Luxembourg Report. It was designed independently of the EC and was just a means to avoid really diverging, even contradictory foreign policies of internally more and more integrated states. As Smith (2004) is pointing out, this informal, extra-legal, and ad hoc system gradually fostered cooperative outcomes, enhanced incrementally its own procedures and resulted in the Common Foreign and Security Policy (CFSP) created by the Maastricht Treaty as a second pillar of the European Union (01 November 1993). Rather than establishing a completely new understanding of European Cooperation, the CFSP represented a natural, logical progression of EPC, adding only a few truly innovative goals and procedures to that mechanism (Maurer 2001, Smith 2004: 176). In general, it was a step towards more substance and more formalization.

Starting at the at the summit in Pörschach in 1998 and announced more publicly at the Franco-British summit in St Malo shortly afterwards, the French President Chirac and the British Prime Minister Blair were pushing for a common European defense policy. At the summit in Cologne, Germany on 03/04 June 1999, the member states committed themselves to this new

policy. A high representative for the CFSP was created and located within the intergovernmental body of the European Council, and one agreed on a set of principles to ensure that the Union could carry out the so called Petersberg operations which encompassed humanitarian tasks, emergency rescues, peacekeeping efforts, and crisis management (cf. Wagnsson 2001: 25). Hence, the concept behind the CFSP is still primarily the exercise of “soft power”, Nye and Rifkin claim (Nye 2003: 29/30, Rifkin 2004) but with the Amsterdam Treaty, the EU could at least in theory fall back on the limited military capabilities the Western European Union (WEU) possess, and this new drive resulted as well in an thoroughly developed ‘European Security Strategy’ (EU 2003).

Even though the European Commission and the European Parliament have a right of information and consultation and even though they possess a financial leverage directly via the budgetary process and indirectly via the resources located within the development funding, the foreign policy of the EU remains basically an intergovernmental processes granting a veto to each of the now 25 member states. A high degree of institutional stickiness has to be assumed even though there might possibly be not as much divergence of interests among the member states due to geographical and value proximity as experienced within the UN system. As we will see, the EU was often similarly blocked by heterogeneity.

2.1.2 The NATO

The North Atlantic Treaty Organization (NATO) is based on two pillars: firstly, the multinational political cooperation in the NATO Council under the protection of the principle of sovereignty (unanimity is required with one state having one vote), and secondly, the subordinated international integration in the military unity of command⁹⁴ (Maurer 2001). The latter is structured in a Supreme Allied Commander Atlantic (SACLANT) and a Supreme Allied Commander Europe (SACEUR). Due to its political pillar, NATO is more than a pure military alliance. The dominant power, however, is still the US being highly unchallenged militarily mainly due to the reliance of the alliance on its logistical capacities. In the last years, NATO enlarged itself to incorporate most of the Central and Eastern European countries while integrating other, in many cases neutral European countries, Russia, countries in the southern parts of the former Soviet Union as well as the Arab states around the Mediterranean Sea into its various dialogue structures like the Euro-Atlantic Partnership Council, the NATO-Russia Council, the Partnership for Peace, and the Mediterranean Dialogue.

⁹⁴ France and Spain are not integrated in the military structure.

In the first years of the 1990s, NATO was assuming a passive role in international crisis management in support of a more active role proposed to the CSCE (later OSCE – see below), as outlined the Oslo declaration (04 June 1992). Similarly, NATO expressed its “subordination” as regards the UN at its Brussels declaration (December 1992). As we will see, however, this changed during the Bosnian crisis. Worries that the coherence and the importance of NATO policy decreases after the end of the Cold War, were spelled out by many top-level politicians as expressed in the famous phrase by US Senator Lugar: “NATO must go out of area or it will be out of business” (Koslowski 1997: 26). This business was finally found in defining the transatlantic security interests much broader leading to direct engagement in conflicts on the Balkans and in Afghanistan. The basic structures of NATO have, however, not changed in recent years. As the consensus principle is still overarching, each member state is potentially a veto player and a relative stickiness has to be assumed.

2.1.3 *The OSCE*

The Organization for Security and Cooperation in Europe (OSCE – the former Conference on Security and Cooperation in Europe (CSCE)) includes all European states, the states that were formerly part of the Soviet Union as well as Canada and the US. It’s most important body is the biannual summit of the head of states and governments evaluating the past two years, defining the broad priorities and setting the agenda for the two years to come. The operative realization is supervised by the Council of Ministers, by the High Council (Under-Secretaries) and the Permanent Council (weekly meetings of the permanent representatives in Vienna being the central body for operative decisions and for consultation). A so called Troika consisting of the current chairman and as well of his predecessor and his successor serves as a link between the political bodies and the administration headed by a Secretary-General. The OSCE is engaged in the area of human rights, good governance, minority rights, security cooperation as well as disarmament. These issues are organized in various semi-independent committees, offices and forums (cf. Maurer 2001: 39/40). The OSCE defines itself as capable to conduct peace operations (CSCE 1992: Chapter III, para. 12-28), so far it was only responsible for monitoring missions and conduction of elections. In the peace operations on the Balkans, the OSCE was assuming a major role in a broader international framework as we will elaborate in the subsequent chapter.

As in the case of NATO, the consensus principle was the basis of decision-making in the intergovernmental bodies, but at the Council meetings in Prague and Stockholm, exceptions

were decided upon that render the decision-making processes somewhat more flexible: in case of serious violations of human rights, democratic principles, and rule of law, decisions can be taken by the formula “consensus minus one” meaning that the concerned state cannot exercise a veto. Furthermore, the Council can decide that two conflicting member states have to accept arbitration by the OSCE Court in Geneva (“consensus minus two”).

Hence, the OSCE shows structurally some more flexibilities than the other two “European” institutions.

2.2 The International Financial Institutions

In this section, we will shortly outline the basics on the international financial institutions as they appear to exert a considerable degree of influence in reconstruction efforts in multidimensional peace operations and they are considered to take part in the UN-led planning processes as strategic frameworks and IMTFs (see above). We will focus primarily on the World Bank as it seems to have the most important role but we touch shortly on the roles of the International Monetary Fund (IMF) and some regional banks as well.

Shortly after its foundation after the Second World War, post-conflict reconstruction was the main task of the World Bank and this is where the ‘R’ in the IBRD – the International Bank for Reconstruction and Development –, one of the Bank’s full names, comes from. But in the years afterwards it was concentrating more and more on ‘development assistance’. In the mid-1990s, this began to change and the ‘R’ gained a new momentum (O'Donnell 2005: 2). In 1997, there was a framework paper on this topic issued by the World Bank which identifies a role of the Bank in reconstruction tasks (Holtzman et al. 1998) and the Bank was now more willingly to involve in post-conflict assistance and in areas where “‘political considerations,’ designated as off-limits in the Bank’s charter⁹⁵, are interwoven inextricably with economic considerations” (Boyce 2004: 1). As one Bank official described, “If a topic is highly political, like the appropriate size of the army, we have a ‘tag team’ way of doing business [with the UN peacekeeping mission]. We frame it as a development issue, focusing on what level of expenditure might be sustainable for example, but we cannot address the other aspects directly” (O'Donnell 2005: 6).

The World Bank works frequently with the UNDG but nevertheless, coordination during the planning and assessment phases of UN and Bank operations were relatively weak

⁹⁵ Art. 4 Sect. 4: “The Bank and its officers shall not interfere in the political affairs of any member; nor shall they be influenced in their decisions by the political character of the member or members concerned. Only economic considerations shall be relevant to their decisions” For instance, the Bank was always reluctant to discuss on electoral assistance.

(O'Donnell 2005: 13). In the field, the communication and coordination between the UN agencies and the World Bank have improved considerably since the early 1990s, when it has been described as two doctors operating on one patient with a curtain down the middle (de Soto and del Castillo 1994). O'Donnell points out that the importance on all levels is found to be on personal relationships: "Frankly, it is always about chemistry," one UN official said (O'Donnell 2005: 12). But there are inherent tensions with UNDP based on a competitive relationships: both claim to be better placed to organize for multi-donor trust funds and both have a long-term view of development – in UN led settings, however, the SRSG decides often to give certain tasks rather to UNDP. (O'Donnell 2005: 7).

At the World Bank, sovereign states are eligible for direct post-conflict assistance, whereas non-sovereign regions, such as Kosovo or East Timor during the transitional administrations, are funded directly out of the World Bank income or – most of the time - through multi-donor trust funds but as well in cooperation with regional banks or the IMF. In 2001, the World Bank put forward the terms of its post-conflict activity in three stages with the aim to help a country transition from conflict to the normal World Bank relationship with borrower countries (World-Bank 2001). The first stage is called a 'Watching Brief', and involves monitoring the evolving socio-economic situation on the ground during a conflict for preparing the involvement once fighting ends. The second stage is the creation of a 'Needs Assessment' and the Bank, usually along with the UN, will send in teams of analysts to research and prepare a report presenting the Bank's analysis of a country's reconstruction needs and estimates of their cost. It is normally prepared prior to an international donor conference, where countries may pledge funds and draw up the framework for a multi-donor trust fund. Furthermore, the creation of a 'Transitional Support Strategy', a short to medium-term assistance plan that often acts as bridge between short-term recovery assistance and long-term development objectives, is as a third stage base on the second one. Once a recipient country successfully emerges from conflict and is eligible for lending, a 'Country Assistance Strategy' will be prepared by the World Bank identifying key areas where World Bank assistance would be most effective, and proposes lending projects to accomplish these goals (Weiss 2004: 2/3)

Institutionally, the World Bank operates under country strategies approved by its Board and, thus, it answers to its shareholders (member states that do have influence according to their share of contribution) not to its stakeholders (recipients). In addition, in every region the World Bank is involved, there are inspection panel investigating complaints by private citizens that feel harmed by WB projects. The administrative body of experts exerts, however, a high influence on the Bank's responses to crisis. The above mentioned shift in strategy in the mid

1990s is reflected institutionally: a Conflict Prevention and Reconstruction Unit (CPRU), originally called the Post-Conflict Unit, was established in 1997 (the name change, in September 2001, reflected willingness to engage with a broader range of conflict-related issues). The CPRU's work includes assistance in the design of programs like demobilization and reintegration programs and conflict sensitivity assessment as well as in training and capacity building within the Bank. However, the CPRU's institutional location within the Bank's Social Development Department limits its role in operational policy making (Boyce 2004: 3-5). Additional relatively new instruments are trust fund administrations to channel grants (as opposed to loans) for emergency projects and budget support in post-conflict environments, and the Low-Income Countries Under Stress (LICUS) initiative. The latter was related to the events of September 11, 2001 that prompted the World Bank to reconsider the policy it adopted in the late 1990s of concentrating resources on countries with 'good policies' in the name of 'aid effectiveness'. A LICUS unit was created in 2002 (O'Donnell 2005: 3).

Similarly, the International Monetary Fund (IMF) has modified some of its normal policies and practices to address the challenges of post-conflict reconstruction and peacebuilding, but on the whole the IMF has not introduced institutional changes comparable to those at the World Bank: however, there was an expansion in 1995 of the Fund's 'emergency assistance' window to cover specifically post-conflict assistance (Boyce 2004: 6). Regional development banks like the Inter-American Development Bank, the Asian Development Bank, the European Bank for Reconstruction and Development, and the African Development Bank, have as well yet to develop strategic policies and operational capacities in peacebuilding and reconstruction as the World Bank did (Boyce 2004: 7):

3. Conclusion

The design of a mission is not a single chain decision-making process. It should rather be perceived in terms of parallel, inter-related practices between various Departments in the UN Secretariat, between the principal organs of the United Nations and between other international organizations, not to forget the NGO-scene. We have seen that this system is characterized by relatively high stickiness and complexity as there are many formal and informal veto-points, the phenomena of deficits in coordination mechanisms, and of lack of informational, human, and financial resources – this is particularly true for the UN system.

As regards the aspect of ambiguity, the analysis shows that the institutional context for designing peace operations can be described as an organized anarchy: firstly (inconsistent prefer-

ences), not only at the UN level differences among member-states' preferences might render collective institutional preferences problematic as the consensus principle is prevalent. In particular within the UN system, there are many competing institutional attitudes and interests related to the design of peace operations at work, as seen, for example, in the arguments on traditional peacekeeping elements versus new complex peace-building missions. Secondly (unclear technology), there are persistent problems of delineating and distinguishing the responsibilities of institutional actors as can be illustrated in the competition between several departments of the Secretariat or the just outlined in quarrels on the expertise on multi-donor trust funds between UNDP and the World Bank. We have outlined at length the complexity of the UN's budgetary and administrative procedures, and the interviewees confirmed a high degree of uncertainty about the UN's procedures by its own personnel. The third aspect (fluid participation) is, for instance, institutionalized in the system of rotation of non-permanent members of the Security Council. Changes in national governments are reflected not only in cabinet shake-ups but also in new nominations for relevant UN posts as the influence of member-states remains high. Institutionally, the organizational apparatus in particular of the UN Secretariat has been changed several times through various reform agendas. They are usually only codified at a snail's pace for they need to get the consent in the interaction of many actors. The flexibility to adapt to changes in the environment implicitly assumed by the functionalist approaches does clearly not exist. Instead, one has to assume that the international system related to multidimensional peace operations is a rather unfriendly environment for functionalist designing, learning and adaptation. In the following, we will elaborate on the consequences for the setting-up and the implementation of three transitional administrations, in Bosnia, in Kosovo, and East Timor.

Chapter 5 – The Peace Operation in Bosnia and Herzegovina after Dayton

1. The Decision to Intervene

1.1 Background

Bosnia and Herzegovina⁹⁶ is a Balkan country with an estimated population of around four million people of three main ethnic backgrounds: the Muslim Bosniaks, the Croats, and the Serbs. This goes back to a long history of conflict and melting pot between the influences of the Ottoman empire, of the Austro-Hungarian rule, and later, after having been a part of the Nazi-puppet state of Croatia, of the Socialist Federal Republic of Yugoslavia under the leadership of Tito. As regards the latter, Bosnia was one of the six federal units having the status of a republic that constituted the Federal Republic until its gradual dissolution after the end of the Cold War. In 1991, when warlike violence in Croatia spread in its struggle for independence, the EC announced on 27 August 1991 that it was establishing both a Peace Conference on Yugoslavia (Lord Carrington was decided to be president), and an Arbitration Commission comprising five Presidents from among the various Constitutional Courts of the EC countries. The Arbitration Commission became known as the Badinter Commission after the name of the French lawyer appointed as its president and as part of its mandate it should assess whether the situation in Yugoslavia should be seen as one of constituent parts thereof attempting to secede from the federal state. Even though Bosnia declared *de facto* its independence with a parliamentary declaration of sovereignty already on 15 October 1991, the Badinter Commission in January 1992 concluded that, as a former republic within the Yugoslav framework, Bosnia was indeed “allowed” to undertake this step. The Republic of Bosnia and Herzegovina was then recognized by the EC on 06 April 1992 and by the US one day later. Immediately an outbreak of violence followed in which the Serb leadership intended to preserve Bosnia as a part of the former Yugoslav Federation⁹⁷.

From the outset, it was a mistaken belief of the Europeans that they could handle their first post-Cold-War challenge on the Balkan by their own. As the former President of the European Commission, Jacques Delors, stated: “We do not interfere in American affairs; we trust Amer-

⁹⁶ Thereafter referred to as Bosnia as outlined in chapter three.

⁹⁷ See, among others, Petritsch for an excellent introduction to the Bosnian history (Petritsch 2001) – we could have been much more detailed in the following on the developments and the conflict lines in Bosnia itself. However, due to the scope and the perspective of this study, we will focus on the major international developments subsequently.

ica will not interfere in European affairs” (quoted in: Holbrooke 1999: 21) and the Foreign Minister of Luxembourg, Jacques Poos, famously acceded: “This is the hour of Europe. It’s not the hour of the Americans” (quoted in: Scherff 1998: 298).

Hence, the Americans for the first time since World War II, Washington had turned a major security issue entirely over to the Europeans, moreover they even refused to act - an “inadequate” response to the crisis, as Holbrooke states (Holbrooke 1999: 27). There were four major reasons for this: firstly, there was a post-Iraq-War fatigue in the US: “even a great power has difficulty in dealing with more than one crisis at a time” (Zimmermann 1996: 174). And President Bush was stating: “I do not want to see the United States bogged down in any way into some guerilla warfare” (Gompert 1994). Secondly, the at that time US Secretary of State, James Baker, admitted that in 1991 “our central focus for months to come would be on managing the peaceful dissolution of the USSR” (Holbrooke 1999: 31). Thirdly, the American presidential elections were only one year away with a candidate, Clinton, who explicitly used the slogan “it’s the economy, stupid” to show that his focus would be in the domestic affairs (Durch 1997: 12/13). And fourthly, even though the intervention implied in the beginning a first change towards a more proactive foreign policy, the experiences in Somalia where the US decided to withdraw after a major setback in Mogadishu contributed to a reluctance to intervene afterwards – in particular under UN command⁹⁸. It took until the second year of Clinton’s presidency that the policy changed considerably: in 1994, the Secretary of Defense, Perry, announced: “we have a compelling national security interest in preventing that war and its consequences from spreading beyond Bosnia [and] at the same time [...] we have a humanitarian interest” (quoted in: Halverson 1996: 21). And the US National Security advisor at that time, Anthony Lake, showed a way of acting according to these interests: “Humanitarian actions nurture the [...] public’s support for our engagement abroad” (Wesley 1997: 5). And indeed, it was mainly the extensive humanitarian focus of the media coverage on Bosnia that pressed Clinton to follow a proactive foreign policy (Auerbach and Bloch-Elkon 2005)⁹⁹

But the problem of the European Union and later of the United Nations was not a commitment to humanitarian action. Merely the cleavages within the member states at a time of

⁹⁸ The expansionist US role in Somalia in 1993 was followed by the Presidential Policy Directive 25 of 1994, which set out tough conditions for US involvement in UN peacekeeping and, thus, a position of reduced commitment (Luck 1999).

⁹⁹ As Auerbach and Elkon elaborate, the US press coverage of the Bosnia crises contributed to “transforming [the] crisis from a macro-systemic crisis, hardly noted by the decision-makers, into a micro-perceptual crisis, receiving higher priorities from them” (Auerbach and Bloch-Elkon 2005: 83). The famous phrases by SG Boutros-Ghali, “CNN is the 16th member of the Security Council” (quoted in: Schuler 2002: 73) and “today law seems to be replaced by opinion as the source of authority, and the media serve as the arbiter of public opinion” (quoted in: Petritsch and Pichler 2004: 18), proved once more to have a point.

disorientation and re-balancing after the breakdown of the Iron Curtain were accounted for shortcomings related to the international responses a heavy fight and long-standing irritation about the German quasi-unilateral move to rush with the recognition of Croatia and Slovenia whereas France and the UK supported the Serb position in the beginning (Crawford 1998). Even though Holbrooke writes: “in the end, while the German decision probably hastened the outbreak of war in Bosnia, the conflict would have occurred anyway, once it was clear that the West would not intervene” (Holbrooke 1999: 32), the quarrel about this issue paralyzed the European institutions in its response to the crisis for months. Furthermore, it was evident that the EPC did not have any serious instruments at its disposal in times of disagreement among the member states¹⁰⁰ and it could not threaten with the use of military force: as outlined, the European security and defence alliance WEU was at that time not integrated into the EPC taking part only in three minor operations like „Sharp Vigilance “ from 01 July 1992 (by June 1993 transferred to the NATO operation „Sharp Guard“) to guard the Adriatic Sea, in June 1993 some policing activities on the Danube, and later the deployment of police component to the EU administration of Mostar (Varwick 1998: 295-299).

The Europeans and its chief negotiator, Lord Carrington, could only act with more serious bargaining chips when the United Nations appointed Cyrus Vance as their negotiator in the peace process adding the possibility of UN peacekeeping troops – the United Nations Protection Force (UNPROFOR) which was originally deployed in Croatia but the extended too Bosnia (Holbrooke 1999: 31). Now, as the first refugees arrived in the Western European states and started an open public debate, one tried with more insistence to come to a settlement of the conflict. But all attempts by various European-United Nations-tandems (Vance-Carrington; Vance-Owen, and Owen-Stoltenberg) failed due to the unwillingness of the warring parties and due to the heterogeneity of the international scene (Petritsch 2001: 32-37). The Russians took a pro-Serb position based on its historical ties and worries of a NATO expansion, and contributed to a passive role the UN assumed during this time. As noted above, the US began only slowly to get involved into the conflict. But by then, it considered the conflict as an international one, whereas most of European States and the United Nations classified it as a civil war. Consequently, there was no clarity on how to respond adequately (Calic 1994). Crawford provides an excellent example for another fight for turf: the US State Department undermined Muslim sup-

¹⁰⁰ One could only agree on deploying a European Community Monitoring Mission from July 1991 which was provided with an unclear and weak mandate, being in constant rivalry on information with the UN, and did not include any link to the US (Maurer 2001: 79-98). After the rifts in EC policy, Germany and France shifted their priorities by focusing on strengthening the multilateral arrangements and establishing the Common Foreign and Security Policy (CFSP) of the EU – the major weaknesses of the EU foreign policy remain in place, however (Koslowski 1997: 73/106).

port for the Vance-Owen plan by telling Bosnia's President Izetbegovic that the US would support him if he demanded changes. The European chief negotiator at this point in time, Owen, it was suspected that Clinton disapproved the plan because it was formulated by European institutions and the United Nations. (Crawford 1998) Whether these contentions are true or not, they show that firstly, there were serious frictions in the western international community and secondly, that these conflicts were only marginally based on the assessment of the situation in Bosnia as merely the struggle for positions of states and organizations in the post-Cold-War era.

On 26 April 1994, a Contact Group for the Balkans was created during a meeting of the some foreign ministers in Geneva. This group was comprised of representatives of the US, France, Britain, Germany, and Russia. This group should find a solution to the various diplomatic deadlocks on the issue of Bosnia (Crawford 1998: 108) but for months there was again a heated dispute about the sanctions against the Milosevic regime with the United Nations and Germany on one side, and the UK, France, and Russia on the other.¹⁰¹

As regards the UN responses, they were as well characterized by strong disagreement among member-states but as well by inherent tensions in the Secretariat leading to inappropriate responses as we will elaborate in the following. During a first violent crisis at Srebrenica, in 1993, the SC established the "safe area approach" (S/Res/819 1993) to protect selected cities from mainly Serb violence. This approach was supported by France and the UK, and reluctantly by Russia, but US and the non-aligned like Venezuela and Pakistan as well as the Islamic states pushed for stronger measures.¹⁰²

The consequences of these disagreements can be shown in the limited¹⁰³ response reflected in the resolution 836, which was adopted at a time when the obviously missing resources for the creating really safe havens were reported from the field on a daily basis: UNPROFOR

¹⁰¹ In Russia, for instance, some rumors spread that participation in the sanction regime against Yugoslavia (and Iraq) would cost the Russian economy contracts worth of US\$30 billion a year. Russia wanted instead to follow a carrot strategy of easing the sanctions in order to get Milosevic to put more pressure on the Bosnian Serbs. The UK and France had different motives but supported as well this carrot strategy. The US, aided by Germany, called for tougher measures (Crawford 1998: 107).

¹⁰² The US found at that time many allies among the Islamic states being of importance when it came to debates in the Security Council (with Morocco, Pakistan, Oman, Indonesia and Egypt as members of the Security Council between 1992 and 1996, there were at least two Islamic states at the same time present to back the US position within the debates on Bosnia – see table A.2 in annex 1). Furthermore, the non-aligned continued with their strong involvement: after an report to the SC (S/25700 30 April 1993), they called even for "enforcement measures" (A/54/549 15 November 1999: 68/69) but in the end, this had been dropped by France and the UK to only 50 UN military observers additionally (S/Res/824 1993) – both, France and the UK had major troops in Bosnia and they did not want to see them endangered.

¹⁰³ Limited only in qualitative terms but not in quantitative: as Berdal further notes, there was a ever-growing number of SC Res. and presidential statements related to Bosnia – 140 between 1991 and 1995 (Berdal 2003: 6)

should deter attacks on the safe areas but could act only under “self-defence” (cf. Akashi 1998: 133, S/Res/836 1993). In addition, the influence of national structures of command remained oftentimes prior to UN guidance: when a Nordic battalion, for instance, was ordered to take up positions in Srebrenica in 1993, its commander refused, on instruction from Stockholm (Harland 2004: 17). The former SRSB Akashi was stating: “The competing interests of the Council’s members, and the resultant inability of the Council to develop an overarching strategy toward Bosnia, resulted in the Council responding to tactical developments, issuing mid-course changes, and passing resolutions that often reflected the domestic political needs of the Member States rather than the operational and strategic requirements of UNPROFOR [...] The UNPROFOR Headquarters saw a stream of ministers, ambassadors and generals pass through” (Akashi 1998: 134) – “a disastrous incremental mandate approach” (de Mello 2002: 18) and a disjunction between SC decisions and UNPROFOR activities due to deepening international tensions could be noted (Berdal 2003: 6, Woodward 1995: 378).

As regards the internal developments within the UN system, the UN was a prisoner of the doctrine of sovereignty as it had recognized Bosnia as a member state. For this reason, it “deemed it necessary to reject any model based on three separate ethnic states” (S/24795 11 November 1992: para. 13). The Srebrenica report by the UN speaks of an “institutional ideology of impartiality” and a “pervasive ambivalence within the United Nations regarding the role of in the pursuit of peace” (A/54/549 15 November 1999: par. 505)¹⁰⁴. The outlined traditional point of view was most prominently taken by the SG Boutros Ghali who, in addition, was intentionally distanced towards the SC and in particular towards the permanent members (Schuler 2002: 156/160). As Holbrooke (1999) pointed out, the US was more and more openly supporting the that time Under-Secretary-General (USG) for peacekeeping operations, Annan, leading to major internal tensions with SG Boutros-Ghali and to a politically motivated carousel of high-level personnel which was not in line with any functional logic: in February 1996, the Secretary-General appointed Yasushi Akashi as USG of Humanitarian Affairs. Mr. Akashi succeeded Peter Hansen, who was beforehand appointed Commissioner-General of the United Nations Relief and Works Agency for Palestine Refugees in the Near East. Only by this arbitrary casting, the SG Boutros-Ghali was able to place his alleged rival Annan as successor of Akashi as Special Representative in the former Yugoslavia, in some distance to New York.¹⁰⁵ These developments aggravated the inadequacy of UN responses and led to a steady marginali-

¹⁰⁴ The General Guidelines for Peacekeeping of 1995 underline this general reluctance of the UN and especially the SG Boutros-Ghali to the use of force: “Peacekeeping and the use of force should be seen as alternative techniques and not adjacent points on a continuum” (UN/210/TC/GG95 October 1995).

¹⁰⁵ Interview with GenMajor a.D. Manfred Eisele, 17 November 2005

zation of the organization in the international negotiation processes (cf. establishment of the contact group and a gradual autonomous involvement of NATO as we will outline in the following).

The involvement of the NATO in the conflict followed a chaotic path: the NATO Council did in the beginning not consider taking part in any kind of peace operation (see chapter four). Furthermore, it was blocked at length as in particular the US and France had different opinions on the role the alliance should assume¹⁰⁶, as the consensus principle was prevalent. But the public pressure from the international media¹⁰⁷, the domestic constituencies and the engagement by top-level politicians helped to gain coherence in NATO policy and to find a new role for the alliance in the European security architecture after the Cold War best expressed, as outlined, in the famous phrase by US Senator Lugar: “NATO must go out of area or it will be out of business” (Koslowski 1997: 26). In addition, the degree of threat to the security of its member states increased as a regional conflagration became more and more likely – in particular, on was worried about the growing tensions between Greece and Turkey as outlined before (Koslowski 1997: 28).¹⁰⁸

A fuzzy compromise was finally found to involve NATO under the legitimacy of an UN resolution to protect the “safe” areas: to bridge the diverging interests, one agreed that NATO could only act under the so called “dual key” arrangement under which both NATO and UN (respectively, the head of UNPROFOR) had to agree to an air strike by NATO. Essentially, this was a dual veto leading to a de facto non-intervention. One of the first instances that this deadlock of overcome, it led to an even more sticky arrangement in the end. When NATO bombed – called by UNPROFOR – the Serb positions in retaliation for the Serb shelling of Sarajevo and other ‘safe areas’ in March 1995. The response by the Bosnian Serbs was to seize more than 350 UN peacekeepers and calling them “human shields” (the world press showed extensively the images of French soldiers waving white flags of surrender). After negotiations between the UN and the Serb commanders, the peacekeepers were released but there was a suspicion of a secret deal that the UN agreed to veto any further attacks of NATO. The SRSK Akashi who originally had approved the air strikes, told his staff that the NATO has finally shown its ‘inef-

¹⁰⁶ Interview with Wolfgang Petritsch, 08 November 2005.

¹⁰⁷ In particular a first Serb attack on a marketplace in Sarajevo (05 February 1994) was worldwide covered by the media, and NATO issued subsequently an ultimatum to the Bosnian Serbs to withdraw from a buffer zone around Sarajevo that lead to a temporary improvement of the situation and to a more or less stable ceasefire – the fighting was resumed in late spring 1994. Interestingly the UN command reported that the mortar could easily have been fired from a Bosnian army position – but NATO ignored the report (Crawford 1998: 113).

¹⁰⁸ Greece showed strong support to the Serb position as the long-standing conflict with Turkey overshadowed their foreign policy at that time (Wesley 1997: 34). Turkey as well was quite involved supporting the Muslim Bosniaks.

fectiveness' and the SG Boutros-Ghali gave the order that from now on, only he in New York could ask NATO for air strikes (Holbrooke 1999: 65). The NATO was even blocked as Boutros-Ghali was known for his reluctance to the use of force and the call for an international withdrawal and action independent of the UN gained more and more weight.¹⁰⁹

Two incidents finally led to an isolation of the ones that favored still a UN option: firstly the Srebrenica massacre in the July 1995 when Serb militias killed an estimated 7,800 to 8,000 Bosniak males in a horrible violation of the UN safe area policy – Dutch peacekeepers could only step aside due to their weak rules of engagement and their little number. Under the impression of an international outcry to do something, the US finally undertook a first but decisive step during an international crisis meeting in London on 21 July 1995 to abandon the “dual key arrangement” and focusing only on NATO. After a second supposedly Serb attack on the market-place in Sarajevo (28 August 1995), Holbrooke remembered, that “Boutros-Ghali” issued a statement that, typically, meant almost the opposite of what it seemed to say” (Holbrooke 1999: 91/92). Despite of his statement “to take appropriate action without delay”, Holbrooke was sure that “this was a device to avoid taking action” (Holbrooke 1999: 92). This showed the deep distrust the American diplomats had in the SG. When, on 29 August 1995, the SG Boutros-Ghali was unreachable on an aircraft, his “best deputy” Kofi Annan being in charge of the DPKO at this time, decided on his own to relinquish for a limited period of time their authority to veto air strikes in Bosnia (Holbrooke 1999: 99). The NATO was thus for the first time really actively involved conducting air strikes and setting ultimatums. Finally, Russia gave, reluctantly though, its final consent to this NATO intervention, and the US was now the driving force behind all international actions concerning the conflict in Bosnia.

1.2 Towards a Mandate

By this time, that there should be a last, major attempt to reach a peace-agreement. The seeds were laid in an agreement on non-negotiable “basic principles” in Geneva (08 September 1998) and a rough guideline on the international institutional landscape after a settlement with an NATO-led Implementation Force and elections monitored by the OSCE (Petritsch 2001: 48/49)

¹⁰⁹ The Europeans, for instance, decided, after a joint British, French and Dutch announcement on 3 June 1995, that a Rapid Reaction Force would be deployed in Bosnia – but it was not clear, whether it was designed to keep the troops in the country or to held it get out quickly (Petritsch 2001: 45). There were indeed plans to withdraw all the troops by an intervention of NATO under the plan OpPlan 40-104 – this was de facto the last missing step to put the US on the front-stage as it entailed a military automatism: Clinton was only later aware of the fact, that he did not have any other option than to be engaged fully in the peace process (Holbrooke 1999: 66)

However, there was still a diplomatic turf-battle going on. That this was clearly not centered around a needs assessment of the conflict at hand is perhaps best illustrated by pointing to an issue that kept the transatlantic diplomats, mainly of France and the US, busy and prolonged the way to a peace-agreement considerably: the question was which country should host the final peace conference (Holbrooke 1999: 186-201). After long quarrels, one finally agreed to negotiate in an airbase called Wright-Patterson in Dayton, Ohio in the US, but the signing ceremony should be held in Paris. Then Italy demanded to host as well a major conference on Bosnia, therefore there was an expanded Contact Group meeting just before Dayton in Rome. Of course, “Moscow wanted its moment in the limelight as well. Each major European nation wished to host an international meeting, designed in large part to demonstrate to its domestic audience that it was involved in the peace process. John Kornblum termed this phenomenon ‘conference proliferation’” (Holbrooke 1999: 201).

But Dayton remained in essence a US managed process, as Chandler highlights (2005: 337/338). Despite the primary aim to overcome the disagreements between the warring parties (how to draw the inner borders, in particular between the Croat-Muslim Federation and the Republika Srpska, and which role should be assigned to the central government), in the run-up to the Dayton negotiations, the international scene was shaken up by two other issues: the role of the International Police Task Force (IPTF) and the mandate of the senior civilian implementation officer, who would be Carl Bildt. On both issues, one agreed only on the last minute and it was mainly a Europe-US cleavage that was appearing there (Holbrooke 1999: 240/251). Prior to the negotiations in Dayton, the US envisaged control of both the military and the civilian side in a post-war Bosnia. The Europeans, however, lobbied hard for the inclusion of the UN in the nomination and implementation processes and, most important, for their role in their own backyard (Chandler 2005: 338). The US conceded partially due to fact that the US President was not able to get any funds approved as he was told by the Congress that they expect the Europeans to pay for the reconstruction in Bosnia (Durch 1997: 12/13). In the end, a “European” High Representative took over for the civilian side (Bildt 1998). The Office of the High Representative (OHR) was finally consistent with relevant Security Council resolutions, but not formally run or directly accountable to the UN. Instead, as a transatlantic compromise, a kind of international legitimacy with European participation a Peace Implementation Council (PIC) was established recognized only after its establishment in a Security Council Resolution (S/Res/1031 1995). We will elaborate on this institutional design of the established interim-administration further in the next section.

1.3 Assessment of the Degree of Heterogeneity

This above analysis showed two things: firstly, the ambiguity and the stickiness in the international institutional setting led indeed to the expected outcome. The responses of the UN in particular were insufficient and deadlocked on many layers. Secondly, there was a considerable heterogeneity in the run-up of to the peace operation that will be examined in greater detail below: a high divergence between the interests of the major powers, the multiplicity of competing alternatives on how to respond to the Bosnian conflict in changing coalitions, and the high degree of salience attached to the conflict at least in 1994 and 1995 though often related to fights for turf in the post-Cold-War European security architecture. Hence, apart from the complex and all too often deadlocked situations between the warring parties in the Balkans, major quarrels on the international level contributed decisively to an aggravation and the longitude of the conflicts as it led to inappropriate initial international responses. In the following, we will analyze how this translated into a design of the international authority in Bosnia and how it affected the subsequent implementation processes.

2. The Institutional Design and Formal Authority

The so called General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP), negotiated in Dayton and signed in Paris, ended the long-standing conflict in Bosnia. It provided foremost a constitutional framework for the war-shattered country: Sarajevo would be the capital of an independent Bosnian state, the presidency would rotate among the Bosnian Serbs, Croats, and Muslims, the central government would be a weak one, and Western Slavonia and Krajina would become part of Croatia. Before going into the details of the design of the international presence, two major weaknesses shall be outlined related to the constitutional framework: firstly, though being de facto under international authority Bosnia is a unitary state, but the two entities possess many prerogatives of states as well (separate administration, citizenship, own armies, right to form special parallel relationships with neighboring states, most of the revenues are raised on the entity level, etc.) formally, decentralization is not a bad thing, in case of Bosnia, however, it hinders a self-sustaining state-level (Caplan 2004: 56). Secondly, none of the warring parties was really satisfied with the peace-agreement. These two elements led to the emergence of spoilers and to obstructionist forces to the international implementation of the agreement.

Even though the agreement was designed as a treaty between the regional parties and not for international agencies, most of the text (in particular the extensive annexes) was devoted to the structure of the international presence: a NATO-led international force (IFOR) was to lead the military component. The tasks of the civilian implementation were, however, “parceled out annex by annex to numerous agencies” (Cousens 2002: 540): the OSCE and its 800 staff was assigned to conduct the elections, to foster trust among the warring parties, and to lead the negotiations on disarmament and military equilibrium within the OSCE-Forum on Security Cooperation; the UN should ensure civilian security (United Nations Mission in Bosnia and Herzegovina – UNMIBH); UNDP and UNHCR were responsible for the refugee questions (very detailed in the GFAP (GFAP 1995: Annex 7, Art. III/2 / Annex 4, Art. II/5), and the Office of the High Representative (OHR) should formally be the highest civilian authority (GFAP 1995: Annex 10) with a clear separation to IFOR (GFAP 1995: Annex 10, Art. II/9). As regards the latter, the US feared a strong role for the civilian side as this would eventually involve the NATO-led IFOR in efforts to buttress the authority of the HR (Bildt 1998: 130-132): “The High Representative shall have no authority over the IFOR and shall not in any way interfere in the conduct of military operations or the IFOR chain of command” (GFAP 1995: Annex 10, Art. II (9)). IFOR should concentrate only on military aspects (cf. table A.3 in annex 1 for further details on the international presence in Bosnia).

The major international oversight body was an ad-hoc creation: on an international conference in London (08/09 December 1995), the international Peace Implementation Council (PIC) was established as a successor to the International Conference on Yugoslavia. The PIC consisted of 58 members (states and international organizations) that are directly involved in the implementation of the GFAP (whereas the membership of UNTAES and of the Brcko-Court (see below) ended with the fulfillment of the respective tasks, China quit in 2000 voluntarily) – some do only have an observer status like the neighboring countries of Bosnia and the Bosnian parties. This points to a clear lack in accountability related to the people that were to be overseen. This can be illustrated as well in the established offices of ombudspersons – one at the state-, two at the entity-level – but complaints could only be filed against local authorities; the international presence was not within the reach of the Bosnians (Caplan 2005a: 200).

This counts in particular for the High Representative (HR): the PIC installed a Steering Board headed by the OHR and meeting weekly in Sarajevo on the level of ambassadors, at least every second month on the international level, and at least annually on ministerial level. This

latter ministerial meeting has the right to nominate the HR which is always a European¹¹⁰ but the nomination has to await the approval of the Security Council which in turn decided to encourage all UN institutions to cooperate with the High Representative and to accept his leadership role (S/Res/1031 1995).¹¹¹ The HR is also required to report periodically to the EU, the US, Russia and other interested governments, parties and organizations on progress in implementation of the GFAP, and to brief the PIC and its Steering Board regularly (GFAP 1995: Annex 10 Art. II.1 (f)) – but there was no obligation to involve the Bosnians.

Europe should head every civilian implementation institution in Bosnia with the exception of the OSCE. This was due to the fact that Clinton promised to get the American troops out of Bosnia within twelve months (he needed to in order to receive the approval of the Congress). Early elections were considered the silver bullet to this rapid exit. As the final wording in the GFAP was very ambiguous (“oversee and conduct the elections”), the US wanted to ensure that the “maximalist approach” should be taken – and indeed, the US head of the OSCE mission at these days, Robert Frowick, claimed to have the authority to declare any party or individual ineligible and took the asked fast-track approach (Holbrooke 1999: 321). In other areas, there was no clear timetable for the reconstruction tasks.

As regards the International Police Task Force (IPTF) as part of UNMIBH, NATO refused to agree on anything which would lead its military undertaking non-military tasks. The US administration was pressing for a strong role of the police but without giving the task to the UN while being in a huge budget confrontation with the newly elected Republican Congress – and the Europeans wanted only a “monitoring police force” as they feared that they would be assigned this unpopular task (Caplan 2005a: 48) and pressed for the NATO-led Implementation Force (IFOR) to be more involved in overall rule of law issues. Finally, one agreed in Annex 11 of the GFAP on the lowest common denominator: a non-involvement of the military in alleged civilian tasks of policing (the IPTF should, in case of non-cooperation of the former warring parties, only be allowed to ask the High Representative for taking appropriate further steps (GFAP 1995: Annex 11 Art. V)), a weak mandate for the IPTF assuming only responsibility for

¹¹⁰ “The nomination procedures of the High Representative via shortlists are highly political and involve the direct engagement of many European governments.” (Interview with Wolfgang Petritsch, 08 November 2005). As already indicated, a complicated formula existed: the high representative would always be European, at least two of his or her chief deputies would always be German and American; and the head of OSCE mission would always be American.

¹¹¹ As Petritsch and Koessler pointed out in an interview, this approval of the SC was of great importance for the High Representative as it provided a broad international legitimacy (Interviews with Wolfgang Petritsch, 08 November 2005 and with Gregor W. Koessler, 24 November 2005).

an unarmed assistance program restricted to monitoring, advising and training (Zisk 2004: 135)¹¹², and an involvement of the UN to implement it.

As in the case of police, the GFAP did not provide a very strong mandate related to the re-integration of refugees and internally displaced persons: the UNHCR having the prime responsibility for this task, was dependent on the good will of the local authorities to conduct their settlement programs (Caplan 2005a: 72).

As Kerr observes, one major political actor was as well the International Criminal Tribunal for the former Yugoslavia (ICTY)¹¹³ but it was political only in that it was part of mechanism and, at least in the beginning not explicitly involved into the implementation process (Kerr 2004: 208).

Two patterns need to be highlighted as regards the overall design laid down in the GFAP: firstly, various actors were assigned to cooperate on the fulfillment of essentially the same task without outlining a clear coordination mechanism¹¹⁴. A striking example is the oversight of the implementation of human rights (GFAP 1995: Annex 6) delegated to the OSCE, the Council of Europe, the UN High Commission on Human Rights, and the European Court on Human Rights. Secondly, some roles were not even foreseen in the agreement the economic reconstruction that was effectively pursued by the World Bank – having been actively involved in the Dayton talks and lobbying successfully to include provisions for a fiscal strategy in the GFAP (Kreimer et al. 1998: 46/56) – and later more and more by the European Union (Hooper and Taylor 1999: 41). In both cases, we assume – according to our theoretical framework – that an institutional gap might arise as this vagueness could theoretically only be mitigated by extensive coordination or a strong central authorities.

Two interesting anomalies in the multi-headed structure of the post-Dayton Bosnia contributed to the multiplicity of levels and actors involved: two quite independent missions were established in two municipalities inside Bosnia: one in Mostar, where the EUAM existed further until 1996 a regional office of the OHR opened, and in Brcko being heavily contested between the warring parties due to its strategically important position linking the two parts of the Serbian entities. The future of Brcko should be decided on international arbitration as foreseen

¹¹² The responsibility for the maintenance of a secure environment was assigned to the Bosnian Parties themselves (GFAP 1995: Annex 11 Art. I(1)) but as outlined, this was not due to trust in the Bosnians but rather a consequence of the diplomatic rifts on the international level.

¹¹³ The ICTY was established by the SC resolution 827 in the face of the serious violations of international humanitarian law committed in Croatian and Bosnian conflicts since 1991, and, explicitly, as a response to the “threat to international peace and security” posed by those serious violations (S/Res/827 1993).

¹¹⁴ All civilian agencies reported separately to their respective governing bodies, not to the OHR, and non had the incentive to put their operational resources under the high representative’s direction (Cousens 2002: 542).

by the GFAP. The tribunal decided in 1997, that the Republika Srpska had failed to implement its obligations and a supervisor appointed by the High Representative was put in place exercising full governmental powers. Chesterman reports, that this special status of the supervisor caused some envy from within the international community, and, interestingly, “by 2003, Brcko was the only Bosnian municipality with significant minority returns and beginnings of a functioning multi-ethnic police, judiciary, and town council (Chesterman 2004: 79) – interestingly, with a hierarchical design.

In sum, we can conclude that the formal authority assigned to various international actors followed clearly the assumption of a heterarchical mission design. To fall back on a view examples: the degree of centralization seems to be low as regards the separation between the military and the civilian side. We will assess the performance of the civilian side itself later, but having in mind the outlined role of the OSCE or the variety of actors working on the human rights issues, we assume little control of the OHR related to some other civilian actors. When considering the example of the economic actors, the level of codification does not seem to be all too high, but we will have to look at the dimension of latitude of behavior in the next section to the judge finally the degree of formalization. The enormous multiplicity of actors and the assumed deficits in coordination point to a high degree of complexity. As outlined, many of these characteristics can be directly related to international heterogeneity during the designing phase – see, for instance, the quarrels over the police component or the fast track election approach that was guided by domestic considerations and not by an assessment “on the ground”. In the following, we will assess how this developed during the implementation phase.

3. The Real Authority, Redesign and Implementation

The purpose of this section is threefold: firstly, we want to assess in how far the decisions taken during the designing phase affected the daily implementation processes; secondly, the lines of real authority shall be judged by looking at working relationships between various international actors, the coordination mechanisms, the dissemination of information and resources and the processes of redesign. Thirdly, an assessment of the overall performance of the peace operation by looking at the sub-goals outlined in the research design – this is necessary to come to a conclusion as regards the functionality of the international undertaking. We will start, by examining the general structures and processes in the field before going more into detail of the sub-goals related to the establishment of good governance and of socio-economic reconstruction.

3.1 Organization and Finance of the Peace Operation

As seen, the GFAP assumed a high degree of cooperation and reconciliation between the former warring parties for the civilian side lacked officially assigned enforcement capabilities. But this degree of cooperation was not existent as the ethnic cleavages remained in place, a geographical separations still persisted, and nationalist forces were asked to the negotiation table in Dayton providing them with legitimation and a stage for announcing their dissatisfaction with the agreement. As Cousens highlights, many factors of the GFAP itself contributed to further weaken the integrationist forces of the agreement¹¹⁵ such as the decision to decentralize implementation among multiple international organizations in the absence of a robust mechanism for coordination and the unwillingness to use military resources in support of civilian implementation (Cousens 2002: 533). Holbrooke remembered: “Unfortunately, we had created a structure implementing Dayton in which responsibility and authority would rest with no single individual or institution [...T]oo many [agencies] still remained in the process (Holbrooke 1999: 319).

Hence, overlaps between the work of the several actors could not be avoided: especially in the earlier phase of peace implementation, all actors were focused on achieving their results or implementing their programs. In some areas, there remained rivalry over certain areas (economic quick impact projects), in others (refugee return), integrative action was very successful: “the demarcation of fields of action provided by the GFAP left room for competing over competences in the implementation phase. In sum, however, the problem was less attributable to a lack of clarity of mandates but to a certain institutional rivalry and the presence of several leaders or ‘cooks’”¹¹⁶.

Originally, the OHR should provide the necessary coordination, but had a slow start due to lack of resources (see end of this section). It started hence as a small, flat structured institution but expanded until the end of the 1990s to a full-fledged administration with 700 staff at its peak. The main departmental structure of the OHR followed in the end a functional organizational line. But, as mentioned already, the OHR did not have any enforcement capability for his task: “now the full consequences of the absurd position taken by NATO – opposing a police

¹¹⁵ Cousens observes a fundamental tension in the GFAP between partitionist (the lines of confrontation were affirmed and political rights derived from them) and integrative (from above by joint institutions and from below by the provisions for return) elements (Cousens 2002: 543).

¹¹⁶ Interview with Gregor W. Koessler, 24 November 2005. Cousens confirms this: the various international actors “were often in fierce competition based on differences in mandates, methods, governance, organizational cultures, lines of authority or generic rivalry.” (Cousens 2002: 544).

force with enforcement capability while itself refusing the task – began to come home to roost” (Holbrooke 1999: 324/325). Bildt remembered later that “the Americans initially stressed purely military aspects and did not want any cohesive civilian or political authority (quoted in: Holbrooke 1999: 364). Whereas IFOR had a relatively clear mandate, with achievable objectives and a relatively streamlined organization in the background, the opposite was true of the civilian side. As Baskin puts it, the “OHR was perceived by some nationalist leaders to talk loudly and to carry a small stick” (Baskin 2004: 130).

This led, for instance, to a lack of leverage as regards the other civilian actors that rather listened to their own headquarters than to the “highest civilian authority”. UNMIBH, for instance, exercised in practice “far greater control though a combination of mission creep and sometimes combative relations with the High Representative” (Chesterman 2004: 76/77)¹¹⁷. Apart from the designated task of being responsible for the police reform and training, it was thus involved in wider range of law enforcement, humanitarian relief, refugee concerns, demining, elections, human rights, economic reconstruction and infrastructure. As Weisbrod-Weber explains, “UNMIBH experienced at the beginning a mental problem: as many of the staff of UNPROFOR remained in Bosnia, there was a feeling of being responsible for almost everything and lots of energy was dissipated before, finally, one was focused on the police reform from 1997 on.”¹¹⁸ A stronger authority of the OHR, be it via related instructions by the various headquarters, or via assigned control over dissemination of information and resources would have mitigated these conflicts. The failures of coordination were additionally abused immediately by local parties that became masters at exploiting international divisions – they were “shopping around for a better deal” (Allin 2002: 83).

A ‘mid-term’ review conference of the PIC in Florence (13/14 June 1996) was already recognizing the need for a stronger civilian mandate. Regular coordination meetings were held from now on between the OHR, IFOR, OSCE, UNMIBH, IPTF, and UNHCR and the international community recognized step by step that much more reform was needed to overcome this “hydra-headed structure” (O’Neill 2002: 37) – foremost, a strengthening of the role of the High Representative.

The political landscape of Bosnia was finally changed completely, as the meeting of the foreign ministers of the PIC in Bonn (9/10 December 1997) agreed to give the High Represen-

¹¹⁷ UNMIBH was reporting directly to the Security Council and the Secretariat – the developments and the changing roles of the OHR were only of minor concern for the UN mission as Weisbrod Weber outlines (Interview with Wolfgang Weisbrod-Weber, 25 October 2005).

¹¹⁸ Interview with Wolfgang Weisbrod-Weber, 25 October 2005.

tative extraordinary powers in the executive but as well legislative area¹¹⁹ in Bosnia on an indefinite basis (PIC 1997: Art. XI) – finally, the HR was indeed the highest authority in theatre on the civilian side having leverage on the parties and strengthened slightly in the relationship with other international organizations present in Bosnia (S/2001/1132 29 November 2001): “the scope of the OHR is such that, to all intents and purposes, it constitutes the supreme institution vested with power in Bosnia and Herzegovina” (Caplan 2005b: 468). This complete change in policy was only possible as there was at that moment a relative homogeneity of interests among the major powers (cf. Geiss and Intemann 1995: 72). This supports clearly our hypothesis on the link between design and composition of the sponsoring coalition.

Westendorp, who was at that time heading the OHR, made swiftly use of these new possibilities and he pushed through a number of decisions that were blocked before by the veto-laden central institutions of Bosnia. Among these were decisions on a common flag, on a common citizenship, on the design of a new passport, and, finally, Westendorp was using his power to unseat Bosnian officials (even elected ones) that were hindering the implementation of the GFAP - the High Representative Petritsch, announced the deposition of 22 officials only on 22 November 1999 (Petritsch 2001: 104-109/140). These powers were of interest for the other agencies as they were all too often stuck in their work with various spoilers.

In addition, the coordination processes were streamlined and the OHR slowly improved its function in holding daily between UNMIBH, OHR, IFOR/SFOR, IPTF, and, related to the topic, with the OSCE or UNHCR (Chesterman 2004: 77), even though one started not before the 1998 Madrid PIC meeting with detailed implementation agendas and it took another five years that the OHR devised a mission implementation plan identifying the core tasks which was very detailed and elaborated but just seven years too late, as Caplan states (Caplan 2005a: 173). The top-level meetings between the Commander of IFOR/SFOR and the HR were the most important but as well the most delicate ones: not only due to the strict separation foreseen in Dayton but as well due to different organizational cultures, the IFOR and the OHR were “living in different worlds”.¹²⁰

¹¹⁹ The HR was allowed to dismiss local officials deemed to be obstructing implementation of the Dayton accord and to issue interim laws if the local parties were “unable” to do so (PIC 1997: Art. XI (2)). These legislative powers were reaffirmed by the Constitutional Court in Bosnia “substitution-theory” stating that indeed a regulation put forward by the HR replaces Bosnian law. As Koessler points out, HR was however not a judicative power. But the High Representative could remove judges because of personal misconduct like corruption (Interview with Gregor W. Koessler, 24 November 2005).

¹²⁰ Interview with Wolfgang Petritsch, 08 November 2005.

The importance of the coordination with the EC and the EU Presidency increased steadily over time.¹²¹ As one interviewee of the European Commission pointed out, “the weekly meetings of the PIC Steering Board and of the Board of Principals were the operational basis” of the international presence in Bosnia¹²². For the OHR, these coordination efforts were, however, a heavy burden. As Petritsch’s former Chef de Cabinet of Petritsch remembers, “for the practical Cabinet work, the coordination with the PIC Steering Board member states (in particular with US, EU Presidency, key EU member states, at times with the Russian Federation) took as at the minimum the same amount of time than the other major tasks as laid down in the Dayton Agreement.”¹²³

Another issue shows as well the limits of the recently gained powers that can be found in its dependency on the goodwill of the major powers, notably the US: when the OHR tried to impose a currency throughout the territory one-to-one backed by the Deutsche Mark, the US undercut the OHR’s hard line by backing a compromise, whereby the RS was permitted to issue its own marks (Allin 2002: 84). The influence the US exerted on daily implementation processes can be illustrated by the fact that “the US had alone more staff directly involved in Bosnia-related issues than all the European states together due to their high stake in bringing about the Dayton agreement. Therefore it had the capacity to shape policy by its own.”¹²⁴ Before, we have outlined the relatively streamlined approach of the EU Administration in Mostar. However, international disagreements were hampering even there: the EU transitional administrator Koschnick, for instance, wanted to re-arrange the districts to overcome the ethnic divisions between Croats and Muslims, but his life was seriously threatened. Within weeks, the EU gave up on the Koschnick plan: Italy had just taken over the EU presidency and its foreign minister Susanna Agnelli was poorly briefed on the importance of the issue – against the EU presidency, Germany didn’t want to take a stand and stopped the backing for the Koschnick plan (Allin 2002: 84).¹²⁵

Many interviewees outlined the dependency on the respective personalities of the HRs in determining the overall atmosphere of cooperation and coordination as well as the general state of personal relationships between the various actors mitigating but also some times aggravating the complications in the peace implementation set-up: “The most striking mistake of Dayton was to assign no real coordination power to the OHR right from the beginning. Thus, the OHR

¹²¹ Interview with Gregor W. Koessler, 24 November 2005.

¹²² Interview with an official of the European Commission, 20 October 2005;

¹²³ Interview with Gregor W. Koessler, 24 November 2005.

¹²⁴ Interview with Gregor W. Koessler, 24 November 2005.

¹²⁵ Koschnick confirmed this view in the interview with the author (Interview with Hans Koschnick, 17 November 2005).

had to depend on knowledgeable and integrative persons like HR Petritsch who was able to mitigate these shortcomings by leadership.”¹²⁶ Whereas Petritsch’s ability to integrate and to communicate was often emphasized in interviews, Carlos Westendorp was described as of a “quite distant character” while under Paddy Ashdown “the coordination between the different international organizations and the EU and PIC member states has mostly been good”¹²⁷.

As having mentioned already, the control of resources is of great importance for understanding the working relationships in the field. Even though the GFAP states that “the High Representative is the final authority in theatre regarding interpretation of this Agreement on the civilian implementation of the peace settlement” (GFAP 1995: Annex 10, Art. V), the office was not resourced accordingly: “The High Representative had so little money and support that he was forced to operate without an office or telephones”; only after a while, the Europeans stepped in (finally they paid around 53 per cent of the OHR budget (Petritsch 2001: 91) and Carl Bildt could finally preside “like an elegant squatter over a building filled with wrecked rooms, broken toilets, shattered windows, and almost no staff”: this was clearly the fault in the structures “we had imposed to him”, Holbrooke self-critically states now (Holbrooke 1999: 324). Apart from these major problems in the beginning, the OHR had later sufficient resources to run the administration – but not beyond. Project work like some media projects, the Reconstruction and Return Task Force and the Independent Judicial Commission build-up – the latter was initially funded by the US, followed by the European Commission – remained the exception for the OHR.¹²⁸ But to be able to spend money brings an organization into a much more powerful position as it provides leverage related to other institutions. As Koschnick explains by falling back on a comparison with his experiences in Mostar, “we had the advantage that we had direct access to resources – money means power and signs of weakness in these ethnic conflicts can have damaging effects. The UNHCR, for instance, the ‘old bull’ in this city, had worries in the beginning that EUAM would replace them at least partially, but after a while they recognized that I could use their expertise and that it has advantages to rely on my direct links to the resources of Brussels. The OHR, by contrast, didn’t have the power to distribute the funding for the multitude of projects all over Bosnia. Thus, the single organizations listened primarily to their own departments.”¹²⁹

¹²⁶ Interview with Hans Koschnick, 17 November 2005.

¹²⁷ Interview with an official of the European Commission, 20 October 2005

¹²⁸ Interview with Gregor W. Koessler, 24 November 2005

¹²⁹ Interview with Hans Koschnick, 17 November 2005; Koschnick extended this argument of relative independence from external resources to his own person: “Even personally, my disbursement was still paid by the German state and thus, I felt free of any constraints by international organizations.”

To provide one example: UNMIBH was mainly funded by New York and it focused its efforts to receive the appropriate funding and to outline the effectiveness of the proposed projects to its own headquarters without any consultation with OHR. The funding of UNMIBH (S/Res/1035 1995) was one of the first test cases of the outlined 1994 budgetary reforms (A/Res/49/233 23 December 1994): about US\$14million were approved immediately to set the mission up and it worked smoothly (Salomons and Dijkzeul 2001: 82). In the meantime, a budget proposed for all the missions in former Yugoslavia by the Secretariat was reviewed by the ACABQ suggesting a US\$7,5million reduction of the original US\$52,7million (A/50/903 and A/50/903/Add.1). This was a setback for the mission in the beginning but as the recruitment and implementation processes were delayed anyhow, the reduction could be absorbed relatively easy. In the beginning, the GA insisted on half-yearly approvals – as Salomons and Dijkzeul point out, this was a signal that the situation was considered unstable (Salomons and Dijkzeul 2001: 83). As for the non-assessed means, the Secretariat established a trust fund for the police assistance program. Further adaptation and basically a rise of the funding was necessary when the SC acknowledged that the success in the area of police reform was closely linked to complementary judicial reform¹³⁰ (Salomons and Dijkzeul 2001: 84). This latter step was not coordinated with the OHR and not clearly assigned by the GFAP. OSCE, for instance, interpreted its assignment of human rights implementation quite broadly and was already engaged in the judicial aspects – see next section.¹³¹

In sum, the assumption of a heterarchical design as been underlined by this analysis. The degree of formalization of the daily work of the international presence seemed to be relatively small as could be shown by looking at the examples of UNMIBH that went far beyond its GFAP-assigned responsibilities and of the influence national governments played. The OHR had, in the beginning, no means at its disposal to exercise leverage beyond the reliance on personalities and goodwill. However, a influential redesigning in a phase of relative international homogeneity provided for a significant change in the international political landscape. We will now consider more specific tasks selectively more in depth.

¹³⁰ Resolution 1168 added 30 posts to the IPTF (S/Res/1168 1998); resolution 1174 extended the mandate (S/Res/1174 1998); and resolution 1184, finally, approved the program to monitor and assess the court system in Bosnia and Herzegovina (S/Res/1184 1998).

¹³¹ The OSCE mission in Bosnia, for example, had a budget in between US\$17,7 and US\$20,7 million in the years 2003 to 2005 (See official budget on the website <http://www.osce.org>). This was much smaller than the one by UNMIBH and even smaller than the US\$ 5,1 billion that were the outcome of a major donor conference channeled mainly directly by national governments into project work, or administered by the World Bank which accounted for US\$ 974,2 million via the International Development Association (its soft lending arm) and for US\$ 742,49 million via two International Development Facilities (See: <http://web.worldbank.org> – and chapter four for clarification of the terms).

3.2 *Implementation of Good Governance*

According to the GFAP, NATO-led IFOR and the local authorities should guarantee the security. This design failed to work out in the beginning: IFOR was only focused on force protection based purely on the sheer amount of troops deployed rapidly after Dayton throughout Bosnia.¹³² It abstained, as outlined, completely from any civilian interference even though it was obvious that the local authorities were neither capable nor willing to provide the protection needed for the various international agencies to fulfill their respective mandates. Even worse, after four years of implementation of the military restructuring, NATO did not manage to overcome the tripartite military division of the country. According to Cousens, this remained the one of the primary obstacle to building common institutions (Cousens 2002: 547).

The GFAP, however assigned the IFOR not only purely military tasks – it had a role to play in the exchange of former prisoners of war (GFAP 1995: Annex 1A) but it took IFOR some month to finally deal with this issue. The EU claimed that the US commander was reluctant in this respect (Petritsch 2001: 69) but it was probably another weakness that contributed to this delay: IFOR was not as streamlined as it was often portrayed – as the interviewees confirmed, national governments gave still direct orders to their respective contingents.¹³³ In addition, going hand in hand with the renaming from Implementation to Stabilization Force (SFOR), several states reduced drastically their troops deployed in Bosnia. This didn't enhance the overall effectiveness of IFOR.

The importance of domestic influence can be further illustrated by looking at two events: shortly after the presidential elections in the US, the reelected President Clinton announced that the US will be committed for another year (later extended without a deadline) to their military presence in Bosnia – this was a clear u-turn having claimed before that the US troops would leave Bosnia after 12 months (Holbrooke 1999: 56). Furthermore, the British change in government to the new Prime Minister Blair and his Foreign Secretary Cook – a tandem that was promising to pursue a more “moral-driven foreign policy” – led to a more proactive role of SFOR in civilian affairs.¹³⁴ In general, one could observe a “Balkan's learning curve” of the

¹³² Interview with Wolfgang Petritsch, 08 November 2005.

¹³³ Koschnick, for instance, states that IFOR “could not be seen as a coherent structure: despite a hegemonic role assumed by the US, it was still fragmentary and the national brigades listened strongly to their respective capital” (Interview with Hans Koschnick, 17 November 2005).

¹³⁴ As Petritsch summarizes, “the US, having in mind their losses in Beirut and Somalia, feared further ‘body bags’ and was thus reluctant to get involved in so called ‘civilian’ tasks. The British commanders, however, realized earlier that the two ‘sides’, the civilian and the military, are intertwined at least in security sector reform and the

NATO, as Allin (2002: 9) claims: after reluctant and gradual engagement due to a lack in the alliance's cohesion, in the mid 1990s the alliance changed slowly and one tried by all means to preserve alliance unity, even in the field of Bosnia.

The crucial relationship in providing security throughout the country, was the one between the IFOR/SFOR and UNMIBH/IPTF. As Wesley Clark said in Dayton already by pointing to the international lowest common denominator compromise as regards the police component: "We are leaving a huge gap in the Bosnia food chain" (quoted in: Holbrooke 1999: 252). The UN was taken by surprise that it was assigned a role in the peacebuilding activities: "At the very last day of the Dayton negotiations, the US realized that on the security side, one had only thought of the military, and they asked the UN. At this time, the UN had only a section of five police officers for the planning of civilian police components – we were clearly taken by surprise but we agreed."¹³⁵ Despite these time and staffing constraints at headquarters, the UN was able to dispatch an assessment team to BiH relatively quickly (within ten days after the agreement in Dayton on 21 Nov 1999), but it could not start with the recruitment before the resolution 1035 had been adopted by the Security Council only on 21 December 1995 (S/Res/1035 1995). Recruiting more than 1,700 qualified police monitors from around the world was highly difficult and even the US contingent was delayed considerably. As a result, in the first week of March 1996, the IPTF had only 392 monitors in-country and IPTF was not functional at all – a clear deployment gap.

Apart from staffing, the logistical side showed overarching weaknesses and a commitment gap has to be emphasized as well. Even though, in principle, the logistical equipment was there with IFOR, it couldn't officially be used in alleged civilian tasks of IPTF. By the end of July 1996 deficiencies in communications equipment had become chronic, with shortfalls of 25 percent in handheld radios, 29 percent for vehicle radios, and 65 percent for satellite links (Dziedzic and Bair 1998). As GenMajor Eisele pointed out, "the UN civilian police had to improvise to quite an extent. Snow chains for instance were not available and to buy them on a short notice was not as simple due to the extensive procurement provisions of the UN. After the death of two German policemen, I issued an instruction to buy some snow chains just around the corner. Although the ACABQ was criticizing this process of violation harshly afterwards, it was accepted that it was a necessity for not to endanger our staff in the field."¹³⁶ Hence, many blamed both the strict procurement procedures and administrative deficiencies of UNMIBH

rule of law and they were the driving force behind an expansion of the mandate from pure force protection to guarantee a safe and secure environment." (Interview with Wolfgang Petritsch, 08 November 2005).

¹³⁵ Interview with GenMajor a.D. Manfred Eisele, 17 November 2005.

¹³⁶ Interview with GenMajor a.D. Manfred Eisele, 17 November 2005.

(especially its first Chief Administrative Officer). A senior IPTF officer summarized: “During formal and informal discussions with IPTF Monitors, from the IPTF Stations, Districts, and Regions, almost without exception all have indicated that UNMIBH logistical support has been unresponsive, or totally inadequate” (Dziedzic and Bair 1998).

The weak mandate, the consequences of a shortsighted planning process due to heterogeneity of the international community and due to Byzantine UN procedures, and the refusal by IFOR to “jump in” led to a clear enforcement gap. The resulting shortcomings were one of the reasons for one of the major setbacks for HR Bildt not being able to preserve a multi-ethnic Sarajevo (Chesterman 2004: 113). When the Bosnian Serbs left the city, they pursued a policy of scorched earth burning down the houses and undertaking major crimes. Without having means like a robust and even deployed police and, in this case even more relevant, a military force at his disposal – in fact, IFOR refused to get involved in this matter despite pleas of the OHR – the High Representative was completely powerless (Holbrooke 1999: 337). The cooperation of UNMIBH, IPTF, OHR and IFOR/SFOR followed a classical “muddling through” approach¹³⁷ – even after the mentioned “Bonn Powers” though remarkable improvements have been made.

As already mentioned, an institution gap arose in the area of judicial reform. UNMIBH was actively trying to gain influence on this issue as it viewed it to be intertwined with the task of policing. A great number of international and bilateral organizations are working on judicial reform. The OSCE had large components working on rule of law programs in most Southeast European countries already (OSCE 2004: 7) and was interpreting the assigned task of human rights quite broadly. In addition, US organizations such as the International Criminal Investigative Training Assistance Program (Dziedzic and Bair 1998) were engaged already in 1996. The result was a long-time uncoordinated coexistence of various programs. It was not before SFOR adopted a more flexible police, before the PIC meetings in Sintra, Portugal (May 1997) and Madrid (December 1998) emphasized the need for the police reform and UNMIBH’s central role in this issue¹³⁸, and, most importantly, before the Bonn powers came into being, that these various gaps were slowly closed.

As Ashdown later acknowledged, “in hindsight, we should have put the establishment of the rule of law first, for everything else depends on it: a functioning economy, a free and fair

¹³⁷ For UNMIBH, “it took two years to establish a well-functioning coordination basis with the military” (Interview with Wolfgang Weisbrod-Weber, 25 October 2005).

¹³⁸ Interview with Wolfgang Weisbrod-Weber, 25 October 2005; cf. Blume (2004)

political system, the development of civil society, public confidence in police and the courts” (Ashdown 2002, quoted in: Chesterman 2004: 154)

Related to the task of civil administration, in Bosnia this was not of overarching importance as one didn’t build it up from scratch for basic structures were in place already, but as Zaum elaborates, it was a highly politicized service and, in addition, to a certain degree dysfunctional. It was not before the PIC meeting in Madrid (15/16 December 1998) that the international community tried to respond with adequate measures (Zaum 2003). And when finally the HR was assigned the power to unseat Bosnian officials, the international approach of neutralizing the administrations gained a new momentum.

The issue of politicization, however, was strongly linked to the conduct of elections. First national elections were already held after nine months following the ‘fast-track approach’ as laid down in the GFAP responding to US wishes as mentioned before (GFAP 1995: Annex 3, Art.II,4). At the operational level, the processes went smoothly: following one OSCE observer, “the elections were conducted without any problems. Especially, the security had been guaranteed as there were armed international troops protecting us and the polling stations”¹³⁹. This was even more remarkable as the OSCE was taken by surprise when it was asked to take charge of the elections (Cousens 2002: 544). By that time, the OSCE had not been involved actively in the Bosnia crisis (Maurer 2001: 71) and did not have any expertise in the issue of conducting elections but the UN was not considered due to its alleged bad record in Bosnia the years before. An advantage for the OSCE in carrying out this coordinative task was that it experienced a strong political support by the US. Immediately coordination forums were created such as the Joint Elections Operations Center comprising IFOR/SFOR, IPTF, OSCE, and OHR (Dziedzic and Bair 1998).

In the broader political context of the peace operation, however, the approach of fast-track elections can be regarded as a failure as it led to the strengthening of the nationalist parties – some as the OSCE Chairman-in-Office Flavio Cotti predicted that already in the planning phase but there was an enormous pressure not to postpone the elections: many US and European diplomats expressed the view that elections were an essential first step to get Bosnia’s new joint institutions off the ground (Cousens 2002: 555). But Koschnick contradicts with this view: “democracy should have been developed from the scratch: first foster the grassroots and then arrange for elections.”¹⁴⁰ Similarly Ignatieff observes that the “mental reconstruction” lagged far behind the physical infrastructure and the institution-building (Ignatieff 2003: 36). In

¹³⁹ Interview with Johannes Dingler, 25 October 2005.

¹⁴⁰ Interview with Hans Koschnick, 17 November 2005.

the end, Bosnia served as a kind of “election laboratory” for the international community – as one senior US official said: elections were “about the only thing Washington gets excited about” (Chesterman 2004: 206/229).

In sum, after ten years of implementation, the transfer of political authority has not come to an end. By contrast, foreign actors have found themselves playing an increasingly direct role in the management of the country’s affairs. Bosnia, in other words, “has found itself under international administration less sovereign with the passage of time than more” (Harland 2004: 16). The mistakes made in the beginning mainly due to the domestic agenda of the US could only be balanced with difficulty. The domestic influence on the design of the rule of law component of the peace operation was besides the existence of deployment, commitment, enforcement, institutions gaps as well hard to overcome and security could established with delay and quite an effort.

3.3 Implementation of Socio-Economic Tasks

The reintegration of refugees and internally displaced persons was a major task under very difficult circumstances. The outcome of the long war had cemented an ethnic divide: former multi-ethnic settlements were now mostly mono-ethnic, in some one ethnicity has replaced the another in total. Furthermore, many refugees have been abroad for years, established new homes, and could not easily be convinced to return to a war-shattered and still partly insecure country as well as to cities where only strangers to them lived. But the most challenging problem was the sheer number of persons that had to be dealt with: in total 4,3 million (2,2 million were displaced, 1,2 million were in West European Countries) (Caplan 2005a: 69).

As was mentioned already, UNHCR was dependent on the goodwill of the local authorities as IFOR refused to consider any civilian security involvement, of the World Bank leading the reconstruction, and of the OHR and the PIC for the political reform efforts. For instance, as Koschnick who was later Chairman of the Steering Group of the Regional Return Initiative of the Stability Pact for South Eastern Europe remembers, “when I was dealing with refugee problems, we had always the question of who guarantees the security of the returnees. The international police was not only late in deployment but was also assigned only training purposes. Thus, it could not guarantee law and order and IFOR was – as laid down in Dayton – quite reluctant to act on behalf of alleged civilian issues.”¹⁴¹ This significantly weakened the performance in this area of implementation. Furthermore, there were some disagreement between the

¹⁴¹ Interview with Hans Koschnick, 17 November 2005.

OSCE and the UNHCR: whereas the former was pressing for a strict adherence of the property rights, UNHCR was much more reluctant in this regard (Caplan 2005a: 81). With the tenure of Petritsch as High Representative the situation improved as he was – backed by the Bonn powers – more proactive in this matter: in October 1999, he changed the property laws to facilitate the return, established a more efficient Commission for Real Property Claims and backed, thus, the Reconstruction and Return Task Force that coordinated the international activities since 1997. In addition, the increasing willingness between IPTF and SFOR in arresting war criminals and the stricter policy in Germany and Croatia in sending their refugees back contributed to a positive trend from 2000 on (Caplan 2005a: 74-76).

In general, soft issues were difficult to find resources for and to get implemented. The education sector is a striking example, as Petritsch highlights in an interview: “in the beginning, only two persons in OHR were dealing with this important issue. This is clearly a result of the Dayton agreement being from the outset designed to end a war not to rebuild a country.”¹⁴² Hence, the issue of “education” has more or less been neglected. In 2002, the OSCE decided to interpret their mandate broader and they included education into their ‘portfolio’. There were some tensions with other agencies but in sum, the lead role of the OSCE was accepted. The EU, the World Bank, and, of course, the OHR were involved as well.¹⁴³

As regards the economic reconstruction, the environment was not supportive to an immediate and effective economic development: 80 per cent of the population was dependent on humanitarian aid (this negative figure dropped only slowly at the end of 1997) and virtually all economic growth could be attributed to donor aid. The industrial production was down to 5 per cent and the energy supply down to 10 per cent of the pre-war levels. (Petritsch 2001: 72/87).

As already mentioned, the GFAP did not provide for as many references for economic reconstruction as for the other areas analyzed above. The World Bank effectively pursued the lead role as it was already actively involved in the negotiations in Dayton where it managed to include provisions for a fiscal strategy in the GFAP. As Bosnia had, from the outset, declared its intention to become a member of the World Bank, it was eligible to reconstruction assistance which were channeled by the Bank through special trust fund arrangements; additional allocations were made out of surplus (Holtzman et al. 1998: 30). In addition, it was the first mission where the World Bank practiced a “devolution of authority to managers in the field” and regarded this as a successful step (Holtzman et al. 1998: 10) – hence, a decentralized approach was taken implying a positive incentive for cooperation in the field which was unfortu-

¹⁴² Interview with Wolfgang Petritsch, 08 November 2005.

¹⁴³ Interview with an official of the European Commission, 20 October 2005

nately not matched by other agencies like the IMF. For the Fund, however, it was nevertheless the first time that it was actively involved in a reconstruction task using the new instrument of ‘emergency assistance window’, we outlined in chapter four: it pledged a \$45 million loan to Bosnia in December 1995, the same month the Dayton Peace Agreement was signed (IMF 2005). In addition, the Fund was involved in reestablishing a monetary, financial, and fiscal system (Boyce 2004: 7). Step by step, the EU took the responsibility for the basic reconstruction tasks.

The various actors, however, worked at the beginning quite independently from each other. As one European official remembered, “for our work, Dayton gave almost no guidance as this agreement was based on the objective to stop the war, not to rebuild a country or a sustainable economy”¹⁴⁴. Nevertheless, the OHR established sooner than in other areas a coordination mechanism under its own auspices, the Economic Task Force. The situation improved not significantly, however and large overlaps remained in place as did some fundamental disagreements among the actors. For instance, whereas the OHR tried to condition aid to political objectives, the World Bank, by principle ‘a-political’, refused to implement the respective project. When the OHR managed to punish a municipality for non-compliance by convincing a donor to withholding aid, another national donor would often barge in to offer the money (Allin 2002). Due to these institutional shortcomings and the scale of the reconstruction challenge, the economic situation remained weak. Chesterman undertakes a comparison with the Marshall Plan for Europe: “far more has been spent per capita” in Bosnia (Chesterman 2004: 36). Following Rubin, the aid per capita was US\$256 per year between 1995 and 1997 (Rubin et al. 2004: 9), and later this sum increased considerably after the creation of the Stability Pact for South Eastern Europe end of July 1999 and after a successful donor’s conference in May of the same year.

Hence, it was not about resources but about politics. It was not before the end of the 1990s that the situation improved as the new HR, Petritsch, was focusing on “ownership” as leitmotif of his tenure. Resources would be distributed from now on following an “investment-driven” rather than an “aid-driven” approach (Petritsch 2001: 124-129). This strategy was finally approved by the PIC meeting in Brussels (24 May 2000) (Petritsch 2001: 193). As Koessler states, this “incremental-pragmatic approach of “odgovornost” or “ownership” could be regarded as highly successful as can be seen in the actual debate on the constitutional reforms that should rather be step by step than all at once. The gradualism gives the BiH political land-

¹⁴⁴ Interview with an official of the European Commission, 20 October 2005

scape a flexible pragmatic way to improve the efficiency of their internal weak governance system to better fit the needs of economic development and European integration.”¹⁴⁵

4. Assessment of the Hypotheses

In sum, the picture of the implementation processes is at the best mixed: only eight years after Dayton the OHR issued a mission implementation plan emphasizing as an objective that “our job is to bring BiH to the point at which it can continue its journey, like other transition countries, with substantial support from the international community, but without the unique and highly intrusive, and potentially dependency-inducing post-war support structure that OHR represents” (OHR 2003). And still today, there are many claiming that “the international oversight is the only thing that keeps Bosnia close to a liberal and multi-ethnic path of development” (Zisk 2004: 14). But with the recent Stabilization and Association Process towards the European Union as the main policy framework in nowadays Bosnia¹⁴⁶, one is finally on the verge to create viable institutions through an incremental constitutional and social process of rapprochement.

While the GFAP ended a war (to cite Ashdown, in comparison to Cyprus and Northern Ireland, conflicts that went on and on, Bosnia has to be judged a successful enterprise¹⁴⁷), Bildt summed up that Bosnia was a failure at least in the beginning and this “failure was inherent in the policy, one decided upon in Dayton” (Petritsch 2001: 72). The goals were clear but often-times too ambitious: can the “highest level of internationally recognized human rights and fundamental freedoms” (Dayton Annex 6, Art. 1) be really achieved? How much political and ethnic fragmentation can a state tolerate without being dysfunctional? Koschnick concluded that “Dayton was primarily designed for ending the violent conflicts and not sufficiently to reconstruct a self-sustaining state in all its dimensions, political, social and economic.”¹⁴⁸ It assigned to too many international actors too broad roles in the post-conflict phase leading to uncoordinated fights for turf and to an absence of an overall international strategy in the beginning. Only after 1997, the OHR became something like a “*primus inter pares*” and it managed to streamline some approaches. But still the High Representative didn’t have the oversight over major projects and, above all, over the international capital that flew into the country. The con-

¹⁴⁵ Interview with Gregor W. Koessler, 24 November 2005.

¹⁴⁶ Interview with an official of the European Commission, 20 October 2005 – the EU even took over in the areas of police (IPTF became EUPM) and military (SFOR became EUFOR), underlining this development towards Europe.

¹⁴⁷ Interview with an official of the European Commission, 20 October 2005

¹⁴⁸ Interview with Hans Koschnick, 17 November 2005.

sequence drawn by many international actors in the field was oftentimes not to rely too strictly on the GFAP but on ad hoc arrangements in the field – leading to uncoordinated action by many actors, to a low degree of formalization, to a low centralization, and a high complexity. The institutional design of the international transitional authority in Bosnia can only be described as following a heterarchical form and due to the outlined mechanisms between the international heterogeneity and cleavages during the designing phase and major “gaps” in implementing the foreseen policy, the H1 seems plausible considering this case – it was clearly a non-functionalist design. The international institutional context with its stickiness and inherent ambiguity led to inappropriate international responses (H2) as could be most clearly shown by outlining, for instance, the developments in the first half of the 1990s but as well the difficulties to establish rule of law throughout the territory.

Chapter 6 – The Peace Operation in Kosovo (UNMIK / KFOR)

1. The Decision to Intervene

1.1 Background

The conflict in Kosovo, which escalated in the end of the 1990s had a long history: in 1918, Kosovo was incorporated as part of Serbia into the newly created state Yugoslavia. The elites in Belgrade invoked right from the beginning the historical claims on the territory derived from the medieval times and used rhetoric of “liberation” directed against the Ottoman Empire, the former ruler of this territory. These two themes were recurring during the decades to come. From the Second World War on, they were mirrored by a rising Albanian nationalism aimed at gaining an autonomous status which was finally achieved in the federal Yugoslavian constitution of 1974 but not the right to constitute a nation like Bosnia and Herzegovina, Croatia, and Slovenia. Emerging, Albanian dominated basic political structures and social systems led to increasingly Serbian complaints of discrimination which were heatedly debated in the Serbian public. Milosevic was able to use these emotions and seized power by nationalist Serbian rhetoric. Kosovo lost its status as an autonomous region in 1989 shortly afterwards and Milosevic pursued a policy of strict “Serbianization” leading the Albanians to create their own informal parallel structures in social and administrative life and to form a civilian resistance aimed at first to regain the status of autonomy and, after the international recognition of Slovenia, Croatia, and Bosnia the status of a nation.¹⁴⁹

As outlined in the foregoing chapter, the European Community reacted to the instability in the former Yugoslavia – that was a direct result of the nationalist agitation by Milosevic in the uncertainties of the post-Cold War era (IPI 2003: ch. 3, para. 6) – by the creation of a standing conference and an advisory commission led by Badinter tasked with assessing the status of the single entities in the former Yugoslavia. While the former was meeting in London, the Kosovars were granted only an observer status based on the recommendation of the Badinter Commission to consider the Kosovo not as a republic but an autonomous entity. This constituted the opinion of the international community throughout the upcoming years – for the Kosovar Albanians this was the first major setback. The second was that they were ignored in the

¹⁴⁹ Petritsch provides an excellent historical account of the Kosovo-Albanian struggle for self-determination (Petritsch and Pichler 2004: 23-89) whereas Weller’s overview and analysis of official documents related to Kosovo between 1989-1999 was helpful throughout this chapter (Weller 1999a).

Dayton talks and Milosevic could detract from the Kosovo question by presenting himself as a peacemaker. In the end, the international community abdicated on much leverage against the Milosevic regime despite ever growing tensions and discriminations in Kosovo – at first, only some sanctions remained in place but under French pressure one agreed to lower even the so called “outer wall sanctions” in 1996. As Petritsch highlights, this weakness was due to heterogeneity among the major, and in particular the European states (Petritsch and Pichler 2004: 94).

For the Kosovars this signal was decisive: it showed them that their first choice of a peaceful resistance with international backing under their leader Rugova has failed and the supporters of a violent confrontation were strengthened with the direct result of the foundation of the guerrilla movement Kosovo Liberation Army (UCK) - indeed, and sadly, only escalating violence finally brought the attention of the international community back to Kosovo in winter 1998 (Petritsch and Pichler 2004: 100-106) by opening an EU office in Pristina, establishing a small OSCE observer mission and reviving the international contact group which constituted an international coordination mechanism including Russia already in Bosnia and which deployed in July its own mission, the Kosovo Diplomatic Observer Mission (Hawley and Skocz 2005: 51). The cleavages, however, remained in place: the US condemned sharply the atrocities committed by the UCK¹⁵⁰, whereas the European Union was focused on the oppressions of the civilians by Serbian militias. Another disagreement arose on the speed and degree of international involvement: Russia along with France and Italy showed reluctance but the tandem US/UK was pressing for immediate engagement pointing to the experiences in Bosnia. China supported the Russian position of non-intervention (affirmed in the Yeltsin-Milosevic Pact (Petritsch and Pichler 2004: 118)) and, thus, the Security Council debating the escalation of violence and the resulting high numbers of displaced persons in Kosovo (UNHCR 30 September 1998), could only threaten very vaguely “further measures” due to the fear of regional instability (S/Res/1160 1998, S/Res/1199 1998)¹⁵¹. The international efforts were almost purely reactive in 1998 (Petritsch and Pichler 2004: 242).

Due to the reference to a threat to regional security and due to the lessons drawn from Bosnia, NATO supposed to have a role to play in this conflict – air force manoeuvre in Albania –, the EU appointed Petritsch to be the European chief negotiator, and the US began an active

¹⁵⁰ Especially a declaration by Robert Gelbard, the US Special Envoy to the region that the UCK was a terrorist group had often been used by the Serbian police and military to legitimate their strict course of action against the Albanian fighters (IPI 2003: ch. 3, para. 7/8).

¹⁵¹ China and Russia only supported the two resolutions because they did not provide a carte blanche to the member states. To ensure this, both China and Russia had accompanied their votes by legally valid declaratory statements spelling out that the resolution should not be interpreted as authorizing the use of force (Latawski and Smith 2003: 94).

involvement sending Holbrooke as a special envoy¹⁵². The western states, thus, closed ranks and increased the pressure on Milosevic – and on Russia. On 13 October 1998, the so called Holbrooke-Milosevic agreement was reached leading to a Serbian acknowledgement of the international role in Kosovo (S/Res/1203 1998): the OSCE led the Kosovo Verification Mission into the war shattered region and NATO took charge of the aerial surveillance. Especially Russia – with historic ties with the Serbs – was pressing for an OSCE involvement as they feared to give NATO a blank check for military intervention in Europe, in particular (Kissinger 2002: 264). According to Petritsch, the Holbrooke-Milosevic agreement eased the humanitarian situation but revealed later two major weaknesses: the OSCE observers were unarmed and the Kosovo-Albanians were not included into the negotiations. This caused the UCK to fuel the violent conflict (Petritsch and Pichler 2004: 145/253).

Despite an ever growing violence among the warring parties, in particular to the detriment of the civilian population, it was not before the medial attention the so called “massacre of Racak”¹⁵³ galvanized that the public pressure in the western states led to a US call for immediate military intervention – an internationalization of the media led to an internationalization of politics, as Petritsch remarks (Petritsch and Pichler 2004: 242). At this time, the Europeans, notably France, the UK and Germany prevailed with their view to start a last diplomatic effort as it was successfully undertaken in Dayton, and Rambouillet close to Paris was chosen for this “conclave”. After intense negotiations and an agreement on 95 per cent of the contested issues it came to an end without tangible results: whereas the Kosovo Albanians were willing to compromise during the last days, Milosevic was under high pressure from the nationalist parties in Belgrade and asked for adjournment (Petritsch and Pichler 2004: 175-208). After an anew escalation mainly driven by Serb forces, a follow-up conference was held in Paris on 14 March 1999 which ended with a complete obstruction by Belgrade whereas the Kosovo-Albanians signed on 18 March 1999 (Petritsch and Pichler 2004: 259-265).

For this study, however, it is more important to analyze the attitudes of the international actors at this time. As Weller observes illustratively, “throughout the talks, significant rifts in the Contact Group were visible [...]. In fact, one might say that towards the end, the talks were less about Kosovo and more about relations between the Contact Group.” (Weller 1999b: 251). The main cleavage remained: the one between Russia on the one hand and the major NATO

¹⁵² As Kissinger outlines the American shift to an active policy on Kosovo was not a decision based on a pure assessment of national security interest but rather “a response to powerful domestic pressures to alleviate undisputed human suffering” – “Wilsonianism has triumphed” (Kissinger 2002: 254/255)

¹⁵³ The American head of the OSCE mission, Walker, was alleged of having stage-managed the massacre to a certain extent without having the clear knowledge at that time. Later evidence proved that he was right in blaming the Serb militias but at this point, he could probably have not known this (Petritsch and Pichler 2004: 155-166).

powers on the other. The Russian Federation was still threatening to veto any SC resolution authorizing an intervention (as did China) and remained an advocate of Belgrade responding to domestic demands and ensuring its weight in the international negotiations. Disagreement persisted among the western states how to respond: whereas the US was pushing for a solo attempt by NATO after Rambouillet failed, the UK, France, and Germany were willing to give the parties more time and to prioritize the inclusion of Russia in any international effort (Petritsch and Pichler 2004: 209/235). There was a constant European fear of any unilateralist leaning pursued by the US: during Rambouillet, the US Secretary of State, Albright, nurtured these worries by several uncoordinated moves (Petritsch and Pichler 2004: 196) and in March 1999, some Holbrooke missions were only vaguely coordinated with the European capitals (Petritsch and Pichler 2004: 218). The international lines of disagreement remained thus in place, even though, due to the complete obstruction by Milosevic despite some last efforts by the Russian Foreign Minister, Ivanov, Russia had no other choice than signing the Paris agreement as well without Belgrade's consent. Hence, without having bridged sufficiently the major international cleavages, NATO decided to start with the air strikes directed against the Milosevic regime claiming to have an implicit mandate through resolution 1199 and to act "in the spirit" of the UN Charter (Latawski and Smith 2003: 13).¹⁵⁴

1.2 Towards a Mandate

The NATO operation "Allied Force" began on 23 March and ended after seventy-seven days on 09/10 June 1999. As Allin states, it does seem extraordinary that for more than two months of war, hardly anyone on the NATO side was making detailed plans for the consequences of victory (Allin 2002)¹⁵⁵. Three reasons accounted for this deficit: firstly, NATO itself saw itself primarily as a military alliance only marginally involved in civilian affairs for which it relied to the UN and the OSCE (see chapter four).

Secondly, the international public debate was focused on the question of the legitimacy of an air campaign in absence of SC resolution. Interestingly, the UN had been rather passive during the NATO air strikes as it was still suffering from the Bosnian setback. The SG Annan announced that "peacekeeping is not, and must not become, an arena of rivalry between the UN

¹⁵⁴ Interestingly, whereas Solana named two objectives of these air strikes, namely "to prevent more human suffering and more repression and violence against the civilian population" and "to prevent instability spreading in the region"(Weller 1999a: 495), Clinton added as a first objective to demonstrate the strength and the firmness of the NATO emphasizing thus considerations external to the conflict at hand (Weller 1999a: 498/499).

¹⁵⁵ To recast a famous phrase by Clausewitz: war is obviously simple, but in war even simple things become difficult

and NATO. There is plenty of work for us both to do. We work best, when we respect each others competence and avoid getting in each other's way" (SG/SM/6901 23 February 1999). This announcement, together with a statement issued in April calling upon the Yugoslav authorities to accept the deployment of an international force to ensure a secure environment (S/1999/402 09 April 1999), was interpreted by NATO that there is an implicit approval by the United Nations for the military intervention by NATO. Annan reacted – perhaps intentionally – late by stating that he was wrongly interpreted (SG/SM/6997 18 May 1998). In this debate, diverging global norms of humanitarianism were invoked: the British Prime Minister Blair foresaw a new phase in human history opened with these NATO's bombings of Serbia on March 24 1999: "The new generations draws the line" that is fighting "for a new internationalism" (Chomsky 2000: 1). And Kouchner identified a new international conscience for human rights (Kouchner 2004: 42).

References to the Holocaust and the framing as a battle between good and evil were another common phenomenon in European media and political discourses (Chandler 2000: 26, Hume 2000). For Germany for instance, its participation in the NATO operation was heatedly disputed, in general, however, not only sees as a sign of a "regained, non-constrained sovereignty" (Longhurst 2004), of "adolescence (Steiner 2001: 405), but as well as a "coming to terms with the past": one saw itself finally standing on the "right side" and in the political statements the analogy to the Holocaust was often evoked - "never again Auschwitz", as the Foreign Minister Fischer termed it (Friedrich 2005, Schwab-Trapp 2002). The Russian leadership emphasized, by contrast, norms derived from the UN and multipolarity like territorial integrity and international law and order. They framed the Russian Federation as a good example, representing a moral that safeguarded sovereignty and the UN global order in contrast to NATO's actions (Wagnsson 2001: 20/21). In addition, Russia was still pursuing an open pro-Serbian and pan-Slavistic rhetoric mainly as "a means of ideological manipulation" (Stepanova 2000: 149) to mitigate the weakness of the central government in Moscow in the face of many separatist movements at the South-Western borders of the country (Baev 1999: 74). Behind these public arguments according to a logic of appropriateness the elements of a logic of consequentialism (avoiding a destabilization of the Balkans and Europe for the Western countries and keeping an eye on its influence on the security framework in Europe for Russia) took a backseat (cf. Hammond and Herman 2000). These normative debates bound many capacities that could have been rather focused on the post-conflict reconstruction efforts according to a functionalist logic.

A third reason for a delay in the planning activities was an international disagreement over the question of which organization to assign the task to take the lead in the post-conflict phase (Hawley and Skocz 2005: 42). On 06 May 1999, the G8 met in Bonn (Petersberg) and discussed possible post-war scenarios, and adopted a catalogue of broad principles that outlined a massive international presence to reconstruct the country (S/Res/1244 1999: Annex 1). The main conflictive issues were thus the questions on whom to assign the civilian and whom the military responsibility. Russia intended to establish a strong role for the OSCE in the post-conflict reconstruction weakening thus the influence of the NATO which was backed by the US and the UK, and to a lesser extent of the EU with its attempts to establish an own security identity¹⁵⁶ – the OSCE was seen in Moscow as the “principal focus of authority in relation to peace and security in Europe” (Handrick 2005). But in general, the Russian responses have to be categorized as mainly rhetoric as the Federation appeared weak at this time due to domestic quarrels at its southern provinces like Chechnya, the end of Yeltsin’s presidency being more and more seen like a “lame duck”, a high dependency on financial and economic support by western countries and institutions such as the IMF based on a currency crisis in Summer 1998, and a sense of impotence as there was nothing Russia could stop the bombing (Latawski and Smith 2003: 98). Hence, Russia finally accepted in June a NATO led force but only mandated by the UN (Petritsch and Pichler 2004: 274). After this Russian turn and due to an increasing supply crisis as well as an upcoming resolution in mind which was about to grant only substantial autonomy to Kosovo, Milosevic gave in and a military technical agreement between NATO and the Serb forces ended the war on 09 June 1999.

On the civilian side, one did not expect initially that the UN would be assigned the major role in the peacebuilding efforts. The inclusion of the UN on a short notice into the post-war interim administration was based on three motives: “firstly and most importantly, one wanted to have the Russians on board; secondly, the ex-post legitimacy of the international intervention could only be provided by a UN mandate attempting to reintegrate the Serbs into the reconstruction processes; and thirdly, one thought that the UN was – institutionally – best prepared to

¹⁵⁶ For the Europeans, however, the bitter taste remained that they had once more not been capable to deal with a conflict in their own backyard and needed the Americans to demonstrate “the vast disparity in military capabilities (Kissinger 2002: 59) – the EU as an institutional player remained relatively passive even though its chief negotiators played a valuable role and one could agree on some minor common positions within the CSFP like the one on arms exports to the former Yugoslavia on 26 February 1996 (Weller 1999a: 222). However, rather than feeling only “embarrassed” and “humiliated” as some authors claim (Rifkin 2004: 328), the Kosovo crisis was, according to Javier Solana, a necessary ‘wake-up call’ which showed clearly to the other European states the deficiencies the Union had on the field of security. As Wagnsson observes, the Kosovo crisis “came to function as a catalyst for changes within the European security system – as outlined in chapter four, first steps to a common European defence policy were taken and the European Security Strategy was issued (Wagnsson 2001: 25).

shoulder this enormous challenge“.¹⁵⁷ Jones even claims that the decision as to which organization would take the lead in the implementation of the settlement had little to do with considerations of strategy or with the comparative advantage of the respective organizations: “the return to UN was because of a wider political debate about the future architecture for the management of European collective security” and was not related to Kosovo as such (Jones 2002: 103).

On 10 June 1999, the resolution 1244 was adopted in the SC with only an abstention from China (S/Res/1244 1999).¹⁵⁸ The resolution formed the legal basis for the international protectorate in Kosovo, but its main aim was to end the air strikes against Yugoslavia and not to provide for a detailed road map for the future of the province. Due to the language of compromise, Ignatieff names the resolution 1244 even “political science fiction” representing an American-Russian “imperial compromise” (Ignatieff 2003: 68). Besides the decision on the lead agencies for the military and the civilian side, some disputes needed to be resolved only within the last minutes: the role of the UN in contrast to that of the EU in the field of reconstruction, the inclusion of Russia in the NATO led security framework, and the choice of the SRSG. As regards the latter, the later chosen Kouchner remembers, the British favoured Lord Ashdown who became later the High Representative in Bosnia, parts of the Europeans and the United Nations pushed for the Finnish President Ahtisaari, and the US was lobbying against a French on top of the transitional administration (Kouchner 2004: 45/46). Some disputes, however, were not solved at all and left open, most importantly, the question of the future status of Kosovo – within a Yugoslav framework or outside as an independent entity.

1.3 Assessment of the Degree of Heterogeneity

The outlined disagreements among the major international players point again to a high degree of heterogeneity as we observed already in Bosnia: the main cleavages remained in place among the multiple actors (between the NATO states and Russia, for instance) and there were many alternatives invoked that did not correspond to considerations related to a needs assessment for conflict-resolution but merely to address the own domestic public. But the experiences in Bosnia obviously resonated: the UN (and partly the EU) was marginalized in the

¹⁵⁷ Interview with Wolfgang Petritsch, 08 November 2005 - some of the major players thought that the OSCE was not tested enough to handle a transitional administration. Russia could agree as well on the UN as lead agency but it was opposed to a purely European or transatlantic solution (IPI 2003: ch. 3, para. 20).

¹⁵⁸ China was interpreting the doctrine of humanitarian intervention as “a device by which the industrial democracies reassert a neo-colonialist hegemony” (Kissinger 2002: 264), it was fearful of any interference into its own territory, and it was domestically deeply troubled by an accidental NATO attack on its embassy in Belgrade. There were demonstrations throughout China, the US consulate in Shengdou was burned down, and the British as well as the American embassy in Beijing were damaged (cf for more details on the NATO attack and the Chinese perception: Möller 2005: 126).

mediation efforts, even though it was later assigned the lead role, and, NATO was relatively quickly in a position where it remained at the main wheel. Hence, the observed institutional stickiness and ambiguity of the UN system did not count as much in this case: rather the questions on how to achieve a consensus within NATO and how to keep Russia in the boat were decisive. Having in mind the necessary compromises and the ambitions by many actors for inclusion of “their” stakeholders in the mission framework, we expect nevertheless a heterarchical design according to our first hypothesis.

2. The Institutional Design and Formal Authority

The resolution 1244 outlines the leading role of the UN in this peace operation by requesting the SG to appoint a Special Representative to control the implementation of the international civil presence, and authorizing vaguely relevant member states and international organizations to establish the international security presence in Kosovo. It also comprised the G8-principles as well as a peace plan drafted by the UN envoy Athisaari in the two annexes (S/Res/1244 1999). A NATO-led multinational military force, Kosovo Force (KFOR), was assigned the task to establish “a secure environment and ensuring public safety and order”, and would operate under separate command. KFOR’s mandate was based on several sources: beneath the resolution 1244, the Rules of Engagement by the NATO headquarters (and by many capitals including Moscow) but as well the Military Technical Agreement between NATO and Yugoslavia which did not only ended the war but contained many specifications of the mandate. 23 NATO-members as well as ten additional states contributed troops to KFOR which was organized along four multinational brigades and a central „Multinational Specialized Unit“ tasked later predominantly with policing activities (Kramer and Dzihic 2005: 25-28).

The resolution crafted in the capitals of the major powers, the UN was just packaging but the case of Kosovo provides an excellent example that a mandate is more than only the initiating resolution by the Security Council and that the Secretariat play a crucial role in designing a mission: two days after the adoption of the resolution 1244, a report by the SG rendered the civilian mandate more precise by presenting a preliminary operational concept for the United Nation Administration Mission in Kosovo – UNMIK (S/1999/672 12 June 1999). The first Kosovo report on UNMIK (S/1999/779 12 July 1999) was then issued only one month after the Council’s resolution 1244. A team headed by the SRSG de Mello included individuals experienced in Balkan peace operations, who could be expected to apply the “lessons” both of UNPROFOR and of post-Dayton Bosnia. The team should assess, plan, and act at the same

time. As a result, it outlined the authority and competences, the structure and the main components of UNMIK. It designed an operation that brought together four international organizations to work under one leadership (S/1999/779 12 July 1999: para. 2) - as can be seen in the following scheme A.5 in annex 1.

It was provided that “all activities of the international community in Kosovo are carried out in an integrated manner with a clear chain of command” (S/1999/672 12 June 1999: para. 2) and that the SRSG “will have overall authority to manage the mission and coordinate the activities of all United Nations agencies and other international organizations operating as part of UNMIK” (S/1999/672 12 June 1999: para. 3)¹⁵⁹. In this coordination task, the SRSG will be supported by “an executive committee whose membership will include the four Deputy Special Representatives” whereas the coordination between UNMIK and KFOR is not based on a clear mechanism, but it should be conducted in a “mutual supportive manner” (S/1999/672 12 June 1999: para. 6/7). The report further highlights a pillar structure as outlined in the scheme A.5: the first pillar was assigned to the UNHCR to provide humanitarian assistance, to oversee the resettlement programs, and to conduct some de-mining action. On 22 May 2001, this pillar was “re-branded” and dealt from now on with police and justice. Hence, it took over the respective parts of the second pillar the UN was tasked with being primarily responsible for reconstructing civil administration, and – in the beginning – with a police force (UNMIK Police) and the judiciary (Office for Judicial Affairs). In the third pillar, the OSCE had the broad assignment of institution-building, democratization, elections and human rights¹⁶⁰, whereas the fourth pillar was given to the EU dealing with the enormous task of economic reconstruction. Planning for the latter began relatively early through the European Commission Task Force for Kosovo (EC TAFKO) responsible for administering the emergency projects. Later, the European Humanitarian Aid Office (ECHO) and the European Agency for Reconstruction (EAR) stepped in. In addition to this pillar structure, UNMIK mirrored KFOR's five zones and appointed five regional administrators, who served as a supervisory link between the civil administration department and the 30 municipal administrators.

This mandate was of unprecedented breadth and depth as the mission inherited a post-conflict former socialist province, whose departing administration left behind a security and administrative vacuum (IPI 2003: ch. 3, para. 19). Furthermore, the environment was expected to be highly conflictive and difficult to act in for “the weaponry and the training of the former

¹⁵⁹ With the exception of de Mello, the SRSG should always be a European whereas the first DSRSG would be an American - Charles Brayshaw held this office for over five years (Kramer and Dzihic 2005: 24).

¹⁶⁰ See decision of the OSCE Permanent Council No. 305 on 1 July 1999 on the establishment of the OSCE Mission in Kosovo (OMIK). In human rights issues, the OSCE was aided by the Council of Europe.

belligerents were highly sophisticated” and for the backyard-position in Europe made the mission supposedly “vulnerable to daily interference by a European cacophony”.¹⁶¹ The required integrative approach of the international presence should be ensured by the SRSG as the “highest international civilian official in Kosovo” (S/1999/779 12 July 1999: par. 44) but it could be foreseen from the outset that the various international organizations in the pillar structure would not easily subordinate themselves. Schumann emphasizes that “the proliferation of actors was a direct result of international processes in advance of the deployment – one had to act quickly, so each one got its share”.¹⁶² For this reason, the operation’s implementation phase was once more trapped in a maze of decisions in the ‘planning’ phase.

No line in the mandate was devoted to the consultation mechanism with the local actors. In fact, UNMIK was only accountable to the SC to which it had to “report in regular intervals” (S/Res/1244 1999 para. 20) which turned out to be in about every three months, and to the Council of Europe on the human rights situation (Kramer and Dzihic 2005: 33). Chesterman notes that the SRSG and UNMIK had become “legislative factories” and, in fact, “the law” without any assigned influence of the governed Kosovars (Chesterman 2004: 129/145); they were only to be informed via a substantial unified public information program (S/1999/779 12 July 1999: para. 51) and brought in only by June 2000, when UNMIK established an ombuds-person - but the complaints could not be filed against KFOR, just against UNMIK (UNMIK/Reg/2000/38 30 June 2000). The driving force behind this development was the OSCE which provided as well institutional support to the Office of the Ombudsperson.

As regard the civilian police, there was a structural improvement in comparison to Bosnia: UNMIK police had an executive authority and it was planned well in advance as the UN did in fact assume that it would not be assigned the overall responsibility but one was quite sure – having Bosnia in mind – that the police component would be requested (Caplan 2005a: 163). One agreed, however, to divide responsibilities for policing between the OSCE and UNMIK/DPKO while the latter having the oversight as it was placed under the authority of the civil administration pillar. UNMIK took charge of daily policing tasks and of setting up a local police force while the OSCE should train police recruits. This odd arrangement happened on a very short notice as Russia demanded surprisingly that the UN and not the US-favored OSCE should be tasked with CIVPOL (Hansen 2002).

The de Mello report prepared pursuant to paragraph 20 of resolution 1244, set out five integrated phases in which the work of UNMIK would have to be conducted (S/1999/779 12 July

¹⁶¹ Interview with Edward Rees, 20 October 2005.

¹⁶² Interview with Peter Schumann, 28 November 2005.

1999: para. 110-116): firstly, the establishment of order and setting up of UNMIK; secondly, the creation of initial state structures and services which were only partially to be delegated to locals; thirdly, the conduction elections, deepening administrative and economic revival, and facilitating a political process to determine Kosovo's future status; fourthly, the oversight and the assistance to elected representatives as well as the transfer remaining administrative responsibilities; and lastly, the transfer of authority under a political settlement, the final status of Kosovo. This "gradual, trickle down process" in five stages was, however, foreseen without the inclusion of clear time frames (Baskin 2004: 123).

To sum up: our assumption of a heterarchical institutional design is only difficult to judge when analyzing the formal authority structures: the degree of centralization seems to be low due to the strict separation between the civilian and the military authority and the various actors involved on in UNMIK. However, in contrast to Bosnia, we assume a greater coherence within the civilian structure as the tasks are clearly out- and streamlined in the pillar structure with some foreseen coordination mechanisms and an SRSG as highest authority on top. The level of codification seems to be high in general having in mind the detailed reports of the SG and the statement of the SRSG as "law factory". A clear objective of the mission is, however, not described – rather a gradual trickle-down process can be noted. The complexity can only be assessed when analyzing the effectiveness of the foreseen coordination mechanisms. Hence, the formal authority lines point rather to a hybrid between heterarchy and hierarchy. As we did in the case of Bosnia, we will analyze the real authority lines, processes of adaptation and redesign, and the performance of the transitional administration in the following.

3. The Real Authority, Redesign and Implementation

3.1 Organization and Finance of the Peace Operation

In establishing an international presence in Kosovo, the UN faced the major challenge on how to avoid the mistakes made in Bosnia in the wake of an international heterogeneity and a high time pressure. The OSCE had already undertaken intensive planning activities due to signals from the major powers that its verification mission would be the core of the new transitional administration. DPKO was only informed during the G8 meeting that the UN should take over the lead role (IPI 2003: ch. 3, para. 21). Unfortunately, DPKO's "internal capacity was overstretched" at this time due to the withdrawal of the gratis personnel as outlined and a general deficit in staffing – a "strategic planning was not possible in this environment" (IPI 2003: ch.3, par. 21). UNMIK proved not capable in the beginning to cope with the resulting high time

pressure and to further develop this initial guidance by the de Mello team as one was more involved in fire-fighting: “lots of planning had to do on the job – planning in the morning, implementation in the evening”¹⁶³. This led to a slow deployment of many essential UNMIK components: six weeks after the war, for instance, in the large region around Prizren there was only one UN official (Allin 2002: 86) and only one Albanian speaking diplomat (Caplan 2005a: 177). As consequence, the first strategic document was not produced until the 05 Dec, 1999 and the second published on 18 March 2000 was so detailed that one could assume that some lost sight of the larger picture (Caplan 2005a: 172). A Joint Planning Group, however, was put in place for the preparation of a broad strategy and holding together the military and the civilian side but was dissolved by SRSB Haekkerup already in 2001.

Even though the mandate and especially the resolution 1244 were seen by many actors comparatively well elaborated¹⁶⁴, it was full of compromise language in very decisive areas according to the optimistic motto ‘time will tell’. As Dobins reflects, „by keeping the lid on Kosovo, by holding any decision on its future status in abeyance, by postponing any meaningful start to ethnic reconciliation in that society, the international community has bought itself five years of peace in the Balkans.” (Dobins 02 April 2004). Most authors are, however, not as optimistic and they emphasize the problems related to the lack of a final status of Kosovo: “No international administration can function without having a political vision, implied or stated, for the society it is administering” (Caplan 2002: 76). Kouchner told once that he was reading the text of the resolution twice every morning but he still had no idea what “substantial autonomy” could mean and how it could be implemented (Chesterman 2004: 132). Weisbrod-Weber explains that this lack of the determination of the final status did not prevent UNMIK from moving forward operatively but counted negatively on both the political and the economical tasks in general.¹⁶⁵ Similarly, Yannis emphasizes that UNMIK “has been forced to constantly reinvent and redefine its role and objections...by substituting the absence of a clear end state with a number of successive milestones” (UN official quoted in: Yannis 2004: 79). This confirms our assumption that the mandate appear to be political compromises which set out the broad objec-

¹⁶³ Interview with Peter Schumann, 28 November 2005.

¹⁶⁴ Many emphasized the thorough assessments that had been undertaken in the precursory resolutions as regards the security situation as well as the basis as laid down in the G8 decisions (Interview with Peter Schumann, 28 November 2005). In addition, Weisbrod-Weber highlights the determination of a clear succession of implementation phases as a major improvement in comparison to other missions (Interview with Wolfgang Weisbrod-Weber, 25 October 2005).

¹⁶⁵ Interview with Wolfgang Weisbrod-Weber, 25 October 2005. Others were more critical. For instance, one former UNDP staff member said: “the mandate was a disaster as the final status was not determined. It was more of a ceasefire than a full-fledged peace deal.” (Interview with Edward Rees, 20 October 2005).

tives¹⁶⁶ and which lead to very different assessments of their usefulness. Consequentially, more concrete guidance was delivered by the regulations of the SRSG in coordination with the Office of Legal Affairs and with DPKO in New York,¹⁶⁷ and the daily business was directed by administrative instructions that were formulated on the level of departments.¹⁶⁸

Hence, much depended on the personalities of the SRSGs having thus “a critical and at times disproportionate influence on mission evolution” (IPI 2003: para. 38). Kouchner was described as charismatic and communicative but with a tendency to “benevolent despotism” and a neglect of basic administrative tasks (Kramer and Dzihic 2005: 249). While his personal relationship with the Commander of KFOR, Reinhardt, proved very close (Kouchner 2004: 173-177), the subsequent coordination between UNMIK and KFOR had to overcome major personal animosities.¹⁶⁹ Haekkerup, for instance, was relatively reserved, not outspoken, and relied mostly on a small circle of confidants (Kramer and Dzihic 2005: 251). Even though, he was successful in bringing the Serbs back to the negotiation table and to foster the process of institution building through the constitutional framework, he failed in handling the creation of a new regional government after the November 2001 elections, a task which Steiner, his successor, managed. In addition, he formulated the idea “Standards for Status” which should guide a way for the Kosovo towards negotiations about the final status and should provide an exit strategy for the UN as well as an entry-strategy for the EU (Steiner 12 November 2002, Steiner 27 January 2003). Petritsch and Pichler point out that this was a mere a top-down mind game as they were developed without regular consultation with the Kosovars and as the criteria – as developed later by the SRSG in 2004, Harri Holkeri in the report “Standards for Kosovo” – were simply too high: more or less well established neighbouring states like Albania and Macedonia would not meet these (Petritsch and Pichler 2004: 332). Additionally, UNMIK was during these times quite uncritical related to its own actions: the spokesperson just declared after having read an ICG-report (ICG 2005) „they want to create a crisis“ but did not respond to the critical observations this report made as regards the unrest and violence in Kosovo in March

¹⁶⁶ “The mandate is like the bible, even though you will not find detailed instructions in it, it guides your overall work” (Interview with Jens Narten, 28 October 2005).

¹⁶⁷ As a senior DPKO official confirmed, the daily communication with the SRSG was well established and on average at least twice a week an official cable was exchanged. This was facilitated by the fact that the coherence of Secretariat’s policy was guaranteed as DPA and DPKO worked well together – but there were still difficulties in including UNDP (Interview with Wolfgang Weisbrod-Weber, 25 October 2005).

¹⁶⁸ Interview with Peter Schumann, 28 November 2005.

¹⁶⁹ Indeed, Reinhardt confirmed this view: “The coordination with Kouchner was extraordinary but was based on our personal relationship – my successors were never able to establish such an intensive dialogue with UNMIK. [...] I told Bernard Kouchner that there will always be a primacy of policy meaning that each action by KFOR should be checked on conformity with the guidance of the resolution 1244 and that the opinion of UNMIK will be considered most seriously. We met daily and, as his Deputy, I was formally involved in his Cabinet structures. The Albanians even called us “twinbrothers” (Interview with General Klaus Reinhardt, 02 December 2005).

2004, a highly critical issue for UNMIK (Kramer and Dzihic 2005: 237). Increasingly, the Kosovars regarded the UN as an impediment on their journey toward independence (Harland 2004: 16). It was only with the new SRSG Jessen-Petersen and his consideration of the open assessments of Eide (cf. 2005) that this has changed. Furthermore he tries to focus on some key issues like the rule of law and adapt them to reality following the new strategy “Standards and Status” (Kramer and Dzihic 2005: 24/170). Furthermore, he showed his communicative skills in handling the delicate issue of the extradition of the Kosovar Prime Minister Haradinaj to the ICTY in March 2005.

Despite the overall UNMIK design was described as integrated and intended to be hierarchical,¹⁷⁰ three main tendencies can be identified that worked against this formal design. Firstly, the pillar structure going hand in hand with a proliferation of actors was maintained even in on the regional and municipality level but with regional and local administrators that were dependent on collegial goodwill for cross-cutting issues that made the inclusion of some other pillars necessary – the international organizations being charged of the single pillars were, however, reluctant to join forces. There are many examples that in particular the strict UN rules were hampering a true integrated implementation of the mandate: personnel of EU and the OSCE were, for instance, prevented from the use of UN vehicles and other equipment: EU personnel could not be evacuated from the Macedonian border by a UN helicopter, and the OSCE had to maintain a second, parallel computer database for their police unit. (IPI 2003: para. 30). The concept of “interlocking institutions” became one of “interblocking institutions” (Kramer and Dzihic 2005: 262) and the result was either informal cooperation on the lower levels or a hampered implementation process.

To this added a high amount of international non-governmental organizations (INGOs) that was working in the field. As early as November 1999, Kouchner reckoned with a great number of organizations and called for an accreditation process (UNMIK/Reg/1999/22 15 November 1999). By June 2000, there were already 260 registered international NGOs active in Kosovo (see the table A.4 in annex 1) and many within UNMIK regarded the cooperation quite valuable though heavily relying on personal relationships¹⁷¹. Since 2003, the many INGOs shifted their focus on other hot spots like Afghanistan or the countries hit by the Tsunami end of 2004 leading to a sharp decline in numbers (cf. Kramer and Dzihic 2005: 36).

¹⁷⁰ “The mission hierarchy – as all bureaucracies - contained a ‘chain of reports’. Field reports were streamlined by intermediate levels and in the end mainly trends were reported to the central headquarters” (Interview with Jens Narten, 28 October 2005).

¹⁷¹ Cf.: interview with Jens Narten, 28 October 2005.

Secondly, information- and work-overload led to a decentralization of tasks as can best be illustrated in the case of the second pillar where the civil administration department was put together with the departments for police and justice: “while this simplified the organizational chart, it placed the entire mission's civil administration under the supervision of one department head [being thus] quickly overwhelmed by the demands of supporting the regional and municipal authorities under its command” (IPI 2003: para. 27). The result was a delegation of legislative tasks rather than the intended centralization. This added to the classical ambiguity between the field headquarter being more politically and diplomatically constrained, and the field staff at the lower ranks who want to implement their project in a more local ownership-oriented and sustainable manner.¹⁷²

And thirdly, an external cacophony in which many headquarters of international organizations but as well the capitals of the major powers wanted to ensure their stake in the implementation process pushing for own responsibilities and public recognition. There was at times a confusion over the hierarchy of mandates as some agencies in the field argued that their “mandates” were based upon international obligations that transcended Security Council mandates, or the original resolution establishing their agency (cf. Eide et al. 2005). Furthermore, the influence exerted by the so called ‘Quint’¹⁷³ was politically quite strong often strengthening UNMIK’s and KFOR’s actions in Kosovo.¹⁷⁴ The Office of Legal Affairs in New York, however, being involved in every legislative undertaking of UNMIK initially resisted a broad use of the legislative powers (IPI 2003: 188). In this regard, it was in line with Russia which, along with Belgrade, doubted the full executive and legislative power UNMIK was exercising having in mind the unresolved final status. But Belgrade was obstructing every single regulation by UNMIK so that Russia after a while assumed a quite pragmatical approach focusing its objections on some aspects of the legal unity of Yugoslavia.

As regards the financial aspect, the development of a budget for UNMIK posed quite a challenge for the Secretariat due to the scale and scope of the mission but as well the staffing situation at the headquarters: following Herrero, “when it comes to post-conflict resolution and development, resources are never enough, but it is difficult to imagine a situation where the expenditure per capita of the international community, when including the military expenditure,

¹⁷² Interview with Jens Narten, 28 October 2005.

¹⁷³ Comprised by the representatives of the US; Germany, France, UK, and Italy – sometimes the Russian representative joins in and, hence, the Quint equals more or less the Contact Group. Since March 2004, a “Support Group for Kosovo” including additionally the EU and NATO replaced more or less the Quint. As the final status hasn’t been determined, the single states do not have embassies but “head office”, “permanent offices”, or, since 2004 with the EU, a “liaison office” (Kramer and Dzihic 2005: 34/170).

¹⁷⁴ Interview with Peter Schumann, 28 November 2005.

can surpass the one in Kosovo” (Herrero 2005: 44) – US\$814 of aid had been spent annually per capita; far more than in East Timor (US\$256) or in Bosnia (US\$249) (Rubin et al. 2004: 9). At height, 100.000 “internationals” and among them 50.000 troops had been deployed there (Kramer and Dzihic 2005: 21).

In August 1999 the GA authorized an amount of US\$200 million including the US\$50 million already released by ACABQ as a start-up funding (Salomons and Dijkzeul 2001: 87). This authorization went hand in hand with a complaint that the report of the SG does not contain adequate and precise information to substantiate fully the request submitted” (A/Res/53/241 of 19 August 1999: para. 5) – pointing as well to the time pressure under which the Secretariat had to set up an unprecedented operation. By the end of 1999, a more satisfactory budget was submitted and the GA approved US\$427 million for UNMIK’s first year of operations including the US\$200 million already advanced and US\$29 million less than proposed¹⁷⁵ (A/Res/54/245 02 February 2000). However, problems of funding were only marginal and wherever assessed contributions could be assigned, these were easily mitigated – interventions in the ACABQ were hardly undertaken by the Secretariat. The reason was that there existed “sufficient political interest from the main financial contributors to ensure a sufficient flow of resources into what was considered a backyard of Europe – this is also true for voluntary aid, as one can see, e.g. that more than US\$8 million were easily spent for not dysfunctional power station.”¹⁷⁶

Again a trust fund accounted for additional finance (US\$35 million), the World Bank granted loans in Kosovo since 1999 adding to US\$ 80,4 million¹⁷⁷, and the other IOs, especially the EU but as well the US and Japan contributed much larger sums directly - about US\$650 million (see table A.5 in annex 1 and Salomons and Dijkzeul 2001: 88). The regular budget of the OSCE mission was smaller than UNMIK’s and amounted to US\$ 54,2 million in 2002 but was decreasing to US\$37,07 million in 2005.¹⁷⁸ The sums poured in by the EU were much higher: the emergency funding by EC TAFKO was €127 million and until 2003, the EU had channeled €1,6 billion through ECHO and EAR into Kosovo. Since that time, the Stabilization and Association Pact Tracking Mechanism (STM) is the focal point for both the further project funding and the first steps to integration in the European Union framework (Kramer and Dzihic 2005: 30). In general, the resources were declining during the last years (ICG 2003).

¹⁷⁵ The reduction recommended by the ACABQ were subject to future revision as one lacked the experience with such a large transitional administration (GA-President 6 December 1999); but the level of funding remained the same until 2002 as did the patterns of delay and the deviation from the regular budget cycle.

¹⁷⁶ Interview with Wolfgang Weisbrod-Weber, 25 October 2005.

¹⁷⁷ See: <http://web.worldbank.org>

¹⁷⁸ See official budget on the website www.osce.org.

As Covey emphasizes, there was a need for a constant flow of resources and, hence, UNMIK had to act like a “weak little country” on the international scene to lobby for resources and to balance the competing agendas within the international community (Covey 2005a: 80). As we have seen by this general assessment, despite an intentionally integrated design on the civilian side, UNMIK provided a much more fragmented picture: due to constraints of time pressure and understaffing, the planning period followed a path of improvisation, much depended on the personality of the SRSG that were not all acting in a very integrative manner, and the various agencies listened to various masters due to resource-dependency or due to an agenda of task expansion. Hence, the multidimensional peace operations showed a tendency towards a heterarchical design. We will elaborate on some implementation aspects more specifically starting with the rule of law components.

3.2 Implementation of Good Governance

As the King’s College report further notes, the “mandate given by Resolution 1244 was broad enough to allow UNMIK and KFOR to do whatever was needed to implement the rule of law. But the lack of clear directives with respect to applicable law and the building of a new justice system¹⁷⁹, together with the absence of pre-deployment substantive planning, resulted initially in hesitant or inappropriate policy decisions, based on best-case scenarios that failed to materialize” (IPI 2003: para. 223). The coordination in the early days, however, between KFOR and UNMIK was generally described in positive terms: there were daily meetings from the outset between SRSG and KFOR Commander, and the early decision to organize the UN and OSCE field structures so that they corresponded geographically to KFOR’s five multinational brigade areas has both enhanced communication and facilitated joint planning. As Covey highlights, this was one of the major achievements of the Kosovo mission in the beginning (Covey 2005a). But, as outlined, much depended on personal relationships and there was a steady coordination effort necessary (Handrick 2005: 48). Zisk later observed an “untrust between the military and the humanitarian community” at least on the lower ranks that had only with difficulties been mitigated (Zisk 2004: 139) – a classical “dualism” as Handrick observes (Handrick 2005: 50, cf. Independent-International-Commission-on-Kosovo 2000: 262/263).

In addition, military itself was not as coherent as it is often portrayed: national-unilateral or bilateral moves could be seen quite often (Zisk 2004: 139). As the former ComKFOR con-

¹⁷⁹ UNMIK was proposing a Kosovo War and Ethnic Crimes Court but the ACABQ rejected funding for it (Caplan 2005a: 66) – once more, the UN system was a prisoner of its strict procedures.

firmed, he had to balance the instructions he received from the Supreme Allied Commander Europe in Brussels, UNMIK in Pristina, and the various demands and decisions he was informed by the national contingents and the national governments¹⁸⁰. In the beginning one was particularly worried, how the Russians would integrate into the NATO-led structure: “while in headquarters, there was a major distrust towards the Russians (Wesley Clark, for instance, was deeply troubled by the quasi-occupation of the Pristina airport by some Russian SFOR-soldiers so that he was always on his guard¹⁸¹), on the ground, our cooperation went very well even though we faced some problems with the deep animosities the Albanians had with the alleged pro-Serb Russian soldiers.”¹⁸²

Even though KFOR was poorly equipped to go beyond the military aspects (Caplan 2005a: 49), it had to cope with a variety of tasks: in addition to border security, counter-terrorism and prevention of new inter-ethnic conflicts it had to assure public safety by conducting essential policing action (IPI 2003: para. 67). For the latter, it was not prepared and became involved only with some delay: as the SG Annan reckons, the relatively slow involvement in law enforcement had long-lasting negative effects and it took quite some time to contain the criminal elements and the informal local arrangements that had evolved quickly, and to gain the trust of the local population in this regard (S/1999/779 12 July 1999: para. 6).

Essentially, the cooperation between KFOR and UNMIK police went smoothly in the early days. General Reinhardt told the author: “for instance, on local level often our operative offices were merged in Pristina, Mitrovica and Prizren. This was a suggestion made by the British based on their experiences in Northern Ireland – and it worked well in Kosovo even though there was a serious problem of understaffing on the police side. The Danish head of CVIPOL in Kosovo resigned in frustration over these issues after some months. There was clearly a “police vacuum” that could only partly be filled with military forces.”¹⁸³ In general, despite having executive authority at its disposal, the other shortcomings that were prevalent in Bosnia re-

¹⁸⁰ „The national Rules of Engagement were always dominant but the broader strategy was commonly understood. The German legislative restrictions, for instance, did not allow for preemptive house search that were necessary to control for the essential disarmament tasks. Hence, we created either multinational patrol groups or we just abstained from it. [...] There were almost daily tries of influencing the CommKFOR by national governments (be it on visits or via telephone or mail). We sent them, in case of any political component of the question, directly to our headquarters. But often, the politicians were only looking for information. There was, for example, never an attempt to influence my decision from the German side.” (Interview with General Klaus Reinhardt, 02 December 2005).

¹⁸¹ (cf. Clark 2002); on the day after Resolution 1244 was passed, some 200 Russian soldiers detached themselves from the Russian SFOR-contingent in Bosnia undertaking a pre-emptive march to the airport of Prishtina. This served as a basis for various conspiracy theories like that Russia wanted to have a hold on the northern part of Kosovo, where most of the Serbs were living – perhaps in an attempt to nurture a partition of the Kosovo. Most probably, however, Russia wanted to have at least some military presence there (Latawski and Smith 2003: 104).

¹⁸² Interview with General Klaus Reinhardt, 02 December 2005.

¹⁸³ Interview with General Klaus Reinhardt, 02 December 2005.

mained in place: the inter-national dialogue in the multinational teams was weak, the division of labour between the UN and the OSCE pillar was hampered, there was an urgent lack of staff and the ones that arrived lately were badly trained and even worse equipped (Kouchner 2004: 238). As Allin states, Kouchner had asked for 6000 officers, he was authorized to hire 4000 but he could even fill these posts (Allin 2002: 85).¹⁸⁴ In general, recruitment was UNMIK Police largest failure and this deployment gap was on the one hand due to the fact that the UN Civilian Police Unit was only informed on a very short notice that it would be tasked with CIVPOL – even though one anticipated the information, as outlined above (Hansen 2002). On the other hand, the problem persisted as the posts were filled on the basis of geographical diversity and, hence, so many were not filled at all. In addition, there was a reluctance to intervene in some of the Serb-controlled areas with the international police force and one opened the door for parallel, informal systems of law enforcement (Chesterman 2004: 113).

While criminality has significantly decreased from very high levels in the beginning, it is difficult to assess how far this results from improved law enforcement or from the overall normalization of life in Kosovo. Furthermore, it is worrying that the pattern of criminality reveals increasingly ethnic and political underpinnings (IPI 2003: ch. 3, para. 220/222). This situation was aggravated by the fact that the role of former UCK-combatants in a new security system remained and the UNMIK and KFOR lacked a common strategy (IPI 2003: para-103) – the created Kosovo Protection Corps (KPC) was attracting many of them leading to sharp criticism by the Serbian population. But even in the international community, this Protection Corps was contested as it had de facto no role to play in the immediate security framework as this was ensured by KFOR and UNMIK Police and later mainly by the Kosovo Police Service: the KPC followed a pure logic of demobilization and, thus, of putting the former fighter on an international payroll (Hawley and Skocz 2005: 56).

The latest critical report on Kosovo, conducted by Eide, stated that the rule of law component was still struggling: “organized crime is looming and the local police and judiciary institutions remain fragile” (Eide 2005: ii). The violence that broke out in March 2004 resulting in the destruction of many, mostly Serbian orthodox object of cultural value, is a striking example for this.¹⁸⁵ Overall, the performance of the rule of law component is at best mixed and most of the difficulties experienced can be related to the designing and planning phase.

¹⁸⁴ As GenMajor Eisele experienced, Germany was indeed surprised that one should have prepared police forces (Interview with GenMajor a.D. Manfred Eisele, 17 November 2005). In the meantime the situation in Germany has improved noticeable with the creation of the Center for International Peace Operations (ZIF).

¹⁸⁵ A report by the ICG (ICG 2003) reckons that the Kosovo had generally been a welcoming environment for the international community – these incidents show that the task was not as easy as this statement may imply.

The establishment of civil administration was mainly channelled through the second UNMIK pillar which was itself organized along functional lines and tried to follow the mandated phase-model of direct administration, co-administration and transfer of responsibility. Hence, already in July 1999, the Transitional Council (KTC) as the highest consultative body was created and underpinned by the Joint Interim Administrative Structure (JIAS) from January 2000 on. The latter comprised 20 departments (see: scheme A.6 and UNMIK/Reg/2000/1 14 January 2000). From March 2002, the Provisional Institutions of Self-Government (PISG) based on a constitutional framework developed earlier (15 May 2001) grew out of the JIAS structures provided the first real transfer of authority and responsibility.

The establishment of the JIAS structure was constrained on two dimensions. Internally, there was a fight for turf among the different pillars of UNMIK as the fulfilment of one task depended heavily on another. For example, economic reconstruction cannot be successful when the appropriate institutions are developed – hence, the EU wanted to have at least a say in the institution-building business. As Schumann remembers: “it was not an easy task to develop a clear-cut division of labor between the departments having in mind that they had to be distributed among three pillars and thus three international organizations [...] In the beginning, the Department of Public Services negotiated endlessly with each single department ‘terms of references’ and summarized them in a draft-regulation.”¹⁸⁶

Externally, there was a urgent need to act quickly, as the Kosovars did not only have parallel structures in place established in the 1990s but they were even extending them (Handrick 2005: 51). This had on the one hand a very positive consequence that the Department of Public Services could use a reference to this urgency as leverage in the internal negotiations with the other pillars, but on the other hand, there was always a problem on how to consult with the parties that played with the disagreements among the international actors. In this context, the constitutional framework proved to be a tightrope walk with constitutional realities on the one side and avoidance of any determination of the final status on the other. As Petritsch and Pichler remark, this language of compromise led to bizarre formulations: the Kosovars were described as “people” but they could only constitute an “undivided” territory and no “indivisible” nation, the usual formulation in these contexts; they are granted a substantial self-administration but the key areas of justice, internal security, defence, and external relations remained with UNMIK (Petritsch and Pichler 2004: 305-310). This setting led the Ombudsperson to issue the following strong statement: “UNMIK is not structured according to democratic principles, does

¹⁸⁶ Interview with Peter Schumann, 28 November 2005 – he continued: “In dividing the competences, we were oriented on the example of the Swiss, where there is a small but effective government with only some ministries”.

not function in accordance with the rule of law, and does not respect important international human rights norms. The people of Kosovo are therefore deprived of protection of their basic rights and freedoms three years after the end of the conflict by the very entity set up to guarantee them“ (Ombudsperson-Institution-Kosovo 2002: 1).

As outlined already, it was most challenging to make both the Albanian majority and the various minorities participating in the newly created structures. This was hampered by both the reluctance of many international actors to transfer authority¹⁸⁷ and the obstructionist forces within the local parties. Generally, as Koschnick emphasized, Kosovo has one striking disadvantage in comparison to Bosnia: “the Albanian Kosovars and the Serbs cannot communicate too easily whereas the three warring parties in Bosnia could understand each other language-wise without any problems”.¹⁸⁸ Hence, the creation of dialogue, the avoidance of misunderstandings, and spoiler management became the crucial tasks for consolidating the embryonic political and administrative structures.

Related to the transfer of political authority, first ‘national’ elections were only held after 29 months, whereas the first local elections were conducted earlier, on 28 October 2000 (cf. Caplan 2005a: 125): obviously, one learned a lesson from Bosnia where the fast track, top down approach was an obvious failure (see chapter five).

In the beginning, the diverse Serbian minority refused to participate in almost every newly created body but they became more and more independent from Belgrade establishing a “National Council” enabling them to speak more often with one voice (Petritsch and Pichler 2004: 299). After the overthrow of Milosevic, Belgrade was slowly integrated in the international discussions on Kosovo, most notably to be seen in the Haekkerup-Covic agreement on 05 November 2001. But the latter resulted immediately in an Albanian outcry and was one of the main cleavages among the various factions that competed in creating the new government after the regional elections on 17 November 2001. The newly appointed SRSK Steiner finally managed to broker a compromise in February 2002, more than three months after the elections (Petritsch and Pichler 2004: 324). It is obvious that the obstructionist forces in each of the single ethnic factions were difficult to overcome. As Covey notes, only by nurturing a civil soci-

¹⁸⁷ As Schumann remarks, “the early transfer to the local staff had highest priority for my work but some other departments were much more reluctant. Hence, I tried to work quite independently even though I have been in close consultation with DSRSG König” (Interview with Peter Schumann, 28 November 2005).

¹⁸⁸ Interview with Hans Koschnick, 17 November 2005.

ety¹⁸⁹ and by slowly introducing a political competition for power, UNMIK could channel gradually the factions into political process (Covey 2005b).

If one considers that there was a total institutional vacuum before 1999, there is by now a comprehensive set of political and administrative institutions well established even though the Kosovo Serbs have chosen to stay outside the central organs and maintain parallel structures for health and educational services (Eide 2005: i). Considering the difficult political environment, the creation of a civil administration and the political transfer can be judged relatively successful even though each effort remains fragile due to highly politicized issue of the final status of Kosovo. The international presence appeared only partially to be heterarchically designed in this regard. The second pillar and the Department of Public Services remained focal points to a certain extent and they acted through a high degree of codification via regulations of the SRSG that were drafted within the Department and approved by New York.

3.3 Implementation of Socio-Economic Tasks

As regards the dimension of emergency relief, the UNHCR – together with OCHA – were highly effective coordinating the various actors in the humanitarian relief area. Falling back on lessons learned in Rwanda, an Inter-agency Coordination Unit was established immediately managed to facilitate the flow of information (IPI 2003: 113). Thus, the first pillar could be dissolved already in June 2000 and replaced in May 2001 by a UN-led pillar concerned with UNMIK-police and judiciary institution-building (Petritsch and Pichler 2004: 290). As regards the resources available for humanitarian relief and refugee related matters, the amount was never a problem. More conflictive was the fact that “the donors pursued all their own agenda, tried to influence implementation by conditionality and promised funding that often arrived massively delayed. In general, there was a clear lack of coordination between the donors, in particular there was a competition between the EU and the US”, as Randolph Kent, the Humanitarian Coordinator at that time remembered.¹⁹⁰

Whereas in Bosnia the refugee problem was a long-standing one, in Kosovo it related to very recent phenomena (the major part of the Albanian Kosovars left their homes during the NATO air strikes and after the war, 280.000 non Albanians, most of which were Serbs, added to the 860.000 Albanian refugees). But still it encountered similar challenges that the UNHCR and others experienced in Bosnia: how to guarantee a safe return and how to deal with the sheer

¹⁸⁹ See table A.4 for the impressively growing figure of the local NGO scene which was fast growing and vibrant, but not undisputed.

¹⁹⁰ Interview with Randolph Kent, 11 October 2005.

number of individuals? The results were consequentially mixed: whereas the number of returnees on the Albanian side was satisfying, only 3,4 per cent of the other ethnicities returned to their old homes (Caplan 2005a: 79). Despite intense involvement by UNHCR and OSCE, UNMIK struggled to ensure the physical protection of minorities – in particular, the Serbian returnees were not effectively guarded in the beginning. This related to the shortcomings already outlined (the slow deployment of the civilian police and the lack of preparedness by KFOR to fill this gap) but as well to the fact the relatively effective coordination mechanism within the first pillar was not mirrored in the relations with the other pillars (IPI 2003: para. 141-143). As Kent emphasized in an interview, “in my daily work in Kosovo, I didn’t have any clear guidance nor did I receive any detailed instructions. The contact to SRSG de Mello was there in case that I needed it. But he was not into our daily business. Partially, this was a cause of the lack of coherence in the early days of UNMIK.”¹⁹¹

As for the economic reconstruction, UNMIK and especially the fourth pillar had to reconstruct a defunct former socialist economy after a decade of severe economic and political crisis that had left most parts of the infrastructure and institutions in Kosovo dysfunctional and destroyed - UN officials in Kosovo used to refer to the bombed-out territory they administered as “the empty shell” (Traub 2000: 74). As the main actors in the fourth pillar, the EU and the World Bank concluded after some months: the costs were much higher than preliminary assessments of conflict-related damage alone suggested and especially the local financial institutions were identified to be quickly reconstructed (EC-WB 1999: 2).

The need for a simultaneous engagement of a number of actors¹⁹² in a variety of activities was evident, but the EU proved in the beginning bureaucratically incapable of both providing guidance to the various actors engaged in the field and disbursing the large sums of reconstruction aid timely.¹⁹³ These problems related to a lack of able staff.¹⁹⁴ Especially the energy sector remains inadequate and hinders the resettlement of business whereas the house-building as the second priority had been conducted successfully.

The World Bank was only marginally involved in the beginning as they froze their relationship with Yugoslavia at that time. However, it opened an office in Prishtina already in July

¹⁹¹ Interview with Randolph Kent, 11 October 2005.

¹⁹² The most important actors besides the EU were the UNDP as well as international financial institutions, notably the World Bank and the European Bank for Reconstruction and Development. The efforts were coordinated by the EU (IPI 2003: para. 154/156).

¹⁹³ In the beginning, the EU was even reliant on funds and personnel provided by USAID (IPI 2003: para. 178).

¹⁹⁴ Following Reinhardt, “the EU pillar was clearly the weakest as they didn’t find enough able personnel to undertake the major task of reconstruction. At one point, the US offered some staff, but the Europeans refused. For half a year, there was even an Australian heading this pillar” (Interview with General Klaus Reinhardt, 02 December 2005).

1999 (O'Donnell 2005: 2) and it was tasked immediately with restructuring the agricultural sector making it more competitive and by that reducing the dependency of Kosovo on external goods in this sector (cf. S/2001/936 02 October 2001: para. 20), and with developing a “fiscal authority”. The latter provided an interesting example on the multitude of actors involved and how this hampered the implementation process: the implementation of the concept of a “fiscal authority” was finally ‘outsourced’ by the EU with financial means provided by USAID to a subsidiary company of KPMG. As Schumann remarks, “they did a good job but there was a reluctance to do the job quickly as the contract was lucrative.”¹⁹⁵

In general, the progress was slow and hampered by the interpretative leeway given by the resolution 1244: the UN was cautious “stemming from a belief that there were limits to what the interim authority could undertake in economic reconstruction”, in particular as regards the issue of privatization, whereas the World Bank and the EU “wanted to bring the region as fast as possible up to European standards for future integration” guided by the experiences with the countries in Central and Eastern Europe (IPI 2003: para. 159). In addition, the undecided final status was a major obstacle for economic reconstruction as, firstly, potential investors did not find the required security of property titles and secondly, the Kosovo faced difficulties in borrowing any money for necessary investments without having a status of a state.¹⁹⁶

The current situation is, according to Eide, on the way of significant improvement and due to rich natural and exploitable resources there are signs of sustainability at the horizon. Nevertheless, the economic situation remains bleak in interrelated areas like the energy sector, unemployment, and public income (Eide 2005: i/ii) – often these problems have still their origins in uncertainty on property rights (S/2003/996 15 October 2003: 39) and in the little progress made in undermining the underground economy and repressing criminally obtained wealth from the political arena (Blair et al. 2005). As many authors point out, UNMIK appeared to be itself a serious economic problem: as a main economic actor it created a parasitic and unsustainable economy to serve the needs of the transient internationals (Chesterman 2004: 200).

4. Assessment of the Hypotheses

It is still not possible to assess the overall performance of UNMIK and KFOR: even though some sub-goals were relatively successfully accomplished such as the civil administration, transfer of authority, humanitarian relief, and return of the displaced, others are still strug-

¹⁹⁵ Interview with Peter Schumann, 28 November 2005.

¹⁹⁶ Interview with Wolfgang Weisbrod-Weber, 25 October 2005.

gling, for instance, the rule of law and, foremost, the economic reconstruction. Too much is dependent on the major obstacle being the outcome of an “imperial compromise”: the open final status of Kosovo. Diplomats in Pristina reckon that the international negotiations that recently begun under the leadership of the former Finish Prime Minister Ahtisaari are heading for conditional independence. This would mean Kosovo being fully self-governed, and endowed with some trappings of independence, like a seat at the UN, yet with certain limits on its elected authorities (Economist 8 October 2005: 35). As Eide observes, “entering the future status process does not mean entering the last stage, but the next stage of international presence” for the supposedly hard decision could only be mitigated by international involvement on the ground (Eide 2005: iv). Already during the last two months increasing tensions are observable (Reljic 2005) But all sides need clarity to correct the main failure of UNMIK’s mandate and at the very moment these negotiations provide the biggest leverage for the international community for major progress.

The multidimensional international peace operation in Kosovo was heterarchically designed. Although one tried to apply the lessons learned from Bosnia and installed a central civil authority acting with a high degree of codification, the heterogeneity of the international actors at the outset had major effects: the military and the civilian side were strictly separated and effective coordination depended on personal relationships and goodwill. In addition, there were on both sides tendencies of fragmentation: whereas intentionally the clearly defined chain of command within KFOR and UNMIK’s chain of reports should have prevailed, the national contingents (in particular the Russians were included in the beginning due to an international compromise) and the various international organizations listened all too often to their own masters. The results were many institutional gaps as for instance between the UN and OSCE on policing and between the UN and the EU on economic reconstruction and on the more flexible use of the UN procedures. These could only hardly be mitigated by leadership. Deployment gaps and enforcement gaps, as for instance within the civilian police being planned under high time pressure, as well as hydra-headed donor structures strengthen our assumption of a heterarchical institutional design of which many elements could be directly assigned to international disagreement before and during the deployment of the mission – a designing phase that did not follow a functionalist logic. While our first hypothesis seems plausible when considering the case of Kosovo, our second hypothesis was only of partial relevance in this regard as the UN came in only on a short notice and operatively the situation in New York although constrained by understaffing and high time pressure worked quite smoothly. The implicit consensus principle of NATO and of the G8, however, had certainly effects.

Chapter 7 – The Peace Operation in East Timor (UNTAET)

1. The Decision to Intervene

1.1 Background

The island of Timor is located within the south-eastern part of the today's Indonesian archipelago. For more than 400 years, the eastern half of the island had been a Portuguese colony: the rulers were widely accepted but they did little to develop their colony (Cotton 2004: 1, Smith and Dee 2003: 36). West Timor, by contrast, was part of the Dutch East Indies. During the Second World War, Japan occupied the country and the Australians began to get involved in their geographical neighbourhood organized in a kind of guerrilla force against the Japanese. After the war Timor reverted to colonial rule, but in 1949, the Republic of Indonesia inherited West Timor from the Dutch. The Portuguese eastern part, however, continued to exist. In 1974, Portugal was relaxing his grip due to the Carnation Revolution back home. The military Indonesian president Suharto feared a potential communist government due to this revolution and intervened with the Indonesian Armed Forces (TNI). After some violence, one East Timorese party, the Fretilin (Revolutionary Front of Independent East Timor), declared independence on 28 November 1975 – but the fight with pro-Indonesian groups continued and on 7 December 1975, Indonesia launched an invasion with the result of incorporating it as the 27th province of its state (Quarterman 2003: 148). The Fretilin were forced to flee to the mountainsides and formed a guerrilla group, the Falintil (Armed Forces for the National Liberation of East Timor), and engaged in constant resistance for the more than two decades of oppression to come.¹⁹⁷

The Security Council was swiftly condemning the invasion as contrary to international law and it reaffirmed the status of Portugal as administering power (S/Res/384 1975). In the following years, a series of resolutions and statements were issued by the UN. Portugal informed the UN in each annual report that the conditions in East Timor – like the many human rights abuses committed at least with knowledge of the TNI, an economic stagnation making East Timor by 1997 Indonesia's poorest province, and ongoing guerrilla fights, were preventing it from exercising its responsibilities (Quarterman 2003: 149).

¹⁹⁷ The writer Cardoso describes this period impressively in his autobiographical novel "The Crossing" (Cardoso 2002).

For reasons that related to the Cold War and economic profit, the US, Australia¹⁹⁸ and most of the Asian states, with the important exception of China¹⁹⁹, acquiesced in Indonesia's occupation of the territory. Indonesia's size of 210 million inhabitants (in contrast to 700.000 East Timorese), its rich resources and the strategically important geographical position guaranteed always a central role in US planning (Chomsky 2000: 84). Hence, the US was training Indonesian military forces until 1998 "under the code 'Iron Balance', hidden from legislator and public, because they were in violation of the clear intent of congressional restrictions", and notably East Timor was used as training ground for army's elite troops (Chomsky 2000: 69).

1.2 Towards a Mandate

The UN leverage continued to be weak until the Suharto regime fell (Quarterman 2003: 150). On 27 January 1999, the Indonesian President Habibie suddenly and supposedly without real consultation of his cabinet announced that the people of East Timor would be allowed to vote whether they wished to have autonomy within or separate from Indonesia. This move cannot be explained without having in mind three developments: mounting international pressure, an economic crisis, and a weak governmental setting.

As regards the former, on 12 November 1991, one incident was captured on film when Indonesian troops indiscriminately fired on mourners at a cemetery in Dili, killing an estimated 150 to 270 people, and refocused international attention on the issue (Smith and Dee 2003: 39). In addition, Bishop Carlos Belo and independence leader Jose Ramos Horta were awarded the 1996 Nobel Peace Prize, and the UN slowly began to be more proactive: the newly appointed SG Annan asked the Pakistani Marker to be his Personal Representative on the issue. Quickly, he picked up the UN-sponsored peace talks between Indonesia and Portugal that had begun in 1982. In December 1998 finally, the Australian Prime Minister Howard sent a letter to President Habibie stating that Australia was changing its stated policy on East Timor to support self-determination²⁰⁰ and provoking the announcement of Habibie on 27 January.

¹⁹⁸ Australia and the US were well aware of the Indonesian plans to invade East Timor but they decided not to interfere (Cotton 2001).

¹⁹⁹ There was a longstanding conflict with Indonesia on the natural gas sites around the Natuna islands (Möller 2005: 164). In addition the once vibrant Chinese community in Dili was reduced and expelled due to Indonesian oppression until 1998. Hence, China was well aware of this fact during the years and did not support Indonesia in the essential questions of East Timor (Martin 2001: 120).

²⁰⁰ Australia had previously been the only state that had given *de iure* recognition to Indonesia's claim to East Timor. As Cotton writes, "successive Australian leaders had embraced Suharto as a statesman and an economic genius, and had ignored the deleterious aspects of his rule in the interest of national security and economic and diplomatic integration with the neighborhood" (Cotton 2004: 2).

The second development that explained the Habibie's shift of Indonesian foreign policy, was the vulnerability resulting from the severe economic crisis that shook Asia from 1997 on. The disastrous economic and social consequences led to a high dependency on foreign direct investment and the IMF proved as an important leverage of the international community (Smith and Dee 2003: 41). Thirdly, the Indonesian government was weakened after the fall of Suharto. Habibie was seen as a transitional figure and the intelligence was not properly consulted without having a long-term perspective. As Chesterman points out, many in the government genuinely believed that the Timorese would choose to remain within Indonesia in a free ballot (Chesterman 2004: 61).

On 05 May 1999, Indonesia and Portugal signed an accord witnessed by the SG on a popular consultation of the East Timorese: should the people reject the integration to Indonesia as a special autonomous region, preparation would be made under UN responsibility for East Timor to become independent²⁰¹. The SG submitted his recommendations on the mandate, size, structure, and budget on 22 May to the SC and he stated that the mission "must function with the full cooperation of the Indonesian authorities" (S/1999/595 22 May 1999: para. 5). Subsequently, the United Nations Mission in East Timor (UNAMET) was created (S/Res/1246 1999, extended by S/Res/1257 1999) and Ian Martin appointed as SRSG to carry out the popular consultation but left responsibility for maintaining peace and security in the hands of Indonesia²⁰² (A/53/951-S/1999/513 05 May 1999: Annex 1). The latter proved as the weakness of the whole mission as the Indonesian consent didn't go far beyond rhetoric and as the SC assessed the security situation wrongly: this can be exemplified by the fact that the mandate ended officially at the day of the announcement of the ballot result – one did not assume that the situation would require a longer commitment.

Only a few governments had been involved in the supportive diplomacy before the 5 May agreements²⁰³. Most actively engaged were the US and Australia and together with Japan, New Zealand, and the UK they formed the Core Group to support UNAMET (Smith and Dee 2003: 18). In addition, the thorough preparation by DPA and the steady financial contributions from Australia and Japan to overcome some procurement bottlenecks were factors contributing to the success of the mission (Martin and Mayer-Rieckh 2005: 130).

²⁰¹ In either case, either approval or rejection, a role was foreseen for the UN (IPI 2003: ch. 4, para. 9).

²⁰² A UN civilian police component was low staffed and had only advisory functions, and only under high pressure by DPKO, Indonesia agreed to the deployment of a small number of unarmed military liaison officers.

²⁰³ As mentioned already, the Asian governments had mostly supported Indonesia's efforts to remove the item of the occupation of East Timor from the agenda of the GA and of the Commission on Human Rights (in particular Japan was long a fervent supporter of Indonesia (Chomsky 2000: 52).

But the Secretary-General was never able to ascertain that the security situation was suitable for an unobstructed implementation of the mandate and attacks on the pro-independence umbrella organization, Council of National Timorese Resistance (CNRT), and on UNAMET staff were reported (A/53/951-S/1999/513 05 May 1999: para. 6, S/1999/705 22 June 1999). Furthermore, the Asian and the Muslim solidarity in the SC contributed to weakening of the pressure applied to Indonesia when evidence of its failure mounted (Martin and Mayer-Rieckh 2005: 126/131). Within the Secretariat, however, one was weighing this security situation with the window of opportunity of self-determination for the East Timorese that might close as the Indonesian President Habibie didn't have a strong stand in Jakarta. One tried to exert further international pressure by harnessing extensive media coverage of the situation²⁰⁴ and by the creation of a Group of Friends of the SG

In the popular consultation taking place on 30 August 1999 and announced on 04 September, 78,5 percent voted in favor of independence and against autonomy (IPI 2003: ch. 4, para. 6). Immediately a massive campaign of violence and destruction was inflicted by pro-Jakarta armed militias which caused the dislocation of most of the population; the Indonesian National Military (TNI) and Indonesian police force, being in fact responsible for maintaining security, failed to exert any form of control (Smith and Dee 2003: 18). As one UNAMET staff remembered, "the most disturbing moments were when we promised the Timorese that the security was guaranteed and we would stay with them. Shortly after the ballot, however, we were flown to Dili. While looking back to the house in Same where I experienced a great hospitality the past months, I saw that it was burning. Some days later after the –vote-counting – we were evacuated immediately to Darwin in Australia."²⁰⁵ As one interviewee pointed out, "it was unbelievable but true: some in New York were really surprised by the outcome of the ballot."²⁰⁶

Even though DPKO had began shortly after the 5 May Agreements with a contingency planning under the assumption of a UN peace operation following the 30 August ballot, several problems hampered this process. Firstly, institutional deficits of communication and intelli-

²⁰⁴ For instance, by high official visits to East Timor, e.g. Australian foreign minister, and to Jakarta, e.g. Madeleine Albright (Quarterman 2003: 156)

²⁰⁵ Interview with Johannes Dingler, 25 October 2005.

²⁰⁶ Interview with GenMajor a.D. Manfred Eisele, 17 November 2005. And he continued: "One of the reasons was probably, a common phenomenon, that 'special advisors' insinuated wrong assessments to some people in the senior management of both the Secretariat and the UN – these are often the real decision makers behind the decision makers and all too often they rely on the old principles of peacekeeping as impartiality and neutrality." As Johannes Dingler confirms from a field perspective: "Even though the registration process and the organization of the ballot in East Timor went smoothly from our side, we were well aware of the fact that our – and more important – the security of the East Timorese being not able to leave were not guaranteed after the widely expected result of voting pro-independence and contra-autonomy. We communicated our worries to the higher levels but somehow they did not draw any action-oriented consequences in the headquarters in New York" (Interview with Johannes Dingler, 25 October 2005).

gence sharing within the Secretariat: as only DPA was directly involved in UNAMET, DPKO had to do the planning without much information in hand (Kawakami et al. 2002: 41). Even though DPA proposed a interdepartmental East Timor Task Force (that never came into being), virtual exclusion of DPA and loss of DPA's knowledge base was the consequence (IPI 2003: ch.4, par. 21).

Secondly, national governments tried to influence the decision and in particular the Core Groups wanted to prevent a worst-case scenario planning. US State Department officials, for instance, told the UN DPA that it would prefer not to undertake any detailed planning until the results of the referendum were known – other states, though, had already made their own assessments based on a conflictive environment after the ballot but they “saw no way of feeding the into the UN Secretariat planning mechanisms”. Some suggested even to informally recruit some peacekeepers in advance but the DPKO feared the political implication of such a move with the Indonesian government (IPI 2003: ch. 4, para. 13-15). Similarly, neither Australia nor any other country would intervene without Indonesian consent, or without authorization by the SC where Russia and China along with Malaysia and Bahrain (see annex 1) were waiting for some signals from Jakarta as well (Martin and Mayer-Rieckh 2005: 131). Hence, the Secretariat was seriously downplaying the difficulties the UN mission could encounter (Downs and Stedman 2002: 65).

For this reason, the international community was focusing on achieving consent from the Indonesians. On 06 September 1999, the SC decided to send a mission of some Permanent Representatives to Jakarta and to Dili²⁰⁷ and as the situation worsened, Portugal and Australia, driven by a media campaign after an attack on Nobel laureate Bishop Belo²⁰⁸, exerted pressure on other governments to act: first, they reached consensus among the APEC states and UK to condemn the behavior of Indonesia (Quarterman 2003: 161). On 9 September 1999, Clinton severed military-assistance links to Indonesia and called for sanctions through international financial institutions.²⁰⁹ Thus, even the World Bank and the IMF exerted pressure on Indonesia linking funding to compliance – remarkable as they are normally not political. But the US pushed especially the IMF to link the Indonesian access to funding to compliance (Smith and

²⁰⁷ This active involvement by the SC was seen as “effective Council action at its best” by the Brahimi-report (A/55/305-S/2000/809 21 August 2000: para. xiv).

²⁰⁸ The press of the Lusophone world the US-based East Timor Action Network were particularly effective to rally for political support of an independent East Timor (Cotton 2004: 150).

²⁰⁹ The external East Timorese community was very successful in lobbying the US Congress: on 21 July 1999, the House of Representatives unanimously amended the State Department Authorization bill to call on the Clinton administration to “immediately intensify efforts to prevail upon the Indonesian Government and military” to take steps to end anti-independence violence. On September 27, the Senate Foreign Relations Committee passed S. 1568. Introduced by Senator Feingold and others, it imposed “an immediate suspension of assistance to the Government of Indonesia until the results of the August 30, 1999 vote” were implemented (ETAN 2000)

Dee 2003: 56) and the usually reserved World Bank issued what was perhaps its strongest-ever public statement regarding a political situation, referring to East Timor as “of paramount concern to our stakeholders” (Martin 2001: 107). On 12 September, soon after a meeting of the SC delegation with Habibie and after a strong statement of the SG before the SC, the Indonesian president Habibie announced Indonesia’s agreement to an international force which was authorized three days later in resolution 1264 under chapter VII (S/Res/1264 1999: par. 50-53).

Only with the resolution 1264²¹⁰, finally drafted by the UK, the SG was officially invited to “plan and prepare for a United Nations Transitional Administration in East Timor” (S/Res/1264 1999), though the time span for preparation was now rather short bearing in mind the urgency to stop the violence and the request to present a report of the SG in less than three weeks: “planning with no time to plan”, as one DPKO official remarked (IPI 2003: ch. 4, para. 18). The consequences of inter-departmental conflicts in the Secretariat and the significant delays in authorizing the planning we will elaborate in the following section on the design and the performance of the transitional administration. In sum, however, the international community was very committed during this post-ballot time. A former UNTAET official explained in an interview that the reasons for this were that “Kosovo looked at this time as a successful mission, in the late days of US President Clinton, there was an appetite for multilateral action, and the Security Council had not much more on the agenda”²¹¹.

1.3 Assessment of the Degree of Heterogeneity

The analysis of the international decision-making processes towards a mandate for the transitional administration in East Timor revealed two patterns as regards our independent variables: firstly, even though there were some disagreements and different priorities throughout the 1980s and 1990s leading to a serious neglect of the issue of East Timor for many years, the international community proved in the end quite homogeneous in their response: the P5 were supportive and the US as the remaining superpower was also particularly actively involved. As de Mello notes: in East Timor “there was a very rare, almost unique agreement by the international community, or more importantly of all the major powers, on a single course of action involving the United Nations” (de Mello 2000: 7). Some rifts could easily be mitigated as the issue salience for the major powers was not as high as in the Balkans. Even though, there were

²¹⁰ States like Russia and China that normally would have rather preserved Indonesia’s sovereignty, were supportive of the international intervention having in mind their powerlessness in Kosovo where the NATO intervention created even more question marks related to the principle of sovereignty (Cotton 2004: 151).

²¹¹ Interview with Edward Rees, 20 October 2005

many actors involved, the proliferation as experienced on the Balkans was lacking for the institutional environment in Asia appears not to be as complex as in Europe. The UN and, with minor importance, the financial institutions, were the only organizational actors involved. This lead us to our second observation: the institutional stickiness and ambiguity in particular within the UN system mattered considerably in two ways: firstly, the SC did not find appropriate answers in the years after the Indonesian occupation; though it was condemning the violation of international law, more serious consequences were blocked. Second and more important, the planning process towards the deployment of the interim administration was seriously hampered by inter-departmental fights for turf within the UN Secretariat. The consequences of these shortcomings and the relative homogeneity of the international community will be examined on the following pages.

2. The Institutional Design and Formal Authority

In a first step of the international response, an International Force in East Timor (INTERFET) was deployed based on resolution 1264. It proved to be a counter-example of the Balkan's military "patchwork": as the 05 May agreement already foresaw a role for the UN, DPKO had prepared already for a force structure leading to a quick deployment under the command of the Australians being the unchallenged regional power and with troops coming mainly from New Zealand, the UK, and, of course, Australia itself. The contingents consisted largely of well trained troops – especially in non-military tasks like disarmament, detention of hostile individuals, evacuations and in interaction with locals (Zisk 2004: 141). In addition, INTERFET was provided with one of the strongly worded mandates ever given by the Security Council (Smith and Dee 2003: 45): "establishment of a multinational force empowered to use all necessary measures to restore peace and security in East Timor" (S/Res/1264 1999). Hence, INTERFET progressively restored security and acted as a de facto administration until the UN Transitional Administration in East Timor (UNTAET) was established in November. The speed and success of the multinational force was further facilitated by the steady financial means it had at its disposal: an INTERFET Trust Fund was established (IPI 2003: ch. 4, para. 42) and Japan contributed, for instance, US\$100 million immediately. More important, however, was that Australia was accepting the financial risk that its expenditures would not be reimbursed for sure (Smith and Dee 2003: 48)²¹². INTERFET was replaced by UNTEAT's integrated peace-

²¹² Chesterman explains this enormous commitment of Australia with domestic political pressure on Howard "to do something", a concern about a refugee crisis, and some measure of contrition for its previous policies on East Timor (Chesterman 2004: 63).

keeping force in February 2000 which had to maintain the restored security level and should progressively hand over responsibilities to the Timorese civilian administration – however, as will be shown, the role of UNTAET in the security sector reform was left vaguely (Martin and Mayer-Rieckh 2005: 133/134).

On 04 October, the SG submitted a report to the Council proposing a multidimensional and integrated peace operation to be endowed with the overall responsibility for the administration of East Timor and empowered to exercise all legislative and executive authority (S/1999/1024 04 October 1999). This was further specified by the upcoming resolution 1272 (S/Res/1272 1999), and by a report of the SG (S/2000/53 26 January 2000: para. 69-72). Following these, UNTAET's mandate was comprised of the following elements: to provide security and maintain law and order throughout the territory of East Timor; to establish an effective administration; to assist in the development of civil and social services; to ensure the coordination and delivery of humanitarian assistance, rehabilitation and development assistance; to support capacity-building for self-government; and to assist in the establishment of conditions for sustainable development. As SG Annan highlighted later: “The mandate given by the Security Council [...] to establish a national civil administration, assist in the development of civil and social services and support capacity-building for self-government was unprecedented“(S/2001/983 18 October 2001: para. 83) In addition, there was a clear intention to create a hierarchical structure with an SRSG at the top of the administration²¹³, with highly integrated UN agencies, and with a low direct involvement of other international and regional organizations (Caplan 2005a: 39).

As pointed out already, the time pressure to plan for UNTAET was enormous. DPKO was occupied firstly with the deployment of INTERFET and turned only afterwards to the civilian administration just being able to focus on structural aspects. This resulted essentially in a “staffing table” (IPI 2003: ch. 4, para. 28), rather than a detailed outline of the process itself to Timorese self-government and economic development. As one former DPKO official remembered, one took as a model the plan for UNMIK²¹⁴ – but with a difference as one had the clear objective to make it simpler and fully integrated under the UN umbrella (Kawakami et al. 2002: 43). UNTAET consisted in the end of three integrated components: firstly, the peacekeeping

²¹³ “All legislative and executive authority with respect to East Timor, including the administration of the judiciary, is vested in UNTAET and is exercised by the Transitional Administrator” (UNTAET/Reg/1999/1 27 November 1999: 1.1)

²¹⁴ Schumann, former Principal International Officer with UNMIK, emphasized that this orientation on UNMIK as a model continued during the implementation phase of UNTAET: “there was a constant flow of information and ideas. I was in regular contact with UN staff performing similar tasks in East Timor, the DSRSG of UNTAET was regularly in Kosovo to gain insights, and templates of regulations and of technical developments were used” (Interview with Peter Schumann, 28 November 2005).

forces; secondly, the humanitarian assistance and emergency rehabilitation component; and thirdly the governance and public administration as the main pillar. The latter included the civilian police as well as political and foreign policy issues. It had two objectives: governing the country and develop Timorese capacity. Remaining UNAMET staff was incorporated into UNTAET (Smith and Dee 2003: 18)

Even though, the mandate had a clear objective (in contrast to Kosovo, it was tasked to guide the East Timorese on their way to independence), it left several essential questions unanswered. As outlined, this was especially true as regards the missing guidance on how to proceed on the way to a Timorese self-government and on how to integrate the East Timorese in decision-making processes – the mission was only responsible to the SC to which it had to report every sixth month (S/Res/1272 1999: para. 18). In June 2000 only, the SRSG de Mello issued three minimum requirements for independence based on the three principals of good governance as outlined in chapter three: there should be basic democratic structures in the end of a political transition, an effective and sustainable administration, and rule of law (Beauvais 2001: 1111).

Whereas the DPKO did not draw upon the knowledge of the World Bank²¹⁵, of DPA, and of the CNRT as regards the main planning process²¹⁶, it supported the creation of an East Timor Task Force to guide the economic reconstruction and the overall funding of the operation together with several UN agencies and the Bretton Woods institutions. One outcome was that the voluntary contributions would be coordinated via an unified document serving as a basis for the donor meeting in Tokyo (UN and WB 1999). This meant in general that the World Bank was involved to a high degree in direct project implementation and the IMF in reestablishing a monetary, financial, and fiscal system (Boyce 2004: 7).

In sum, formally the mission was hierarchically designed: all components were theoretically integrated with some leeway for the financial institutions and the main powers vested with the SRSG. In the following, we will assess how this translated into the daily implementation processes having a special focus on the coordination mechanisms, the real degree of control the SRSG could exercise in the wake of the large scope of the mandate, and the handling of the interpretative leeway and vagueness as regards the schedule towards independence.

²¹⁵ Whereas the Bank had previously worked well with DPA, with DPKO they lacked the same degree of coordination (Caplan 2005a: 171). This was unfortunate, for the World Bank had been involved already in 1998 into East Timor and gained a lot of valuable knowledge.

²¹⁶ One DPA official remembered later: “DPKO did not allow us to formally put DPA people on the planning team. We met informally...and created an inter-agency co-ordination process”, and an early conceptual paper by the CNRT with the title “Managing Transitional Administration in East Timor” was simply ignored – perhaps due to time pressure but as well due to the old principle of impartiality (IPI 2003: ch. 4, para. 20-25).

3. The Real Authority, Redesign and Implementation

3.1 Organization and Finance of the Peace Operation

The situation after three decades of complete stagnation and violence was devastating: “not just doctors, dentists, accountants, lawyers, and police, but also tables, chairs, pots, and pans [were lacking]” and the question was how to “invent” a new functioning state soon to be called East Timor or Timor-Leste under these circumstances and with a mandate that assigned only three years for this task (Traub 2000: 74). A thorough planning as well as a quick and extensive deployment would be necessary. But, as outlined already, the planning team of UNDPKO after the ballot was understaffed and operated under tight time constraints. We have outlined in chapter four that UNDPKO suffered from overstretch due to the withdrawal of a large number of gratis personnel and the handling of two extensive missions at once (UNMIK and UNTAET). As the complex recruitment procedures added to the lack of human resources at the Secretariat, UNTAET started slowly (Martin and Mayer-Rieckh 2005: 134). De Mello noted with hindsight, “the UN, to put it mildly, is rarely accused of excessive planning” (de Mello 2002: 17). The SRSG thus had to make progress with a skeletal mission and especially with a understaffed Governance and Public Administration component for several months (Caplan 2005a: 165). Later, however, there was sometimes too much planning and oversight but too little operative action: “In East Timor for every staff member fulfilling a substantive task in running the country, there is one administrator to ensure he or she upholds the rules” (de Mello 2000: 7). The sticky headquarter rules were applied one-to-one and to compensate for the lack of planning in the beginning, the lessons learned were overdone.

Most of these disadvantages were balanced, however, by two factors: on the one hand, by a “mission-friendly” environment with almost no ethnic cleavages in place, and, on the other hand, a skilled and integrative leadership by the SRSG de Mello as well as his immense stature within the UN system – following this, he was given a tremendous degree of autonomy in governing the mission (Beauvais 2001: 1167) Though nominally part of the third pillar of governance and public administration, political and foreign policy issues were handled, for instance, directly by the SRSG and his Head of Political Affairs (Smith and Dee 2003: 63). De Mello and his team ensured as well a good deal of influence in New York: the DSRSRG went regularly before the ACABQ and the Director of Administration had a good flow of communication with the headquarters. The cable from New York were very important and often a leverage to bring

coherence to the multitude of actors within UNTAET.²¹⁷ Furthermore, as the Brahimi-report proposed, East Timor was the first mission which was supposed to be guided by an IMTF – at least in during the last months. The impact, however, was not very strong and not action-oriented (IPI 2003: ch. 4, par. 351): one could observe “more information sharing than real strategic approaches”.²¹⁸

In general, we can thus assume that the formal hierarchical design was paralleled in the day-to-day practice but some interviewees highlighted that there were elements of decentralization in the structure of UNTAET: firstly, as de Mello appeared to be relatively delegative, local offices were set up politically in distance to Dili headquarters and consequently they had could act relatively independently²¹⁹. And secondly there was again a tension between the administration and the operational side and, furthermore, while the senior staff remained in place for a long time, “within UNTAET’s major components, the same continuity and level of leadership was not always demonstrated (Smith and Dee 2003: 113).

In general, the resolution contained little guidance to the transitional administration on how it was to proceed. It simply granted UNTAET authority “to take all necessary measures to fulfill its mandate” (S/Res/1272 1999: para. 4). It was particularly vague on the nature of East Timorese participation (S/Res/1272 1999: para. 8) and although the end state was to be independence, the path that East Timor was to take en route to that goal was not clearly defined – only broad objectives set down in the relevant Secretary-General’s Report (S/1999/1024 04 October 1999); it envisaged a transition period to independence would take two to three years (S/1999/1024 04 October 1999: 27). This main deadline was almost unrealistic. De Mello stated: “there are many components of 1272, such as supporting capacity building for self-government, assisting in establishing the conditions for sustainable development, developing civil and social services that were not – could not have been – completed in the time frame accorded UNTAET” (de Mello 2002: 17). Hence the mission accelerated its implementation processes several times and rushed out a bit too early.

Four reasons can be assumed to contributed to this observation: firstly, one feared a gradually decline in international donors will to provide as East Timor was considered not important enough strategically on the world stage as was, by contrast, the Balkans being in the backyard

²¹⁷ Interview with Joseph Andrews, 01 November 2005.

²¹⁸ Interview with Randolph Kent, 11 October 2005.

²¹⁹ Interview with Joseph Andrews, 01 November 2005. Even though, this approach took quite some time to materialize as, in the early months of the operation, first priority was given to the concentration of personnel in the capital, as is illustrated by the fact that in January 2000, while there were 174 professional officers in Dili, there were only 17 in the districts (Chopra 2002: 985-988).

and this in the immediate security interest of the Europeans and NATO. Secondly, it was an overreaction to counter the missing final status in Kosovo.²²⁰ Thirdly, after the terrorist attacks of 11 September 2001 the priorities, in particular of the US policy, shifted and the CNN effect weakened to zero. Fourthly, the East Timorese managed to have an increasingly large voice in the process and their desire for an early independence couldn't be hold back for longer. But as we shall see, the transfer of authority to the East Timorese was only reluctantly implemented. The governors remained a long time not the accountable to the governed. This can be illustrated by the delay in installing an ombudsperson whose office was operational only as late as in May 2001 and was not foreseen from the outset.²²¹ Once the office was installed, however, complaints could be failed against the UN directly without having the scope to investigate human rights and the institutional backing by an organization like the OSCE in Kosovo (Chesterman 2004: 149-150). Additionally, an Office of the Inspector General, an East Timorese body to oversee the trust fund set up by the World Bank (UNTAET/Reg/2000/34 16 November 2000).

We have outlined already, that UNTAET was subject to the standard administrative and financial procedures of the UN. As regards the budgetary processes, this meant a strict distinction between funding for peacekeeping and for peace-building. As Chesterman reckons, "this might be reasonable in a country where the UN operation sits parallel to an existing government, but when the United Nations was the government it led to absurdity" (Chesterman 2004: 195). This pattern we observed already in the analysis of UNMIK. And, as Andrews points out, a related general problem as outlined in chapter four proved to be quite a challenge to UNTAET's functioning: the mandate by the Security Council and the budgetary processes within ACABQ and the Fifth Committee are disconnected and only brought together indirectly by the reports and the proposals of the Secretary General. This disconnection of policy development and financial underpinning caused some uncertainty for the implementers in the field and increased the complexity of the overall mission.²²²

Whereas INTERFET and the large scale humanitarian relief operation in the post-ballot time where financed by a Consolidated Inter-Agency Appeal for US\$199 million, the GA decided to apportion an advance of up to US\$200 million to ensure the funding of UNTAET during the first months (Salomons and Dijkzeul 2001: 92). By April, a first budget of US\$341 million was assigned - until 30 June 2000 to adjust to the regular budget cycle (A/54/769 and

²²⁰ Interview with Joseph Andrews, 01 November 2005.

²²¹ Chopra compared the legal status of UNTAET with that of a "pre-constitutional monarch in a sovereign kingdom" (Chopra 2000: 29). An illustrative example underlines this statement: at the airport in Dili, a Timorese in a UN uniform puts an "UNTAET" stamp in each passport; East Timor did officially not even exist in the beginning (Traub 2000: 74).

²²² Interview with Joseph Andrews, 01 November 2005.

A/Res/54/246B). But in summer 2000, the mission ran short of money due to a delinquency of some member states with regard to their assessed obligations: 63 per cent of the funds required keeping UNTAET functioning were outstanding (Salomons and Dijkzeul 2001: 93). The Assembly emphasized that “no peacekeeping mission shall be financed by borrowing funds from other active peacekeeping missions” (A/Res/54/246-C 21 July 2000). Even though the situation eased afterwards considerably, large parts of UNTAET like the UN’s Office of Communications and Public Information remained poorly resourced (Smith and Dee 2003: 65) and other sources became very important like the US\$16 million pledged on a donor’s conference in Lisbon in June 2000 and even parts of the PKF were funded via trust fund contributions (Salomons and Dijkzeul 2001: 94)²²³.

Beyond the often criticized²²⁴ financing of UNTAET itself (in sum until independence, about US\$1,3 billion representing some 70% of all international funding to East Timor), the world responded quickly to resource East Timor’s immediate humanitarian and rehabilitation needs. At the Tokyo donors meeting in December 1999, the sum of US\$523m (US\$366m for physical reconstruction projects and US\$157m humanitarian assistance) was pledged for the three years to come (Kawakami et al. 2002: 60). Even though donor pledges were delivered in a timely manner as the multilateral trust funds system like the Trust Fund for East Timor managed by the World Bank, worked smoothly, the overall funding lines were not as clear: rather diffuse conglomerates of financial support could be observed. The reintegration program for former Falintil fighters, for instance, was funded by the World Bank, by USAID, by Australia, and by Portugal but implemented by the IOM (Smith and Dee 2003: 81). A further example for the variety of organizations and financial flows that lurk behind the allegedly well-ordered UNTAET world is the sector of microfinance by and of NGOs and civil society in general. In 2005, more than US\$5 million were available in small grant resources in East Timor. Several embassies, national humanitarian organizations and some INGOs have been small scale government projects, well established national but mostly small NGOs, and community group initiatives (in the latter case of maximum grants of US\$20,000-US\$25,000). They have provided “assistance to reduce poverty and improve living standards in communities” throughout East Timor in various sectors (SGDN-BELUN 2005: 10/11). It is obvious that the presence of so

²²³ In addition, the taxes raised in East Timor amounted up to US\$40 million in 2002/2003 and grants of the World Bank provided for various projects: US\$21,5 million for 2000-2003 for community empowerment and local government projects and US\$17 million for the health sector (Salomons and Dijkzeul 2001: 93).

²²⁴ Of UNTAET’s annual budget only one-tenth was designated to reach the East Timorese directly – instead, there were often cited titles like US\$27 million for bottled water for the international staff annually: “approximately half the budget of the embryonic Timorese government, and money that might have paid for water purification plants to serve both international staff and locals” (Chesterman 2004: 183).

many projects makes the environment highly complex: “despite the overlap in objectives, it is only natural that donors have different guidelines, proposal formats, and reporting requirements” (SGDN-BELUN 2005: 11).²²⁵.

In sum, whereas the design can still be described as hierarchical, the assessment shows that many aspects undermine the formally assigned centralized authority lines: the constraints at the headquarters level leading to inappropriate planning, the delegative attitudes of the SRSG as regards the overall structure of UNTAET, the complexity of the funding flows, and the vagueness on how and when to transfer the authority to the Timorese. In accordance with our theoretical framework, we assume that these factors lead to uncertainty and hence to non-functional outcomes as we should see in the following two sections.

3.2 Implementation of Good Governance

As regards the mandate for the rule of law component, it was characterized by vagueness: the report of the SG on 04 October 1999, for instance, did not include any reference to security sector reform and to the future of the Falintil (S/1999/1024 04 October 1999). This delayed the implementation of this important part of post-conflict reconstruction as one needed to decide and improvise in the field on these major issues (IPI 2003: ch. 4, para. 55). This accounted especially for the coordination mechanism between the peacekeeping force that took over from INTERFET on 23 February 2000 and the civilian police component. Thus was necessary as the two were handled as distinct entities right from the beginning upon a decision by the SRSG motivated by the consideration to provide an example to the East Timorese of the prevalence of civilian oversight. Whereas INTERFET had been responsible for most security issues and handled them well, the hierarchy between the two new entities was not clear and the regular exchange of information especially on the working level proved weak for the first months. This was not only because of a strict separation but also due to the unequal status of their commanders: the force commander, as head of an own pillar, had direct access to the SRSG, whereas the police commissioner was part of the third pillar reporting to the DSRSG and was, thus, often-times excluded from high-level discussions (Smith and Dee 2003: 75).

The consequences were felt, for instance, when one decided to create an East Timor Defence Force in which large parts of the Falintil were to be included – the rest was part of the

²²⁵ This report by the Small Grant Donors’ Network (SGDN) and the NNGO BELUN in East Timor, provides both an insight in the complexity and multitude of inter-organizational relations in development and an excellent way of solution by providing guidance on how to reduce this complexity and, thus, on how to make resources accessible to local NGOs and civil society.

DDR process set up under the program name “Falinitil Reintegration Assistance Program”. Even though Falintil was quite cooperative in the beginning, the progress made was slowly due to a lack of staff and resources on the police side and consequentially, the acceptance to participate in the DDR program was decreasing (Smith and Dee 2003: 49). Additionally, undecided demarcation of the international borders between East Timor and Indonesia proved constraining in the beginning (Smith and Dee 2003: 34) as the peacekeeping force and the police were differently informed and no clear division of labour existed.²²⁶

The essentially unarmed civilian police component had thus a difficult start. Even though the first units were early deployed²²⁷ “to maintain law and order” (S/Res/1272 1999), it faced difficulties of winning the confidence of other UNTAET personnel and the population as their standards were not high and the physical establishment of basic structures like district stations was delayed (Smith and Dee 2003: 26). As regards the latter, de Mello stated once, “I had money to renovate UN offices but I had no resources to renovate prisons” (de Mello 2002: 18)²²⁸. INTERFET took over for most of these tasks in the beginning, while the performance of the UN-Police gradually improved. In the end, the trained East Timor Police which was established symbolically on 10 August 2001 proved by and large to be a success story (IPI 2003: ch. 4, para. 77). However, on 04 December 2002, two people were shot dead by police and many were wounded when a protest over the arrest of a student on a murder charge went out of control in the East Timor capital, Dili (Boavida 2002). One assumed to having been orchestrated by militias led to a slowdown in downsizing of UNMISSET, the extensive successor mission of UNTAET (Caplan 2005a: 222). This incident shows the fragility of the security situation despite all achievement during UNTAET’s presence.

As regards the judicial institutions there was a clear lack of educated local personnel²²⁹, but the question on applicable law – the Indonesian law before the 25 October 1999

²²⁶ Only recently, further negotiations on the remaining disputed four per cent of the frontier were partly brought to successful conclusion. In fact, the colonial borders substantially provide the basis, although delineation in places is sometimes contested by local communities. East Timor comprises the eastern half of the island, the two offshore islands of Atauro (near Dili) and Jaco (at the eastern tip of the island), and the enclave of Oecussi located on the northern coast of West Timor (the latter is the result of colonial history – the small town of Lifau was the main Portuguese settlement on Timor; later the capital was removed from Lifau to Dili).

²²⁷ It was, however, rather the training component that was early deployed as it was already assigned a role during UNAMET times. Many of the “executive” units arrived considerably late: a riot control unit from Portugal was not operational before March 2000, the Jordanian unit was deployed in June 2000, and the mandated maritime police unit had still not arrived in the end of 2001 (Smith and Dee 2003: 75). Hence, the King’s College assessment concluded that the deployment was “still painfully slow” (IPI 2003: ch. 4, para. 74).

²²⁸ “One night, three prisoners escaped through a hole they made in a wall. There was delay in filling in the hole as there was no agreement against which budget the repairs should be charged. The single detention center quickly filled up and in one case a suspected rapist had to be released to make room for a murderer” (de Mello 2000: 5).

²²⁹ Even though only challenging 60 East Timorese had a law degree at that time, the courts were almost exclusively staffed with locals (Beauvais 2001: 1152).

(UNTAET/Reg/1999/1 27 November 1999) was chosen – was not as contested as in Kosovo. But, with hindsight, the most challenging problems occurred in the persecution of serious crimes unit being clearly at the center of any reconciliation efforts after a 24-year history of human rights violations. Within UNTAET there was little clarity on how to deal with this issue: as the situation in Indonesia remained unstable, one was reluctant to confront the fragile government with an international authority dealing with these issues. “Consequently, instead of one international tribunal, two separate domestic jurisdictions – a weak, disinterested Indonesian and a future East Timorese one – were responsible” (Martin and Mayer-Rieckh 2005: 138). In April 2000, UNTAET established a Serious Crimes Investigation Unit, but there was an obvious lack of resources and management problems led to serious shortcomings and delays up to the second half of 2001 (Chesterman 2004: 173). As one former prosecutor describes, “the criminal justice system has become the black mark on the UN mission’s record in East Timor” (Smith and Dee 2003: 84). With the Regulation 2001/10 and on East Timorese initiative, UNTAET established a Commission for Reconciliation and Truth which was modeled after the example of post-Apartheid South Africa and proved very successful as it was considered more legitimate than the special panels for serious crimes (Chesterman 2004: 170, UNTAET/Reg/2001/10 13 July 2001)

The establishment of a sustainable public administration was undermined as well by the lack of planning, by the time pressure, recruitment problems²³⁰, and an “ambiguous relationship to the CNRT and the World Bank” (Martin and Mayer-Rieckh 2005: 137). As de Mello had established a privileged partnership with Xanana Gusmao, the consultation processes at least on this high level worked well. But there were many complaints on the delay on the way to co-administration – and especially the district level was held long under UN oversight²³¹. Indeed, the World Bank criticized forcefully, that the UN administration was reluctant to include the Timorese in project development and in daily decision making processes (Ingram et al. 2002: 96). After having established a purely advisory council, the non-elected National Consultative Council (NCC) in which the National Council of Timorese Resistance (CNRT) was dominantly represented, the further inclusion of the locals stagnated – UNTAET was even in large parts “hostile” to the World Bank’s Community Empowerment and Local Governance Projects

²³⁰ There were heavy complaints from the East Timorese on the qualification of many of the international personnel – Ramos-Horta vented his anger publicly: “I know many of them have no experience, no academic qualifications at all, I asked one of them – an American lady – what her qualifications were and she said to me only that she had worked in Yosemite National Park” (quoted in: Caplan 2005a: 98).

²³¹ Originally, UNTAET wanted to structure itself innovatively in a decentralized manner on district level but one failed in the first months of the mission as the recruitment was too slow and later it was blocked by UNTAET officials even though the mandate did foresee it (Beauvais 2001: 1142).

(Beauvais 2001: 1119, Suhrke 2001: 15)²³². Hence, UNTAET followed a two track approach providing services directly through its Governance and Administration pillar and training the East Timorese at the same time without direct involvement in the administration tasks. Besides the reluctance of UNTAET officials to share competencies and knowledge be it based on personal reasons or on strict UN regulations²³³, the fact that large parts of the Timorese elite fled to other countries exacerbated the problem. In addition, as already mentioned, the Communications and Public Information Office of UNTAET was not fully operational for quite some time with consequence of several shortcomings in explaining UNTAET's activities and approach to the Timorese.

It was not before July 2000 (UNTAET/Reg/2000/23 14 July 2000) that one was abandoning the two track approach shifting to co-government with the East Timorese National Council and a Transitional Cabinet, and transferring the Governance and Public Administration to the co-administration institution East-Timor Transitional Administration (ETTA). As can be seen in scheme A.7 in annex 1, UNTAET was still on top leaving not much leeway for genuine Timorese action. But, as Smith highlights, this “was a major change in the transitional process, reversing the philosophy on how the transition should be managed” (Smith and Dee 2003: 65) as the line of argumentation was before “local participation must await formal, UN-held elections” (Suhrke 2001: 16). But, as in Kosovo, one was not rushing for elections: the first national elections were only conducted after 22 months (Caplan 2005a: 125). Afterwards the processes went much faster: now almost parallel to Kosovo, an all-Timorese Second Transitional Government was created (UNTAET/Reg/2001/28 19 September 2001). De Mello later acknowledged that “we should have moved more briskly in bringing national partners on board from the very beginning in a more truly substantive fashion. While our consultation (and desire to do so) in those early days was genuine, our approach towards achieving that failed”, and he explains that “we had to feel our way, somewhat blindly [...] wasting several months” (quoted in: IPI 2003: ch. 4, para. 295).

As Martin observes, “these shortcomings resulted from confusions arising over UNTAET's dual role as the transitional administration [de iure accountable to the UN] and as a

²³² The World Bank project, which provided for the establishment of representative village and sub-district councils to directly control the utilization of some \$35 million in development funds, ultimately was approved (Beauvais 2001: 1119). Despite CNRT's support for the project, the UN had at first opposed the initiative, as it felt uneasy with the election processes that were planned differently. UNTAET also objected to strict gender balance in these local councils, arguing that it was culturally inappropriate, but then yielded under lobbying and pressure from East Timorese women (Caplan 2005a: 171).

²³³ De Mello illustrates that “the UN had over 500 vehicles for its staff, but it was only by breaking rules that a meager dozen vehicles could be released for the Timorese [...] the rules also do not allow one to give lifts” (de Mello 2000: 7).

mission tasked with preparing East Timor for democratic self-government” where a de facto accountability before the Timorese existed (Martin and Mayer-Rieckh 2005, cf. S/Res/1272 1999: para. 1 and para. 8). UNTAET was thus on all central dimension of transitional administration (political authority, civil administration, and law and order) provided with a short-term mandate to govern and the long-term strategic objective to prepare the Timorese for independence, and this “dual mandate” seems to be the main persistent problem throughout the implementation of UNTAET (IPI 2003: ch. 4, para. 21). As Beauvais notes, the long-term strategic objective came under a lot of pressure from the three constituencies of UNTAET: firstly, the Security Council’s primary interest was to keep UNTAET’s involvement “as brief and tidy as possible” and to avoid the reemergence of hostilities; secondly, the concerns of donor countries, particularly Portugal and Australia, were somewhat more complex, but focused primarily on the achievement of visible reconstruction results within a relatively short time frame; and, thirdly, there were pressures from the East Timorese for governance results, authentic power sharing, and early independence (Beauvais 2001: 1166, cf. IPA 2000). Thus, the short-term perspective was clearly overemphasized in the end, and when UNTAET left, the political institutions were relatively weak as one was rushing with the constitutional process to meet the deadline of 2002. Clear lack of planning in the run-up to the mandate, overstretch of the mission, and reluctance to hand over responsibilities in the beginning led to this somewhat dissatisfying progress.

3.3 Implementation of Socio-Economic Tasks

The UN humanitarian and development agencies were the first to arrive and they responded quickly to the needs following the post-ballot violence. According to Goldstone and as seen in the previous section, UNTAET mirrored this prime focus on achieving short-term humanitarian goals at the expense of longer-term capacity- and institution-building ones (Goldstone 2004: 85). These problems could only be emphasized with hindsight. Immediate complications, however, arose when UNTAET was established and these agencies were reluctant to integrate themselves fully into the transitional administration as they had assumed full responsibility in their respective areas of expertise beforehand. Some have even argued that as the UN in East Timor represents something like a government they can not be part of it, but must have their separate and distinct identities (de Mello 2000: 6).

In general, the results of the emergency relief and the reintegration of refugees has to be positively judged given the enormous challenge the agencies and UNTAET faced: basically the

whole population was uprooted at some point during the war (Caplan 2005a: 70), many were in camps in Western Timor where the rumours spread on the difficult security situation in East Timor. UNHCR had severe problems of convincing the refugees that the security could be guaranteed. However, in one decisive dimension, the task was much easier than observed on the Balkans: there were almost no tensions among ethnicities – East Timor was based on a rather homogeneous and mono-ethnic society. Thus, the resettlement went relatively smoothly fostered by an “excellent cooperation” of the UNHCR with the IOM and various NGOs in the field. Interestingly, the balance between quickly resettling refugees (UNHCR) and maintaining security (peacekeeping force) could be hold despite minor tensions (Smith and Dee 2003: 85). The peacekeeping force provided humanitarian support in those areas where civil agencies had most difficulty establishing themselves. The civil-military coordination was, however, underestimated by DPKO in the initial planning and the arrangements had to be partly informal partly ad-hoc with a post-hoc legitimation (cf. Smith and Dee 2003: 73/74).

Regarding the economic reconstruction, when UNTAET arrived, 95 per cent of all commercial or retail space in Dili was burned, every bank destroyed and telecommunication outside the capital was not possible (Caplan 2005a: 138). But as first economic assessments were already undertaken prior to any mandated mission under the lead of the World Bank in joint efforts with various UN agencies and the East Timorese, a single, comprehensive picture of needs could be presented to potential donors barely six weeks after the UN administration had started (de Mello 2000: 6).

While the pledges made on conferences were impressive, the system in the field could not handle the sums appropriately as the implementation was constrained by deployment gaps and coordination problems: the UNDP office in Dili, for instance, was not opened until March 2000 meaning a setback for the enhanced social and economic development agenda, and DPKO forgot even to plan for a customs service which had been overlooked because it was following the Kosovo model where there was no need for it being not supposed to be heading officially toward sovereignty (IPI 2003: ch. 4, para. 28). As regards the issue of coordination, although “the Donor Coordination Cell within UNTAET did an admirable job, there was a lack of coordination between the major development agencies” such as ETTA, UNDP, World Bank, and the donor states hampering the implementation processes seriously (Smith and Dee 2003: 115): in one case, for instance, “within the same UN agency, two projects were being carried out at the

same time: one to reinforce the need for sustainability and capacity development and the other moving vast resources quickly without promoting any of the values of the former.”²³⁴

As Thiele observes, subsistence farming with a coffee as the main good of export will remain the backbone of the economy the foreseeable future but only concentrating on this, would leave the economy vulnerable of shocks (Thiele 2000). By now, one was not successful to make use of the low wages and to diversify on the labour-intensive industries. A huge obstacle was the lack of a coherent strategy and still partly unresolved problem on safe land and property rights (S/2002/80 17 January 2002: 52) as there existed overlapping titles to the same properties derived from the pre-colonial times, the Portuguese rule, or the Indonesian occupation. Chesterman reckons that UNTAET deferred the consideration of this issue until after independence and therefore beyond its mandate for essentially political reasons (Chesterman 2004: 174). The UN was, however, quite successful recently to assist in the negotiations with Australia on the right to exploit the rich oil and gas fields in Timor Sea: the Timor Sea Arrangement was agreed upon on 05 July 2001 granting East Timor more than 90 per cent of the revenues of (an estimated sum of US\$3 billion over the years (Smith and Dee 2003: 53)) – in the years before in a deal closed between Australia and Indonesia, the ratio was almost reverse. Even more important, the revenues will be invested according to strict rules based on the principles of sustainability, e.g. in education – the agreement is called “Norway plus” as it is based on a similar agreement that exists in Norway.

The economic challenges remain high²³⁵ and it is still too early to answer the success and failure debate. Having in mind the devastation of six years ago, and the legacy of colonial rule and Indonesian occupation the progress of independent Timor-Leste is remarkable. It seems that UNTAET’s focus on security, governance, and humanitarian relief, and generally on quick impact projects underplayed equally essential matters of economic and social development.²³⁶ In 2001, for instance, the aid related investment accounted for 60 per cent of the Timorese GDP (Rubin et al. 2004: 9). As a consequence, the East Timor was not fully prepared for the departure of UNTAET having a devastating effect on East Timor’s daily life (Steele 2001), and the international community was forced to authorize extensive follow mission to soften the abrupt change to independence (Forster 2005): the United Nations Mission of Support in East Timor (UNMISSET)²³⁷ and later the United Nations Office in Timor-Leste (UNOTIL).²³⁸

²³⁴ Interview with Rebecca Engel, 19 October 2005.

²³⁵ Most importantly, there is still a “continuing abject poverty” (Zisk 2004: 14)

²³⁶ Interview with Rebecca Engel, 19 October 2005.

²³⁷ In resolution 1410, UNMISSET was assigned a rather comprehensive tasks that is not far below the UNTAET mandate: to provide assistance to core administrative structures critical to the viability and political stability of

4. Assessment of the Hypotheses

Overall, in terms of bringing East Timor to independence and to a stable security situation, UNTAET (with INTERFET at the beginning) was a success. There are, however, bigger questions related to criteria of political and economic transitions as outlined as principles by de Mello.²³⁹ In this regard, the record is patchier. Due to relative homogeneity of the international community, the constraints on the designing process can be derived almost in total from the institutional stickiness and ambiguity as elaborated in chapter four: time constraints, understaffing, rigid budgetary procedures, and inter-departmental rifts reduced the capability of the Secretariat and notably DPKO for engaging in appropriate planning. This lack of planning permeated throughout the mission, particularly affecting, for instance, the area of governance (co-administration and civilian police in particular)²⁴⁰. One relied too heavily on the former template of UNMIK and formulated some parts quite rigidly as for instance the timeframe of three years without describing the process. It proves once more to be true what a US diplomat observed with hindsight after having planned a peacekeeping mission: “although it was possible to sit down with paper and pen and draw a coherent organizational chart, what was reproduced on paper bore little resemblance to practice, which itself was an ever-changing reality” (Barnett 2002: 32, quoted in: Lipson 2004: 19). Thus, the mere existence of powers in a hierarchical design does clearly not automatically translate into the capacity to exercise them for the complexity to invent a whole country within three years is high and for some patterns like the uncoordinated donor behaviour are emergent phenomena that are only hard to deal with. Hence, despite the fact that our first hypothesis seems plausible at first glance (low heterogeneity, low heterarchy), the mechanisms leading to the transitional administration cannot be viewed as following a functional logic. Rather the basic assumptions of the second hypothesis can provide an explanation for the shortcomings the mission design has revealed. Still, to understand the deficits in the mission performance, the link to the designing phase is essential.

East Timor; to provide interim law enforcement and public security and to assist in the development of a new law enforcement agency in East Timor, the East Timor Police Service; and to contribute to the maintenance of the external and internal security of East Timor (S/Res/1410 2002)). As the SG was later pointing out, UNMISSET followed an implementation plan (S/2002/432 17 April 2002) providing clear objectives, timelines, and resource requirements as was recommended by many experts and experienced already within UNMIBH in Bosnia (IPI 2003: ch. 4, para. 360). On 20 May 2005, UNMISSET concluded its mandate.

²³⁸ The mandate of UNOTIL was laid down in the resolution 1599 (S/Res/1599 2005) stating that the Office should support the development of critical state institutions, of the police, and of the border patrol unit, and provide training in observance of democratic governance and human rights. Subsequent reports of the SG contained further specifications (S/2005/310 12 May 2005: para. 45/46, S/2005/533 18 August 2005: para. 44-49).

²³⁹ Interview with Rebecca Engel, 19 October 2005.

²⁴⁰ Some consider the peace operation in East Timor as suffering from a surfeit of planning (Caplan 2005a: 221). If planning is understood as just the activity of drafting paper, then we might agree. We disagree, however, if this statement points to the action-oriented planning – there was no surfeit of this kind, rather a lack.

CONCLUSIONS

“Properly speaking, such work is never finished; one must declare it so when, according to time and circumstances, one has done one's best.” (Goethe)²⁴¹

1 Functionalism and Beyond?

This study started with the assumption of the institutional structure being an important factor in determining the scope and range of policy strategies as well as in the ability to cope with various complexities and uncertainties. It was furthermore expected that the designing processes leading to this structure are crucial in understanding its performance. The tendency in research on peace operations theoretically neglects by and large the dependency between the policy development on the international level and its implementation treating both levels as distinct entities, as closed functional systems. In our theoretical discussion, we have contrasted the prevalent functionalist view of designing processes with inherent non-functional dynamics that might arise even if rational actors are at work, and with characteristics of the institutional context constraining designers in properly assessing a conflict at hand. Both dimensions might force a sponsoring coalition that sets up a peace operation and is thus faced with a complex policy development, to formulate supposedly non-functional compromises be it due to its heterogeneity or due to the ambiguity and stickiness of the institutional context.

The examination of the institutional context and the tracing of designing and implementation processes to assess the plausibility of these assumptions in three transitional administrations (in Bosnia, in Kosovo, and in East Timor) led us to cautiously put forward a positive assessment of the hypotheses. The decision-making in the run-up of peace operations appears to be based on widely unsystematic, partly informal, and oftentimes disjointed processes in case of divergence of interests among the major powers. The mandates mostly approved by the Security Council and further elaborated by reports, rules of engagement, and terms of references issued by various international organizations and capitals are developed in various forums being subject to the consensus principle. Real substance in the form of clarification of the lines of authority and timeframes is added only on the last minute and caught in ambiguous wordings and compromise that may make for good diplomacy but not for necessarily functional operations. These time pressures arise out of the heterogeneity of the sponsoring coalition as seen in Bosnia or Kosovo and out of the sticky Byzantine procedures as well as a lack of intelligence-sharing mechanisms mostly within the UN system as seen in East Timor and in Bosnia before

²⁴¹ Italienische Reise II, 16 March 1787 (Goethe 1976 [1787])

Dayton when the UN instruments failed to stop the violent conflict. Under these circumstances, actors are more concerned with ensuring their own stake in the implementation processes and improving its own position in the international gamble leading to a heterarchical mission design than with designing a mission that fits the case – even if this task might be too complex, already the intentions to do so were mostly trapped in the outlined context. In case of relative international homogeneity as observed in East Timor, the constraining effects of the institutional ambiguity and stickiness led to a fall back on former templates without adapting them sufficiently to the conflict at hand, and to deficits in planning, recruitment, and budgeting. Dependency on international resources and, hence, attention of the international community resulted in designs made for quick fixes and lacking long-term views .

In sum, this study shows that there is a strong case for considering the whole policy cycle of designing and implementation processes when analyzing peace operations and it seems that classic political theories of policy processes and organizations are an excellent quarry to extract parts that explain the processes leading to these missions and resulting potential dys-functionalities more accurately. Certainly, one has to go beyond purely functionalist and closed systems assumptions.

2. Fields of Future Research

The theoretically driven comparative approach has proven to be fruitful and this way should be followed on. This study has outlined the use of this proceeding but the narrative needs to be expanded in future research in order to cover the whole complexity of causal mechanisms that lead to the creation and that condition the performance of these multi-level and multi-dimensional phenomena. Due to the scope of this thesis, this has to be left open for future analysis.

The theoretical concept of learning should be enhanced. As shown, transfer of knowledge from earlier peace operations and application of lessons learned have proven to be an important part of the designing processes in Kosovo and in East Timor but they failed to translate into functional outcomes due to overemphasis of bad as well as good experiences, due to uncritical mimetic processes, and due to the complexity of the designing task. We elaborated on this issue in our theoretical and empirical analysis already but a specific focus on this issue seems to be fruitful for further theoretically grounded studies.

In particular, the deeper research on the degree and the processes of domestic determination of international actors' preferences, interests, and dynamics could provide useful insights.

In this regard, further investigation is definitely of interests as regards the role of media, the pressures exerted by lobbies of various kinds, the processes of legitimizing the high amount of resources invested in areas being remote from the major Western governments when their respective constituencies ask, and the causal mechanisms that make state officials interfere in the designing, redesigning, and, hence, implementation processes in the field.

The theoretically derived findings of this study can be expected in other related objects of research as well: complex undertakings in the area of humanitarian relief as could be observed during the tsunami-catastrophe in 2004 or lower scale peace operations as the “light footprint” approach pursued in Afghanistan are expected to follow similar patterns. Peace operations in Africa showing differences with regard to their geopolitical position and their institutional environment with the ECOWAS and the African Union could be considered as well – Peter Schumann, Chief of Staff of the United Nations Mission in Sudan (UNMIS), for instance, observes similar constraining dynamics at work although the strategic planning and preparation processes have improved significantly through introduction of the concept of a mandated advanced assessment mission.²⁴²

3. Policy Implications

Certainly, many of the shortcomings that have been outlined point to problems that are inherent of any crisis situation: crises are most of the time not predictable and thus it is hardly possible to prepare for them in detail. Frequently, they arrive on a “short notice” taking the involved actors with a certain surprise and forcing them to reactive, ad-hoc responses.

But at least in the case of multidimensional peace operations in the aftermath of a war, there are some policy recommendations that could lead to improvement – many of them have been articulated in single case studies already, some do require whole institutional reforms that are not likely to come about but should be addressed shortly. The basic intergovernmental structure, for instance, will not change fundamentally although it accounts for many of the difficulties we encountered in this study. But leadership can exert influence on these structures and is thus required within the international institutions as well as within the single missions to actively follow these processes, to constantly consult and inform officials of the major powers

²⁴² Interview with Peter Schumann, 28 November 2005. He emphasized further that conflicts among the major powers in the Security Council is affecting UNMIS’s daily work heavily as they are leading to “airiness in the wording of the mandate”: for instance, the verb “to assist” could be interpreted in various ways, either to pursue a strong operative role or just reduced to an advisory function.

even in the run-up of peace operations, to guide the various actors in the field, and to use means like the international media more openly to indirectly exert pressure on government officials.²⁴³

As we have outlined, there are inherent institutional problems within the world polity and in particular within the United Nations system mainly located in the triangle between three of the principal organs, the General Assembly, the Security Council and the Secretariat. As shown, the Council's resolutions were all too often guided rather by wishful thinking than by a careful assessment of the needs of a mission. The processes of setting up a mission and the provision of adequate resources are institutionally and timely separated between the decision-making processes in the Security Council and the General Assembly. In this regard, the early warning and assessment, and the intelligence-gathering and -sharing mechanisms are of particular importance. The Security Council and the General Assembly should be enabled to go beyond single member states' capacities and willingness to share information. The concentration of information in an own independent institution or body that cannot be blamed for politicized investigation seems to be a right step. At least there should be a mandate- and resource-extension of the existing structures like the Peacekeeping Best Practice Section within DPKO, and an enhancement of the flow of information between the field and the headquarters.

The coordination between the departments of the Secretariat, between the UN organs, and between the UN and regional as well as financial international institutions can certainly be improved. At least, the UN should be enabled "to act as the sum of its parts, and not as separate parts" (Hooper and Taylor 1999: 5). Integrated mission task forces were so far not really successful. They must be underpinned with a will not just to exchange some thoughts and kind words but based on a serious and extensive approach. In this area some of the interviewees already lost their hope but some do expect at least a slight improvement by the planned Peacebuilding Support Office, the coordination cell of the intergovernmental Peacebuilding Commission (cf. A/60/340 19 October 2005: para. 17-19) as outlined in chapter four: its creation could stimulate substantial institutional changes of coordination mechanism that were clearly lacking in the cases examined in this study.

The Secretariat should gain more autonomy in how to spend the resources within a single mission. The distinction between assessed and voluntary contributions and thus, inherently, between traditional peacekeeping and comprehensive peacebuilding seems to be artificial as do the detailed recommendations of the ACABQ and the Fifth Committee. A more coherent ap-

²⁴³ Salomons (2003b) is highlighting, for instance, the positive impact, the SRSG Ajello had on the mission's performance. And in our exploration of the case of East Timor it became apparent that the immense stature of SRSG de Mello influenced the autonomy of the mission decisively.

proach is needed either by extending the system of assessed contributions, by enhancing the existing mechanisms of gathering voluntary contributions like the trust-fund approach, or by enabling the United Nations to levy their own financial means. Standby capabilities of staff in the area of management, military, and police need to be created far beyond the status quo. Especially the civilian police component needs more resources and standing structures to facilitate their deployment - due to their growing importance, as outlined in our case studies as well, some authors start to use the term „policekeeping“ (Smith and Dee 2003: 120), others fall back on “policebuilding” (Peake and Brown 2005).

As there will certainly be further need for international missions to rehabilitate destroyed countries in the future, the research on the appropriate mechanisms to establish and to run them in coordination with the international actors remains of particular importance and high policy relevance. Our study has drawn attention to a number of theoretical thoughts, dimensions, and mechanisms that have been omitted in previous investigation on multidimensional peace operations and state-building activities. Due to the complexity of these undertakings, there is ample space to dig deeper into single mechanisms and issues for further research.

ANNEX

Annex 1 – Illustrations: Tables and Schemes

Table A.1 - Dimensions of performance of an international transitional administration; compiled by the author.

Area	Dimension
A) Implementation of Good Governance	1. Rule of Law (Security, Judiciary, Human Rights)
	2. Civil Administration
	3. Transfer of Political Authority (Elections / Civil Society)
B) Socio-Economic Reconstruction	1. Humanitarian Relief
	2. Reintegration of Displaced Persons
	3. Economic Development

Table A.2 - Elected Members of the Security Council 1990-2005 - source : <http://www.global-policy.org/security/membership/mem2.htm>

Term in Council	Member States
Jan 2005-Dec 2006	Argentina, Denmark, Greece, Japan, United Republic of Tanzania
Jan 2004-Dec 2005	Algeria, Benin, Brazil, Philippines and Romania
Jan 2003-Dec 2004	Angola, Chile, Germany, Pakistan and Spain
Jan 2002-Dec 2003	Bulgaria, Cameroon, Guinea, Mexico, and Syria
Jan 2001-Dec 2002	Colombia, Ireland, Mauritius, Norway, Singapore
Jan 2000-Dec 2001	Bangladesh, Jamaica, Mali, Tunisia, Ukraine
Jan 1999-Dec 2000	Argentina, Canada, Malaysia, Namibia, Netherlands
Jan 1998-Dec 1999	Bahrain, Brazil, Gabon, Gambia, Slovenia
Jan 1997-Dec 1998	Costa Rica, Japan, Kenya, Portugal, Sweden
Jan 1996-Dec 1997	Chile, Egypt, Guinea-Bissau, Poland, Rep. Korea
Jan 1995-Dec 1996	Botswana, Germany, Honduras, Indonesia, Italy
Jan 1994-Dec 1995	Argentina, Czech Republic, Nigeria, Oman, Rwanda
Jan 1993-Dec 1994	Brazil, Djibouti, New Zealand, Pakistan, Spain
Jan 1992-Dec 1993	Cape Verde, Hungary, Japan, Morocco, Venezuela
Jan 1991-Dec 1992	Austria, Belgium, Ecuador, India, Zimbabwe
Jan 1990-Dec 1991	Côte d'Ivoire, Cuba, Romania, Yemen, Zaire

Table A.3 - Key International Implementers in Bosnia as assigned by the GFAP; source: based on (Cousens 2002) with supplements by the author.

Annexes of the GFAP	Key International Implementers
1A: Military Aspects	NATO led IFOR (later SFOR)
1B: Regional Stabilization	OSCE (later Stability Pact for South-Eastern Europe and European Commission)
2: Inter-Entity Boundary Line and Related Issues	International Arbitrator
3: Elections	OSCE
4: Constitution	Partially European Court on Human Rights and the IMF ²⁴⁴
5: Arbitration	International Arbitrator
6: Human Rights	OSCE, Council of Europe, the UN High Commission on Human Rights, and the European Court on Human Rights
7: Refugees and Displaced Persons	UNHCR together with UNDP
8: Commission to Preserve National Monuments	UNESCO
9: Bosnia-Herzegovina Public Corporations	EBRD
10: Civilian Implementation	OHR
11: International Police Task Force	UN

Table A.4 - Development of NGOs in Kosovo – source: (Kramer and Dzihic 2005: 36).

Year	INGOs	Local NGOs
1999	45	-
2000	260	181
2003	381	1911

Table A.5 - Major Donors in Kosovo – source: (Kramer and Dzihic 2005: 31)

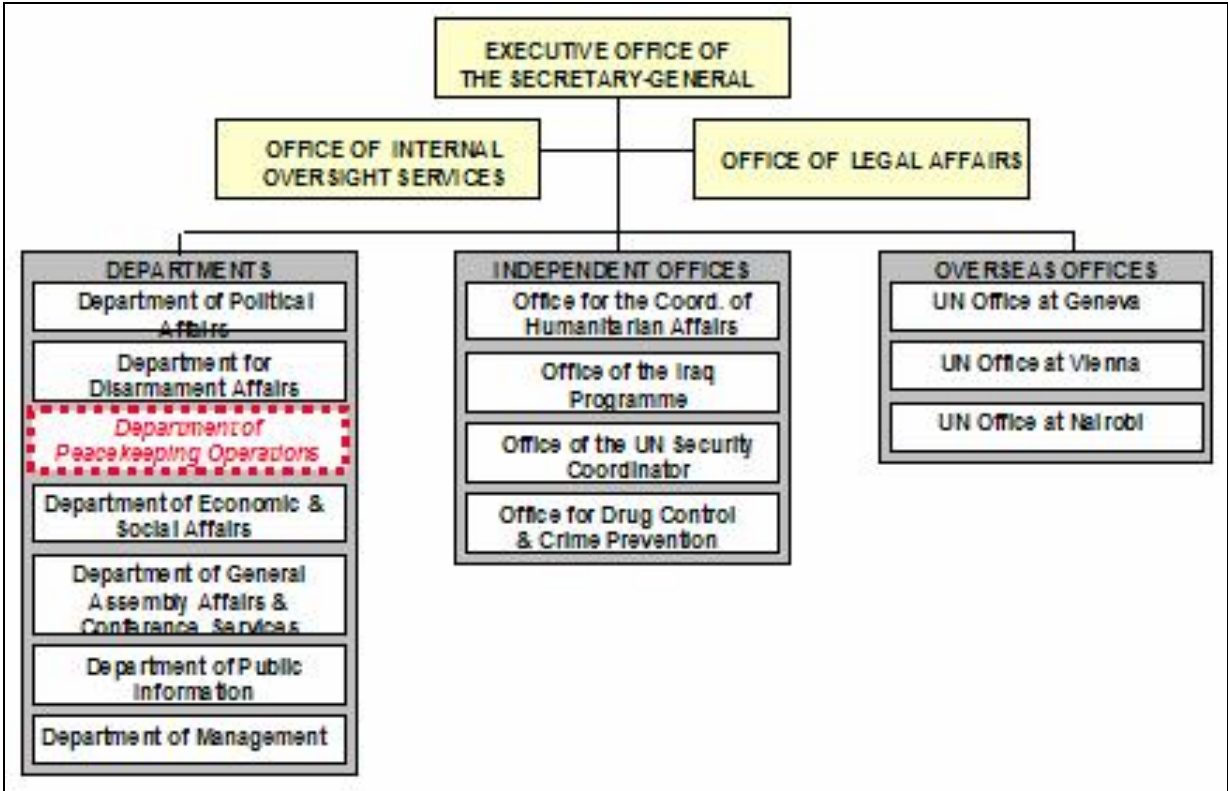
Donor	Percentage of overall contribution
EU	65
USA	16
Switzerland	5
Japan	4
Other non-EU states	4,5
Financial Institutions	5,5

²⁴⁴ This relates to the establishment of a Central Bank and later to the appointment of its Governor (IMF 1996); similarly, the European Court of Human Rights appointed the members of the Constitutional Court.

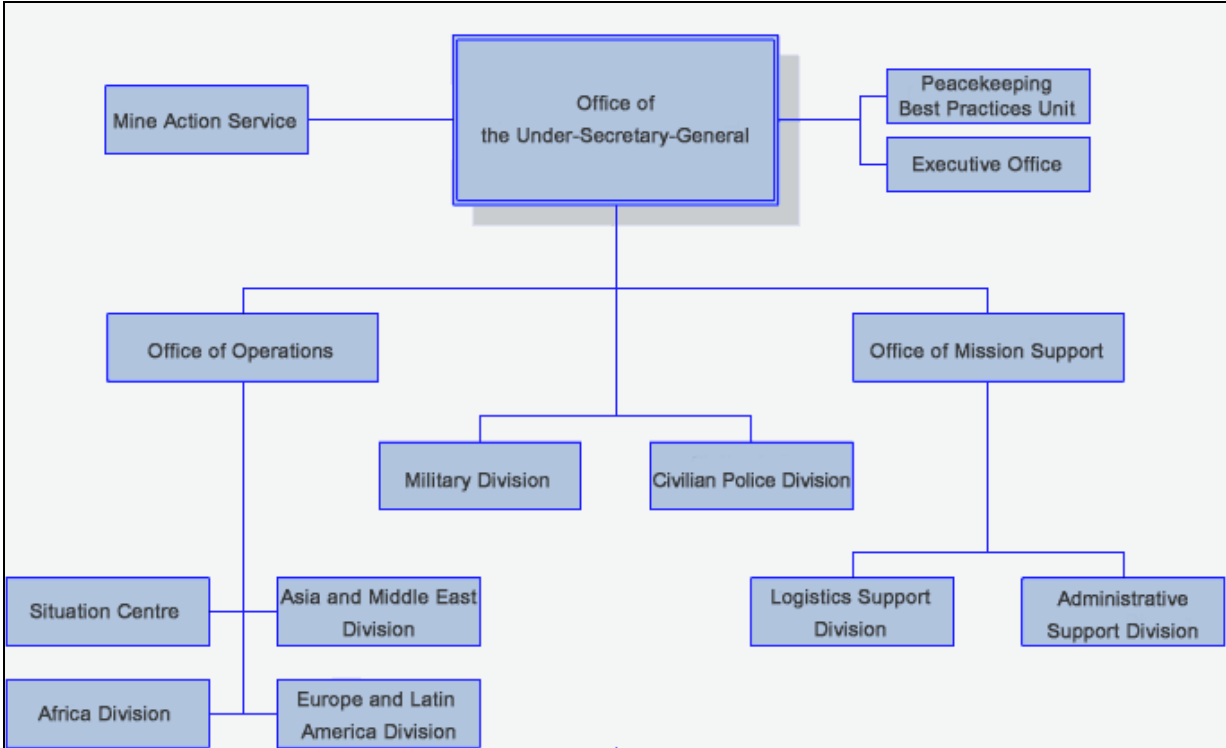
Scheme A.1 – Development of peacekeeping troops deployed, source: website UNDPKO; compiled by the author.



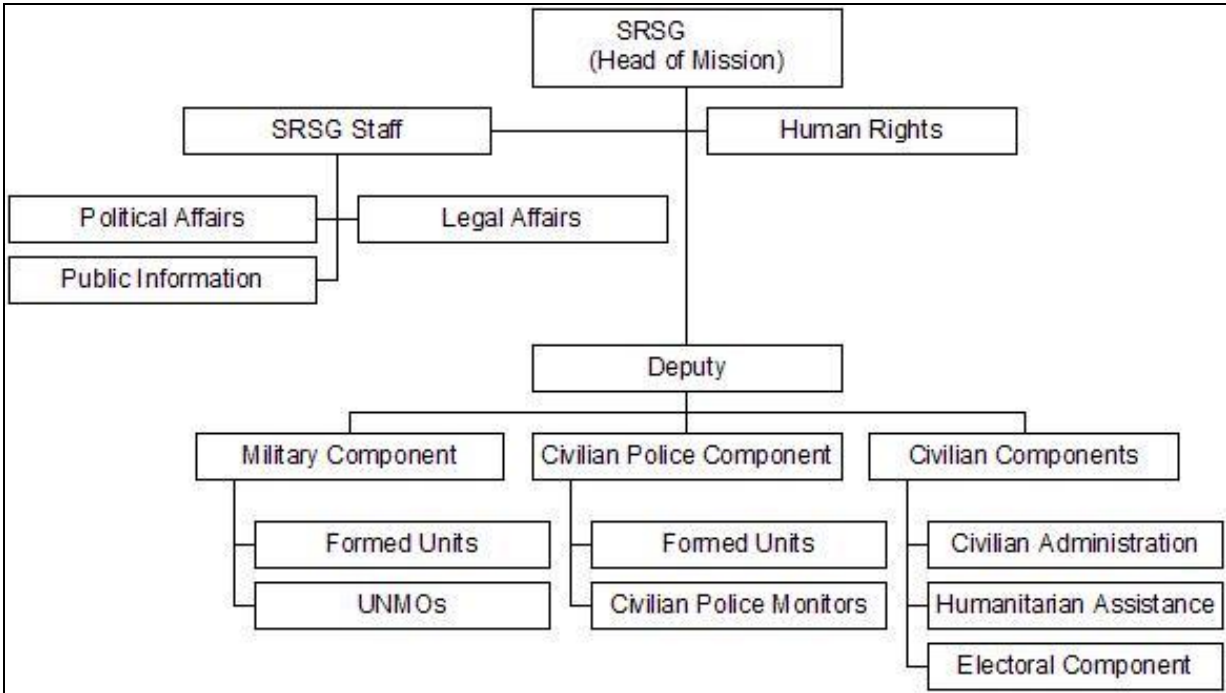
Scheme A.2 – UN Secretariat: organizational chart, source (UNDPKO 2003).



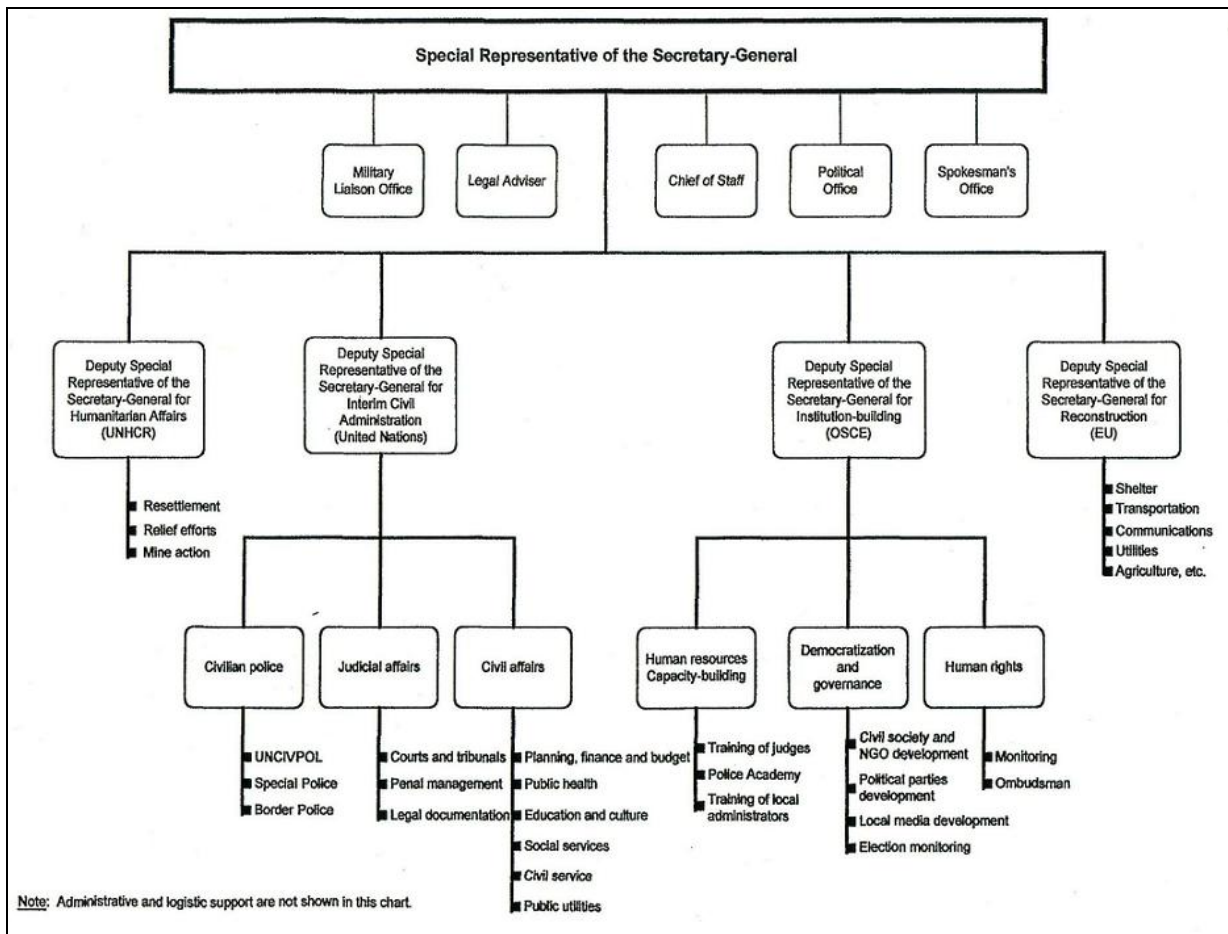
Scheme A.3 – UNDPKO: organizational chart, source: website UNDPKO.



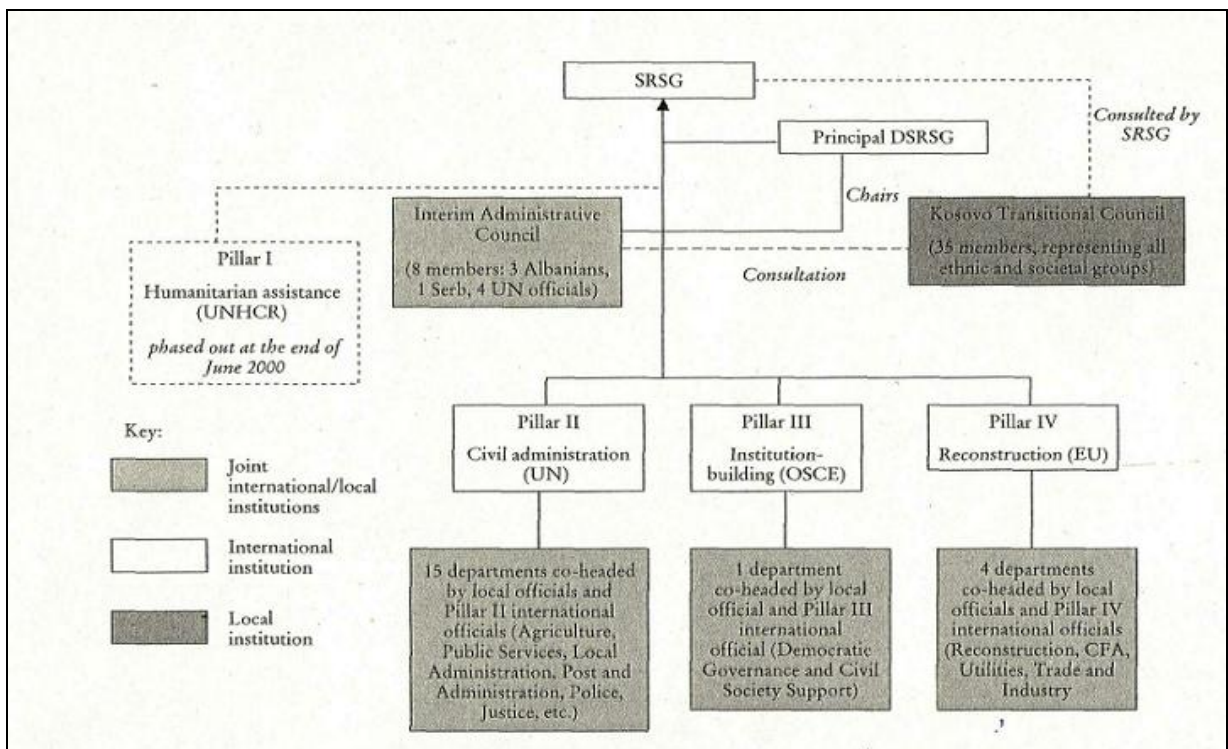
Scheme A.4 - Generic Mission Structure, source: (UNDPKO 2003).



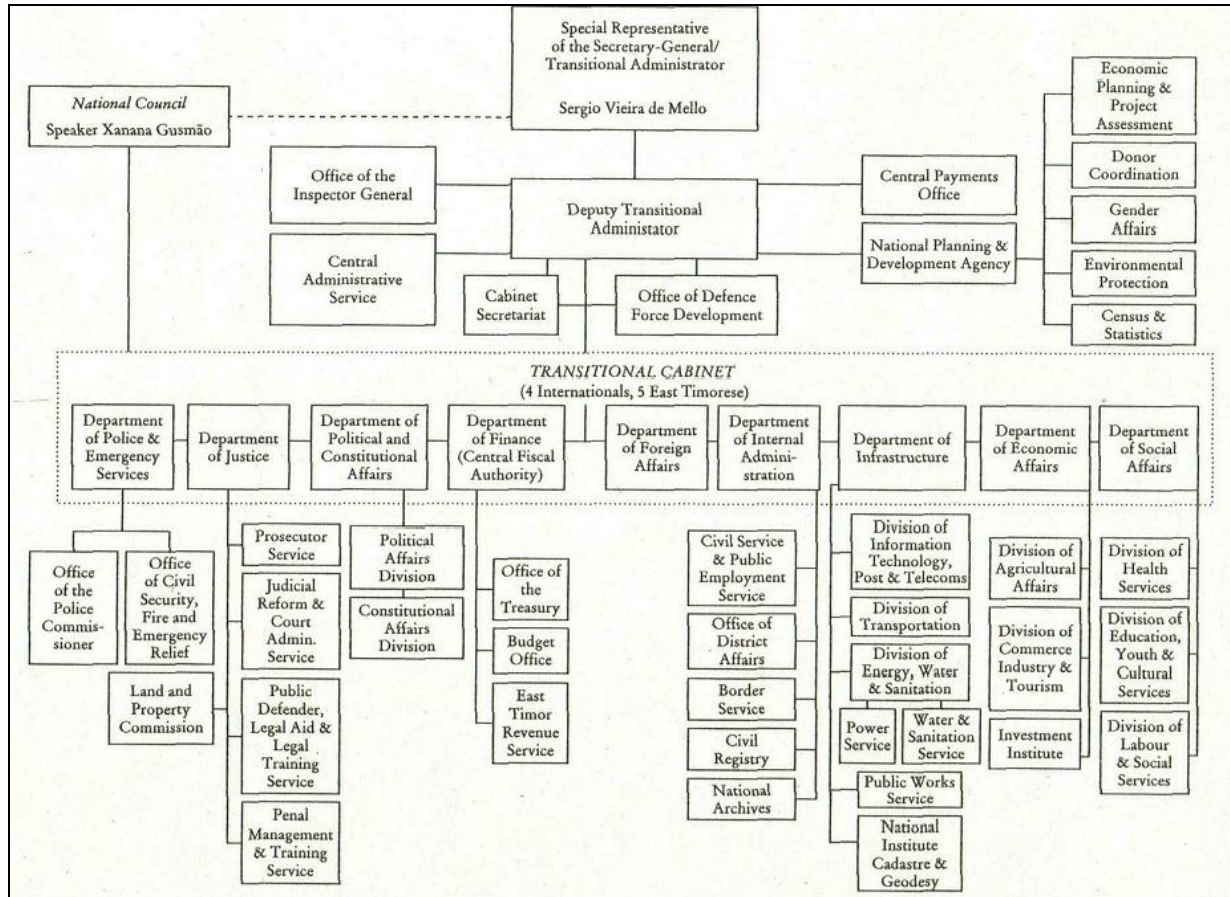
Scheme A.5 – UNMIK: organizational chart, source: (S/1999/672 12 June 1999: 6).



Scheme A.6 – the Joint Interim Administrative Structure, source: (Caplan 2005a: 38).



Scheme A.7 – The East Timorese Transitional Administration, source: (Caplan 2005a: 101).



Annex 2 – Interview Report, Interviewees, and Questionnaire

1. Interview Report

As the research questions of this study could not be answered by drawing only on primary as well as secondary literature, the author conducted a series of interviews to gain deeper insights into the informal processes and the daily practice at the headquarter level of the UN, NATO, EU, and the OSCE and in the examined case studies of Bosnia, Kosovo, and East Timor. The interviews were carried via telephone on the basis of a semi-standardized questionnaire which served as guidance but was adapted in the course of the interlocution depending on the expertise of the interviewee. The questionnaire and a short outline of the research topic both being sent to the interviewees well in advance of the interview can be found below. Reconstructions of the interviews are available from the author.

2. Interviewees:

- *Dr. Joseph Andrews*, Senior Program Officer for Southern & East Africa at the National Democratic Institute for International Affairs. Formerly with UN Mission in the Democratic Republic of the Congo, former Special Advisor to the Deputy Special Representative of the Secretary-General (DSRSG) and to the Foreign Minister with UN Transitional Administration in East Timor (UNTAET), former Political Affairs Officer at UN Department of Peacekeeping Operations, and former Political Advisor for the U.S. Permanent Mission to the United Nations. Date of the interview: 01 November 2005.
- *Dr. Johannes Dingler*, University of Konstanz, engaged in preparing elections in Bosnia and Herzegovina with the OSCE and in organizing the ballot in East Timor with the United Nations Mission in East Timor (UNAMET). Date of the interview: 25 October 2005.
- *Mr. Sebastian von Einsiedel*, Special Assistant to the President of the International Peace Academy (IPA). Former researcher with the ‘UN High-level Panel on Threats, Challenges, and Change’ and Political Affairs Officer in UN Executive Office of the Secretary-General working on the follow-up to the High-level Panel report. Date of the interview: 18 October 2005
- *GenMajor a.D. Manfred Eisele*, former Assistant Secretary-General for Planning and Support of United Nations Peacekeeping Operations (1994-1998); still actively involved in various issues of preparation and assessment of peacekeeping operations. Date of the interview: 17 November 2005.
- *Mrs. Rebecca Engel*, Associate Research Scholar and Senior Adviser to BELUN, Center for International Conflict Resolution at the School of International and Public Affairs, Columbia University. Date of the interview: 19 October 2005.
- *Official of the European Commission*, formerly EU delegation Sarajevo. Date of the Interview: 20 October 2005.
- *Dr. Randolph Kent*, Senior Research Fellow and Director of the Humanitarian Futures Project at the International Policy Institute, King’s College London. Former United Nations’

Resident and Humanitarian Coordinator in Somalia, and Humanitarian Coordinator in Kosovo (UNMIK) and Rwanda. Date of the interview: 11 October 2005.

- *Mr. Gregor W. Koessler*, Head of Cabinet of the Special Coordinator for the Stability Pact for South Eastern Europe and Austrian career diplomat. Former Head of Cabinet of the High Representative of Bosnia and Herzegovina, Dr. Wolfgang Petritsch, and Political Advisor to the High Representative of Bosnia and Herzegovina, Carlos Westendorp. Date of the interview: 24 November 2005.
- *Mr. Hans Koschnick*, former mayor of Bremen and member of the German Parliament, former Administrator of the European Union Administration of Mostar (EUAM – 1994-1996), former German government's point man for Bosnia-Herzegovina, and former Chairman of the Steering Group of the Regional Return Initiative of the Stability Pact for South Eastern Europe. Date of the Interview: 17 November 2005.
- *Mr. Jens Narten*, Researcher at the Institute for Peace Research and Security Policy at the University of Hamburg, formerly with OSCE Mission in Kosovo as Senior Human Rights Officer and Human Rights Training Coordinator. Date of the interview: 28 October 2005.
- *Mr. Edward Rees*, UN Peacekeeping Best Practice Section, former Political Officer in Oecussi, East Timor, United Nations Transitional Administration in East Timor (UNTAET) and Political Officer to UNTAET's National Security Adviser, and former Security Sector Team Leader, United Nations Development Programme (UNDP), Pristina, Kosovo. Date of the interview: 20 October 2005.
- *General a.D. Dr. Klaus Reinhardt*, former NATO Commander Joint Headquarters Centre, Heidelberg and former commander of the NATO-led Kosovo Force (KFOR) in Pristina, Kosovo (1999/2000). Date of the interview: 02 December 2005.
- *Ambassador Dr. Wolfgang Petritsch*, Ambassador and Permanent Representative of Austria to the United Nations Office at Geneva, former High Representative for Bosnia and Herzegovina (1999-2002), former EU Special Envoy (1998/1999) for Kosovo and EU Chief Negotiator at the Kosovo peace talks in Rambouillet and Paris, and former Austrian Ambassador to the Federal Republic of Yugoslavia. Date of the interview: 08 November 2005.
- *Mr. Peter Schumann*, Chief of Staff of the United Nations Mission in the Sudan (UNMIS), former Director of Civil Affairs of UNMIS and Principal International Officer (PIO), Ministry of Public Services, performing also the functions of Acting Permanent Secretary of the Ministry, in the Joint Interim Administration Structure (JIAS) of the United Nations Administration Mission in Kosovo (UNMIK). Date of the interview: 28 November 2005.
- *Mr. Wolfgang Weisbrod-Weber*, Acting Director of the Europe and Latin America Division, Office of Operations, UN Department of Peacekeeping Operations. Date of Interview: 25 October 2005.

3. Questionnaire

Research Project „Designing Multidimensional Peace Operations – the Cases of International Interim-Administration in Bosnia, Kosovo, and East Timor“

Julian Junk
Faculty of Politics and Management
University of Constance

Questionnaire

(This questionnaire is the basis of a semi-standardized interview carried out via telephone. It will be sent to the interviewees well in advance of the interview.)

A) Towards a mandate and an institutional design (generally and/or in the cases of Bosnia and Herzegovina, Kosovo and East Timor; are there particular telling examples?)

1. Which are the fora that decide on the institutional design of a mission? Which formalized and semi-formalized settings are involved in the run-up to a resolution of the Security Council?
[in case of Bosnia: what was the role of the UN system at all?]
2. Which were the main players in brokering the mandate? Who were the driving forces behind the decision to intervene and who was blocking? Out of which considerations did these actors do so?
[Are there relevant actors that have an interest in a failing of the mission?]
3. Did the degree of heterogeneity of the “sponsoring coalition” relate directly to the degree of vagueness and interpretative leeway in the mandate?
4. What are in your opinion the main reasons for the fact that the decision to intervene with a peacekeeping and peace-building component was taken? Which were the main conflictive issues?
5. Did skilled leadership, strategic advantages, essential geo-strategic interests or manipulated public pressure (“CNN effect”) make one coalition prevail over the other? In your opinion, did the relevant actors and the pivotal players appropriately base their decision in the run-up to a mandate on expert knowledge about the conflict area at hand?
6. Which role can be assigned to past experiences in other peace operations? Were there major learning effects observable? If yes: did one even overestimate alleged factors of success and failure leading to a total rejection or an unquestioned continuity of some?
7. Is the mandate interpreted or even manipulated after the decision on a resolution by

- a. withholding or adding resources, for instance in the intergovernmental bodies General Assembly, the Fifth Committee or the Advisory Committee on Administrative and Budgetary Questions?
 - b. expert knowledge or decisions on personnel channeled through the Secretariat and the DPKO/DPA? Who is part of this expert community?
 - c. influence already exerted by leading personnel of the future mission? (SRSG and other high-level field officers?)
 - d. other mechanisms?
8. In this context: do you agree with the assumption that conflicts between actors involved in the decision on a SC resolution are often relocated to the implementation phase and that actors assure the later participation of their stakeholders in the implementation processes? Do you have examples for this phenomenon?
 9. How would you judge the new developments as regards the peacebuilding commission? Does it change anything in processes of mandating and reconfiguring missions or is it supposedly not much more than symbolic action?

B) The implementation of a mission (in the cases of Bosnia and Herzegovina, Kosovo and East Timor; are there particular telling examples?)

10. How would you rate the overall success of the peace operation? Which were the main factors of success and failure?
11. To which degree did the mandate guide the implementation processes in the respective field?
12. How well defined are the rules of authority? How is information disseminated? To which degree the single agencies and parties are independent in their action?
13. Which rules did exist for appointing key officials in the mission and which were the way the financial means are distributed. In short: who has the power to make decisions?
14. How did institutional rules and procedures accommodate new circumstances in the missions' environment? What is the interpretative leeway for the mission's executing personnel?
15. Did high-level mission personnel directly intervene on the headquarter/international level? What was the impact of these renegotiations in financial and structural terms and which were the respective key documents in your opinion.
16. Which role did, for example, the integrated mission task force (IMTF) play?
17. How would you assess the capabilities of international coordination mechanisms like contact groups? Which were the main players behind the scene especially regarding the provision of resources?

Background

The end of the Cold War led to a double phenomenon: there was a break-down of several political entities all over the world but at the same time, the 1990s showed an unprecedented dynamic of peacekeeping, state-building and reconstruction efforts mainly channelled through the UN System and notably the UN Security Council. Despite several success stories, one of the most influential evaluations of these missions, the so called Brahimi report, states in 2000: “over the last decade, the United Nations has repeatedly failed to meet the challenge, and it can do no better today” in executing its peacekeeping and peace-building tasks. In addition, the widely recognized High-Level-Panel-Report of 2004 sums up that despite the fact that post-conflict peacebuilding is an area of “vital concern” to the international community, “post-conflict operations, for example, have too often been characterized by countless ill-coordinated and overlapping bilateral and United Nations programmes, with inter-agency competition preventing the best use of scarce resources”. This leads clearly to the assumption that there was a misfit between the missions’ design and the requirements defined by the reconstruction task.

The thesis starts with two observations: firstly, some similarly designed institutional settings succeed and others fail in the performance of essentially the same tasks in similar environments characterized by a high degree of local factions that were or still are in violent conflict, by weak institutional, societal and infrastructural settings and by the active involvement of various international actors representing either state-led or non-governmental organizations. Second, the design of transitional authorities varied already to a great extent – from hierarchical and highly integrated structures to network-like and heterarchical settings even though, roughly speaking, the tasks might not be as different. This is not in line with a purely functional logic according to which the mandate designed by rational actors having the intention and the clear interest in the successful use of their invested resources would fit the local situation best. This thesis asks which decisions-making processes lead to which mission designs, which are the actor-centric and which the contextual factors that lead to an inefficient allocation of international resources, which influence can be derived from learning effects, and which are the differences in the institutional design analyzed.

Annex 3 – Deutsche Zusammenfassung

Die vorliegende Arbeit beschäftigt sich mit den Entscheidungsprozessen, die zur Etablierung einer internationalen und multidimensionalen Friedensmission führen, und mit deren Auswirkungen auf die spätere Implementierungsperformanz.

Ausgehend von einer kritischen Bestandsaufnahme der einschlägigen empirischen Literatur soll zwei darin identifizierten Forschungsdefiziten begegnet werden: zum einen erscheinen die bisherigen relevanten Veröffentlichungen in erheblichem Maße „unter-theorisiert“ und zum anderen werden die Entscheidungsprozesse auf internationaler Ebene und die Implementierung der daraus resultierenden Friedensmission zumeist als voneinander unabhängige Untersuchungseinheiten aufgefasst. Klassische Organisations- und Implementationstheorien gehen jedoch schon lange von einer Interdependenz zwischen Politikformulierung und Politikimplementierung aus. Das Zustandekommen eines institutionellen Designs einer Friedensmission und dessen letztendliche Ausgestaltung sollten daher in erheblichem Maße Erfolge und Dysfunktionalitäten in deren Performanz erklärbar machen. Eine theoretische Diskussion der funktionalistischen Logik („die Form wird durch die designierte Funktion bestimmt“) zeigt, dass zwei Faktoren ein funktionales Design nicht unbedingt erwarten lassen: wie in der ersten Hypothese formuliert, erfordert die Entscheidung zur Intervention die Zustimmung zahlreicher Akteure, der „sponsoring coalition“. Die Komplexität der Errichtung einer Friedensmission und deren anschließende Aufrechterhaltung sowie das begrenzt rationale Entscheidungsverhalten der internationalen Akteure lassen auf Mandatsformulierungen schließen, die von Kompromissformeln und der Verlagerung von Konflikten von der Verhandlungs- auf die Implementierungsebene bestimmt sind. Ein netzwerkartiges, heterarchisches Missionsdesign ist – losgelöst von funktionalen Erwägungen – zu erwarten je heterogener die Koalition aufgebaut ist. Ein ähnlicher Effekt bildet die Basis der zweiten Hypothese: ist der internationale institutionelle Kontext von „stickiness“ (Inflexibilität) und „ambiguity“ (Mehrdeutigkeit) geprägt, sollte der Prozess der Ausgestaltung einer Friedensmission ebenfalls einer funktionalistischen Logik widersprechen.

Beide Hypothesen werden in einem ausführlichen empirischen Teil auf ihre Plausibilität überprüft. Das vierte Kapitel widmet sich insbesondere des internationalen institutionellen Kontextes (hauptsächlich des UN Systems) und findet die unabhängigen Variablen der zweiten Hypothese bestätigt. Im Folgenden werden die internationalen Übergangsverwaltungen in Bosnien, im Kosovo und in Osttimor hinsichtlich der Interventionsentscheidung, der strukturellen Ausgestaltung und der späteren Performanz untersucht. Die drei Fälle zeichnen sich durch Va-

rianz auf der hauptsächlichlichen unabhängigen Variable aus: während Bosnien und Kosovo durch eine hohe Heterogenität der „sponsoring coalition“ bestimmt sind, herrschte in Osttimor eine relative Homogenität der internationalen Gemeinschaft vor. Die deskriptive Analyse zeigt die erwarteten Mechanismen: während in Bosnien ein eindeutig heterarchisch und in diesem Falle eindeutig dysfunktionales Missionsdesign installiert wurde, überlagerten selbst im Kosovo die heterogenen Strukturen die eigentlich funktionalistisch zu erwartenden Lerneffekte: ein intendiert hierarchisches Design wird durch die Inklusion einer Vielzahl von Implementierungsakteuren de facto heterarchisch. Die Interimsadministration in Osttimor hingegen folgt einer eindeutig hierarchischen Ausgestaltung. Hier wirken sich jedoch besonders die Inflexibilität und Mehrdeutigkeit des internationalen, institutionellen Kontextes negativ auf die Performanz aus.

Ein letztes Kapitel fasst die empirisch gewonnen Erkenntnisse zusammen, gibt einen Ausblick auf weitere Forschungsfragen sowie einige Politikempfehlungen. Zusammenfassend lässt sich feststellen, dass die vermuteten, theoretisch fundierten Mechanismen plausibel erscheinen und die Beachtung des gesamten Policy-Zyklus unabdingbar zum Verständnis des neuen Phänomens der „Multidimensional Peace Operations“ ist. Der Ansatz des Theorietransfers insbesondere von der Organisations- und Implementationstheorie weist in die richtige Richtung und könnte dem fragmentierten Forschungsfeld „internationale Friedensmissionen“ zu einigem mehr an Kohärenz und Generalisierbarkeit verhelfen.

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