# In Need of Self-Reflection: Peacebuilding in Post-War Kosovo from a Systems-Analytical Perspective

by Jens Narten

The purpose of this paper is two-fold. First, it aims to promote an alternative approach to understanding the constitutive elements that have led to the failure of international peacebuilding efforts, and second, in so doing, to allow for the formulation of more in-depth policy recommendations. This approach will be led from a systems-analytical understanding of both local and international actors as being self-referential. This includes closed social systems that rely on their own selective observations of the environment, as well as pre-coded means of internal communication. In this regard, the focus of the research will be on the relationship between international human rights norms and efforts to "civilize" violent conflict in post-war Kosovo, as implemented by the United Nations Interim Administration Mission in Kosovo (UNMIK) and the international military Kosovo Force (KFOR). "Civilize," in this sense, is a process of non-violent resolution of social conflict that exceeds the notion of traditional UN peacebuilding.[1]

Consideration will be given to key aspects of applied civilian policies and military functions, international human rights norms, and standards of peacebuilding, on the one hand, and the observations made by various social groups and international actors, on the other. The paper concludes with findings on institutional self-reflection for international field missions in post-war environments, such as Kosovo, and with practical recommendations on improving the attempts of international organizations to secure and sustain peace after violent conflict.

Immediately following the war in Kosovo, the joint efforts of the United Nations, the Organization for Security and Cooperation in Europe (OSCE), and the European Union, in cooperation with KFOR in Kosovo (led by NATO), were considered a success story. These joint efforts were widely perceived as exemplary cases of international administration and peacekeeping, especially for a conflict with deep-roots, and a strong focus on human rights promotion and protection to maintain a fragile peace. However, this assessment has changed radically since major violence erupted again in Kosovo in March 2004, costing many lives and leading to a renewed large-scale displacement of minorities.[2]

**Jens Narten** is a researcher and doctoral candidate at the Centre for OSCE Research at the Institute for Peace Research and Security Policy in Hamburg, Germany.

## A Bottom-up Process Top-down: "Civilizing" Conflict and Human Rights

Democratic conflict transformation, in one of its most sustainable forms, can be exemplified by the concept of the "civilizational hexagon," as established by Dieter Senghaas.[3] This approach aims to "civilize" societal conflict in order to prevent the outbreak of violence, and to promote the peaceful development of the society from within. The key elements of this approach are monopoly of force, rule of law, interdependencies & affect control,[4] democratic participation, social justice & equity, and a constructive conflict culture. Taking a closer look at the proposed components of civilized conflict, one realizes the tight thematic connection between these elements and corresponding provisions of international human rights standards; such as the right to security and public order, to equal protection by law and effective remedy, the rights and freedoms of others, as well as the rights to local self-administration, political participation, social security, and peace.[5]

Civil and military intervention in Kosovo was based on the desire to prevent further gross violations of human rights, such as the violations that had taken place under the Milosevic regime. Consequently, one essential aim of both the civil UNMIK and the NATO-led military KFOR mission was to establish their presence on these grounds of legitimacy. At the same time, their peacebuilding activities coincided with classic elements of civilizing conflict. In that regard, UNMIK and KFOR took over from Belgrade all de-facto components of sovereign state authority, in accordance with UN Security Council Resolution 1244 (1999). This takeover included legislative, executive, and judicial powers, with KFOR holding special military responsibility for the establishment of security and public order, based on a bilateral Military Technical Agreement with Belgrade, from June of 1999.

The re-establishment of a functioning judiciary formulated on rule of law principles, such as equal legal protection and effective remedy, became a major field of UNMIK's work, with its own administrative pillars, i.e. designated for justice and police (UNMIK pillars I and II). Along those same lines, OSCE's efforts as UNMIK pillar III concentrated on the general promotion and protection of human rights, with the specific task of institution-building within the rule of law, and development of the judiciary and legal community. In addition, UNMIK's strong focus on fostering local self-government and political decentralization reflects civilizing efforts toward political interdependence under the principle of subsidiarity. Moreover, the OSCE mission acts as the prime protagonist for political participation in democratic elections. It has organized and supervised municipal and central elections in Kosovo since autumn 2000 and, thus, has prepared the people for the enjoyment of democratic electoral rights, and the ability to participate directly or indirectly in the government. Economic reconstruction also fell under the auspices of the EU's presence in Kosovo as UNMIK's pillar IV, and correlates with the provision of social security under the principles of social justice and equal distribution. Finally, and as a joint institutional task of NATO, the UN, OSCE, and

the EU, the promotion of a constructive culture of conflict resolution within the Kosovar society represents a cross-cutting issue, which can best be identified in OSCE's project of so-called reconciliation. This is also evidenced in UNMIK's effort to foster the right to peace, respect the rights and liberties of others, and establish dialogue between the Kosovo Provisional Government and Belgrade.

Based upon an understanding that efforts to civilize conflict and to promote human rights in a sustainable manner need to work from within a society in a bottom-up process, it becomes obvious that the efforts of the UN, OSCE, EU, and NATO failed to realize this necessity, despite their intense division of labor. Instead, they employed a top-down policy in nearly all dimensions of the civilizing process and its related human rights functions. For example, state authorities were only partially transferred over a long period of time, with the Special Representative of UN Secretary General (SRSG) of UNMIK retaining the sole monopoly of force, extensive authority, and legislative veto power over internal and foreign affairs, budget and finance, the judiciary, and the police, etc.[6] This led to an alienation of democratically elected representatives of the Kosovo people from state responsibilities. Also, and parallel to these authorities, all international organizations enjoyed full legal immunity from prosecution for abuse or omission of their duties, thus violating the citizens' right to effective remedy and equal protection by law.[7]

## All international organizations involved in Kosovo enjoyed full legal immunity from prosecution for abuse or omission of their duties, thus violating the citizens' right to effective remedy and equal protection by law.

Moreover, UNMIK diluted efforts of local self-government, following the first freely conducted municipal elections in 2000, when they appointed co-ministers with full financial oversight on top of the locally elected ministers. This served to spoil the civilizing effect of interdependency and affect control by setting a bad example of democratic values.[8] In addition, by granting reserved seats for representatives of ethnic minorities in the Kosovo Assembly, UNMIK encouraged the establishment of political parties on the basis of ethnicity and, thus, missed the chance for political party development with the OSCE on the basis of non-ethnic, but programmatic, background. Such development might have led to the establishment of a cross-cutting, party-related, democratic culture throughout Kosovo's society.[9]

Furthermore, while the EU succeeded in contributing significantly to the economic reconstruction of war-torn Kosovo after 1999, the principles of social justice and equity were widely disregarded. This is exemplified by marginalized communities, such as the Roma and Ashkali, falling to the very bottom of the social scale, with many people suffering from malnutrition, homelessness, and poor education.[10] Finally, all international organizations have supported the "Standards-before-Status" idea, a loosely defined policy initiated by UNMIK's Special Representative of the Secretary General, Michael Steiner, which outlined specific

standards with respect to security, human rights provisions, dialogue with the Serbian government, etc. This policy—later renamed into "Standards-and-Status"—was used as a tool of political pressure and countered the demand for early independence by the Provisional Institutions for Self-Government (PISG), the local government dominated by Kosovo-Albanians.[11]

Along with the findings above, both processes provide additional examples of the top-down policy that international organizations employed in Kosovo: attempts to enforce the build-up of a culture of cooperative conflict resolution, and a sustainable peace process based on a linkage policy that is at least partially coercive and lacking in the essential motivation for local ownership. These findings have a direct effect on the differing "observations" made by relevant actors regarding the potential success or failure of international peacebuilding efforts in Kosovo, and will, therefore, provide for a critical analysis of this question.

## SIMULTANEOUS OBSERVATIONS ON INTERNATIONAL PEACEBUILDING EFFORTS

An assessment of the intermediate outcome of international peacebuilding efforts of the UN, the OSCE, the EU, and NATO in Kosovo significantly depends on the perspectives of the respective social groups involved in the peace process. This aspect can best be illustrated by examining the main focus of each group with respect to the overall peace process, which also serves as an element of the groups´ lead coding in interpreting the past, present, and future development of this process. A lead code will provide a binary scheme for the reduction of the vast complexity of observable reality into communicable portions, in order to allow for a group's exchange of differentiations and indications of action in its environment that, in turn, will provide the elements of the group's self-constitution as a social entity.[12]

In the case of Kosovo, one can differentiate between four different perspectives of the four key groups involved, with respect to the perceived success or failure of international peacebuilding efforts. The Kosovo-Albanian lead code focuses on peace and security through independent self-determination. In contrast, the Kosovo-Serbian perspective is based on peace and security by means of re-integration into Serbia. Differing from both, the perspective(s) of various marginalized minority groups, such as the Roma-Ashkali-Egyptiani (RAE), Turks, Bosniaks, Gorani, Croats, Cherkessi, etc., focuses on peace and security through alliances with majority groups, which are perceived as determining their future. Finally, the international community approach can be separated into further sub-perspectives, each associated with a different international organization. The military perspective under NATO focuses on peace and security through military deterrence; the civil-administrative perspective under the UN focuses on peace and security through veto-based interim authority; the civil institution-building perspective under the OSCE focuses on peace and security through local capacity building; finally, the civil economic perspective under the EU and its focus on peace and security through economic reconstruction and association with the EU.

Corresponding to this wide spectrum of lead codes of local and international groups, the assessment of success or failure of the international presence in Kosovo varies significantly, and can be described as strictly observation-dependent. These observation-based assessments also serve a self-referential function for the ongoing formation process of each group. The elements of self-reference[13] are exhibited by the key players' overall assessment regarding the Kosovo-wide outbreak of violence in March of 2004, in which nineteen people were killed, approximately 5,000 members of ethnic minority groups expelled from their homes, and hundreds of houses and churches destroyed.

The perception advanced by KFOR and UNMIK of these incidents, as actors responsible for internal security, and maintaining a monopoly of force, was one that advertised the success of international military and police engagement in containing further violence and the restoration of public order and security after the riots.[14] The UNMIK civil administration added that the incident delayed the fulfillment of the "Standards-and-Status" process crucial for the PISG to proceed on the way to independence. The UNMIK branch, responsible for the judiciary action in Kosovo, announced that the perpetrators needed to be prosecuted within the rule of law. Similarly, the overall international community called for due compensation and right of return, in order to maintain the right to effective remedy, equal protection by law, and to preventative affect control in the public sphere.[15] As a consequence, the PISG made available a budget of several million Euros for the reconstruction of destroyed churches and houses. However, they failed to restore a public atmosphere of trust, which would have allowed displaced persons to return.

## While the EU succeeded in contributing significantly to the economic reconstruction of war-torn Kosovo after 1999, the principles of social justice and equity were widely disregarded.

During the riots, the difficult process of prosecuting the perpetrators by judicial means limited the overall societal affect control. OSCE's conclusion led to a focus on additional public education programs in the wider institution-building efforts, in order to promote the right to peace, the respect for the rights of others, and to foster a constructive conflict culture. Although the official OSCE rhetoric had spoken of an ongoing reconciliation process long before the March riots, this rhetoric stopped immediately following March 2004. The EU's reaction corresponded with the response of other international organizations. Beyond that, the renewed outbreak of violence marked a setback in the EU's efforts to find foreign investors for Kosovo, as financial investments need social stability. It also endangered Kosovo's integration into the Stabilization and Association Process of the EU, aiming at economic reconstruction in the Balkans, which is important for distributive social justice. The riots contributed to a widespread political boycott by the Serb minority in the parliamentary election in October 2004, and thus hampered overall democratic participation and the enjoyment of political rights.

The perceptions of the local groups in Kosovo with respect to the March incidents turned out to be in direct contrast to the international ones. The Kosovo-Albanian community, through its leading politicians and the PISG structures, rejected the overall responsibility for the riots and argued that the main reason for the social unrest of the Albanian majority population was, *inter alia*, due to the limited transfer of state authority to the PISG, the denial of independence, and the parallel administrative structures in the Serbian enclaves, of which UNMIK had never really achieved full control.[16] The Serbian community in Kosovo countered the argument by saying that the control of security by UNMIK and KFOR was insufficient, and that, in addition, to local civil self-administration of the enclaves' security, protection should be reinstalled by deploying troops of the Serbian army and police back into Kosovo, which would be clearly unacceptable to the Kosovo-Albanian side.[17] Finally, non-Serb and marginalized minority groups found themselves in a situation whereby they felt completely unprotected by either side. Their hopes have resided in a long and effective international security presence in Kosovo to prevent violence against them from both the Serbian and the Albanian side. However, they lack a strong lobby, as well as a tolerant and multiethnic culture in Kosovo. The pressure to form an alliance with one side or the other is strong. All in all, multi-ethnicity as a peace-promoting concept remains little more than strong rhetoric. Though it serves as the founding principle and mandate for the international presence, it has not resonated with the local Kosovar society.

Based on the finding that the observation of the success or failure of international peacebuilding efforts in Kosovo varies significantly with the perceptions of the respective observing social group or system, the following conclusions can be made. An evaluation of the peacebuilding efforts of international organizations in Kosovo requires simultaneous observations between their success and failure. Success, on the one hand, as a result of having contained Kosovo-wide violence in the aftermath of the war in 1998–1999 and the riots in 2004, as well as the creation of functioning democratic institutions; failure, on the other hand, due to the lack of protection for numerous victims of ongoing human rights violations, and the inability to establish a sustainable and peaceful culture of civilized conflict resolution.

## KOSOVO'S VISION OF EUROPE: BUILDING PEACE UNDER MULTIPLE CONTINGENCIES

As with the different perspectives of the peace process by the various social groups, the question of whether Europe could serve as an integrating vision for all groups in Kosovo, for the purpose of promoting peace and stability, should be answered as an alternative option. To that end, the idea of multiple contingencies, which, in constructivist approaches, describes the status of mutual uncertainty of expectations by all actors of the behavior of other actors, provides a valuable analytical pattern for explanation.[18] The "vision of Europe" in Kosovo is interpreted

differently by each social group. The vision remains mutually contingent on its interpretation, one way or another, and thus leads to a high degree of uncertainty of expectation on both sides of the social fabric. Therefore the "vision of Europe" as a potentially integrating and peacebuilding concept for social groups in Kosovo can easily be diverted into a process in which it loses its collective integrating meaning, rather than developing it. The European Union is seen as the primary actor in future stability and peacebuilding in Kosovo, not only for economic reconstruction, but also as a partial successor organization to UNMIK. The EU is likely to take over selected functions after UNMIK's withdrawal, particularly in the field of police and justice (rule of law).[19]

## All in all, multi-ethnicity as a peace-promoting concept remains little more than strong rhetoric, as well as the founding principle for the international presence and its mandate, but it has not resonated with the local Kosovar society.

For local groups in Kosovo, both for Kosovo-Albanians and Kosovo-Serbs, the European vision is perceived first and foremost as the prime option for economic prosperity, based on individual experiences as migrant workers in Western European states.[20] Consequently, the vision of Europe is often perceived as a merely economic factor, rather than the effect of mutual interdependency, or as common democratic values and human rights norms. The idea of a joint Europe as a future political-social vision, based on multi-ethnic and multi-national tolerance, respect, and cooperation, lacks concrete substance for most parts of the Kosovar society. Thus, the civilizing and human rights–promoting potential of the European idea for violence-torn areas, such as Kosovo, remains minimal. Therefore, the present European identity within the Kosovar society continues to be largely economy-driven, whereas larger segments of the Muslim population—which constitutes ninety percent of the overall population—are likely to describe their identity as a culture-bridging, occidental European, with certain oriental traditions.[21] Nevertheless, the participation of Kosovo in the European integration process is an integral element of nearly all political party programs within the Kosovo-Albanian community, and does not at all contradict their culturally bridging identity. In this case, integration occurs as envisaged in the EU's Stabilisation and Association Process, in which Kosovo is integrated in the form of the so-called Tracking Mechanism for Kosovo.[22]

The population in the Serbian enclaves, on the other hand, would more likely favor Kosovo's integration into Europe as part of Serbia's overall integration process. Only as an integral part of Serbia would this option be widely acceptable. Consequently, this potentially integrating and peacebuilding aspect of the European vision continues to be as unacceptable from the Albanian perspective as the Albanian vision of European integration through independence is from the Serb's. Therefore,

an overall vision of Europe is mostly non-existent, or, at least, largely left "empty" as a collective perception for all communities in Kosovo. The ethnicity-based interpretations of this concept weigh too heavily on all sides.

In the light of multiple contingencies generating mutual uncertainty of expectations over the European vision, an ethnicity-based concept of the European vision would pose the problem of further alienating the respective societal factions in Kosovo, in the event that one side or the other asserted their specific ideas and interests. If such a scenario took place, the vision of Europe could actually provide for an increased deterioration of inter-ethnic relations, instead of having an integrative and peacebuilding effect for Kosovo. Such an integrating effect could only be reached by focusing on the impact of a shared interpretation scheme[23] on all sides, by which Europe could be perceived as a common acquis of pluralist democracy and human rights principles; as a society-based culture of civilizing conflict; and as an economic system of mutual benefit and cooperation. As long as contextual uncertainty over the concrete interpretations of the vision of Europe prevails, in the sense of multiple contingencies, starting such an integrating process will hardly be possible.

## FINDINGS FROM KOSOVO: INSTITUTIONAL SELF-REFLECTION FOR IMPROVED PEACEBUILDING

A key element in overcoming this risk, as well as in remedying shortcomings of the international peacebuilding efforts by the UN, OSCE, EU, and NATO in Kosovo, is the concept of institutional self-reflection as a central finding by this paper for international peacebuilding efforts in peacebuilding environments, such as Kosovo. A history of murder, torture, and forceful eviction by state authorities, as well as arbitrary use of force by the police and the judiciary, was evident in the region prior to the international intervention, exemplified by actions of the Milosevic regime. With the deployment of international organizations and the take-over of state authority in Kosovo, systematic human rights violations came to an end. On the other hand, the vacuum of power following the withdrawal of Serbian authorities, and the build-up of an international interim administration, led to another kind of increased conflict complexity. This was marked by the multiplication of actors, and the phenomenon of recursive violence against ethnic minorities in revenge for the previous suffering of the majority population.[24]

A central dilemma of the international peacebuilding presence in Kosovo is exemplified by the paradox of a full international authority in place while new, though milder, forms of human rights violations at the horizontal level (among the citizens without direct state contribution) occurred. The international community expected a reduction in the complexity of conflict relationships with the UN and KFOR takeover of Kosovo. In fact, that complexity increased, and changed in quality. The sheer number of state driven human rights violations decreased in severity, but increased in terms of civil society-based appearance, as neither

international organizations nor the local structures of self-government succeeded in stopping ethnic hatred and revenge, or in promoting a civilized culture of tolerance & peaceful coexistence.

Under international jurisdiction, the UNMIK and KFOR structure was responsible for preventing renewed Kosovo-wide violence as part of its duty to establish public order and security,[25] especially as the PISG lacked full responsibility over key authorities such as the police, the military, and the judiciary. At the same time, all international organizations in Kosovo are broadly protected from prosecution in case of abuse of power or failure to fulfill responsibilities by a comprehensive system of legal immunity.[26] Parallel to that and as seen above, UNMIK holds all areas of state authority (executive, legislative and judicial), while expecting the PISG, in fulfillment of the standards for Kosovo, to take over responsibility in areas of only a partial transfer of power.

In that respect, a stronger self-reflective focus on contradictory elements in their own policy could help UNMIK and KFOR alter these conceptual shortcomings in order to promote a better understanding in civil society for a civilized and tolerant culture of peaceful conflict and horizontal protection of human rights. An essential prerequisite for self-reflection is the ability to observe one's self and others in a more complex and multi-dimensional manner. In that context, the international organizations in Kosovo would be well advised to take into account the differing levels of sense-generating observations on the success or failure of peacebuilding efforts among local social groups, and their respective internal and external attribution.

In the social dimension, UNMIK and KFOR consider themselves merely as external actors, and not as internal contributors to the ongoing conflict scenario in Kosovo. Consequently, they attribute the conflict solely to the two alleged internal conflict parties; Kosovo-Albanians and Kosovo-Serbs, along with affiliated minority groups. With respect to a time dimension, the international community associates the duration of the conflict with its own involvement, which started around the late 1990s and lasting until some time in the very near future, as expressed in the words of the Future Status Talks.

## The participation of Kosovo in the European integration process is an integral element of nearly all political party programs within the Kosovo-Albanian community.

In sharp contrast to these social and time-related perceptions of members of the international community, local groups attribute the ongoing conflict to historic narratives starting, for example, with the battle against the Ottomans in 1389, or even in ancient times with the pre-Roman Illyrian settlement in the region.[27] The structuring of opinion-making in this way by the two dominant local groups in Kosovo forces marginalized groups to position themselves clearly between Kosovo-Albanians and Serbs. Any relevant third, fourth, or fifth options continue to be

widely excluded. This phenomenon is illustrated in the ethnic affiliation of the RAE community that often perceives members of the Roma community as pro-Serb and Ashkali and Egyptiani as pro-Albanian. The concept of tolerant multi-ethnicity has lost considerable ground as a result of these kinds of group perceptions, whereas UNMIK has made the mistake of focusing its policy on ethnic categories, instead of trying to overcome them.

The two dominant local groups have also interpreted the significance of recent developments very differently. In Kosovo-Albanian public opinion, the March riots, for example, constituted an almost excusable reaction to the alleged killing of two Albanian teenagers by members of the Serb community. For Serbs, the riots were seen, within the logic of further expulsion from the enclaves, as a form of state-tolerated ethnic cleansing through the majority population. The international community argued that local Kosovo-Albanian politicians, media, and other public opinion-makers carried the responsibility for the violent escalation that occurred during those days.[28] The effect of these perspectives also influenced the UN's review process on the fulfillment of the Kosovo standards prior to a potentially independent status of Kosovo. All quarterly reports of the UN Secretary General have described local efforts towards the fulfillment of the required standards as improving but, as yet, insufficient for completion.[29] This practice, in turn, can easily be perceived as an empty pledge in order to legitimize the non-transferal of central state authority to local structures, or even to arbitrarily prolong an international presence among the local structures of self-government in Kosovo.

## FOLLOW-UP RECOMMENDATIONS

Based on these key findings, with respect to Kosovo, the following recommendations can be given to international peacebuilders. Peacebuilders should better reflect on their own positions and policies as they contribute to post-war conflict scenarios. There should also be a better review of the wider effects of their presence and peacebuilding efforts, in light of increasingly complex relations and interpretations of conflict dynamics in post-war societies. In that context, tolerating violations of human rights norms that endanger individual persons' lives and property remains unacceptable, and cannot be excused by arguments of prior collective suffering.

Moreover, peacebuilders, such as UNMIK and KFOR, need to accept full responsibility and liability for guaranteeing the right to order and security for as long as they hold full state authority. No one else carries the prime liability for human rights violations other than actors with state authority, especially in a post-war environment under international administration. By claiming that responsibility lies with the bodies of local self-government, and, at the same time, failing to effectively protect or provide remedy for victims of ethnic violence, international organizations should reflect on their own potential complicity in allowing these violations to occur. This is particularly the case if international peacebuilders are both unwilling to take legal responsibility, and unwilling to transfer full authority to local structures that are

made responsible for preventing human rights violations. International actors in such environments also should waive their general immunity and show respect for rule of law principles, such as division of power, equal protection by law, and the right to effective remedy, which is diluted by their own applied policies.

A complete transfer of power to democratically elected structures of local self-government would result in judicially enforceable responsibility, as well as liability of state actors for abuses and omissions of power without general immunity. Local governments, such as the PISG in Kosovo, could then be held accountable, not only for violations of human rights by the police or the judiciary, but also for failing to protect their citizens from each other.

Only in a society where democratically elected representatives are accountable for determining political development, can a civil society-based understanding of respect for human rights, and civilized forms of engaging in social conflict, develop in a multiethnic and tolerant bottom-up process. In that respect, UNMIK and KFOR, but also the OSCE and the EU under the UN umbrella, failed to understand the multi-dimensional complexity of local perceptions, which in essence influences these bottom-up processes. Indeed, they perceived themselves as external actors with a short-term presence, in contrast to the long-term peacebuilding needs of the local society. In doing so, international peacebuilders are hardly able to establish the groundwork for such a self-sustaining peacebuilding process for the future, fostering respect for the rights of others, and the peaceful and sustainable "civilization" of conflict in Kosovo.

## Notes

1 Dieter Senghaas, "The Civilization of Conflict: Constructive Pacifism as a Guiding Notion for Conflict Transformation," *Berghof Handbook for Conflict Transformation* (2006): 4–5. Available at: http://www.berghof-handbook.net/uploads/download/senghaas_handbook.pdf (accessed December 1, 2006).

2 Human Rights Watch, "Failure to Protect: Anti-Minority Violence in Kosovo, March 2004," Human Rights Watch Publications, 16, no. 6, (July 2004). Available at:
http://hrw.org/reports/2004/kosovo0704/kosovo0704.pdf (accessed December 1, 2006).

3 Dieter Senghaas, "The Civilization of Conflict," 6.

4 Senghaas, "The Civilization of Conflict," 5.

5 United Nations, International Covenant on Civil and Political Rights of the United Nations, Art. 9 (I) in connection with Art. 12 (III), Art. 22 (II), Art. 25–26, Art. 2 (III), Art. 19 (IIIa) (December 19, 1966, into force March 23, 1976), United Nations Treaty System 999, 171; Art. 9 of the International Covenant on Economic, Social and Cultural Rights of the United Nations (December 19, 1966, into force January 3, 1969), United Nations Treaty System 660, 195; Art. 29 (II) of the Universal Declaration of Human Rights of the United Nations (December 10, 1948), United Nations Document A/RES/217(III), 71. Compare also the European Charter for Local Self-Government of the Council of Europe (October 15, 1985, into force September 1, 1988), European Treaties Series 122.

6 United Nations Mission in Kosovo, On a Constitutional Framework for Provisional Self-Government in Kosovo, UNMIK/REG/2001/9, May 15, 2001, Chapter 8.

7 United Nations Mission in Kosovo, On the Status, Privileges and Immunities of KFOR and UNMIK and Their Personnel in Kosovo, UNMIK/REG/2000/47, Sections 2 and 3. Available at:
http://www.unmikonline.org/regulations/unmikgazette/02english/E2000regs/RE2000_47.htm (accessed December 3, 2006).

8 In 2001, the author was serving as an OSCE Human Rights Monitor in the municipality of Dragash and experienced this UNMIK policy first-hand.

9 United Nations Mission in Kosovo, Constitutional Framework, UNMIK/REG/2001/9, Chapter 9.1.3 (b). See also Central Election Commission in Kosovo, "Certified Candidates List for the 2004 Kosovo Assembly

Elections." Available at: http://internet.cec-ko.org/CertifiedCandidatesList2004.pdf (accessed December 4, 2006).

[10] The Plemetina camp mainly inhabited by Roma IDPs provides a sad example of this. Myrna Brewer Flood, "Plemetina Camp Approaching Final Days," *Focus Kosovo*, 18, (February 2005): 24–25.

[11] David Buerstedde. "Violence in Kosovo Calls for a Fresh Look at the Mission's Priorities," *OSCE Yearbook* 2004, vol. 10, ed. Institute for Peace Research and Security Policy at the University of Hamburg (Hamburg: Nomos, 2005), 135–145.

[12] Niklas Luhmann, *Soziale Systeme: Grundriß einer allgemeinen Theorie* (Frankfurt: Suhrkamp, 1984), 34–70, 191–242, 328.

[13] Luhmann, *Soziale Systeme*, 593–646.

[14] High-ranking officer of the German military contingent in Kosovo (interview with author, Berlin, Germany, September 25, 2004).

[15] For the immediate response of UNMIK toward the PISG, see Office of the SRSG of UNMIK and Office of the Prime Minister of the PISG, *Kosovo Standards Implementation Plan*, (March 2004): 3. Available at: http://www.unmikonline.org/pub/misc/ksip_eng.pdf (accessed December 4, 2006).

[16] On the behavior of the media and members of the Kosovo assembly, see Harald Schenker, "Violence in Kosovo and the Way Ahead," European Centre for Minority Issues, ECMI Brief 10, (March 2004): 3. Available at: http://www.ecmi.de/download/brief_10.pdf (accessed December 4, 2006).

[17] International Crisis Group, Kosovo: *Towards a Final Status*, ICG Europe Report 161, (24 January 2005): 5. Available at: http://www.crisisgroup.org/library/documents/europe/balkans/161_kosovo_toward_final_status.pdf (accessed December 6, 2006).

[18] Luhmann refers mainly to the concept of double contingency in a classical distinction between alter and ego, whereas he also acknowledges its multiple options. Luhmann, *Soziale Systeme*, 148–190.

[19] The International Crisis Group, for example, proposed a monitoring mission after a "conditioned independence" comprised of the EU, the OSCE and judges from the European Court for Human Rights under the Council of Europe. International Crisis Group, *Kosovo: Towards a Final Status*, 25. See also the upcoming proposals of UN Special Envoy for the Future Status Process for Kosovo to the UN Security Council. Available soon at: http://www.unosek.org/unosek/en/index.html.

[20] Ministry of Services of the Provisional Institutions for Self-Government in Kosovo, *Kosovo in Figures 2005*, 29. Available at: http://www.euinkosovo.org/upload/Kosovo%20in%20figures%202005%20-%20General%20statistics.pdf (accessed December 4, 2006).

[21] This coincides also with a strong economic trading link with Turkey being the third most important trading partner for imports next to Ex-Yugoslav countries and the EU. Ministry of Services, *Kosovo in Figures 2004*, 63.

[22] United Nations Mission in Kosovo/Office of European Integration, *Kosovo Action Plan for the Implementation of European Partnership 2006*, 7. Available at: http://www.euinkosovo.org/upload/EPAP%20Eng.pdf (accessed December 4, 2006).

[23] For such an understanding of integration see Luhmann, *Soziale Systeme*, 315.

[24] OSCE Kosovo Verification Mission, *Kosovo/Kosova -As Seen, As Told. An Analysis of the Human Rights Findings of the OSCE Kosovo Verification Mission October 1998 to June 1999* (Warsaw: OSCE Office for Democratic Institutions and Human Rights 1999); OSCE Mission in Kosovo, *Kosovo/Kosova - As Seen, As Told. A Report on the Human Rights Findings of the OSCE Mission in Kosovo June to October 1999* (Pristina: OSCE Mission in Kosovo 1999).

[25] Compare United Nations Security Council Resolution 1244, United Nations Document S/RES/1244 (June 10, 1999), and the Military Technical Agreement between the International Security Force ("KFOR") and the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia (June 9, 1999). Available at: http://www.nato.int/kfor/kfor/documents/mta.htm (accessed December 4, 2006).

[26] United Nations Mission in Kosovo, UNMIK/REG/2000/47.

[27] These narratives are well presented on public places in Kosovo, such as the Albanian Skenderbeg memorial in the city center of Pristina or the Serbian memorial tower for the battle in 1389 north of the city. Noel Malcolm, *Kosovo—A Short History* (London/Oxford: Macmillan 1998), 22–92.

[28] For the different perceptions compare United Nations Mission in Kosovo, Local Media Monitoring Reports, following 17 March 2004. Available at: http://www.unmikonline.org/press/2004/mon/mar/lmm170304.pdf (accessed December 4, 2006).

[29] United Nations, *Reports of the Secretary General of the United Nations on the United Nations Interim Administration Mission in Kosovo*, United Nations Documents S/2004/348, S/2004/613, S/2004/907, S/2004/932, S/2005/88, S/2005/335, S/2005/635, S/2006/45, S/2006/361 and S/2006/707.