



BUILDING PEACE AND JUSTICE IN COUNTRIES IN TRANSITION:

THE KOSOVO EXPERIENCE

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PREFACE

In this Occasional Paper Thomas Feltes explores the dynamics of peacebuilding in the transitional context of post-conflict Kosovo. The politics, economics and logistics of peacebuilding undertaken under the auspices of the United Nations are discussed in some detail. The author highlights the challenges confronting donor-aided peace missions more generally, as well as the difficulties associated with attempts to establish the rule of law and functioning systems of criminal justice more particularly. The Kosovo case study as reconstructed here will, no doubt, serve as a useful comparative point of reference to African scholars interested in the contemporary dynamics associated with peace missions and the role of international police within such missions.

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BUILDING PEACE AND JUSTICE IN COUNTRIES IN TRANSITION: THE KOSOVO-EXPERIENCE¹

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Summary

Police reform in countries in transition is closely connected to peacekeeping and peacebuilding. This paper discusses successes and failures of peacebuilding, and the role of police therein, using Kosovo as an example. It is essential to know whether strategies, structures, and methods of military and police interventions are working, and we need to know whether the reform of administration, police and judiciary in the aftermath of an international intervention is sustainable. As peace and justice go together, the role of police reform in the context of the reform of the judiciary is discussed here too. There is a blatant clash between mainstream international understanding of what a ‘just society’ is, or what a society functioning under the rule of law is or should be, on the one hand, and, on the other hand, the local understanding thereof by members of a society who have survived different kinds of oppression and war for years or centuries, often by building up their own informal structures and their own rules of cohabitation. In Kosovo, nine years as an UN international protectorate has achieved remarkably little. The country is dubbed “UNMIKistan”, and one finds quotes like “We came, saw and failed” (Zaremba, 2007), referring to those experts who came on behalf of the UN, the Organization for Security and Cooperation in Europe (OSCE), EU or NGOs. One reason for the failure is that neither the military (Nato Kosovo Force – KFOR) nor the international police force (UNMIK CIVPOL) nor the UN administration were properly prepared for their respective missions, resulting in disadvantages for the local population and presenting them with examples that ought not to be emulated. Those who tackled the organization of the administration, as well as the organization of the reform of public institutions and the judiciary in Kosovo, lacked basic

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social and ethnographic knowledge of the country and of the Kosovan society. This resulted, partly, in practising peacekeeping as “war tourism” (Sion, 2008: 202) and spending more money on international experts and administration than on supporting the country. In 2008, more than nine years after the UN took responsibility for the country, the legal system is still not working properly and the country is in a disastrous social and economic situation. Huge, ineffective reconstruction programs and a body of neo-colonial administrators have become the focus of local resentment. In the beginning, 53 separate national police units, under the UN umbrella, practiced their own brand of law and order, while simultaneously preaching the gospel of universal standards. Police officers or civilian workers, arriving in Kosovo with the very best intentions, often got frustrated by the burden of the UN or OSCE administration. Others came to Kosovo as ‘mission addicts’, spending more time networking and organizing their next mission than carrying out their official, well paid function. A lack of cooperation both within and among all these international organizations and NGOs resulted not only in mismanagement, but in structures that doggedly focused on keeping their own organization running, while ignoring the work of others. To reform public institutions demands more than simply flying in these ‘internationals’ and imposing new laws or regulations. Reforming security in a country in transition also requires a strong theoretical background. Using Shearing and Wood’s idea of “nodal security” (Shearing & Wood, 2003b), this paper discusses the possibilities of conceptualizing and promoting security as a local public good. The function of ‘internationals’ is to help establish the necessary “nodes” and networks.

Introduction

In November 2007, three months before Kosovo declared independence, the European Commission *Kosovo 2007 Progress Report* concluded that “very little progress has been achieved” and that the creation of a multi-ethnic country seemed a far distant possibility (European Commission, 2007: 13). The report stated that the “focus on standards before status”³ (the independence of Kosovo) had significantly delayed reform efforts.

³ <http://www.un.org/News/Press/docs/2004/sc7999.doc.htm> ; see also International Crisis Group (2007).

Earlier progress was followed by a lack of capacity to carry out and implement laws. Civil servants are – so the EU reported – still vulnerable to political interference, corrupt practices and nepotism: “corruption is still prevalent, undermining a proper functioning of the institutions in Kosovo” (European Commission, 2007: 13). The report concluded that “overall, Kosovo’s public administration remains weak and inefficient” (European Commission, 2007: 10). Some progress had been made in reforming the public administration, but these reforms were “at an early stage” (European Commission, 2007: 10). The same observation can be applied to the judicial system, which is still fragile, and the execution of judgements remains limited. There is also a discrepancy between the wishes and aspirations of the people of Kosovo, and the ambitions of the government and leaders of the political parties. The focus on status had the effect of undermining all the important economic and social issues.

Considering that human rights were not respected under the supervision of UNMIK and KFOR (examples are the violent demonstrations of March 2004 and February 2007), how can we expect change post independence? And what will the ‘supervised independence’ amount to, when in the summer of 2008 the EU and UN are still negotiating how future assistance for the country should be organized?

Police reform in countries in transition is closely connected to what is called ‘peacekeeping’ or ‘peacebuilding’. William Smith (2007) has shown – relying on Jürgen Habermas’s reflections on Kosovo and Iraq – that numerous cosmopolitan theories of humanitarian military intervention have emerged in the past decade. These theories anticipate a more cosmopolitan future, where interventions will be authorized by new cosmopolitan institutions and carried out by reformed cosmopolitan military and police. But until we have such ‘cosmopolitan regimes’, capable of carrying out militarized ‘police actions’ (Habermas, 2003), we need to know whether the existing strategies, structures, and methods of military and police activities, in the aftermath of an international intervention, are in fact working. As long as we do not have functioning supranational institutions, capable of enforcing human rights, or multi-layered institutions and networks of global governance, we are somewhere between international and cosmopolitan law, and it could be possible that neither law can be applied and no jurisdiction is responsible. And as long as

we have to trust in military interventions and military force to advance humanitarian goals, we need to discuss the role of police forces in this context.

To decide whether an intervention is or might be justified for whatever *de iure* or *de facto* reason, it is necessary to assess whether

1. the military intervention was successful in terms of ending what the original reason for the intervention (e.g., ethnic cleansing, genocide, crimes against or violation of humanities etc.), and
2. the after-care of the military intervention – the establishment of the rule of law, of a functioning police, judiciary, and administration – was organized in such a way that the potential success of the initial intervention will be secured, stabilized and sustainable in the longer run.

To answer these questions, an evaluation of both the intervention and the after-care is necessary. But what are the criteria for such an evaluation? When do we judge an intervention ‘successful’, and when the after-care?

Is Enlightenment the difference?

Before trying to explain what happened in Kosovo and “How the world failed Kosovo” (King & Mason, 2006), it is necessary to outline what might be making it so difficult, and to understand what was and is still happening in the Balkans.

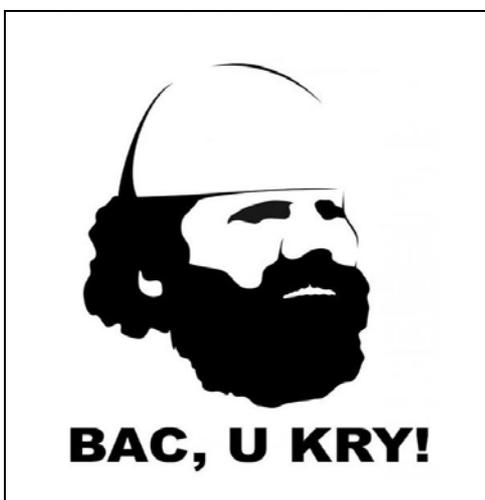
Some say that the difference between Serbia and western states lies in the former’s denial of the Enlightenment. Serbian politicians – as the argument goes – aim at the collective rights of their nation, whilst the western understanding focuses on the individual rights of people (Rathfelder, 2008). This is the supposed reason why human rights, as individual rights, are not accepted, and why the central consideration for Serbs remains the nation or the peoples (*narod* in the Serb language). Consequently, Serbs reject the western understanding of the concept of the rule of law, as they reject the idea of the individualisation of guilt, for instance in the context of war crimes. In the eyes of the Serbs, war criminals, like Ratko Mladic and Radovan Karadzic (who was finally arrested in July 2008) are not guilty because they are part of the nation (*Volkskörper*) and acted in the people’s interest. For this reason they are protected and admired as heroes, rather than

condemned as war criminals (Ivanji, 2008). Other nations, defined as enemies, may be punished to protect one's own nation. Jürgen Habermas commented on the war in Kosovo as follows:

[The war] touches upon a fundamental question which is hotly disputed in political science as well as in philosophy. Constitutional democracies have achieved the great civilizational task of the legal restriction of political force, based on the recognition of the sovereignty of subjects in international law, while a 'world civil society' would definitely question this independence of nation states. Does the universalism of the enlightenment here collide with the stubbornness of political force, which is for ever entangled with the drive for collective self-affirmation of a particular community? This is the realist sting in the flesh of human rights policies. (Habermas, 1999/2000)

If we look closer at discussions in Kosovo and the sentiment of the people there, we find astonishing parallels: For Kosovars, the nation and the country are also very important aspects and considerations. They express the desire for and the sentiment that, after centuries of oppression, they ought to have a country of their own; a unique one for their nation. After the declaration of independence, posters put up in Prishtina showed a man wearing the traditional white hat (the *plis*) with the caption "*Bac, u kry*", roughly translated as "Uncle, it's done". Children and babies got T-Shirts bearing the slogan "I have my own state now".

Figure 1: *Bac, u kry!* – copy of a sticker sold in Prishtina in the summer of 2008



But time will tell whether the newly formed state of Kosovo is really able to survive, to integrate itself into the European Union, and to establish good relationships with neighbouring countries.

International conflicts, military and police interventions

Although the number of civil wars has declined since the early 1990s, the number of UN operations has grown (see Figure 2 below). We do have a less violent world, but the necessity to deal with these conflicts is still obvious, and the role of the police in this context is growing. As Figure 3 below illustrates, the overall number of uniformed personnel in UN peacekeeping operations is about 80 000, but that of the police was less than 5 000 in the early 1990s and is now more than 9 500 (although in August 2007, for Dafur alone, the UN asked for 6 500 police officers).

Upon its creation in October 2000, the UN Police Division supported the police components of peace operations primarily by establishing systems and procedures for generating the authorized numbers of police officers for service in these missions.⁴ The United Nations Department of Peacekeeping Operations is working to initiate a Standing Police Capacity (SPC) with an initial team of 25 (!) hand-picked officers, chosen for their skills in all aspects of law enforcement to form “rapid response teams ideally suited to the immediate demands of 21st century peacekeeping”. While separate from the UN Police Division, they will collaborate closely with their divisional colleagues.⁵ Once operational,⁶ the Standing Police Capacity will have two key roles: to provide immediate start-up capability on the ground for the police components of new UN peace operations, including strategic advice to ensure effectiveness; and to provide rapid support to existing UN operations, including assisting with the training of local police forces to help them build capacity.

⁴ <http://www.un.org/Depts/dpko/police/division.shtml> (15.5.2008)

⁵ “The United Nations should have a small corps of senior police officers and managers (50-100 personnel) who could undertake mission assessments and organize the start-up of police components of peace operations, and the General Assembly should authorize this capacity”.
<http://www.un.org/Depts/dpko/police/capacity.shtml> (15.5.2008)

⁶ Scheduled for late 2007, but still not established in the late summer of 2008.

Figure 2: Civil Wars 1945 – 2002.

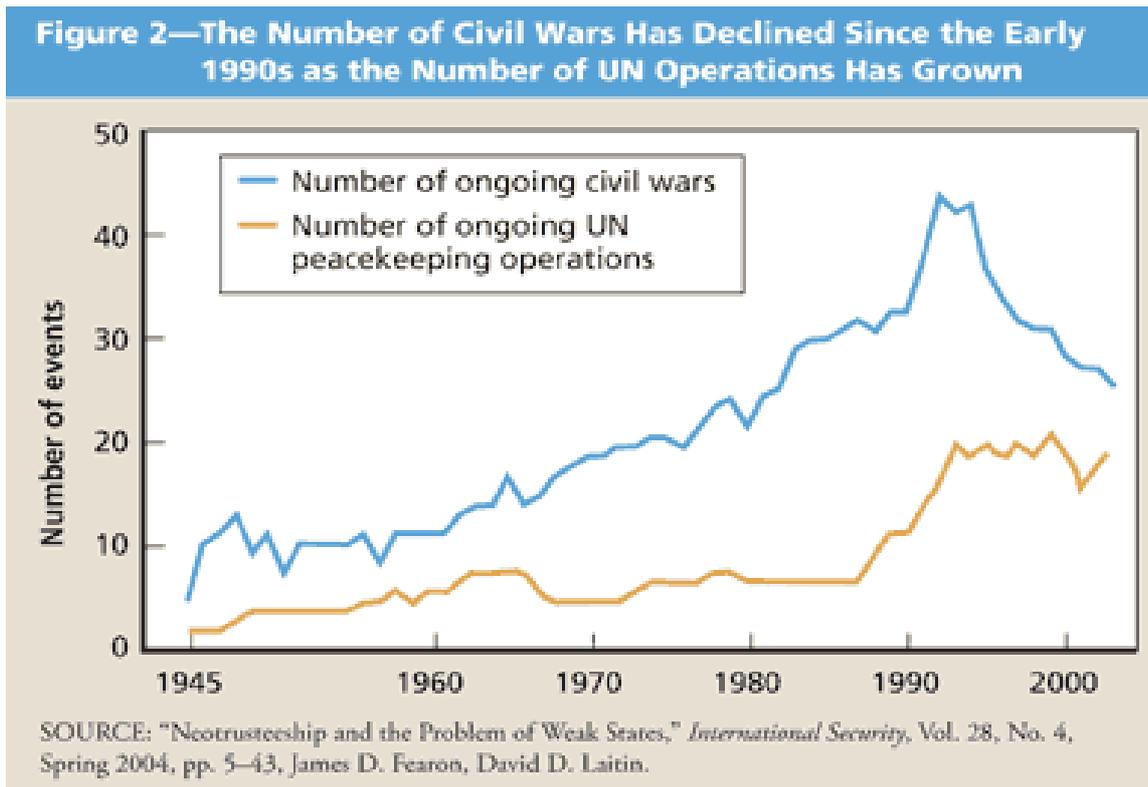
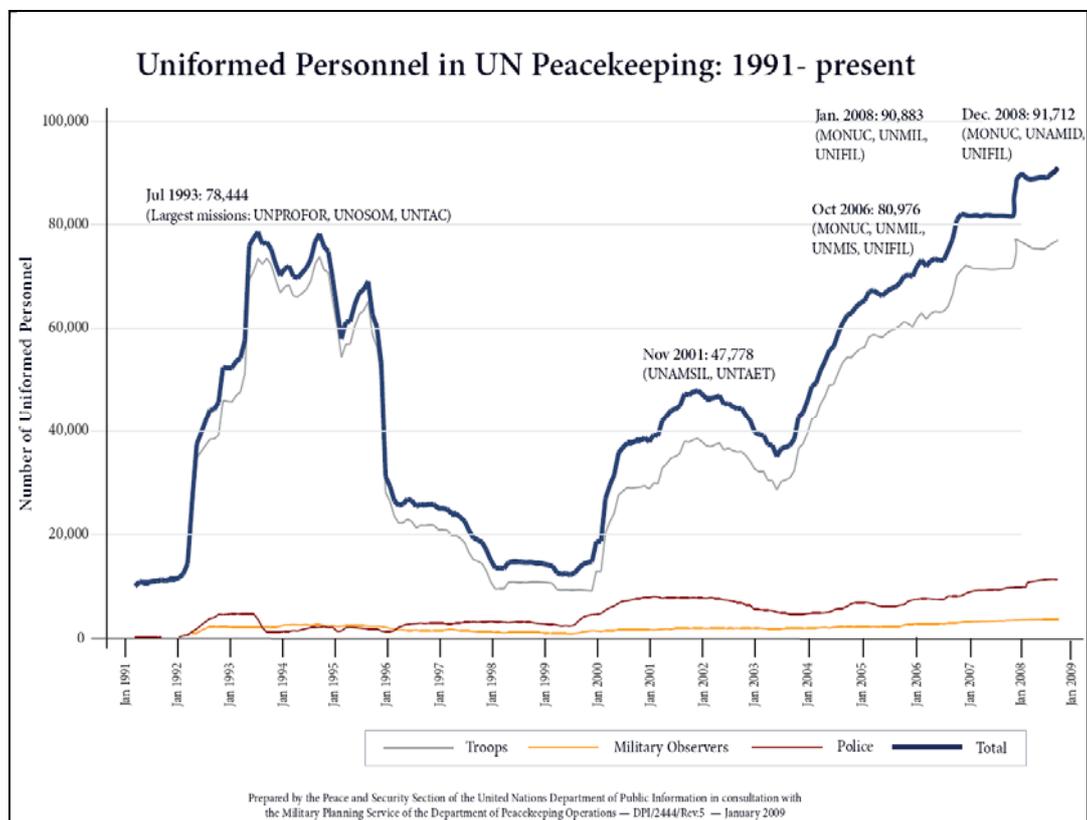


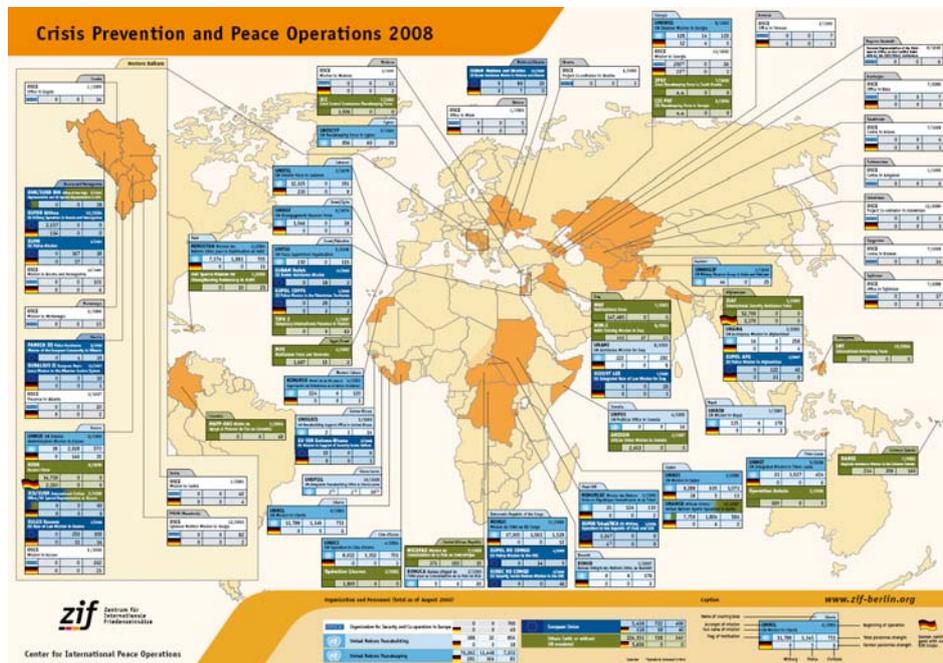
Figure 3: Uniformed Personnel in UN Peacekeeping: 1991 - 2009.



Source: <http://www.un.org/Depts/dpko/chart.pdf> (15.5.2009)

Figure 4 maps the most recent Crisis Prevention and Peace Operations (2008) and is available at:

http://www.zif-berlin.org/fileadmin/uploads/analyse/dokumente/veroeffentlichungen/ZIF_Weltkarte_Friedensmissionen_Sept_2008.pdf



What is ‘peacebuilding’, and who is involved in it?

This paper will use the term ‘peacebuilding’ instead of ‘peacekeeping’ to make clear that there is usually no peace to be kept. But peacebuilding itself remains (like peacekeeping) conceptually weak, and very often there seems to be a hidden or unofficial, parallel curriculum for peacekeeping missions. The idea of ensuring one’s own country’s security lurks behind not only the USA’s interventions in Iraq and Afghanistan, but also plays a role in the Balkans and in countries like Georgia. Even the definition – what peace is or should be – is unclear. Is it the absence of ‘war’? But, then, what is ‘war’? Is it the absence of violence? If so, what kind of violence? Everybody agrees that a civil society is a condition for a peaceful society. But do we first ask for ‘democracy’, and then for ‘freedom’? The problem created by “standards before status” in Kosovo illustrate the milieu relevant to this question. The international community demanded given democratic standards first – like the right of displaced persons and refugees to return, and freedom of movement for all inhabitants – and promised “status” (independence) afterwards. The consequence was that

Kosovo parties and politicians ‘played’ democracy, cleverly cheating the international organizations, in much the same way as they had done up to 1999 as a general and justified strategy to overcome the Serbian occupation.

There are obvious problems with coordination and cooperation between those who are involved in peacebuilding, but national and individual interests, ethical and especially political interests, also present problems.

What kind of police do we need for such peacebuilding activities? If we agree on the necessity of an international police force for the implementation of the rule of law, of a just society, and of a functioning law system, how then should this police force look like? We have different options, each with advantages and disadvantages. Police forces like the *gendarmerie* in Italy, France or Spain (a more militaristic police) might be one option; police forces practising ‘community policing’ are another. Do we want national, transnational or international forces, or a Joint European Early Intervention Team?

The Balkans and Kosovo

Some of the countries in the Balkans are disintegrating states: unable to cope with violence and organized crime, and burdened by socio-economic problems such as poverty and unemployment. The competition or rivalry between national ambitions is extremely widespread. The history of this European region is long and filled with wars and changing authorities and regimes. Kosovo itself is of its kind a unique enterprise: officially it was and still is a part of Serbia under the control and administration of the UN. On 17 February 2008, Kosovo declared independence, and as at 15 June 2008, 44 countries have recognised Kosovo as an independent country.⁷ Nevertheless, as UN-Resolution 1244 is still valid (in the summer of 2008), Kosovo is not a state in terms of international or public state law.

A short history of Kosovo⁸

Tito’s death in 1980 resulted in two events: renewed demonstration by Kosovar Albanians for republican status, and complaints by the Serbian Orthodox Church that Serbs were being

⁷ <http://kosova.org/independence/liste-der-staaten/index.asp> 16.6.2008

⁸ This section drafted in the main by Andrew Gridinsky in May 2008.

persecuted and therefore fleeing Kosovo. While there can be no doubt that the Serbs were leaving Kosovo and many felt persecuted, many were also leaving for economic reasons.

Slobodan Milosevic rose to power on an anti-Albanian, pro-Serbian platform in late 1987. His party's slogan was "*No force can now stop Serbia's unification*". The plan to abolish Kosovo's' autonomy began in 1989, when Milosevic abolished the partial autonomy that had been granted to Kosovo as a Yugoslav province since 1974. In September, the Serbian Constitution was changed to redefine Kosovo as a region in Serbia, thus effectively killing any sort of autonomy in the province. Milosevic also started to oppress Kosovo Albanians. These measures resulted in a de-Albanianization of cultural and education institutions within Kosovo. Drastically, overnight, Kosovar Albanian communist leaders were dismissed; Kosovar Albanian doctors, nurses, policemen, school teachers, and municipal employees all lost their jobs. They were not allowed to work in public administration or as professors in universities. In response, Kosovar Albanians sought to create their own independent shadow republic, with parallel governing institutions. Most notably they created their own parliament and government. In July of 1990 Belgrade prevented the illegal Kosovo Parliament from meeting. In response the Kosovo Parliament met on the steps of the Parliament building and publicly announced the Sovereign Republic of Kosovo. All areas of life in Kosovo subsequently remained divided into two parallel worlds, one belonging to the legal Serbian system of government, the other to an Albanian illegal system, organizing all other aspects of life (Vickers, 2000: 99).

The shadow society that was built by the Kosovar Albanians was accomplished by the resurrection of Albanian education, healthcare institutions, and sports and cultural activities. Private houses became schools. Art exhibitions moved to Albanian owned and operated cafes. The Kosovar Albanians even unofficially renamed the main street in Prishtina Mother Teresa Boulevard, whereas the Serbs called it St. Vitus Day Street, commemorating the day in which the Battle at Kosovo Polje was fought. Denisa Kostovicova (2000: 147) writes:

Following their exclusion from school and university buildings, Albanian students flocked to makeshift classrooms in private houses, garages and attics. There Albanian educators applied their own curricula, which they first rid of old communist content and then amended to give full expression to the Albanian national identity.

All of this resulted in a “second economy”: Those who left the country or had to leave because of political pressure, sent money home to their families.⁹

But the dismissal of Kosovar Albanians had a devastating impact on the economy. By 1993, over 400 000 Albanians had left Kosovo. They joined other Kosovar Albanians in the US, Germany, Switzerland, the UK and Italy. Many had emigrated before, both as *Gastarbeiter* into the rest of Europe, and as political asylum seekers. The Albanian diaspora is a close-knit group. All felt a moral obligation to contribute funds for the parallel society.

By the spring of 1991, the League for a Democratic Kosovo (LDK) had 700 000 members, with offices in Zurich, Stuttgart and Brussels, among other cities. Going back a step, the LDK appeared on the scene in 1989. It was led by Ibrahim Rugova (who later became the first elected president of Kosovo), an academic who preached non-violence. This League, together with other Albanian-American organizations, served as a source of funding for the parallel society in Kosovo and for lobbying political leaders both in the US and Europe.

By the mid 1990s Yugoslavia was literally falling apart. To chronicle the break-up of the Yugoslavian Federation, even briefly, is beyond the scope of this abbreviated history. Suffice to say that, as each republic first threatened to and then succeeded from the federation, Milosevic’s resolve to hold onto Kosovo at all costs only strengthened. The Kosovar Albanians were disappointed by the 1995 Dayton Accord, which in their view failed to recognize their justified claim for independence. The Serbs in Kosovo also became worried as they saw how poorly refugees from other break-away provinces in Yugoslavia were treated in Serbia. As Milosevic tightened his grip on Kosovo, the Serbian population began to arm themselves.

In 1997 the pyramid schemes¹⁰ in Albania began to collapse. In the anarchy and near civil war that followed, army magazines were looted and approximately 600 000 guns came into circulation. Simultaneously, the Milosevic regime began an anti-terrorist campaign,

⁹ Today still, more than one-third of the GDP comes from Kosovars living in Switzerland, Britain, the US or Germany, and another third or so comes from international aid and donors. Rumour has it that the rest comes from organized crime.

¹⁰ Albania disintegrated into chaos and armed revolt soon after pyramid investment schemes failed. A pyramid scheme is a “non-sustainable business model that involves the exchange of money primarily for enrolling other people into the scheme, usually without any product or service being delivered. It has been known to come under many guises”, see http://en.wikipedia.org/wiki/Pyramid_scheme

known as the “First Offensive.” As a result, large numbers of Kosovar Albanians were forced from their homes to the mountains. As the situation in Albania stabilized, thousands of Kalashnikovs became readily available and were purchased by the Kosovo Liberation Army (KLA). As the civil war heated up, the governments in the United States and Western Europe became increasingly concerned. A “Contact Group on Kosovo” was formed, which consisted of representatives from the United States, Germany, France, the United Kingdom and Russia. In March 1998, Secretary of State, Madeline Albright, addressed the Contact Group and put the blame for the violence in Kosovo squarely on Milosevic, outlining a number of conditions that the government in Belgrade had to accept.

The ebb and flow between the Kosovar Albanians and the Serbs in Kosovo went hand in hand with the ebb and flow between the Contact Group and Belgrade. As thousands of Kosovar Albanians became internally displaced within Kosovo, the KLA, sensing that the general Albanian public in Kosovo, and abroad, and the international community was on their side, intensified their efforts. In January 1999, NATO warned it was ready to use military force against the government in Belgrade. A conference was held in Rambouillet, France. Among those present were the members of the Contact Group, the KLA, and Yugoslavian representatives. Neither side could agree on terms, and the NATO bombing deadline was extended. Two weeks later the conference reconvened. This time the Kosovar Albanians agreed to sign the Rambouillet agreement, but Belgrade did not. On March 24, NATO began bombing Serbia. Prior to the bombing, all of the international monitors were withdrawn from Kosovo. This gave the Serbian Special Forces free rein over the Kosovar Albanian population. It also resulted in over 850 000 Kosovar Albanians forced into the neighbouring countries of Albania, Macedonia and Montenegro, while another 1 million were internally displaced.

After 78 days of war, NATO prevailed, and on 11 June 1999 Serb forces withdrew and NATO entered Kosovo. The refugees were allowed to come home shortly thereafter. Under the Kosovo Intervention Force (KFOR) Mandate and UN Resolution 1244, the region became a UN Protectorate. Since then, local and national elections have been held. The KLA disbanded and transferred to Kosovo Protection Force (KPC), an equivalent of the US Army Guard, but without guns.

During the conflict roughly a million ethnic Albanians fled or were forcefully driven from Kosovo. An estimated 10 000 to 12 000 ethnic Albanians and 3 000 Serbs are believed

to have been killed during the conflict (the exact numbers and the ethnic distribution of the casualties are uncertain and highly disputed).

After the war ended and the UN Security Council passed Resolution 1244, which placed Kosovo under transitional UN administration (UNMIK) and authorized KFOR, a NATO-led peacekeeping force, returning Kosovo Albanians attacked Kosovo Serbs, causing some 200 000 to 280 000 Serbs and other non-Albanians to flee. The current number of internally displaced persons is disputed, with estimates ranging from 65 000 to 250 000. Many displaced Serbs are afraid to return to their homes, even under UNMIK protection. Around 120 000 to 150 000 Serbs remain in Kosovo.

In 2001, UNMIK promulgated a Constitutional Framework for Kosovo that established the Provisional Institutions of Self-Government (PISG), including an elected Kosovo Assembly, Presidency and office of Prime Minister. Kosovo held its first free, Kosovo-wide elections in late 2001 (municipal elections had been held the previous year). UNMIK oversaw the establishment of a professional, multi-ethnic Kosovo Police Service.

Where and why the ‘internationals’ failed in Kosovo?

In 2006, King & Mason published their book *Peace at any Price. How the World Failed in Kosovo*. They provided a sound analysis of how and why the international community failed in establishing a sustainable state. Further examples are provided in this paper. And yet, two years on King & Mason’s book and other reports and articles have had little effect on the activities of the international community and their organizations.

Violent clashes between Albanians and Serbs in the northern city of Mitrovica broke out in March 2004. The spark was the reported, but not proven drowning of three Albanian children by Serbs. Albanian mobs elsewhere in Kosovo then launched pogroms against small, isolated pockets of Serbs and other minorities, and attacked the occupation forces, which responded with tear-gas, rubber bullets and sometimes live ammunition and evacuated Serbs to safer towns or NATO barracks. In the presence of 17 000 NATO troops and 4 000 UN police, Albanian hooligans fell upon their minorities. Nine hundred people were wounded, 19 died, some 30 churches were destroyed, 700 houses burnt down, 4 500 people put to flight. Some 150 KFOR troops and UN police were injured, 72 UN vehicles destroyed, and 200 people arrested. In Priszren, the German KFOR troops did not show up

when Albanians tried to set fire to Serbian houses, a monastery and a church. Months later there was an article in a German journal,¹¹ about “*Die Angsthasen vom Amselfeld*” (the “cowards” or “scaredy cats” of the Amselfeld region). German police, on duty in Priszren for UNMIK CIVPOL, complained of a lack of support from the German military, stationed nearby. At the time of writing, the Archangel Monastery near Priszren and the monastery of Deçani¹² are still behind barbed wire and under protection of KFOR troops, and entry is not possible without permission from KFOR and the monks.

One might ask, where does this anger and hate does come from? In 2007 I met a former law student of Bochum, who had been living in Germany since the early 1990s. He left his home country, Kosovo, due to political oppression while still a student. Despite all having German passports, he was considering going back to Kosova with his wife and two children (both born and raised in Germany). In late 2007, he took me to a place in Kosovo, which is a national museum for Kosovars and going there is like making a pilgrimage: the small village of Prekaz with the graves and the houses of the Jashari family. In this village, more than 100 people were killed by Serbs, including the entire family (58 people, including a three-year-old child) of Adem Jashari, one of the founders of UÇK/KLA. In the area of Drenica and Skenderaj, more than 1 000 people were killed by Serbs. As a lawyer and academic, my former student knows the history, and he knows, of course, that both sides (Serbian and Albanian Kosovars) were guilty of atrocious cruelty. Nevertheless, one could sense his deeply rooted hatred of Serbs, who for him are and have been oppressors for centuries. Like his fellow citizens, he speaks of the “barbarian Serbs”. But in his day-to-day life, he (again, like his fellow citizens) has been and is still living closely with Serbs. In the summer of 2008, in Prishtina, one saw wedding parties, driving through the city on their way to the wedding ceremony. One party consisted of a car with Swiss licences plates at the head of the party, waving a huge red Albanian flag (not the new blue Kosovo one). Next was a car with Serbian plates, followed by a German and two Kosovo cars, the bride and the groom with western-style wedding outfits in a convertible.

¹¹ Der Spiegel. (19/2004). *Deutsche Soldaten: Die Hasen vom Amselfeld*. (03.05.2004).

¹² See <http://www.kosovo.net/edecani.html>

Protectorate of Kosovo

Kosovo has been governed by the UN since 1999.¹³ The country was run by international administrators (some of whom have proved to be corrupt), financed by aid, the remissions of exiles, and crime. To quote an experienced and disillusioned aid worker:

When I came to Kosovo in 2000, many international officials were trying as best they could to push economic development projects. Now everybody seems to think Kosovo is incapable of producing anything and can only live on international aid, injections of money from Albanian exiles in Europe and the proceeds of organised crime. (Dérens 2003a)

The situation in Kosovo was described as “elephants in front of a water hole” (“*Elefanten vor dem Wasserloch*”) by the German journal, *Der Spiegel*, in April 2008: international organizations and NGOs and their representatives queuing to get their share of the international donor money. It is estimated that since 1999 the international community has spent about 33 billion Euro on their activities in Kosovo. This amounts to 1 750 Euro per inhabitant per year. This notwithstanding, the per capita GDP is lower than that of North Korea or Papua-New Guinea, and the ‘black’ or ‘shadow’ economy contributes 30 to 40% (Mayr, 2008). A study by the independent Institute for European Politics in Berlin for the German Armed Forces (Jopp & Sandawi, 2007) summarizes:

The international community as well as their representatives in Kosovo carry decisive joint responsibility for the alarming spread of mafia structures in Kosovo. They have damaged the credibility of international institutions by the open support of political-criminal roleplayers in a variety of ways.¹⁴

Some examples: In 2007, a local translator, working for UN, EU or OSCE, earned about 800 Euro per month, whereas a local medical doctor at a hospital earned Euro 200, a teacher 150 and a police officer 220. Contracted ‘internationals’ in higher positions are paid 6 000 to 8 500 Euros. If seconded, they get their usual salary, plus 3 000 Euro extra per month.

¹³ This paper was finalised in the summer of 2008, after the declaration of independence of Kosovo in February 2008, and still the UN and EU are negotiating how the future international assistance for Kosovo ought to be organized.

¹⁴ My translation. The original text reads: “Die Internationale Gemeinschaft sowie ihre Vertreter im Kosovo tragen maßgebliche Mitverantwortung für die alarmierende Ausbreitung mafiöser Strukturen im Kosovo und haben durch die offene Unterstützung politisch-krimineller Kuppelakteure in vielfältiger Weise die Glaubwürdigkeit internationaler Institutionen beschädigt.” Quote from Mayr, 2008: 128.

UNMIK and the international organisations involved employ thousands of officials. These administrators usually spend six months to a year in Kosovo. As each leaves after their stint in Kosovo, with them goes each individual's memory bank of knowledge and often the entire institutional memory; new administrators arrive and in turn attempt to reinvent the wheel; and locals lose trust in the 'internationals' (Hett, 2006).

Journalists report on the following types of gossip exchanged by internationals over dinner: An international from Bulgaria did not keep separate personal and public accounts; another, from Mauritania, dismissed a delegation of Albanian trade unionists, explaining that "Kosovo is democratic now, no more socialism, no more trade unions". Somebody from Africa was hired to rebuild the Kosovo railway system, although he personally had no experience of railways:

Mr. Bangura teaches the Kosovans how to run a railway and is paid some 8,000 Euro a month. Local railwaymen who are supposed to live on 150 Euro feel a bit humiliated by the project, especially since Mr. Bangura knows nothing about railways. How could he? He is from Sierra Leone where the last train stopped in 1975. He is an expert in harbours. (Zaremba, 2007, part 4)

In 2007, a high ranking US police officer, working for UNMIK, was prosecuted for the sexual exploitation of women and cooperation with members of organized crime. To quote again from the study of Jopp & Sandawi (2007: 73) for the German Armed Forces:

The UN mission is either called "paper tiger", "bureaucratic monster" or "colonial management", while the international staff has the reputation to pursue either adventurism or individual, unjustified enrichment in Kosovo.

Ninety percent of the internationals come to Kosovo for the money, says a UN police officer from the Organized Crime Unit in Kosovo, quoted by Mayr (2008). Corruption scandals, some of them at the highest level, have damaged the reputation of the international administration. The former director of the Kosovo Electricity Corporation (from 2001 - 2003), a 36-year-old German from Essen, Jo Truschler, is only one example. It is averred that 4.5 million US Dollars of international donor funds disappeared from the books of the Kosovo Electricity Company (KEK). Truschler sold electricity to other countries, transferring the money to his private account in Gibraltar. He was sentenced to probation in 2007 in Bochum – not for fraud or corruption in Kosovo, but for using false doctoral titles

when applying for a job in Germany (Zaremba, 2007). In the meantime, power supply in Kosovo is still a matter of luck: usually it breaks down at least three or four times per day.

The former British Head of Prishtina Airport, Ioan Woollett, and a friend, employed on average three people per day. But these were not just ordinary people. They were beautiful, young women, many of whom had won beauty contests, but none of whom could speak any English (Zaremba, 2007). Eventually he had 200 more employees than was necessary for an airport of that size. Many of these women had to be available to Woollett and his friend day and night. Woollett's friend left Kosovo after four months to work for the UN in Sudan. Woollett fled later. In 2008, soon after declaration of independence, one of Woollett's successors, Afrim Azirin, was arrested by the local (not the international) police for corruption. An earlier arrest had not been possible since it seemed as if Azirin had the backing of members of UNMIK.¹⁵

The rise in organised crime in Kosova signals a serious failure of the UN administration. Now more than ever Kosovo is at the heart of the European trafficking in drugs and human beings.

[The] Balkans ... already distribute most of Europe's heroin, facilitate illegal migration and are responsible for nearly 30 per cent of women victims of the sex trade worldwide. (International Crisis Group, 2007: i).

Illicit trade is developing on its borders. Eighty percent of the heroin trade in Northern Europe and 40% in Western Europe are organized by Albanian groups, and four to five tons of heroin are smuggled across the Kosovo borders every month (Mayr, 2008). The UN

¹⁵ On 25 March 2008, "the Sector of Investigations of Economic Crimes and Corruption of the Kosovo Police Service arrested Afrim Azirin, director of Prishtia Airport, Vlora Ferizi, Procurement officer and Shkëlzen Jusaj, owner of the company "Petrol Company". The first suspect is arrested because of the grounded suspicion that he has committed criminal offence of misuse of official duty or authorisations from article 339, exercise of influence from article 345 and fraud in duty from article 341 KPCC. The second suspect is arrested because of the grounded suspicion that he has committed criminal offence: making harmful contracts from article 237, fraud in duty from article 341 and for criminal offence of misuse of official duty or authorisation from article 339 of the KPCC. While the third suspect who is owner of the company "Petrol Company" is arrested on suspicion of committing criminal offence of fraud of clients from article 242 and assistance in commission of criminal offence from article 25 KPCC. The investigations regarding this case from the Sector of Investigations of Economic Crimes and Corruption of the Kosovo Police Service has started before seven months and the suspects are arrested on the order from the prosecutor, while the criminal allegation against three suspects will be sent to the District Prosecutor's Office in Prishtina." Source: Media release of Kosovo Police, http://www.mpb-ks.org/index.php?option=com_content&task=view&id=469&Itemid=1

police works closely with the Kosovo Police, but some members of the service are known for their good contacts with local and international criminals, and the same is true for the ever necessary translators, some of whom have made tremendous careers over the past few years, since the language has rarely been used at international level before.¹⁶ A monthly list, issued by UNMIK, lists some 140 brothels – officially off-limits to UN employees – for a country of some 2 million people.

Nine years as an UN international protectorate has achieved remarkably little. No progress has been made towards building a multi-ethnic society. The legal system is still not working properly. Some say it has broken down completely. The province is in a disastrous social and economic situation. No indication is given why Kosovo is not yet equipped for full self governance (Dérens, 2007). When the people of Kosovo and their legitimate elected representatives decide one thing, and the international community decides another, the latter will always have the last word – even after the declaration of independence. After nearly ten years of international administration, many Kosovars are fed up with the arrogant behaviour of the “white 4x4 gang”, as locals call the internationals, stemming from their habit of driving around the region in white Toyota Landcruisers.

Mr. Bhattacharya from Bangladesh ... is expert in nothing. He is a parking guard, without a drivers license and speaks only Bengali, but he must have paid handsomely in Dhaka, because now he is a UN policeman. There are hundreds of them, incompetent people, within the UN police, within finance and even within the justice system (Zaremba, 2007: part 4).

These hundreds are called “domestic internationals”, “project addicts”, or, if working for one of the estimated 4 000 NGOs in Kosovo, “MANGOs”, which is short for Mafia-NGO. “The internationals feed themselves with their money”; “they eat their own money” are common sayings in Prishtina, where at least 15 000 ‘internationals’ are working (Hofbauer, 2007).

And yet in the summer of 2008 the EU has decided to spend another 1,3 billion over the next few years on the new EULEX mission.

¹⁶ This is called the “Mourinho Phenomenon”: Football manager Mourinho earned the nickname *Tradutor* (translator), when he worked with Sir Bobby Robson as his translator and trainer (technically his interpreter) at both Sporting and then FC Porto. Now he is manager at Internazionale Mailand, and his transfer from Chelsea was the most expensive of its kind in soccer history.

Organization of the administration of Kosovo

UNMIK organises the administration in Kosovo according to four “Pillars”:¹⁷ Pillar I deals with “Police and Justice”, Pillar II the “Civil Administration”, both under the direct leadership of the United Nations. Pillar III, “Democratization and Institution Building”, is led by the OSCE, and Pillar IV, being “Reconstruction and Economic Development”, is led by the EU. It must be obvious that only good and sound cooperation between the roleplayers responsible for each of these Pillars will guarantee sustainable results. But as experience has shown, this was not always the case.

A particular and key problem occurs in nearly all peacebuilding missions around the world, and so too in Kosovo. The necessary number of police was made available months or even years after being planned for. For Kosovo, 4 700 UNMIK police officers were scheduled. In March 2000 (months after the war had ended), only 2 400 police officers had been placed there, and in September of that year it went up to 4 000. As Table 1 shows, these officers came from 53 different countries and were allocated to 42 police stations (Stodiek, 2003), resulting in some 50 separate national police units practising their own brand of law and order while at the same time preaching the gospel of universal standards (Hansen, 2002).

Table 1: UNMIC CIVPOL Contingents in 2001.

Contingents sorted alphabetically			
Country	Total	Country	Total
Argentina	147	Malaysia	47
Austria	45	Malawi	21
Bangladesh	74	Nepal	63
Belgium	1	Niger	0
Bulgaria	98	Nigeria	63
Cameroon	19	Norway	27
Canada	23	Pakistan	186
Cote D'Ivoire	0	Philippines	25
Czech Republic	22	Poland	125
Denmark	27	Portugal	14
Egypt	57	Romania	184
Fiji	35	Russian Federation	119
Finland	25	Senegal	15
France	86	Slovenia	15
Germany	403	Spain	148
Ghana	110	Switzerland	8
Greece	20	Sweden	46
Hungary	5	Tunisia	6
Iceland	2	Turkey	138
India	506	United Kingdom	157
Italy	71	Ukraine	194
Jordan	436	USA	535
Kenya	25	Zambia	38
Kyrgyzstan	4	Zimbabwe	61
Lithuania	9		

Source: <http://www.unmikonline.org/civpol/factsfigs.htm> 6.8.2008

¹⁷ See www.unmikonline.org; and Wilson (2006).

The Kosovo mission was also famous for functioning without proper equipment: from office materials to means of communication, from weapons to police vehicles. In contrast to the military, police had to find their own living apartments, their own office space, and their own office furniture at the beginning of their mission. They got some money from their supervisors and were asked to get the necessary equipment for their offices, which is by no means easy in a post-war country.

There were many factors [for the delay]: Insufficient logistical planning, concern for force protection, and a failure to anticipate the full extent of the violence that followed immediately after the war. But the most compelling explanation is that NATO misunderstood the environment and the nature of the threats it harboured. (King & Mason, 2006: 54)

But NATO's slow and messy development was much better than its civil counterparts:

Three months after the conflict UNMIK still did not have a presence in all of the then 29 municipalities in Kosovo. A year after the conflict, there were still fewer than 300 international UN staff to manage a province of two million people. ... In Kosovo, the international community went from being all-powerful to being ignored, impotent and under attack. Three misconceived explanations have been offered to account for this fall from grace. One is that we shouldn't have intervened in the first place. The second is that all the shortcomings of the protectorate can be chalked up to the incompetence or cupidity of international officials. The third is that the problems do not exist. None of these views withstand serious scrutiny. (King & Mason, 2006: 55).

The Ahtisaari plan called for the Kosovo government to implement policies that address decentralization, economic issues, security and rule of law, protection of religious and cultural heritage, and protections of the rights of minority communities. These challenges had and will have to be met by a very limited cadre of qualified government officials and civil servants. Nine years after the end of the conflict, local and international institutions continue to face difficulties in developing a professional civil service and functioning governing institutions. The challenge for Kosovo is to avoid the creation of a state run by informal governing structures. Too often in the Balkans, state power rests in the hands of party bosses whose palms are greased by a network of businesses. This leads to weak formal governing structures where government positions are seen as an opportunity to earn money

and to support family members with jobs rather than as a responsibility for the benefit of the country and the people. King and Mason (2006: 80) quote from an interview with Blanca Antonini, Deputy Director of the UN Department of Political Affairs and 1999-2001 Deputy Head of Department Local Administration UNMIK, and Chief of Staff:

The international community – and UNMIK in particular – did not have as a priority the question of culture, and made little to no effort to integrate the experience that both major communities in Kosovo had accumulated prior to the international intervention. By failing to do this, it sidelines as irrelevant an issue of enormous sensitivity in the context of a conflict in which the symbols of cultural identity were often more powerful than weapons.

The social situation in Kosovo

More than half of the Kosovar population is considered to be poor. They have to live on less than two Euro per day, and 25% have less than one Euro per day. A quarter of the population has no access to drinking water (UNDP, 2006). More than half of the active population, and 70% of those under 25 years of age are unemployed. Frustration and nationalist dreams produce an explosive cocktail, which will have to be dealt with by the international community in the coming years (Dehnert, 2004). As the local economy is too weak to support sustainable development and is still dependant on international aid and the remissions of exiles, the only solution would be to open up western countries to young migrants from Kosovo.

Failed states tend to have failed economies, but failed economies can be the product of either national or international bureaucratic incompetence or of bombs and embargoes. It also can be the result of the implementation of recipes compiled elsewhere. Whatever the reason might be, huge, ineffective reconstruction programs, and a body of neo-colonial administrators have become the focus of local resentment in Kosovo. A proper strategy for Kosovo's economic development, which would demand its integration with surrounding countries and offer credible prospects for subsequent European integration, is still outstanding. After nearly ten years of UN administration, Kosovo's economy is stuck in misery, it has a population bursting with young people with criminality as the sole or main

career choice, an insupportably high birth rate, a society imbued with corruption, and a state dominated by figures in organized crime (Hofbauer, 2007).

Police training and education

The Police education in Kosovo was organized from the outset by UNMIK and OSCE. The Kosovo Police Academy was founded as early as 1999 to train local police officers and is now the Kosovo Centre for Public Safety Education and Development (KCPSED). For some years now their responsibilities were extended to cover other public safety institutions, such as customs, corrections and emergency services. The OSCE ran the school until the end of 2006. In 2007, the management was transferred to Kosovo's provisional authorities. "As a result of joint efforts, the Kosovo Police Service has become a modern, multi-ethnic and democratic institution that enjoys the public's trust" – to quote General Major Selimi from Kosovo Police Service (KPS).¹⁸ Ethnic Albanians, Serbs, Bosniaks and Turks served side by side until 2008,¹⁹ with female officers making up 15% of the force. In 2008, the Kosovo Police has 7 300 officers, all of whom have completed the Basic Police Training. One-seventh of them went on to attend advanced training courses and hold positions ranging from sergeant to colonel. In the beginning the basic training was six weeks, but extended to 20 weeks or 800 hours in 2007, followed by field training of 96 weeks. "International experts", usually "well experienced and trained police officers from abroad" – to quote from an OSCE report – were responsible for the training. The trainers usually came in for a few days or weeks at a time. There was nothing constant in terms of personnel, other than the director, Steve Bennett, who stayed until 2006, some international co-workers, and some local administrative staff.²⁰ A curriculum was developed and evaluations of training and seminars conducted. However, certain necessary elements of the basic structure of the Center is still outstanding, with regard to the internal structure, the development of a curriculum for job profiles, and cooperation between the Field Training

¹⁸ OSCE press release http://www.osce.org/spmu/item_2_24849.html

¹⁹ After the declaration of independence, the Serbian minority established their own Serbia administration and decided to draw back from joint patrols. The UN seemed to accept a pure Serbian police force, at least in the northern (Serbian) part of Mitrovica. In other parts of the country, Serbian police officers serve under Kosovo-Albanian superiors but in Serbian areas only.

²⁰ Some of the staff left during the transition process, because their salary under the OSCE was nearly five times as much as the salary they get from the Kosovo government.

Officers and the Center's teaching staff. In 2008, the OSCE prepared an extensive self report of what the Center had achieved during the preceding years. The independent German Accreditation Agency, AQAS, was asked to overview, evaluate and certify the training programs. OSCE expect benchmarks for the further work and structure of the institution, elaborated on by experts from England, Germany and Scotland. At the time of writing, the institution itself has no official licence from the Kosovo Ministry of Education, and needs to be accredited as an institution, which has to be done by the national accreditation agency, KAA. Formally, this agency has been in existence for some years already, but had not been working properly due to political restraints and unprofessional management. In July 2008, the newly elected government decided to restructure this agency, including the independent international experts. The private universities in Kosovo are not allowed to take new students unless they are formally accredited by KAA and licensed by the ministry.

The role of local police cultures

The lack of cooperation between the international organizations and between the 'internationals' themselves is another important aspect why the 'internationals' failed in Kosovo, as mentioned by independent reports and articles. The competition and the resulting lack of coordination among international roleplayers and institutions are serious obstacles to the implementation of 'local ownership' and sustainable results. Arrangements for coordination of actions are often not observed, project ideas are 'stolen' from others, and the player with the largest budget or the best connections is awarded the project. This is a kind of beauty contest among the various organizations and donors, and the associated hype of fashionable topics (community policing being one) usually led to duplication, but hardly to success.

The reasons for this lack of cooperation have been researched on a more general level by Ben-Ari & Elron (2001). Their research shows that soldiers and police officers rely on their own local institutional culture, which they cannot afford to abandon, since they will be returning to their home countries and to their own professional cultures once their

mission expires.²¹ As a consequence, they avoid overly intensive contacts with the locals, and sometimes they even are advised to do so. As a consequence, they have difficulty understanding the local culture, correctly interpreting the actions or non-actions of locals or establishing the reason why a person is behaving in a given way. Very often they misinterpret actions or they just do not ‘get’ the proper meaning of a communication. This is not only true for contact and communication with locals, but also for communication within the international forces. Ben-Ari & Elron (2001: 291) quote a Canadian soldier, seconded to Bosnia:

If a Greek or Spanish or Chinese person says, “You are my friend,” I don’t know what he means. I don’t know if it is his culture, I don’t know if they really like me or that their culture tells them to do so even if they don’t like me. It is still nice, but I am not sure. Same with the Chinese or Indians. If an Australian says that I am his friend, then it is done.

Ben-Ari & Elron (2001: 291) comment as follows:

“Notice that the very terms these people use “Greek,” “Pole,” or “French” assume that the most important distinctions between soldiers of different contingents are national-cultural ones”.

In Kosovo and Bosnia, the main military strategy in coping with strangeness in the host countries was to keep a physical and emotional distance from locals to the level of alienation and even hatred. Sion (2008) examines the peacekeepers’ lack of curiosity about the locals, their feelings of helplessness and frustration, and the cultural shock and prejudice amongst internationals. Security always means separation (Rubinstein, 1998; Wohlgethan, 2008). The military authorities discourage peacekeepers from having contact with locals in order to prevent cultural misunderstandings and problems. Sion (2008) quotes a Dutch officer: “We don’t need a drunken soldier beating a local over a woman”, showing that the problem might not be cultural misunderstandings alone. The construction of camps as ‘environmental bubbles’ discourage soldiers from venturing outside, even if they are

²¹ But some decide to stay as long as possible during the mission (six years, e.g. for OSCE). Afterwards, they quit their job and retire: e.g. somebody from India, Pakistan or Azerbaijan earns in one month on a UN Mission more than one year’s salary in his home country.

allowed to do so. Sion (2008: 210), quotes a platoon commander from Bosnia, referring to locals:

I don't trust (them). I don't trust their pizza and I don't trust the interpreters. They say what they think you would like to hear. I completely don't trust the people outside the camp. It is the mentality of the people here. They are nice to you and then when you leave they claim that you said certain things or they want their demands met.

Very often the necessary qualification of seconded police officers, especially from so-called 'non-skiing nations' (UN slang for third-world countries like India, Pakistan, Kyrgyzstan or African states) is doubted. Higher ranking positions are negotiated between participating states, and at times the qualification of an applicant is not the first criterion for selection. As the UN and OSCE mission in Kosovo is a "non-ranking mission", the rank of an officer is of less to no importance for filling a position. It is thus possible that a higher ranking officer has to work under a lower ranking colleague, and a lower ranking officer might supervise a higher ranking officer from another country. Due to the huge differences between the wages earned at home and as a member of the UN Police force, there is also an (illegal) market for such positions in some of the home countries, and very often officers pay a lot of money to be selected as a member of the UN Police force.

Another fact highlights the special role of UN personnel: Kosovo citizens cannot sue UN personnel in Kosovo and hold them accountable to a local court. UN personnel have (like diplomats) a special status of immunity and may be subject to internal disciplinary proceedings, but cannot be prosecuted or sentenced by a local court. Often a UN administrator is simply sent home if anything occurs, which, had it happened at home, might have resulted in a legal case. Claims for compensation for damages, caused by UNMIK personnel, have to be brought to court in the respective home country of the UN officer. This can be Bangladesh, Nepal, Kyrgyzstan, or Zimbabwe (see Table 1 above) – countries, where the rule of law is a chimera. According to Zaremba (2007) the attitude of UNMIK can be crassly summarised as "Take your human rights and shove them up your ass! We do as we like here". The consequences are obvious: "The Kosovans were not particularly law-abiding in 1999, but they did not become any nicer by being treated like Hottentots for seven years" (Zaremba, 2007: part 3).

Zaremba (2007) does, however, provide a few positive examples. Swedish KFOR-Troops use blue socks to cover their shoes when entering the private apartments of Muslims in Kosovo. They apologize if damages are caused, e.g. during raids, photograph the damage, and pay compensation immediately thereafter at the Swedish camp.

Peacekeeping as tourism?

Sion (2008) analysed the tension between military combat socialization and peacekeeping missions through ethnographic fieldwork with Dutch peacekeepers in Bosnia and Kosovo in 1999-2000. She showed that their camps function as expatriate communities, playing a similar role to that of tourist establishments. Sion likens peacekeepers to modern tourist groups who are either unwilling or incapable of interacting with the host environment. This 'war tourism' is also called 'dark tourism' because it provides for a tourist-type of experience of death or distress of both the distant and recent past (Lennon & Foley, 2000). While military missions operate in a variety of 'environment bubbles',²² the police work differently. The members of the UN police force in Kosovo (UNMIK CIVPOL) had to and still have to find their own private apartments, while the military live in their own camps. They are not allowed to leave the fenced and secured area without permission. Using a model of the evolution of local attitudes to tourists (euphoria, apathy, annoyance and antagonism), Sion (2008) shows that the Kosovars were full of euphoria for the internationals: they shook soldiers' hands, invited them to their houses, and wrote "Thank you, NATO" graffiti. But coming from a culture of environmental awareness, many soldiers (and police officers) were shocked by how dirty the host country was: "Kosovo is a

²² The quality of the military camps in terms of the amount and quality of leisure facilities, food options and entertainment available is quite different between the participating nations. Whereas most of the national camps are open to other military and police forces, US Camp Bondsteel is accessible for US military only. Foreign soldiers and police need special permission and are accompanied all the time whilst in the camp. The reason might be related to the rumours that Camp Bondsteel was used as a secret CIA detention centre for suspected "terrorists" (some observers saw prisoners in orange-coloured overalls like in Guantanamo Bay) and that "water-boarding" was used there as one of the means of torture of the US military: <http://www.spiegel.de/politik/ausland/0,1518,387762,00.html>, <http://www.spiegel.de/politik/ausland/0,1518,386908,00.html> (16/6/2008). The camp, built by the private security company Halliburton, is "the largest U.S. base built in Europe in a generation ... Camp Bondsteel guards the strategic oil and transportation lines of the entire region". It also has the largest prison in Kosovo, "where prisoners are held without charges, judicial overview, or representation" <http://www.ufppc.org/content/view/7209/35/> (16/6/2008). Scarhill (2007) discusses private policing in the context of peacekeeping using the example of "Blackwater", which has more than 50 000 private military and law enforcement personnel http://www.sourcewatch.org/index.php?title=Blackwater_USA.

beautiful country, but filthy. ... the rubbish just grows bigger around it". Their perception of the locals is of a lazy people who do not bother about their living conditions, and this is sometimes generalized as being a characteristic of Muslims. In a press interview, two peacekeepers who served in Srebrenica (Bosnia) during its fall said: "The Muslims looked like animals and sometimes were also treated as such, dirty and smelly" (Sion, 2008: 210).

While the police officers work and operate differently from soldiers, in part they share their feelings. Whether this is a result of frequent frustrations with the international organization and leadership or attitudes bred at home still requires analysis. Not every police officer is prepared properly for such a mission. In Germany, it took a couple of years and some bad experiences before officers were given professional briefings before deployment and de-briefings afterwards. My experience with international police officers in Bosnia and in Kosovo over the last few years shows that not everybody has the same understanding of such a mission. As with the post-unification of Germany, the motives and reasons of those who "go east" are different: some do it simply for the money; others are eager to experience something new, or want to help establish new democratic structures in their host countries. But even some of those who went to Kosovo with very best intentions, got frustrated by the laziness and bureaucracy of the UN, OSCE and the other international organisations. Some complain about lack of support from their domestic institutions, resulting in problems coming home and when re-integrating into a professional environment that has in the interim changed – changed positions and expectations – usually without having considered the expectations of those who were far from home (Hett, 2006; Kühne, 2008). Others realize that being part of an international mission opens up new professional and personal horizons and possibilities. The latter are usually officers operating on a higher rank than they would be at home, and have greater freedom to decide on and to structure their own work – at least in some positions. Police officials who have 'networked' for some time within the international community will find ways and means of arranging things to suit themselves. Some become addicted to the strange and ever challenging environment and situation, which is so different from the fixed and settled environment at home. Once back home, they eagerly look forward to their next mission, and if their superiors or the ministry do not support their intentions, or their application for unpaid leave so that they can

work directly for the OSCE or the UN without being seconded, they sometimes quit their domestic job and start a new career as an international police officer or consultant.

Peace and Justice

As expressed by Guatemalan Nobel Peace Laureate, Rigoberta Menchú, “Peace without justice is only a symbolic peace”. The relationship between peace and justice seems almost axiomatic, but in reality this relationship is quite difficult to organize. Yet, restoring justice after conflict is as much a political imperative as a social necessity, and the criminological theories on restorative justice, developed over the past few years (Johnstone & van Ness, 2007; Walgrave, 2008), do not consider the special needs of countries in transition. Political leaders will not make concessions, negotiate peace or respect agreements unless their major political grievances have been addressed. The public will not trust the governing authorities and invest in peace unless the injustices they suffered during and prior to the conflict are redressed. The necessary starting point in seeking to restore justice after conflict is first to understand the kinds of injustice suffered by ordinary people during the conflict. It then becomes clear that injustice is not just a consequence of conflict, but is also a symptom and cause of conflict.

In the case of Kosovo, it is important to know that, after 1989, the region’s partial independence within Yugoslavia was slowly but constantly being withdrawn by the Yugoslav government. The dual system that emerged in response, described above, resulted in a strong system of assistance and mutual support between Albanian Kosovars, using the family and clan structures that had existed for centuries. They solved their conflicts and problems themselves and avoided the Yugoslav police. It is reported that informal mediation courts in Kosovo solved about 10 000 blood feuds between 1989 and 1999 (Jones et al., 2005; Wilson, 2006). To fully understand this, one must be aware that an ancient set of rules, the Kanun, or formally the Code of *Lekë Dukagjini* (Ahmeti, 2008), which had been established by the 15th century Albanian feudal ruler, dictated the way people lived in this region for centuries. Renate Winter, an international judge serving on the Mitrovica District Court, and quoted in Beardsley (2001), said the following:

The Kanun is really the only law that has been consistently respected here from the beginning until now. ... The Kanun was basically created to stop the proliferation of unlawful killing. ... It is extremely clear and detailed when it comes to truces, mediation and the settlement of disputes. These elements should be incorporated into the new laws UNMIK is drafting with regard to civil, commercial and petty crime disputes.

The Kanun is a set of laws²³ that had been in use until the 20th century mostly in northern Albania and Kosovo. These rules resurfaced after the Yugoslav government took away Kosova's semi-independence as an autonomous province of Yugoslavia in 1989 and people lost faith in the powerless local government and police. Some communities tried to revive the old traditions, but some aspects of the tradition had already been lost, leading to fears of misinterpretation. It is still not clear whether the use of the Kanun between 1989 and 1999 produced more violent conflicts (due to blood feuds) or avoided them. I was told by some of the Kosovars that, during this period, there had been a few huge gatherings – of 100 and more participants – in the countryside to mediate conflicts between feuding families and to restore justice by means of communication in order to avoid further blood feuds.

In 1999, after the intervention of the KFOR, UNMIK took over the public administration, police and judiciary. To establish the latter, UNMIK tried to establish prosecutor's offices and a court system. But the problems were obvious: there were only a few elderly Albanian Kosova lawyers, trained under the old Yugoslav regime. Another problem that emerged was UNMIK's decision that the law prior to 1999 had to be applicable. Kosova lawyers, judges and prosecutors refused to uphold the law that had been imposed by the Serbian oppressive majority. Nor did it change matters when UNMIK advised the judiciary that laws violating basic principles of humanitarian law may not be applied. The new judiciary steadfastly refused to use the Yugoslav laws. It took six months to find a compromise, which came when UNMIK and the judiciary agreed on the acceptability of the laws prior to 1989, which had been in force when Kosova was partly autonomous.

²³ This is a set of customary laws, passed down through the generations, and not codified and written down until the 19th century. Although the Kanun is attributed to Lekë Dukagjini, the rules evolved over time as a way to bring laws and rule to these lands. Some of the most infamous rules specified how murder was supposed to be handled, and it often led to blood feuds that lasted until all the men of the two involved families were killed. The specified gender roles sometimes led to women pledging virginity and living their life as a man, allowing them to take on male responsibilities and rights.

Another problem was the cooperation between local and international members of the judiciary: Imagine an English or German international judge or prosecutor applying local law without knowing the language and without being able to read decisions of higher courts. They were totally dependant upon local lawyers and language assistants and had no way of controlling files or decisions taken by local representatives of the judiciary.

It also did not help when international prosecutors and judges, appointed by UNMIK and under close political supervision, dismissed or delayed cases against known war criminals, or offenders involved in organised crime, to avoid political difficulties. They released suspects after they had been arrested and sentenced by local authorities. One can imagine what this did for the Kosovars' sense of justice: those who demand that locals establish the rule of law as a necessity for a democratic state, do not obey basic rules themselves. In 2008, 180 000 civil cases are yet to be settled, and 40 000 penal law cases are pending (Mayr, 2008).

The justice system remains deeply divided between its national and international elements. The 2008 Human Rights Watch report summarized the situation as follows in their executive summary:

The continuing lack of confidence among international institutions about the ability of the national officials fairly to investigate, prosecute, and adjudicate sensitive cases means that national police, prosecutors, and judges are frequently cut out of such cases. The lack of integration in the system undermines its efficiency and hampers efforts to build capacity among national prosecutors and judges. Prosecutors are supposed to be assisted in their new investigative role by a judicial police branch, with dedicated officers. But the branch has yet to be established, largely because of opposition from both international and national police, who fear that a separate branch would create divisions within the police. No formal alternative arrangements have been put in place.

Security as a public good – even in countries in transition?

The notion of security as a public good was developed at the end of the 1990s by Clifford Shearing and others (Ayling & Shearing, 2008). According to Loader & Walker (2007: 7), “security is a valuable public good, a constitutive ingredient of the good society, and that

the democratic state has a necessary and virtuous role to play in the production of this good". In weak or failed states, very often the government lacks the capacity to act as a security-enhancing political authority. In Kosovo, the overall security in terms of offences registered by the police, and the citizenry's feeling of security is not as bad as one would expect in a country where structures of organized crime are widespread. Whether this can be attributed to a strong and efficient UN Police is doubtful. Rather, Kosovo might be a good example of a society where informal structures and clan relationships are the basis for a kind of "social efficacy" so sought after and aimed for by criminologists as a means to prevent crime (St. Jean & Sampson, 2007). However, this may not last. With increasing poverty and a widening gap between rich and poor, the social networks are fast fading. Those unable to participate in the revival of the economy may look for other ways to get their 'just' share. For example: until recently, Kosovars working in foreign countries provided regular support for their families at home. This support is now gradually diminishing. Now that Kosovo is independent, erstwhile sentiments for an oppressed people is fading. Those who work in a foreign country now tend to keep their money for themselves so as to increase their own wealth. As the old social bindings and networks fade, and the role of the Kanun weakens, more capitalist, egocentric and egoistic feelings will emerge, resulting in more crime. This increase in crime was one of the unintended, but unavoidable consequences of the opening and democratization of societies in nearly all of the former socialist countries, starting with the former GDR in 1989. These countries will follow the lead of their western counterparts in a world where neo-liberalism, and the "order of egoism" that it champions (Dunn, 2005: 168), enables those with the greatest supply of economic and social capital to access policing and security resources, resulting in its distribution in inverse relation to risk, and hence need (Loader & Walker, 2007). Bearing this in mind, one would have expected UNMIK to do the utmost to nurture practices of collective security shaped by inclusive, democratic politics rather than by fugitive market power or by unfettered actors of (un)civil society. But UNMIK not only set a bad example to the locals by dismissing cases against known criminals for political reasons, but also did not invent much to build what might be called a 'just society'. If we agree with Loader and Walker's (2007) statement regarding security as public good, then UNMIK did nothing to establish the necessary structures: laws and regulations on how and where new buildings are to be erected are still outstanding, as are clear regulations in many other spheres. But it is

not only the absence of certain laws that is lamentable; the enforcement of existing laws and regulations (such as traffic and parking regulations) is either non-existent or happenstance. As the different risks will increase over time in Kosovo, as has been the case in other countries, it will be important that citizens live together securely notwithstanding the risks and find social and political arrangements to nurture practices of collective security. It will take years for the 'independent' state of Kosovo to enact their own laws and not to operate in terms of international law, i.e. regulations issued by UNMIK, based on UN Reg. 1244 of 1999, which regulates nearly every field in Kosovo. Notwithstanding the declaration of independence, the representative of the United Nations Secretary General in Kosovo, still in 2008 issues such regulations on a regular basis. As at 14 June 2008, 34 such regulations or amendments have been issued in 2008 alone.²⁴

Security needs civilizing, and the state must itself be civilized – made safe by and for democracy (Loader & Walker, 2007). On the other hand, security itself is civilizing. Individuals who live, objectively or subjectively, in a state of anxiety do not make good democratic citizens, and fear is the breeding ground, as well as the stock-in-trade of authoritarian, uncivil government (Neumann, 1957). Loader and Walker (2007: 9) argue that security is, in a sociological sense, a “thick” public good:

“one whose production has irreducibly social dimensions, a good that helps to constitute the very idea of ‘publicness’. Security ... is simultaneously the producer and product of forms of trust and abstract solidarity between intimates and strangers that are prerequisite to democratic political communities”.

In countries in transition, the public police are not the only nor even the main roleplayers in the establishment of public and individual security, nor can they lay claim to a monopoly over legitimate force inside their territory. There are alternative power centres contesting state authority, “shadow sovereigns” (Nordstrom, 2002) operating their own codes of behaviour and mechanisms of enforcement (Gambetta, 1993; Varese, 2001). It is obvious that such structures will also develop in due course in Kosovo (if they have not already developed), and that they will rely on the existing clan structures and the structures of organized crime.

²⁴ <http://www.unmikonline.org/regulations/unmikgazette/02english/Econtents.htm> (30.7.2008)

Kosovo has also shown that security is a multinational business; security enterprises trading their wares across the globe (Johnston, 2006). Blackwater, DynCorp and other private security enterprises²⁵ have been involved if not in the war itself (as was proven to be the case in Iraq), then at least in the security activities thereafter. In 2008, all US police officers, assigned to UNMIK and/or the EULEX mission are either employed by Blackwater,²⁶ DynCorp²⁷ or come from International Criminal Investigative Training Assistance Program (ICITAP).²⁸ ICITAP delegations typically consist of only a few law enforcement officers who organize criminal investigation courses, while for the staffing of police positions, the United States government relies on a private contractor (Perito, 2003; Deflem & Sutphin, 2006).

In Bosnia, DynCorp-deployed police were involved in arms trading and the sexual exploitation of women and children (Perito, 2004). But such activities are not just confined to the private firms. Hearings conducted by the U.S. House of Representatives in the fall of 2002 revealed that in Bosnia, Stabilization Force (SFOR) members were patronizing

²⁵ In fact these are more private military enterprises or “corporate warriors” than private security enterprises (Singer, 2003; Scarhill, 2007).

²⁶ “Blackwater is currently the biggest of the US State Department’s three private security contractors. At least 90% of its revenue comes from government contracts, two-thirds of which are no-bid contracts. ... Blackwater prides itself on the fact that no one guarded by Blackwater has ever suffered a fatality or serious injury. However, according to a New York Times report on Blackwater Security in Iraq, “among the rank and file of security contractors, Blackwater guards are regularly ridiculed as cowboys who are relentlessly and pointlessly aggressive, carry excessive weaponry and do not appear to have top-of-the-line training.” 122 of its armed personnel in Iraq have been dismissed from their positions by Blackwater since its contract to protect US diplomats began nearly three years ago. These firings were most frequently for incidents related to weapons use”. <http://rncnyc2004.blogspot.com/2007/10/blackwater-usa.html> (30.7.2008)

²⁷ In Iraq, some 1 000 DynCorp-subcontracted U.S. police act as ‘International Police Liaison Officers’ to aid the reorganization of Iraq’s police systems on the basis of a \$750 million contract. U.S. police officials supervised by DynCorp are all U.S. citizens and operate in programs directed by the Department of State. They wear uniforms and carry guns provided by the U.S. government. As such, DynCorp-provided police officials are not to be confused with the security personnel provided by private companies such as Blackwater. There are currently at least 36 such private security companies with some 25 000 employees, mostly from the United States and Great Britain, as well as 16 Iraqi firms registered for security functions in Iraq, besides as many as 50 more companies thought to be operating illegally. Employees from these private security companies, which are to perform various police functions because of the void left by the absence of Iraqi police, have reportedly been involved in several dozen shootings against Iraqi civilians. Private company employees are immune from prosecution under a new law adopted by Iraq’s interim government. The worst form of punishment they can receive is dismissal from their jobs (Deflem & Sutphin, 2006).

²⁸ Although commonly confused as a portion of the International Police, the two are separate entities. Similarities between the two end at the fact that both require experienced police officers with an extensive background in certain fields of expertise. ICITAP is different in that it offers a holistic approach to regional stability and the rule of law that incorporates the experience, history and influence the Department of Justice enjoys

Bosnian brothels where trafficked women were kept and having sex with underage girls. There were also reports of International Police Task Force officers and SFOR soldiers actually ‘buying’ trafficked women and actively participating in the trafficking of women into prostitution by forging documents, recruiting, and selling women to brothel owners. Derek Chappell, the UN police spokesman in Kosovo reports that interviews with local prostitutes indicated that 70 to 80% of clients were locals. “While this may be true, the bulk of the profits are from peacekeepers, who have significantly larger amounts of money to spend than locals in a war-torn land” (Allred, 2006: 19).²⁹

Private Kosovar security companies are establishing offices to protect not only private businesses, but OSCE, UNMIK or KFOR buildings, as well as critical sites like orthodox churches.³⁰

Kosovo experienced state oppression over a long period of time, and then experienced UN administration, that is, something in between dependence and independence (more dependence at the beginning, more independence at the end). As in Bosnia and East Timor, the UN, via UNMIK in Kosovo, has used an internationally recruited policing force as a catalyst in the “nation (re)building” activities of transitional administrations (Bellamy et al., 2004; Wilson, 2006). But despite superficial appearances and the investment of a huge amount of money, there have been manifold problems in the establishment of a real culture of respect for the rule of law. Such interventions, as is evident in Kosovo or Bosnia, always involve cultural clashes, because the peacekeepers each bring their own culture – in totality thus dozens or even hundreds of different cultures in one environment – which influence their views, assessments and habits, and who can thus never adapt easily to the new environment. This clash of cultures is exacerbated by cultural ‘misunderstandings’, poor cooperation and communication, bad preparation, and a questionable understanding of the rule of law by the implementors. In Kosova, multiple sources of authority and accountability have left the locals in a situation of uncertainty, with confused, conflicting and shifting mandates. A premature promise of an independent Kosovo (mainly by the Americans) and a long and ultimately unsuccessful string of

²⁹ See also see also Trynor (2004) for Kosovo and Pallen (2003) for Bosnia.

³⁰ In 2008 in Prizren, private security guards are on duty in front of the restored old Serbian Orthodox church and the Orthodox theological seminary.

negotiations between the US and EU on the one side, and Serbia and Russia on the other, resulted in a situation where even the UN and EU are squabbling over an appropriate presence in Kosovo post independence. Logistical problems in the beginning and later, for instance, during the demonstrations of 2007 (resulting in two dead Kosovars, killed by age-hardened rubber bullets of the Rumanian UNMIK Police); a hesitating KFOR during the violent clashes of March 2004; a lack of law enforcement even now in 2008; insufficient longer-term institution- and capacity-building, plus a dim of awareness of, and the inability to acquire knowledge of local history, culture and conditions, are all causes of and prerequisite to the ineffectiveness of the intervention.

The conduct of security policy in post-conflict situations like that in Kosovo is invariably state-centric, overly technical, and uses pre-conceived templates and ideas about the country. This means that the real needs of communities affected by conflict are unlikely to be met. It also compounds ordinary peoples' mistrust of the relevant institutions. (European Security Review, 2006: 7)

Saferworld, an independent NGO³¹ reports that

after almost a year of day-to-day work on local safety challenges in a small town in Kosovo (Germova), such as road and environmental safety, the community is now willing to co-operate on hard security issues with local NGOs ..., the police (KPS) and possibly the international military (European Security Review, 2006: 8)

Saferworld also reports that perceptions of insecurity inside Kosovo vary from one community to another and thus require targeted responses. Data have shown that minorities (Serbs, the Roma) are more likely to feel physically insecure, but that for the majority of the Kosovar population, community issues such as unemployment, poor electricity supply, inadequate roads and environmental problems are probably of greater concern.

According to Johnston & Shearing (2003), the state in most of the western societies has become but one "node" among several now engaged in the governance of security. Whether as sponsor or provider (Bayley & Shearing, 2001), the state collaborates with, competes against, or supports a range of security actors from the private sector or civil

³¹ Saferworld is an independent non-governmental organisation that works to prevent and reduce violent conflict and promote cooperative approaches to security. See http://www.saferworld.org.uk/pages/about_us.html (28.7.2008)

society. There is no reason to believe that this is not or will not be the case in Kosovo. As pointed out by Shearing and Wood (2003a; 2003b) and Bayley (2001), “a democratic state has to regulate the provision of security in ways that respond to local needs, reflect local morality and take advantage of local knowledge” (Bayley, 2001: 212). For Kosovo it might be too late for such intentions. On the one hand, most of the private security business is already cantoned between the global players in this field. On the other hand, the so-called “community policing” projects have tried to include locals in security networks, but it is debatable whether this approach has been really successful. A United Nations Community Policing Unit³² has even been established, and a Police Chief from Oregon in the USA spent nine weeks in Kosovo “teaching the country’s police, residents and local leaders to work together”.³³ Whether the adoption of US-practiced community policing really reflect “local morality” is arguable.

Loader (2006) offers a critique of prominent forms of what he calls “ambient policing” (community policing being one) and discusses how policing contributes to or undermines citizen security in democratic societies. Without having evaluated at least some of the projects that have been established in Kosovo, one cannot adjudicate with any finality what the ‘internationals’ have truly achieved in this regard, but the years to come will reveal whether these activities are sustainable.

In the case of Kosovo, to enable community members to resolve their disputes in ways consistent with justice and human rights while also aiming to address the sources of local insecurities (Wood, 2006) one should target not only the broader community, but also and mainly the clan members. The family structures, dependences and commitments which still exist and are dominant in Kosovo, must be factored in. In doing so, the Kanun should have been included and considered as an important informal regulation. The current Kosovo Penal Code contains not a single provision from the Kanun, nor is it acknowledged in the

³² <http://www.unmikonline.org/pub/focuskos/feb05/focusklaw2.htm> : “In a radical and innovative departure from normal policing the officers are to be temporarily housed in facilities not normally associated with policing operations, such as municipal buildings, offices and residential accommodation. ... Essentially a part of the larger Police System in Kosovo, the Community Police Officers will work closely with all the groups represented within the community, such as ethnic, religious or youth groups, the Municipality and NGO’s. Together with these representative groups, the officers will be involved in the identification and solution of the problems the community faces.”

³³ <http://www.policeone.com/training/articles/74160-Ore-Police-Chief-Takes-His-Expertise-to-Kosovo/>

contemporary legal system. The policing activities and the activities of the judiciary in Kosovo, dominated by the internationals since 1999, eschewed the idea of including or even referring to the Kanun, on the basis that this ancient set of rules is both undemocratic and outdated. It is amazing to see how much talk there is about “restorative justice” without considering the social situation and the historical background of a society.

If the present system of organizing public security by implementing new policing strategies does not get close enough to citizens, and if the system does not closely cooperate with citizens, this might result in a

social fragmentation in so far as it erodes people’s sense of being participants in an ongoing collective project whose members are committed to putting and pursuing security in common, which, in turn, undermines the ‘architecture of sympathy’ (Sennett, 2003: 200). (Loader & Walker, 2007: 210).

In Kosovo this may already be the case.

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