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## **Peacebuilding through Hybrid Peace**

**Abstract:** This article discusses the democratization process after an intervention without the consent of several parties to a conflict, in this case Kosovo. It analyzes how such post-conflict peacebuilding missions can successfully promote democracy, when it creates a hybrid form of peace, integrating international norms and local values. The theory that is used is the theory of Hybrid Peace according to Oliver P. Richmond. The paper concludes that a lack of channeling local agency through mediation, or sometimes even restraining it through coercion, can be the cause for a failure of reaching a multi-ethnic state.

**Keywords:** Peacebuilding, international governance, Kosovo, liberal peace-building.

### **Introduction**

This research concentrates on the democratization process after an intervention without the consent of several parties to a conflict, such as in Bosnia-Herzegovina, Kosovo, Afghanistan, and Iraq. It tries to analyze under what conditions such a peacebuilding operation will be more successful.

The research question is how post-conflict peacebuilding missions can successfully promote democracy. The hypothesis to test this question is: Democracy is more likely to be sustainable, when it creates a hybrid form of peace integrating international norms and local values.

Unlike former successful peacekeeping missions like Namibia, El Salvador, Nicaragua or Mozambique, operations without full agreement of the key parties to a conflict seem to last a lot longer (Bosnia-Herzegovina, Kosovo) or eventually fail (Afghanistan, Iraq).<sup>36</sup> In this regard Roland Paris stated 2010 that “[a]lthough the post-conflict stabilization mission in Iraq and other peacebuilding missions share some characteristics in common, [...] the 'conditions of birth' are important.”<sup>37</sup>

One of the most characteristic difference in these 'conditions of birth' is that the successful examples of democratic transitions after United Nations (UN) Peace Missions all worked with existing local authorities and parties, as they were normally parties to an agreement that was the base for the peacebuilding operation and the future development. Next to the international commitment in these peace processes, for example through the UN or in the case of El Salvador through the US, one might also say that in addition the local ownership of the peace process was already included.<sup>38</sup>

<sup>36</sup> Roland Paris, “International peacebuilding and the ‘mission civilisatrice’,” *Review of International Studies* 28 (2002): 637-656; Roland Paris, “Saving liberal peacebuilding,” *Review of International Studies*, 36 (2010): 348, and Vincenzo Bove and Ron Smith, “The economics of peacekeeping,” in Derek L. Braddon and Keith Hartley, *Handbook on the Economics of Conflict* (Cheltenham: Edward Elgar, 2011), 240.

<sup>37</sup> Paris, “Saving liberal peacebuilding,” 348.

<sup>38</sup> See for example Namibian peace process (UNTAG mission), <http://www.un.org/en/peacekeeping/missions/past/untagFT.htm>.

In the cases of Bosnia-Herzegovina, Kosovo, Afghanistan, and Iraq, local leadership was removed or left the country after the intervention. In case of Afghanistan, the Taliban were removed from office. Also, in Iraq followed a phase of de-Ba'athification after the intervention. In Kosovo and Bosnia-Herzegovina, the Serb administration returned to Serbia.<sup>39</sup> But with the removal of the government a lot of expertise was lost. Therefore, the peace process has to make up for this knowledge gap. Not only new institutions had to be built in these countries, but also a complete new leadership had to be built up and partially even be educated. This takes time and an enormous international involvement while making it also harder to ensure local ownership of this democratic transition. With this a new generation of peacebuilding operations emerged, and the UN was asked to intervene where there was no peace to be kept, making such operations more dangerous and difficult.

How can this new challenge be tackled? How can democracies be established under such circumstances? How can interventions be made more successful? This will be explored with the Kosovo conflict as case.

### **Case Study: Kosovo**

In order to understand the context, this chapter starts in the first section with an explanation of the history of Kosovo. In the second section it then focusses on the first post-conflict decade, the years from 1999 to 2008, stopping at the declaration of independence of Kosovo in February 2008. The focus on the first-post conflict decade is in line with the claim of Roland Paris that the duration of peacebuilding operations should be increased to a total of approximately nine years.<sup>40</sup>

The second section sets the base to test the hypothesis. It will do this by operationalizing the theory of Hybrid Peace according to Oliver P. Richmond. It will concentrate on 'democracy and administration', testing how inclusivity was reached in the constitutional framework, and how local agency was integrated in the process of drawing the constitution.

### **Section 1: The Context of the Kosovo Intervention**

The conflict in Kosovo can be divided into five phases: (1) From 1945 to March 1989: The phase of the autonomous Kosovo, (2) from March 1989 to 1995: the phase of Serbian oppression, (3) from 1995 to June 1999: the phase of the Kosovo War and the NATO intervention, (4) from June 1999 to February 2008: the phase of peacebuilding, and (5) from February 2008 to today: the phase of self-proclaimed independent Kosovo.

The first three phases are important to understand the aversion of the Serbian and Albanian population of Kosovo towards each other, whereas the fourth and the fifth phase are important to understand the peacebuilding process. As the article deals with the first post-conflict decade from 1999 to 2008, the case will then focus on the fourth phase, the phase of peacebuilding that lasted from 1999 to 2008.

The first phase of the autonomous Kosovo starts with the birth of the Federal State of Yugoslavia after World War 2 up to March 1989, when Slobodan Milošević revoked Kosovo's autonomy. Unlike Slovenia, Croatia, Bosnia-Herzegovina, Serbia, Montenegro, and the Former Yugoslav Republic of Macedonia (FYROM), Kosovo never was a republic of the federal state of Yugoslavia during this phase, but only an autonomous province of the Republic of Serbia. Among others this autonomy included an own legal system, an own Kosovar parliament and government, as well as an own constitution. The

<sup>39</sup> Hansjörg Strohmeier, Legal Advisor to the SRSG UNMIK from June to August 1999, "Collapse and Reconstruction of a Judicial System: The United Nations Missions in Kosovo and East Timor," *The American Journal of International Law* 95, no. 1 (January 2001): 46-63, quote on p. 47, <https://doi.org/10.2307/2642036>, accessed March 8, 2017; Jason Franks and Oliver P. Richmond, "Coopting Liberal Peace-building: Untying the Gordian Knot in Kosovo," *Cooperation and Conflict: Journal of the Nordic International Studies Association* 43, no. 1 (2008): 81-103, quote on p. 93, <https://doi.org/10.1177/0010836707086738>, accessed March 8, 2017.

<sup>40</sup> Paris, "Saving liberal peacebuilding," 337; Roland Paris, "Peacebuilding and the Limits of Liberal Internationalism," *International Security* 22, no. 2 (Autumn 1997): 54-89, quote on p. 57, <https://doi.org/10.2307/2539367>.

federal constitution even granted Kosovo 'sovereign rights' within the province, but, unlike the different federal states, no right to secession. In a demonstration in 1981, the Kosovo Albanians demanded the status of a full republic, which was not granted. In the aftermath of those protests, the first secessionist efforts were made, resulting finally in the revoking of great parts of the autonomy by Slobodan Milošević in March 1989. Finally, the status of Kosovo was reduced from an autonomous province to a municipality within the Republic of Serbia.

The second phase of the Serbian oppression lasted from March 1989 to the 1995 Dayton Peace Accord. The revocation of the autonomy ultimately made the Kosovo Albanians a minority within a Serb dominated republic. Due to the revocation of the autonomy Kosovo lost its own legal system and government. Both were replaced by Serbian law and officials. The Kosovo Albanians also lost particular cultural rights, and a Serb curriculum was imposed in the higher education within Kosovo.

This resulted in a boycott of the Kosovo Albanians of this new Serbian government. The Kosovo Albanians even introduced parallel institutions with Ibrahim Rugova as president. This finally resulted in strong repression by the Serbian police, political segregation, decline in economic activities, and disinvestments.

The third phase of the Kosovo conflict had its starting point with the 1995 Dayton Peace Accord. The non-settlement of the Kosovo status in the 1995 Dayton Peace Accord finally led 1996 to the founding of the Kosovo Liberation Army (KLA) and the first guerilla attacks. This started a spiral of violence between the Serbs and the Kosovo Albanians, resulting in open violence between the Serbian Army and Police against the KLA in 1998. Over 1'500 Kosovo Albanians died and approximately 400'000 Kosovo Albanians were forced to leave their homes.

In February 1999 in the negotiations for an 'Interim Agreement for Peace and Self-Government' ('Rambouillet Accords') the international community tried to stabilize the situation of Kosovo. The goal was autonomy and self-government for Kosovo within the Federation of Yugoslavia. After these diplomatic avenues failed, and following the concept of 'Responsibility to Protect', NATO decided without consent of the UN Security Council to start a humanitarian intervention in Kosovo. NATO started with an air campaign, with the goal to force the Federal Republic of Yugoslavia to withdraw its troops from Kosovo, to force them back to the negotiating table, and to accept an international civil and security presence in Kosovo. This air campaign lasted 78 days from March 24 to June 10, 1999. Although further ethnic cleansing could be stopped, the humanitarian crisis in Kosovo was obvious with approximately 90% of the Albanian population displaced, over 120'000 houses damaged, thereof 40 - 50'000 houses completely destroyed.

The fourth phase, the phase of peacebuilding started on June 10, 1999, when the UN Security Council passed Resolution 1244 (1999).<sup>41</sup> This resolution remains the base for all UN presence in Kosovo until today. Unlike earlier peacekeeping mandates, this mandate was comprehensive, transferring not only legislative and executive authority to the United Nations Interim Administration in Kosovo (UNMIK), but as well the responsibility for the reconstruction of the whole judicial system, including law enforcement. So UNMIK was responsible for all three branches of the government.

The final status of Kosovo, autonomy or independence, the root cause for the conflict, was not solved. Regarding the future status of Kosovo, the United Nations Security Council Resolution (UNSCR) 1244 (1999) was interpreted differently from Yugoslavia and the Kosovo Albanians. Still today Serbia relates

<sup>41</sup> UNSCR 1244 (1999) outlines in paragraph 9 the responsibilities of the international security presence. These included deterring renewed hostilities and enforcing a ceasefire when necessary, demilitarizing the KLA, and ensuring public safety and order, until the international civil presence can take responsibility for this task.

The responsibilities of the international civil presence are outlined in paragraph 11. These include the promotion of substantial autonomy and self-government in Kosovo, performing basic civilian administrative functions (where and as long as required), the development of provisional institutions for democratic and autonomous self-government, facilitating a process to determine Kosovo's future status, and maintaining law and order. UNSCR 1244 (1999) explicitly left open the question of the future status of Kosovo.

to the reaffirmation in the preamble that all UN member states commit to the territorial integrity of Yugoslavia, allowing not more than autonomy of Kosovo. The Kosovo Albanians refer to the often mentioned phrase of 'pending a final settlement', or the task 11.e of the international civil presence: "Facilitating a political process designed to determine Kosovo's future status, taking into account the Rambouillet accords."<sup>42</sup> Out of the first part of this sentence the Kosovo Albanians conclude that independence is possible, whereas the 'Rambouillet Accords' never foresaw an independent Kosovo.

The status was not solved as this would have provoked a veto on the UNSCR by Russia and China. Both feared that an approval of the secession of Kosovo could serve as prejudice for a secession of Chechnya or Tibet. But also many other countries were against this secession for the same reasons, like for example Turkey because of Kurdistan, or Spain because of the Basques and the Catalan. These fears can be observed till today, for example if some states don't recognize Kosovo as an independent state, or when Spain withdrew its forces from KFOR after Kosovo's declaration of independence.

This ultimately led to the fifth phase, the phase of self-proclaimed independent Kosovo. On February 17, 2008, Kosovo proclaimed its independence. This self-proclaimed independence is still today not recognized by the UN and many countries, especially China and Russia. To this day, the status of Kosovo is not ultimately decided, and it is doubtful if anytime soon this status will be decided, as the success of a resolution to replace UNSCR 1244 (1999) depends on a probable veto of Russia and China. This is an awkward situation for all actors in Kosovo. So, we can see today several actors that claim responsibility over Kosovo in parallel, like UNMIK, the EU, and especially the self-proclaimed government of Kosovo.<sup>43</sup>

## Section 2: Hybrid Peace in creating a Constitution for Kosovo

In this section Hybrid Peace according to Oliver P. Richmond will be operationalized, concentrating on 'democracy and administration'.<sup>44</sup> This in order to test the hypotheses: Democracy is more likely to be sustainable, when it creates a hybrid form of peace integrating international norms and local values. In the field of 'democracy and administration' the constitution of Kosovo in the first post-conflict

<sup>42</sup> UNSCR 1244 (1999), 11.e.

<sup>43</sup> Søren Jessen-Petersen, "Challenges of Peacebuilding: The Example of Kosovo," *Sicherheit und Frieden (S+F) / Security and Peace* 24, no. 1 (2006): 6-10; Venera Demukaj, *Aid Effectiveness in Post-Conflict Countries*, PhD Diss. (University of Trento, 2011), 87 ff, [http://eprints-phd.biblio.unitn.it/596/1/Demukaj\\_Dissertation.pdf](http://eprints-phd.biblio.unitn.it/596/1/Demukaj_Dissertation.pdf), accessed March 7, 2017; Strohmeyer, "Collapse and Reconstruction of a Judicial System," 46 f; Florian Bieber, "Nationalist Mobilization and Stories of Serb Suffering. The Kosovo myth from 600th anniversary to the present," *Rethinking History* 6, no. 1 (2002): 95-110, quote on p. 99, <https://doi.org/10.1080/136425200110112137>, accessed March 16, 2017; UNSCR 1244 (1999); UNSC Report 648 (1999) "Rambouillet Accord"; Sven Gunnar Simonsen, "Nationbuilding as peacebuilding: racing to define the Kosovar," *International Peacekeeping* 11, no. 2 (2004): 289-311, quote on p. 291 ff, <https://doi.org/10.1080/1353331042000237283>; NATO Homepage, "The Kosovo Air Campaign," [http://www.nato.int/cps/en/natohq/topics\\_49602.htm](http://www.nato.int/cps/en/natohq/topics_49602.htm), accessed March 16, 2017; Daniel P. Serwer, vice president and director of Peace and Stability Operations, Testimony before the Committee on International Relations on Kosovo of the U.S. House of Representatives on May 18, 2005, <https://www.usip.org/publications/2005/05/kosovo-current-and-future-status>, accessed March 16, 2017; Carsten Stahn, "Constitution Without a State? Kosovo Under the United Nations Constitutional Framework for Self-Government," *Leiden Journal of International Law* 14, no. 3 (2001): 531-561, quote on p. 532 f, <https://doi.org/10.1017/S0922156501000279>, accessed April 03, 2017.

<sup>44</sup> Oliver P. Richmond identifies 5 fields in which hybridization can occur: (1) Security, (2) Democracy and administration, (3) Development - social, (4) Development - economic (Marketization), and (5) Legal, constitutional and policing. See Oliver P. Richmond and Audra Mitchell, *Hybrid Forms of Peace: From Everyday Agency to Post-Liberalism* (London: Palgrave Macmillan, 2012): 15. In addition, Jason Franks and Oliver P. Richmond state that one of the important factors for a liberal democracy is 'inclusivity,' understood by them as pluralist, multi-ethnic, and democratic governance. Especially as ethnic disputes often are at the heart of an intrastate conflict, it is important to avoid a state that is dominated by one ethnicity or to avoid factionalism. See Franks and Richmond, "Coopting Liberal Peace-building," 84 and 90 f; and Oliver P. Richmond, "International Order or Interventionary Order? The Nexus of Power, Knowledge, Peace, and Intervention" (draft paper, January 2017): 15, [https://www.academia.edu/31070437/International\\_Order\\_or\\_Interventionary\\_Order](https://www.academia.edu/31070437/International_Order_or_Interventionary_Order), accessed January 26, 2017 (Citation and reference with the permission of the author, given on March 27, 2017).

decade will be evaluated. The goal is to identify, how 'local agency' supported the drafting of the constitution of Kosovo, or how inclusivity was integrated in the constitution.

The 'Constitutional Framework for Provisional Self-Government in Kosovo' ('Constitutional Framework'), adopted 2001 by the Special Representative to the Secretary-General (SRSG), is, until the 2008 independence, the provisional end to a new constitution of Kosovo.<sup>45</sup> This journey started 1999 with negotiations about the 'Rambouillet Accords'. These accords were signed by the Kosovo Albanian representative, but neither by the Serb Republic nor the Yugoslav Federation.

Neither the 'Rambouillet Accords', nor UNSCR 1244 (1999), nor the 2001 'Constitutional Framework for Provisional Self-Government in Kosovo' addressed the final status of Kosovo. Possibilities ranged from an autonomous province, over a federal republic, to an independent state. This lack of clarity over the final status made negotiations especially about minority rights and integration of minorities as the base for inclusivity impossible.

If the discussion is about an autonomous province or a republic within the Yugoslav Federation, the relevant parties to an agreement are representatives of the Yugoslav, the Serbian, and the (unofficial) Kosovo Albanian government. This was the case for the negotiations for the 'Rambouillet Accords'. In an autonomous province or a republic within the Yugoslav Federation, the Kosovo Albanians form the minority within a Serbian dominated Serbian Republic. If the discussion is about an independent Kosovo, this is different. Now the Kosovo Albanians are the majority in this future state, and the Kosovo Serbs are the minority. The necessary parties are therefore no longer representatives of the Yugoslav Federation or the Republic of Serbia, but representatives of the Kosovo Serbs. Either case is different in regard to inclusivity and the minority that has to be protected in order to moderate factionalism. Therefore the outcome of and the parties to such negotiations are different, if the discussion is about an autonomous province or a republic within the Yugoslav Federation, or if the discussion is about an independent state.

The 'Rambouillet Accords' mainly were about Kosovo Albanian rights within the Yugoslav Federation. They especially gave the Yugoslav Federation the right to block any decision of Kosovar institutions. But the 'Rambouillet Accords' were not capable of obtaining a majority, although the Kosovo Albanians signed these accords.

The 'Constitutional Framework' was drafted under the auspices of UNMIK by a Joint Working Group. This working group was composed of three Kosovo Albanians, representing the major political parties, one Kosovo Serb and one Bosnian member, representing the minorities, a representative of civil society, an independent expert and seven international members.

Although all parties and even a representative of civil society are involved, the process is one among the internationals and the elites of the state. In addition the Serb representative was seen as a collaborator, as one of 'Thaçi's Serbs', as the Serbs of North Kosovo still labeled the Serbs 'collaborating' with the Kosovo Albanians in 2012.<sup>46</sup> This is, as Oliver P. Richmond calls it, a perfect example of 'national' and not 'local ownership'. Internationals teaming up with local elites, "excluding the local and undermining the social contract the liberal state is supposed to rest on."<sup>47</sup> Together they drafted this compromise, taking into account the not decided status of Kosovo, and therefore the interests of the Yugoslav Federation, the ethnic communities, and UNMIK.<sup>48</sup>

<sup>45</sup> UNMIK Regulation 2001/9.

<sup>46</sup> Hashim Taçi, a Kosovo Albanian, was one of the founders of the KLA and Chief of its political Directorate. He was Foreign Minister, Prime Minister, and since 2016 President of Kosovo. See the homepage of the President of Kosovo, [www.president-ksgov.net/en/biography-92](http://www.president-ksgov.net/en/biography-92), accessed April 10, 2017).

<sup>47</sup> Oliver P. Richmond, "Beyond Local Ownership in the Architecture of International Peacebuilding," *Ethnopolitics* 11, no. 4 (2012): 354-375, quote on p. 364, <https://doi.org/10.1080/17449057.2012.697650>.

<sup>48</sup> In Chapter 4.1 the 'Constitutional Agreement' defines 'Communities' by "inhabitants belonging to the same ethnic or religious or linguistic group."

Although at first glance inclusive, this process was not. The Serb representative was not seen by the Kosovo Serb majority as their representative. He was instructed by the Serbian government, therefore not representing the interests of the Kosovo Serbs, but the interests of Serbia. When looking at this process through Jason Franks' and Oliver P. Richmond's concept of Conservative, Orthodox, and Emancipatory Liberal Peace, one has to say that there was neither a local consent nor a bottom-up approach, nor (positive) local agency.<sup>49</sup> Those three characteristics are the key to a hybrid approach. Especially local agency was misused for different purposes. It was used by the Serbs when they abstained from negotiations, if the autonomy was too far reaching, or by the Kosovo Albanians, when they threatened to boycott the international institutions, if the negotiations did not allow an independent Kosovo at the end. This agency was not the one needed to overcome differences between the ethnic groups, to allow reconciliation in order to follow a common goal in a bottom-up approach. This approach couldn't produce the needed sense of positive local agency, as this 'Constitutional Framework' regulated an autonomous Kosovo without any reference to an independent Kosovo or the Yugoslav Federation. With this each ethnic group could follow its own idea of the outcome of the process.

This process among elites together with the strong involvement of internationals never produced a sense of 'local ownership'. Again when comparing to the model of Conservative, Orthodox, and Emancipatory Liberal Peace, one has to say that until today conditionality was the key to reach a consensus between the ethnic groups.<sup>50</sup> These conditions were used to implement international standards, a key element to the concept of Conservative Liberal Peace.<sup>51</sup>

Even if this 'Constitutional Framework' transferred many responsibilities to the local institutions, this wouldn't allow local ownership, as UNMIK retained responsibility for areas like protection of minorities and law enforcement, as well as the possibility to veto any action of the local institutions. Finally the 'Constitutional Framework' was adopted by the signature of the UNMIK SRSG in May 2001.<sup>52</sup> This whole process was a process according to the concept of Conservative Liberal Peace, and clearly not a hybrid approach following the theory of Oliver P. Richmond.

Like the drafting process of the 'Constitutional Framework', the 'Constitutional Framework' itself would not allow a Hybrid Peace, as it was neither inclusive, nor avoided factionalism, although the preamble of the 'Constitutional Framework' reads: "Recognizing the need to fully protect and uphold the rights of all Communities and their members."

The rights of the Communities are specified in Chapter 4. It lists several basic rights. The basic rights of the Community and the individuals are far-reaching, granting for example in Chapter 4.4.b the right to receive education in their own language. As those rights are far reaching and entail all aspects of everyday life, these rights can be called inclusive.

The political rights that are necessary to moderate the majority, as propagated by Michael Barnett, or Jack Goldstone and Jay Ulfelder, are part of different chapters.<sup>53</sup> Chapter 9.1.3 outlines the Assembly

<sup>49</sup> Oliver P. Richmond, "A post-liberal peace: Eirenism and the everyday," *Review of International Studies* 35 (2009): 557-580, <https://doi.org/10.1017/S0260210509008651>.

<sup>50</sup> As back then it can be observed still today that a possible EU accession is used as coercive mean. For example: "The Commission will present a report [for opening accession negotiations with Serbia] as soon as it will have assessed that Serbia has achieved the necessary degree of compliance with the membership criteria, in particular the key priority of taking steps towards a visible and sustainable improvement of relations with Kosovo." See European Union, Communication from the Commission to the European Parliament and the Council, *Enlargement Strategy and Main Challenges 2012-2013*, COM(2012) 600 final (Brussels, 10 October 2012), [https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key\\_documents/2012/package/strategy\\_paper\\_2012\\_en.pdf](https://ec.europa.eu/neighbourhood-enlargement/sites/near/files/pdf/key_documents/2012/package/strategy_paper_2012_en.pdf), accessed April 21, 2017.

<sup>51</sup> Joseph Marko, "The New Kosovo Constitution in a Regional Comparative Perspective," *Review of Central and East European Law* 33, no. 4 (2008): 437-450, quote on p. 441.

<sup>52</sup> Stahn, "Constitution Without a State?" 542 ff; and Marko, "New Kosovo Constitution," 440.

<sup>53</sup> Michael Barnett, "Building a Republican Peace: Stabilizing States after War," *International Security* 30, no. 4 (Spring 2006): 87-112, quote on p. 105 ff, <https://doi.org/10.1162/isec.2006.30.4.87>; and Jack A. Goldstone and Jay

(parliament). Of the 120 seats 100 are distributed proportionally to the received votes. Another 20 seats are reserved for non-Albanian Communities.<sup>54</sup> Keeping in mind that 95% of Kosovo's population is Albanian, this would give the non-Albanian minorities a total of 25 seats or 21% of the seats in the Assembly.<sup>55</sup> In addition the non-Albanians have to be represented at least as one of the 2 vice-presidents of each special Committee.<sup>56</sup> Also 2 of the government's ministers have to be non-Albanian.<sup>57</sup> This is a considerable over-representation, but, learning from Bosnia-Herzegovina, not enough to veto or obstruct the decision making. The Assembly votes with a majority of those present and voting. Although in Chapter 9.1.39 a process is outlined for reconsideration of a law if it violates vital interests of the Community, it isn't really a tool to block a law, as the law only will be reconsidered and the Assembly votes on it a second time.

Therefore the political system according to the 'Constitutional Framework' contains no mechanism that would moderate the Albanian majority, as propagated by Michael Barnett, or Jack Goldstone and Jay Ulfelder.<sup>58</sup> The only moderation is through the right of the SRSB to veto any Assembly decision.

This has nothing to do with a hybrid approach. Again it resembles a Conservative Liberal Peace approach. Or as Oliver P. Richmond says, even universal international norms have to be negotiated and agreed upon, even if they are used to prevent abuse, as this is the case with the veto of the SRSB. This can be seen as anti-democratic, and would therefore lack legitimacy. Such a peace process following the concept of Conservative Liberal Peace lacks the involvement of civil society. It lacks (positive) local agency, a bottom-up approach, and local consent. With this, only the state is transformed, but not the society, leaving out genuine self-government and self-determination. Finally, this resulted in the unilateral declaration of independence, and the creation of an Albanian state, making the situation for minorities in Kosovo even worse.<sup>59</sup>

To conclude, the drafting of the 'Constitutional Framework', as well as the 'Constitutional Framework' followed the concept of Conservative Liberal Peace. With this a Hybrid Peace was not possible. It lacked a bottom-up process with local consent. If there was consent, this was driven by conditionality and dependency, something that the theory of Hybrid Peace is especially critical about.

## Conclusion

What was the goal of the intervention in Kosovo? UNSCR 1244 (1999) refers to the 'Rambouillet Accords'. These recognize in the preamble that "the members of all national communities [need to be included] in political decision-making". It is also desired that the rights of the members of all national communities are protected.<sup>60</sup> The goal must therefore be a pluralist and multi-ethnic society, something Jason Franks and Oliver P. Richmond recognized as being an important part of a Hybrid Peace.<sup>61</sup>

According to the Foreign Minister of Montenegro, Srdjan Darmanović, Kosovo is a young and vibrant democracy. The internal challenges it faces are, according to him, normal in a post-conflict setting. He

Ulfelder, "How to construct stable democracies," *The Washington Quarterly* 28, no. 1 (2004): 7-20, quote on p. 18, <https://doi.org/10.1162/0163660042518198>.

<sup>54</sup> According to Chapter 9.1.3.b of the 'Constitutional Framework,' 10 seats are for the Kosovo Serb Community, four seats for the Roma, Ashkali and Egyptian Community, three seats for the Bosnian Community, two seats for the Turkish Community, and one seat for the Gorani Community.

<sup>55</sup> "Kosovo," *CIA World Factbook*, <https://www.cia.gov/library/publications/the-world-factbook/geos/kv.html>, accessed March 8, 2017.

<sup>56</sup> 'Constitutional Framework,' Chapter 9.1.22.

<sup>57</sup> 'Constitutional Framework,' Chapter 9.2.5.

<sup>58</sup> Barnett, "Building a Republican Peace"; Goldstone and Ulfelder, "How to construct stable democracies."

<sup>59</sup> Richmond, "A post-liberal peace: Eireanism and the everyday," 566.

<sup>60</sup> UN, "Rambouillet Accords," Preamble.

<sup>61</sup> Franks and Richmond, "Coopting Liberal Peace-building," 84 and 90 f; and Richmond, "International Order or Interventionary Order," 15.

assesses the statebuilding in Kosovo as "not failed, but not ideal, yet, but on the right track!"<sup>62</sup> But does this mean that in Kosovo a pluralist and multi-ethnic society emerged? According to Joanne Wallis and Oliver P. Richmond Kosovo is "an ethnicised, semi-recognized state." This happened through Kosovo Albanian agency in the peacebuilding process that was driven by "seeking a state rather than peace."<sup>63</sup> How could this happen?

Although not a main topic of this paper, one needs to keep in mind that the status question never was solved. It is concluded that the missing status in the first post-conflict decade (but even up to today!) did not allow mutual local agency and reconciliation, as Kosovo Albanians and Kosovo Serbs each followed completely different goals.<sup>64</sup> Whenever UNMIK decided something that was against their goals, especially against the Kosovo Albanian ones, they threatened to boycott UNMIK, as they have done 1999 when UNMIK adopted a legal system that was against the interest of the Kosovo Albanian population, or they demonstrated against such acts - sometimes even violent as in 2004.<sup>65</sup> UNMIK never put a stop to this negative local agency or the Kosovo Albanians that led more and more to a mono-ethnic Kosovo Albanian state, as more and more Kosovo Serbs left Kosovo due to continuing harassment and lack of economic opportunities. Finally this resulted in the unilateral declaration of independence in February 2008.

Although officially the status isn't definitely decided up to now, it is clear that Kosovo will remain a separate state, finally allowing negotiations between the Kosovo Albanians and the Kosovo Serbs. But again local agency isn't possible. Promising talks started 2013 between the Republic of Kosovo and Serbia, mediated by the EU. But the EU uses coercion, a carrot and stick approach to achieve results. It uses the EU integration process for both parties as carrot and stick. In addition, once more the Kosovo Serbs are not part of these talks, and are subject to the interests of Serbia. Although not a primary question of this paper, all this clearly supports Søren Jessen-Petersen saying that "[s]tatus is not only *a* peacebuilding problem in Kosovo, it is *the* peacebuilding problem in Kosovo."<sup>66</sup>

Despite this missing final status, this paper shows that in the case of Kosovo, with strong international commitment a credible democratic government can emerge.

But this commitment alone is not a guarantee for a sustainable, multi-ethnic democracy, as it was the goal of the whole peacebuilding process.

Therefore it is hard to answer the hypothesis. In the case of Kosovo no local agency could be observed that led to a true multi-ethnic democracy, or was strong enough to overcome predominant Kosovo Albanian agency, or the Conservative Liberal Peace approach of UNMIK. Consent was only reached through conditions and coercion. A state centric, top-down approach could be observed, not involving civil society, not allowing reconciliation, both as a base for a bottom-up, consensual, hybrid approach.

But the opposite could be observed. Local agency allows taking over a peace process by one of the parties, favored through the missing status-decision. It allowed the Kosovo Albanians to shape the whole process to their needs, even if it was against international standards like multi-ethnicity, with the ultimate goal of an Albanian dominated Kosovar state. This has to be taken into account by the internationals in order to reach wished progress. If local agency is not moderated, and sometimes even rebuked, it can lead to the adoption of the whole peace process by one party, and a sudden fait accompli. When Roland Bleiker says that local agency has the potential to produce a hybrid peace, we

<sup>62</sup> Srdjan Darmanović, Foreign Minister of Montenegro, Lecture at *European Security Course* at the GCSP, Geneva, March 1, 2017. The Minister approved the use of this quote after the lecture.

<sup>63</sup> Joanne Wallis and Oliver P. Richmond, "From constructivist to critical engagements with peacebuilding: implications for hybrid peace," *Third World Thematics: A TWQ Journal* 2, no. 4 (April 2017): 422-445, 10 f, <https://doi.org/10.1080/23802014.2016.1309990>.

<sup>64</sup> Jessen-Petersen, "Challenges of Peacebuilding," 9.

<sup>65</sup> Strohmeier, "Collapse and Reconstruction of a Judicial System," 59.

<sup>66</sup> Jessen-Petersen, "Challenges of Peacebuilding," 10.

must say that it also has the opposite power - to overtake a peace process and to abuse it for its own purposes.<sup>67</sup>

When trying to answer the hypothesis, one can say that the constant challenges between Kosovo Albanians and Kosovo Serbs are a consequence of the missing hybrid approach. The Kosovo Serbs never really were included in negotiations, as they always followed Serbian instructions, or, still today, Serbia is leading negotiations with Kosovo. With this inclusivity was not reached.

The 'Constitutional Framework' did not moderate the dominating Kosovo Albanian faction. Moderation or even reconciliation was therefore not necessary by the Kosovo Albanian majority, excluding and alienating Kosovo Serbs more and more from Kosovo. This increased the leave of Kosovo Serbs, and today the Kosovo Serbs represent less than 2% of the Kosovar population, increasing the trend towards a mono-ethnic Kosovar state.<sup>68</sup> These constant challenges may well be a consequence of the missing hybrid approach in the peacebuilding process.

Therefore, when answering the research question how a peacebuilding operation can be more successful, one has to say that the lack of channeling local agency through mediation, or sometimes even restraining it through coercion, can be the cause for a failure of reaching a multi-ethnic state, if the peace process is taken over by one of the parties. Therefore, this article shows the importance of inclusivity and the necessity to identify the right parties to a peace process.

Overall one can say that Liberal Peace and a strong international commitment favor democratic transition, but not automatically multi-ethnicity. If hybridity favors multi-ethnicity could not be shown in this article, but the case shows that the absence of hybridity led to a taking over of the peace process by one ethnicity, shaping the process to their needs. Through this the importance of local agency and the hybridity in the peace process could be portrayed.

### **Acknowledgement**

This is an excerpt from the master thesis of the author written in order to reach the GCSP /GSI Master of Advanced Studies (MAS) in International and European Security, and presented on April 24, 2017.

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<sup>67</sup> Roland Bleiker, "Conclusion - Everyday Struggles for a Hybrid Peace," in *Hybrid Forms of Peace: From Everyday Agency to Post-Liberalism*, ed. Oliver P. Richmond and Audra Mitchell (London: Palgrave Macmillan, 2012), 293.

<sup>68</sup> "Kosovo," CIA World Factbook.