

REVIEW ESSAY

Between Exit and Engagement:  
On the Division of Authority in  
Transitional Administrations



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“Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo,” S/1999/779, 12 July 1999, available online at <http://www.un.org/Docs/sc/reports/1999/s1999779.htm> (accessed 29 November 2000).

William G. O’Neill, *Kosovo: An Unfinished Peace* (Boulder: Lynne Rienner, 2002), 157 pp.

Elizabeth M. Cousens and Charles K. Cater, *Toward Peace in Bosnia: Implementing the Dayton Accords* (Boulder: Lynne Rienner, 2001), 187 pp.

European Stability Initiative, *Reshaping International Priorities in Bosnia and Herzegovina*, part 1: *Bosnian Power Structures* (posted 14 October 1999); part 2: *International Power in Bosnia* (posted 30 March 2000); part 3: *The End of the Nationalist Regimes and the Future of the Bosnian State* (posted 22 March 2001), available online at <http://www.esiweb.org>.

Jarat Chopra, “The UN’s Kingdom of East Timor,” *Survival* 42, no. 3 (autumn 2000): 27–39.

Simon Chesterman, “East Timor in Transition: Self-determination, State-Building and the United Nations,” *International Peacekeeping* 9, no. 1 (spring 2002): 45–76.

If the “international community” really wanted peace and development here, it would have the courage to leave and give the money that would be spent on salaries, programs, and logistics to our government as foreign aid. We can use it much more effectively than it is being used now.<sup>1</sup>

Those of us who have worked in international transitional administrations over the past decade have all heard host-country citizens express

these frustrations with international efforts to implement a sustainable peace. I heard it in Zagreb, Eastern Slavonia, Bosnia, and Kosovo—from politicians known as “moderates” and from others known as “hard-liners”; from government officials, independent intellectuals, and ordinary people; from citizens, refugees, and internally displaced persons (IDPs); from people who had grown tired of waiting for peace, good governance, and a normal life.

The UN secretary-general was sensitive to these frustrations on 7 March 2000 when he appointed the panel headed by Lakhdar Brahimi to undertake a “thorough review” of UN peace and security activities and to present concrete recommendations as part of a comprehensive reform of the UN Secretariat.<sup>2</sup> The Brahimi panel reported that the “struggles” to mount missions in Kosovo and East Timor provided the “backdrop to the narratives on rapid deployment and on Headquarters staffing and structure” in the report, although it went on to ask “whether the United Nations should be in this business at all, and if so whether it should be considered an element of peace operations or managed by some other structure.”<sup>3</sup>

In a subsequent report, the secretary-general asked which “factors the Security Council should assess in deciding to launch, close or significantly alter a United Nations peacekeeping operation.”<sup>4</sup> It noted that peace “becomes sustainable . . . when the natural conflicts of society can be resolved peacefully through the exercise of State sovereignty and . . . participatory governance,” and that a mandate for such an operation “should . . . incorporate such elements as institution-building and the promotion of good governance and the rule of law, by assisting the parties to develop legitimate and broad-based institutions” and in “promoting economic and social rehabilitation and transformation.”<sup>5</sup> According to the UN secretary-general, then, successful peacebuilding addresses the underlying causes of violent conflict by implementing effective programs of postwar recovery and of state building, possibly in a transitional administration.

The secretary-general placed the ultimate burden of performance on the host-country population because “the role of the United Nations is merely to facilitate the process that seeks to dismantle the structures of violence and create the conditions conducive to durable peace and sustainable development.”<sup>6</sup> He further suggested that it is “the interaction of international commitment, or its absence, with local capacities and factional hostility that shapes the prospect for successful peace-building.”<sup>7</sup> The secretary-general’s suggestion that a UN operation be dismantled when host-country institutions have become self-sustaining reflects the view of development specialists that policy development

should be “owned and developed by the people who are in development.”<sup>8</sup> As we shall see, these challenges are likely to be much more difficult in areas with relatively higher factional hostility, such as the Balkans, than in less fractious places, even those with lower “local capacities,” such as East Timor.

This review essay focuses on *how* local capacities have been developed in these international administrations and how host-country institutions have become prepared to assume authority. The notion of “ownership” became a central theme in the public strategy of Bosnia-Herzegovina’s Office of the High Representative under Wolfgang Petritsch: “The overriding objective of the International Community must now be to substantially accelerate the rate at which responsibility for governance and particularly the creation and effective operation of state institutions is assumed by the local political leaders.”<sup>9</sup> Similarly, the transfer of responsibilities to Kosovo’s provisional institutions has become a central task of the UN Mission in Kosovo in 2003.<sup>10</sup> The steps involved in “transferring ownership” include identifying host-country individuals and organizations to work under the international mandate; working with them in administration and governance; and assisting them in “building capacity.” It also involves establishing an evolving division of authority among international and host-country officials in the hybrid political systems that emerge out of violent conflicts.

The capacity of international officials to identify effective mechanisms of cooperation and coordination with host-country colleagues would enhance the credibility of an international operation to fulfill its broader mandate to “prevent the inevitable conflicts that every society generates from turning into violent conflicts.”<sup>11</sup> It would enable international officials to select and nurture a domestic or local constituency with a stake in implementing the international mandate. This capacity would also enable the international security forces to act authoritatively and isolate “spoilers” who are impeding the implementation of a stable peace. It would permit international operations to avoid or mitigate tense confrontations with a broad range of domestic groups. It would lead to the development of institutions that can effectively address challenges in social, economic, and political development and thereby contribute to the domestic legitimacy of the emerging government’s authority. This is in accordance with Robert Axelrod’s seminal work: “For cooperation to prove stable, the future must have a sufficiently large shadow” that is rooted in a stable set of relationships and expectations.<sup>12</sup>

Who better to draw lessons about establishing a transnational division of labor in transitional administrations than experienced insiders and “fellow travelers” of operations in the Balkans and East Timor?

David Malone tells us that the excellent study by Elizabeth Cousens and Charles Cater “aims to serve both practitioners and scholars in offering analysis and conclusions that do not shy from raising troubling questions” and to “identify major pitfalls that could be avoided in the future while highlighting the areas decision makers should worry about . . . in drafting peace agreements and then in attempting to implement them” (p. 10). The work under review here includes the secretary-general’s report providing the road map for the UN Mission in Kosovo and several critically constructive articles on recent administrations. The articles approach the international-domestic division of authority indirectly and treat it as a goal to be achieved and/or a source of difficulty in the implementation of an international mandate. I argue that the international-domestic division of authority in postconflict political communities requires considerably more attention conceptually and operationally than it has hitherto received. Placing it at the center of analysis as one type of postconflict governance could lead to new ways of looking at strategies of engagement and of exit.

### **An Official Road Map**

The 12 July 1999 report of the UN secretary-general on the UN Mission in Kosovo (UNMIK) was issued a month after the passage of Security Council Resolution 1244, which created UNMIK’s mandate. The team led by the special representative of the secretary general (SRSG) ad interim, Sergio Vieira de Mello, included many individuals experienced in Balkan peace operations, who could be expected to apply the “lessons” both of the UN Protection Force (UNPROFOR) and of post-Dayton Bosnia-Herzegovina. Within a month of Security Council Resolution 1244 (1999), the advance team was compelled to “assess, plan and act at the same time,” and create “a comprehensive framework” (pars. 1–2). It designed an operation that brought together “four international organizations and agencies” to work “under one leadership” that could “span the wide range of complex activities”—setting up an administration, providing humanitarian relief, building democratic institutions, and restoring an entire economy. The report anticipated that the cooperation among the UN High Commissioner for Refugees (UNHCR), the Organization for Security and Cooperation in Europe (OSCE), and the European Union (EU) under a broader United Nations umbrella “will set a precedent for the future” (par. 118).

The report viewed the transfer of authority from international to domestic institutions as deriving both from processes of recovery,

reconstruction, and institution building, and from processes of consultation, cooperation, and capacity building (pars. 111–116). The initial stage was to be dominated by the establishment of order and the consolidation of authority by interim UNMIK-managed structures. This stage would be followed by a simultaneous focus on the administration of social services and utilities, the consolidation of the rule of law, the restoration and development of basic economic structures, the revival of broadly representative political activity, the strengthening of civil society, and initial preparations for elections. In this second phase, executive authority in some areas could be transferred locally. The third phase would focus simultaneously on conducting elections, on deepening the administrative and economic revival, and on facilitating a political process to determine Kosovo's future status. Next, UNMIK was to oversee and assist elected representatives to organize provisional institutions and transfer remaining administrative responsibilities. The final phase would see the transfer of authority under a political settlement. While the report provided no time lines within which to complete these stages, it optimistically foresaw a linear process of tipping from international to host-country authority through a period of shared political and administrative responsibility, but during which the UN would retain full authority until the final act.

The well-known dilemma of Security Council Resolution 1244—in which an autonomous and democratizing Kosovo was to remain formally part of Yugoslavia against the wishes of the overwhelming majority of its citizens—rendered the division of political and administrative labor among international and domestic civil servants all the more sensitive and urgent.<sup>13</sup> The report resolved this issue by establishing a trickle-down process of consultation and by vesting all legislative and executive authority in an UNMIK that was supposed to elicit extensive Kosovar input into all aspects of policy (pars. 43–52). The SRSG was given authority to appoint and remove officials and was told “to have all elements of Kosovo society appropriately represented” (par. 40). A “broadly representative” Kosovo Transitional Council would build confidence between communities, identify personnel for administrative structures, serve as a “sounding board” for decisions, help win support for the mission's policies among major political groups, and promote democratization and institution building (par. 20). This cooperation and consultation was also to take place in the central administration and in local government. UNMIK was obliged to “make maximum use of skilled former or current public employees, irrespective of ethnicity” who “will be integrated into the interim civil administrative structure as quickly as possible” (par. 56). UNMIK staffers were to prepare themselves to cede

authority to their domestic colleagues: “As the integration of trained staff proceeds and their capacity increases, the level of day-to-day executive control exercised by UNMIK should diminish” (par. 56). UNMIK staff was subsequently to oversee implementation of policy, monitor effectiveness, and use executive authority where necessary (par. 58).

The secretary-general reported that UNMIK had already taken several initiatives. It established joint civilian commissions to address health, education, universities, municipalities and governance, post and telecommunications, and power. The SRSB had already appointed a joint advisory council for judicial appointments that gave a majority to local colleagues. The report even called for the designation of “local community liaison officers” to be deployed “as soon as possible” to assist UNMIK civilian police in the conduct of their duties, although they were to be hired on a short-term basis and were to exercise no police powers.<sup>14</sup> It also tasked UNMIK to begin selecting candidates for the Kosovo police service and begin their classroom and field training “immediately.” It directed the appointment of an independent and multi-ethnic judiciary. The secretary-general astutely did not elaborate on how international officials were supposed to cooperate with domestic colleagues—for example, mechanisms of selection, programs of training and capacity building, timetables for the transfer of authority—as such matters were to be determined during the course of the operation. In subsequent reports, the secretary-general would update this story, which has turned out to be far less linear in practice than in the initial planning contained in the July 1999 “road map.”<sup>15</sup>

### Commentary

The other texts under review reflect the cosmopolitan values that inform the UNMIK report. Their chief concern is the capacity of international operations to achieve the results for which the international mandate holds them responsible. The authors share the UN’s concerns that transitional administrations should develop “democratic” and self-sustaining institutions that function according to rule of law and that authority should be quickly transferred to host-country institutions. In his comprehensive account of interim administrations, Richard Caplan judiciously explains that “early devolution of responsibility allows the local population to learn from their experiences under the watchful eye of international specialists who . . . may not be able to remain very long in a territory.”<sup>16</sup> Jarat Chopra adds a greater sense of urgency because the initial deployment opens the window of opportunity to “bridge the

gap between high expectations and attainable results” only for a moment, after which “the pattern follows a trajectory that does not shift until the mission withdraws or is replaced by a stronger successor” (p. 34).

As a rule, this literature is more concerned with results than with how things are done. William O’Neill writes elegantly and passionately from his experience as the senior adviser on human rights to the UNMIK SRSG in the early phases of the deployment. He assesses UNMIK’s record in establishing order and in establishing institutions to provide rule of law and protect human rights. He argues that UNMIK and Kosovo Force (KFOR) created obstacles to the establishment of law and order because they “formulated a weak policy . . . refusing to discern between those working for stability versus those promoting violence” against minorities and moderates that was “systematic and organized” (p. 18). He accuses them of lacking “the political will to control Albanian and Serbian extremists,” which leads to “serious obstacles to law and order . . . [and] an unacceptable level of violence in Kosovo” (p. 18). He concludes that the mission “made avoidable mistakes” (p. 137) in not applying lessons from earlier missions to isolate the extremists, but also that host-country nationals “should be involved in decision-making as soon as possible . . . unless it becomes clear that they cannot or will not act with the requisite fairness and respect for human rights” (p. 139).

Elizabeth Cousens and Charles Cater took great care in preparing a balanced, well-informed, and tightly argued assessment of the post-Dayton administration of Bosnia and Herzegovina through the key areas of security, the return of refugees and IDPs, economic reconstruction, and democratization. They argue that the framework agreement concluded in Dayton was “deeply dissatisfying” and “ambivalent between its separatist and integrationist components” (pp. 14–15). This ambivalence burdened international implementers to make a “serious, deliberate effort” to make it a coherent plan on the ground. However, implementers eschewed their “great *potential* influence” and missed “multiple opportunities . . . to use . . . formal roles and informal relationships to overcome central weaknesses in the agreement” (p. 15). The resulting “gap between accomplishment and aspiration led implementers to overcompensate by arrogating to themselves increasing authority to make binding decisions, thereby creating a “creeping protectorate”<sup>17</sup> that has not succeeded at fostering conditions for “self-sustaining peace and the prospect of timely international exit” (pp. 15, 142).

The European Stability Initiative (ESI) is staffed by close observers of Balkan politics, including several former officials from the Office of the High Representative (OHR). Its assessment concurs that OHR

squandered many opportunities to build the peace in Bosnia and Herzegovina. These reports subtly address the discussion over “ownership” through an exploration of domestic authority of Bosnian parties, the authority of international organizations, and prospects for democratization. Beginning from the observation that international implementers built institutions that “exercise no effective power” and that “enjoy no support from Croat and Serb participants” (1, p. 17), these reports explore structural impediments to the implementation of the peace, which include ethnic separation, public insecurity, absence of rule of law, lack of democratic accountability, and the willingness of all domestic Dayton partners to “resist the goals of the international community” (1, p. 3). They argue that the OHR cannot achieve the goal of a democratic transition without the support of Bosnian leaders and institutions and that the continued widespread support enjoyed by the nationalist parties does not necessarily signify that the ethnic regimes continue to celebrate the norms or practice of ethnic cleansing (3, pp. 2, 6–8). They conclude that international authorities should begin the process of normalizing Bosnia’s international relationships at the same time that they actually begin ceding “ownership” of policy in deed to domestic institutions.

Discussions on East Timor invariably point to the considerably weaker degree of factional conflict within and among national groups than that in the Balkans and that, unlike the case with Kosovo, independence clearly stood at the end of the road. This makes the transnational division of labor especially interesting. Writing both from his own experience in East Timor and from his pioneering work on postwar administration,<sup>18</sup> Jarat Chopra suggests that the result of interventions in failed states “will be merely another form of authoritarianism unless the transitional administrators themselves submit to a judicious separation of powers and to genuine accountability to the local people whom they serve” (p. 27). He eschews the usual UN standard of success that is rooted in the strict implementation of the mandate given by the Security Council and focuses on the outcomes of activities. Consequently, a transitional administration should “render itself obsolete as swiftly as possible” because “administrators sabotage the objective of viable self-government when they refuse to engage indigenous parties and to integrate them into a nascent system of governance” (p. 36). In discussions of “failed Timorization,” “misguided leadership,” and “authoritarian UNTAET,” Chopra argues that the United Nations Transitional Authority in East Timor (UNTAET) did not pass these tests. He reports that the UN leadership failed to consult Timorese leaders from the Council of Timorese Resistance (CNRT) over Timorese plans for a transitional

administration. This led to a gap “between the UN’s *de jure* authority on paper, and the CNRT’s *de facto* control in the field” in which the CNRT’s “pervasive clandestine apparatus began unilaterally to reconstitute its structures through village elections” (p. 32). He notes the development of the international mission’s “bureaucratic ‘force protection,’” which included segregation of international and domestic staff socially and economically, such that “comparisons with colonial administration were unavoidable” (p. 33). He concludes that the “fraught UN effort did not appear to justify its annual budget of U.S.\$750 million for salaries and logistics,” nor to disburse the additional \$500 million committed by donors for East Timor’s development.

Simon Chesterman’s balanced assessment of UNTAET explicitly asks how and when political power should be transferred to local hands. He notes the “contradiction” between the obligation in Security Council Resolution 1272 (1999) to “consult and cooperate closely with the East Timorese people” and the concentration of authority in UNTAET and the SRSG. Even in the relatively benign environment of East Timor, he suggests, the decision to work exclusively with the CNRT promoted its leadership “at the expense of other sections of the population.” This choice led directly to the “August 2000 decision to adopt Portuguese” as East Timor’s official language, although it was understood by fewer than 10 percent of the population and by virtually no one under the age of thirty. He reports substantial disagreement within East Timor concerning the timing and amount of authority that the UN had actually given to Timorese colleagues, but he notes that UNTAET created an exclusively Timorese National Council in mid-2000 that would work alongside an eight-department cabinet, four of which were headed by Timorese. In conclusion, Chesterman emphasizes the need to choose local partners carefully, to involve them early and widely in all aspects of policymaking, and to ensure that the UN should see its commitment as an ongoing one, even after the election, that would lead to the transfer of authority.

This judicious call to consult and engage leaves three issues to explore more fully. First, why do international transitional administrations not go it alone? Why do they require active cooperation of domestic colleagues to achieve their goals? Second, how can international officials choose interlocutors among the competing domestic contenders for power? How do preconceived images of domestic officials hinder the selection of effective interlocutors? Finally, how can labor be divided among international and host-country civil servants at the different stages of deployment?

### Going It Alone?

This literature is far from uniform in its appreciation of international authority. Students of the Balkans evince great faith in the legitimacy of international action and in the belief that international organizations merely need to muster sufficient amounts of resources and political will to overcome the resistance of extremists. On the other hand, observers of UNTAET point to the need to engage intensively with domestic organizations even amid the high transaction costs in meetings, capacity building, and delays of exit.

The situation in East Timor was relatively simple both because the ultimate goal of independence was generally accepted and because there was considerably less hostility among and between factions than in the Balkans. These circumstances created a need for intensive cooperation to ensure UNTAET's success. However, Chesterman relates the frustration of CNRT leader Xanana Gusmão, who rejected the international legacy "of cars and laws . . . of development plans for a future designed by" non-East Timorese or in "inheriting an economic rationale which leaves out the social and political complexity of East Timorese reality . . . nor . . . the heavy decision-making and project implementation mechanisms in which the role of the East Timorese is to give their consent as observers rather than the active players we should start to be" (p. 67). Chopra goes further to argue that a centralizing "UNTAET resisted Timorese participation" and avoided genuine problem solving to conclude in a "face-saving election" as a prelude to withdrawal "without having built adequate local capacity" (p. 31). Jonathan Steele adds that UNTAET's focus on security, governance, and humanitarian relief underplayed equally essential matters of economic and social development. As a consequence, the Timorese administration was not fully prepared for the departure of UNTAET, which has had a devastating effect on East Timor's daily life, especially since the efforts of donor governments have not made up for the shortfall created by the transformation of the UN mission.<sup>19</sup> It appears that East Timor will remain dependent on outside aid for some time.

If observers of East Timor complain of UNTAET's insensitivity to the "real needs" of incipient independence, observers of Balkan operations argue that international officials have been insufficiently bold in following the right road. They assume that international forces possess unlimited capacity to implement the legitimate international mandate and that it must set priorities correctly to maintain its credibility, which would lead the former belligerents to bury their differences and live together. The work on Bosnia explores how the choices of international

officials have hindered the achievement of central international goals: restoration of order, return of refugees and IDPs, economic reconstruction, democratization, and the promotion and safeguard of human rights. Cousens and Cater provide a wealth of detail on debates among international officials over conditionality versus ownership in economic assistance (pp. 95–97); on elections, the media, the return of refugees, and on IDPs; and on the delayed accumulation of international authority.

ESI suggests, following the achievement of core Dayton tasks, that it becomes even more difficult to complete state-building tasks: “Whenever there is a lack of international strategy for how to build the institutions and overcome the sources of political resistance, the Peace Implementation Council (PIC) tends to obscure this by returning to the rhetoric of local responsibility” (2, p. 14). ESI implores international institutions to meet the “managerial challenge” of combining military power, financial power, and their role as the gatekeeper to Europe “in sophisticated combinations in order to develop institutions that promote responsible governance in Bosnia-Herzegovina” (2, pp. 6, 62–63). It adds that the “problems of Bosnia cannot be successfully addressed without the commitment of local people and institutions working in partnership with the international community” (1, p. 18).

O’Neill believes that the absence of political will squandered UNMIK’s credibility with Albanian and Serb extremists and gave them a “yellow light” to continue a campaign of violence that was “organized [in] some form of hierarchy, command and control” (p. 62). It is the case that the failure to establish order in the early phases of the mission helped to diminish UN authority between Serb and Albanian Kosovars. However, a description of how international organizations cooperated within the broader UNMIK pillar structure would have considerably enhanced the description of this complex process. He could have shown how domestic contenders for power skillfully exploited the competitive relationship between officials from the KFOR, UN, and OSCE to play one side against the other.<sup>20</sup> The international capacity to act coherently would contribute significantly both to its credibility and to its capacity to cooperate with domestic colleagues. The erosion of international authority among Serbs and Albanians also resulted from UNMIK’s wavering on symbolic issues (such as whether the UN flag would be the sole flag in public buildings); its ambivalence on the choice of applicable law; and their incapacity to address real social needs, such as providing pensions.<sup>21</sup>

In different ways, the two Balkan operations reveal the consequences of the gap between unlimited formal international authority and limited international operational capacity. O’Neill implies that UNMIK

conceded its formal authority to “the extremists” soon after its deployment, and the work on Bosnia suggests that OHR was forced to appropriate authority from nationalist leaders over the first two years of the mission as it moved incrementally toward a “trusteeship model.” The work on Bosnia suggests that the implementation of the trusteeship model in Bosnia sends contradictory signals to the Bosnian parties and the population at large about the democratic process and political legitimacy. Cousens and Cater argue that OHR’s actions run counter to Bosnia’s democratization in its signal that “if due process does not yield results, override it, at least if one has the political backing to do so” (p. 134). Such authoritative action also signals that domestic leaders do not have to resolve their own disputes because the international community will step in—to impose a flag, a national anthem, license plates, and a currency, and to fire disagreeable officials. However, unilateral international action, or action that does not emerge from consultations with domestic stakeholders, will be ineffective in practice and will risk estrangement from allies in civil society, who had been among the chief exponents of the Bosnian cause during the 1992–1995 war. Such civil society leaders believe that these acts are futile *and* imperial at the same time—as if OHR is talking loudly and carrying a small stick.<sup>22</sup> The dilemma, then, is to find a way to work with domestic colleagues.

### **With Whom to Do Business?**

The need to recruit domestic partners emerges in part from the commonly noted failure of these international operations to provide sufficient numbers of appropriately trained international staff to achieve the goals of the mission. However, difficulties in recruiting domestic personnel begin with the general sense among international officials that domestic personnel are not fully competent. Chopra raises UNTAET’s “bureaucratic force protection” (p. 33) against integration of domestic civil servants into a commonly shared administrative system. East Timor’s foreign minister, Ramos-Horta, added that “some internationals saw the Timorese as victims when we felt we were victors,” as if they must be directed and controlled and not approached on an equal basis.<sup>23</sup> Chesterman relates the “confused” character of consultation with Timorese and the “failure to achieve much in the way of ‘Timorization’ of the civil service” (p. 67).

In the Balkans, the underlying principle of selection is highly politicized. Domestic officials are divided into “moderates,” who are considered people with whom we can do business, and “hard-line nationalists”

who must be marginalized. Cousens and Cater explain that the “principal challenge” of Dayton “was that nationalist politicians on all sides remained in power, arguably strengthened.” They express their concern at the “nearly unchecked power of municipal leaders” over the distribution of social benefits via bureaucratic roadblocks. The ruling parties are “adept at the development of numerous instruments of resistance”—resistance to the return of refugees and to economic reconstruction (pp. 82, 89–90). Attempts to put unified networks in place quickly ran “afoul of political interests to keep Bosnia divided” (p. 90).

“Moderates” and “hard-liners” are defined in terms of the momentary needs of the international community. A hard-liner is someone with the capacity to maintain a distinct agenda and who will not cooperate on terms exclusively defined by international officials. Slobodan Milosevic became known as a pragmatic moderate essential to the peace process from 1993 through 1998, only to morph back into a hard-liner as tensions over Kosovo grew. Croatian president Franjo Tudjman was considered essential to the peace process even as he was deeply involved in hard-line Croatian offensives in Bosnia in 1993–1994 and was the authority of last resort among hard-line Herzegovinian Croats until his death.

Hard-liners are portrayed as unified actors in tightly controlled hierarchies that are able to prey on weaker “moderates” who are said to share the goals of the international operation. For example, O’Neill describes a well-oiled machine, which evolved from the Kosovo Liberation Army (KLA), that employs violence against ethnic minorities and “more moderate” opponents in Ibrahim Rugova’s moderate Democratic League of Kosovo party (LDK).<sup>24</sup> Notwithstanding the significant differences between the two groupings, it is not certain that the moderate/hard-liner dichotomy is useful in helping to distinguish between the two chief Albanian groupings. Both are deeply committed to independence for Kosovo. Both have transnational networks that extend to Western Europe and North America. Both are riddled with factions that are functionally and regionally defined.<sup>25</sup> Nor is it certain which elements in the KLA would be able to “shut off the violence” (p. 63) against moderates, as O’Neill suggests, especially in view of the conflict and violence within and among the different KLA factions. And it was not necessary to compel Albanians to celebrate Albanian Flag Day on 28 November 1999, as the text implied, because it was the first time in a decade that Kosovar Albanians were free to celebrate a significant national holiday.<sup>26</sup>

The work on Bosnia here takes the nationalist leaderships as part of a larger system dominated by the international community. Cousens

and Cater recall that Bosnian Croat and Serb leaders were excluded from Dayton in favor of the supposedly moderate Croatian and Serbian presidents and that U.S. negotiators exerted pressure on the Bosnian leaders to accept an agreement. As a result, the agreement created “nearly irreconcilable tensions among the substantial power given to the entities, the right of return . . . and the legal sovereignty . . . accorded to the unitary Bosnian state” (p. 145). In the same vein, ESI recommends that “the international community must accept the HDZ [Croatian Democratic Union] and SDS [Serb Democratic Party] as legitimate political interlocutors” and that, in return, these nationalist parties “must commit themselves to completing the core Dayton tasks,” among others (3, pp. 22, 24).

It appears that developing an effective division of labor among international and domestic officials will require a systematic approach that moves beyond a determination of political correctness. It will be necessary to find technically competent personnel who demonstrate their credibility on the basis of an ongoing record of commitment to the rules of the game in the transition taking place under the international mandate. This places obligations on the international community: aside from providing a set of practical and achievable expectations, international organizations must also work with the full range of domestic interlocutors to develop an operations plan to divide labor and authority among international and domestic officials that builds on road maps like the one in the July 1999 UNMIK report.

### **The Division of Labor**

The works under review generally agree that much remains to be accomplished. Aside from the confused character of political consultation in both Kosovo and East Timor in the early phases, neither operation began with coherent thinking on how to divide labor among domestic and international personnel. These operations tended to be reactive and allowed crises to overtake their strategic agenda. We saw above how the work on Bosnia takes great care in addressing the problems associated with the resistance of domestically selected officials to the implementation of the “core Dayton tasks.” Chesterman reports that the cabinet of the East Timor Transitional Government initially assigned the four “hard” or strategically central posts (Police and Emergency Services, Political Affairs, Justice, and Finance) to international officials and the four “soft” posts (Internal Administration, Infrastructure, Economic Affairs, and Social Affairs) to Timorese officials (p. 66). Each UN administration appointed a broad-based council in the initial stage

that would provide domestic input into policy in the operation's initial phases. Both employed elections as stepping-stones to divesting authority. However, none of this work is equal to the scenarios developed in the July 1999 report of the secretary-general. None systematically explores how political appointments were made, how staffing in the civil administration evolved, nor what tasks were to be given to international and domestic officials.

This absence points to a need to focus on how international operations divide authority among domestic and international personnel. It involves determining how posts should be distributed over the life of an operation, how and which capacities to build, and how these would develop over the life of an interim administration. Nobel Prize-winning economist Joseph Stiglitz reminds us that "the degree of ownership [in best policies] is likely to be much greater if those who must carry out the policies are actively involved in the process of shaping and adapting, if not reinventing these policies in the country itself."<sup>27</sup> It might be useful for international officials to borrow from this practice in development assistance and to coordinate with domestic groups acting within a framework defined by the mandate of the transitional administration. The following are some of the issues to be addressed in establishing an effective division of authority and labor:

- *Politics vs. administration.* It will be necessary to work with both political leaders and technical specialists. Political leaders who claim to represent significant portions of the population will have opportunities over the medium run to verify their status in elections. They should be brought into the process as early as possible so that they can share aspects of its ownership. It will also be necessary to co-opt administrators and technical specialists at an early stage and to ensure that adequately trained international officials will be deployed to work with domestic personnel. The modalities of these selections must be determined in accordance with the needs of specific operations.

- *Functional mechanisms.* It will be necessary to develop mechanisms that will enable the selection and appointment of officials and administrators; that will review the performance of officials and recommend discipline and/or reappointment; that will advise and mentor domestic officials; and that will engage in all forms of capacity building. Each of these is a distinct set of activities for which existing missions have already developed a set of best practices.<sup>28</sup> None of them can be quickly achieved.

- *Priorities.* It will be necessary to approach this division of labor and authority from the immediate requirements of establishing order

and of providing relief and development; from the obligation to govern; from the necessity to establish a government; and from longer-term concerns of institution building. Each of these dimensions will generate a different set of needs and a different timetable along each of the functional dimensions.

- *Transparency.* The method of selection and appointment and decisionmaking must be as transparent as possible in such a way that all domestic constituencies have equal access to positions and to information about the process.

- *Comparative advantage.* Some tasks are best done by international officials, and others are best done by domestic officials. In general, the more that key values are at stake on an issue where powerful domestic interests may have differences, as in issues of war and ethnic crimes, the more that international officials will be forced to play a significant role in a specific policy area.

- *Capacity building.* Building capacity is a two-way street. It may be the case that domestic personnel will require appropriate technical skills and acquaintance with prevalent international values and norms in the field. But it is also the case that international officials lack appropriate technical and cultural expertise. They will require extensive knowledge about the place they are working, about its prewar development, about the conflict's political economy, and about the country's deeper political and decisionmaking cultures. Among their teachers can be the domestic officials undergoing training to be civil servants.

## Conclusion

There are many issues to be addressed. First, how can salaries, status, and authority be distributed in the interest of both equity and efficiency? Second, how can the system be evaluated? The inclusion of domestic officials into an administrative compact must be assessed against the requirements both to build a domestic constituency and to govern effectively and efficiently. These prospects could be enhanced by enlarging the "shadow of the future" and by making the relationship between domestic and international personnel more durable.<sup>29</sup> A degree of organizational continuity (or durability) could lead domestic and international officials to express their commitment to the emerging institutional system in word and deed. Further, a reasonably stable set of expectations on the nature of the rules of the game could improve the quality of both current administration and capacity building.

In this sense, it might be time to substitute the idea of “engagement” for that of “exit.” The literature under review demonstrates how domestic spoilers have exploited the threat of international exit through minimal compliance, delays, and resistance. A strategy of international engagement could enlarge the shadow of the future and provide a context for the evolution of international-domestic authority in which responsibilities are taken by institutions with the capacity to implement them effectively. This functional division of labor will enhance stability of the transition and present the quickest path to the inclusion of war-torn territories into the “international community.” In such a desirable future, the choice between exit and engagement may itself be unnecessary. 🌐

### Notes

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1. This was a common sentiment expressed in Eastern Slavonia, Bosnia and Herzegovina, and Kosovo in the period 1996–2000.

2. “Identical Letters Dated 21 August 2000 from the Secretary-General to the President of the General Assembly and the President of the Security Council,” A/55/305-S/2000/809 (2000).

3. *Report of the Panel on United Nations Peace Operations*, A/55/305-S/2000/809 (2000), pars. 76, 78.

4. “No Exit Without Strategy; Security Council Decision-making, and the Closure or Transition of United Nations Peacekeeping Operations,” S/2001/394 (2001), par. 2.

5. *Ibid.*, pars. 10, 20.

6. *Ibid.*, par. 12.

7. *Ibid.*, par. 13.

8. World Bank president James Wolfensohn, “Remarks at the International Conference on Democracy, Market Economy and Development,” available online at <http://www.worldbank.org/html/extdr/extme/jdwsp022699.htm> (accessed 14 October 2002).

9. “Speech by the High Representative for Bosnia, Ambassador Wolfgang Petritsch at the Steering Board Ministerial Meeting,” 22 September 1999, available online at [http://www.ohr.int/ohr-info/gen-info/in-memoriam/default.asp?content\\_id=7176](http://www.ohr.int/ohr-info/gen-info/in-memoriam/default.asp?content_id=7176) (accessed 28 September 2002).

10. S/2003/421 (2003), par. 2.

11. S/2001/394 (2001), par. 11.

12. Robert Axelrod, *The Evolution of Cooperation* (New York: Basic Books, 1984), p. 174. Also see the report of the International Commission on

Intervention and State Sovereignty, *The Responsibility to Protect*, chap. 5, "The Responsibility to Rebuild," available online at [http://www.idrc.ca/books/960and961/05\\_Rebuild.html](http://www.idrc.ca/books/960and961/05_Rebuild.html) (posted 1 February 2002).

13. S/RES/1244 (1999), pars. 1, 10. The resolution authorized the secretary-general "to establish an international civil presence in Kosovo in order to provide an interim administration for Kosovo under which the people of Kosovo can enjoy substantial autonomy *within* the Federal Republic of Yugoslavia" (italics added).

14. In fact, they were never appointed, because efforts at recruitment came to be exclusively directed toward officers for the Kosovo Police Service.

15. These reports are available online at <http://www.un.org/documents/repsc.htm>.

16. Richard Caplan, *A New Trusteeship? The International Administration of War-Torn Territories*, Adelphi Paper 341 (Oxford: Oxford University Press, for the International Institute for Strategic Studies, 2002), p. 51.

17. The December 1997 meeting of the Peace Implementation Council in Bonn ruled that the high representative (HR) can "facilitate the resolution of difficulties by making binding decisions on . . . interim measures to take effect when the parties are unable to reach agreement . . . [and] actions against . . . officials . . . found by the HR to be in violation of legal commitments under the peace agreement," available online at [http://www.oscebih.org/essentials/pdf/bonn\\_peace\\_implementation\\_council\\_eng.pdf](http://www.oscebih.org/essentials/pdf/bonn_peace_implementation_council_eng.pdf) (posted 10 September 1997).

18. "Introducing Peace-Maintenance," in Jarat Chopra, ed., *The Politics of Peace Maintenance* (Boulder: Lynne Rienner, 1998), p. 16.

19. Jonathan Steele, "Nation Building in East Timor," *World Policy Journal* (summer 2002): 76–87.

20. Also see Charles King, "The Benefits of Ethnic War," *World Politics* (July 2001): 548–549.

21. On applicable law, see Mark Baskin, "Lessons Learned on Kosovo's Judiciary," Pearson Paper 8 (Clementsport, NS: Canadian Peacekeeping Press, 2002).

22. This is a point frequently made to me by independent intellectuals with fewer pretensions to political power than to the development of a society governed by rule of law.

23. Cited in Steele, "Nation Building in East Timor," p. 84. Steele discusses the "them" and "us" culture that developed.

24. See "What Happened to the KLA," International Crisis Group, available online at <http://www.intl-crisis-group.org/> (posted 3 March 2000).

25. This is taken from discussions over the years with diplomats who have long covered Kosovo and from my own experiences in working with representatives from both groups as an UNMIK official.

26. The date is given incorrectly on p. 63. It is a significant date in Albanian history: when the hero Skenderbeg supposedly first designated the flag, the date of Albanian independence in 1912, and the date the KLA made their first public appearance in 1997.

27. "Participation and Development: Perspectives from the Comprehensive Development Paradigm," p. 12, available online at <http://www.worldbank.org/html/extdr/extme/js-022799/index.htm> (accessed 9 October 2002).

28. To a good extent, these are likely to be reflected in the UN DPKO's *Handbook on Multi-dimensional Peacekeeping*, the first edition of which is

currently nearing completion. Other organizations have collected similar “lessons” and “best practices.”

29. On enlarging the “shadow of the future,” see Axelrod, *The Evolution of Cooperation*, pp. 126–132.