The Evolution of Peace Operations and the Kosovo Mission

Şafak OĞUZ*

* Dr., Uluslararası Strateji ve Güvenlik Araştırmalar Merkezi, USGAM

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Dr., Uluslararası Strateji ve Güvenlik Araştırmalar Merkezi, USGAM.
E-posta: safakoguz76@ yahoo.com.tr

ABSTRACT

This article analyzes the role of the United Nations Mission in Kosovo (UNMIK) in the evolution of peace activities in post-Cold War conflicts, focusing on the four pillar system performed by key international organizations such as the UN, EU and OSCE, with security support from the NATO. It argues that the nature of post-Cold War conflicts prompted the international community to change traditional peacekeeping operations, as led by the UN during the Cold War, leading to the emergence of multidimensional peace operations ranging from conflict prevention to peacebuilding by civilian and military organizations, such as in Kosovo under UN leadership, despite setbacks.

Keywords: Peace Operations, Peace Keeping, UNMIK, Kosovo, KFOR.

Barış Harekatlarının Gelişimi ve Kosova Misyonu

ÖZET

Bu makale, NATO 'nun güvenlik desteği sağladığı ve BM, AB, AGİT gibi önemli uluslararası örgütler tarafından icra edilen dörtlü sütun sistemine odaklanarak, Soğuk Savaş sonrası dönemi barış faaliyetlerinin gelişiminde BM Kosova Misyonu'nun gelişimini analiz etmektedir. Çalışmada, Soğuk Savaş sonrası meydana gelen çatışmaların uluslararası toplumu Soğuk Savaş döneminde BM tarafından yürütülen klasik barışı koruma operasyonlarını değiştirmeye zorladığı ve BM liderliğinde Kosova'da yapıldığı gibi askeri ve sivil örgütler tarafından icra edilen ve çatışmaların önlenmesinden barış yapmaya kadar geniş bir yelpazede yer alan çok boyutlu barış operasyonlarının ortaya çıkmasına yol açtığı öne sürülmektedir.

Anahtar Kelimeler: Barış Operasyonları, Barışı Koruma, UNMIK, Kosova, KFOR.

Introduction

Peacekeeping operations and peacekeepers with blue helmets have been associated with the UN since its first mission in 1948. Peacekeeping has been one of the main tools for the UN to provide peace and security, especially during the Cold War. The UN has performed 54 peacekeeping operations in various forms from 1948 to date, and there are currently 16 ongoing UN peace operations[1] on four continents, from Haiti to India. The first mission, called the United Nations Truce Supervision Organization (UNTSO), set up in May 1948, is one of the continuing missions, constituting the longest peacekeeping operation to date.

Peacekeeping operations during the Cold War, which can be called "traditional peacekeeping," played an important role in providing security and peace during the Cold War, because superpower rivalry could not produce effective means to do so. Peacekeepers functioned mainly as observers or mediators without enforcement power or assets, performing with the consent of the parties to the conflict.

Interstate or intrastate conflicts after the Cold War witnessed a change in the nature of conflicts as well as of peacekeeping operations. The collapse of the Soviet Union provided the opportunity for Western countries to involve themselves closely in crises and impose peace by force; in addition, the Soviet collapse enhanced the spectrum of peace activities beyond traditional peacekeeping and beyond the capabilities of the UN itself. UN peacekeeping operations became multidimensional peace operations involving civilian international organizations, such as the EU, OSCE or NGOs, and military organizations, especially NATO.

NATO's military operations to prevent a humanitarian catastrophe in Kosovo, and subsequent peace operations under UN leadership, played an important role in the evolution of post-Cold War multidimensional peace operations. The peace operation called "the United Nations Mission in Kosovo" (UNMIK), drawing on lessons learned in the Bosnian mission, was performed using a four pillar system consisting of the UN, EU, and OSCE with security support by NATO, to set an unprecedented example for future missions. It also provided the basis for post-Cold War theory of peace operations as advanced by the UN in "United Nations Peacekeeping Operations: Principles and Guidelines (2008)."

Peace Operations

Although UN peace operations date back to 1948 when the UNTSO was mandated to supervise the observance of provisions ordered by the Security Council to end the first Arab-Israeli war,[2] there has been no consensus about the categorization or definition of similar operations executed by the UN or other international organizations. Because none of the terms related to peace operations was envisioned in the UN Charter, such operations have been labeled differently by international organizations, countries, and authors. The variety of peace operation activities, especially the civilian dimension of these activities, has played an important role in yielding diverse definitions by different organizations.

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1   The term "peace operations" in this paper covers peacekeeping, peace support, peace enforcement, peacebuilding and peacemaking operations as labeled by many sources.

2   UNSCR 40 (1948), http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/50(1948), (Accessed on 07 January 2016).

The UN set up 13 peacekeeping operations during the Cold War. Peacekeeping evolved as a pragmatic solution in the early years of the organization when it became apparent that some of the Charter provisions relating to the maintenance of international peace and security could not be implemented as envisaged.[3] Through most of UN history, peacekeeping operations were established in cases in which external powers had considerable influence and interests. Indeed, a driving force behind peacekeeping during the Cold War was the superpowers' mutual interest in bringing an end to proxy wars before the superpowers were dragged into direct confrontation, with all the dangers that it implied.[4]

The legal dimension of peacekeeping operations was one of the main controversial issues during the Cold War. Although UN peacekeeping operations are established under UN authority, which refers mostly to UN responsibility to maintain international peace and security, there is intense debate on exactly how to classify peacekeeping operations under the Charter. Nigel D. While argues that traditional consensual, interpositional forces are constitutionally derived from Chapters VI and IV, while the mandate of peacekeeping forces, underpinned by general international legal concepts of sovereignty and nonintervention, are more properly based in Article 40 of Chapter VII.[5] This was termed "Chapter Six and Half", by former Secretary General Dag Hammarskjöld. On the other hand, Gray Wilson underlines that Chapter VII can be called into question when the consent of a host nation is required to perform peacekeeping operations.[6] Christine Gray argues that peacekeeping operations were not performed under Chapter VII.[7]

The end of the Cold War resulted in the explosion of frozen conflicts, and the UN has been part of these conflicts as the main overseer of international peace and security. Seventeen new peacekeeping operations were established between 1991 and 1994 alone, with a wide variety of tasks and responsibilities. However, those operations are qualitatively and quantitatively different from earlier UN peacekeeping operations during the Cold War. The new kind of conflict was within states rather than between them, and problems were arising from weak institutions, secessionism, ethnic and tribal clashes, and civil wars.[8] This new security environment resulted in questioning the UN role in peace operations.

The changing nature of conflicts after the Cold War, based as they were on ethnic or religious struggle, resulted in a new form of peacekeeping operations with wider activities than traditional peacekeeping operations. As Trevor Findlay pointed out, "after the Cold War the UN holding operation was suddenly superseded by the multi-functional operation linked to and integrated within an entire peace process."[9] The terms 'wider peacekeeping' or 'multi-dimensional peacekeeping' have also been associated with peace operations in the post-Cold War era.[10]

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3   Muzaffer Ercan Yılmaz, "Third-Party Intervention in International Conflicts: Peacekeeping and Peacemaking in the Post-Cold War Era", *Uluslararası İlişkiler*, Vol.3, No.11, 2006, p.27.

4   Kofi A. Annan, "Challenges of New Peacekeeping", Olara A. Otunnu and Michael W. Doyle (eds.), *Peacemaking and Peacekeeping for the New Century,* Lanham, Rowman & Littlefield Publishers, 1998, p.173.

5   Nigel D. While, "Peacekeeping and International Law", Joachim A. Koops *et.al.* (eds.), *The Oxford Handbook of United Nations Peacekeeping Operations*, Oxford, Oxford University Press, 2015, p.44.

6   Gary Wilson, *The United Nations and Collective Security*, London, Routledge, 2014, p.120.

7   Christine Gray, *International Law and the Use of Force*, London, Clarendon Press, 2000, p.282.

8   Dilek Latif, "United Nations' Changing Role in the Post-Cold War Era", *Turkish Yearbook of International Relations*, Vol.30, No.28, 2000, p.38.

9   Trevor Findlay, *The Use of Force in UN Peace Operations*, Oxford, Oxford University Press, 2002, p.5.

10 John Terence O'Neill and Nicholas Rees, *United Nations Peacekeeping in the Post-Cold War Era*, London, Routledge, 2005, p.35.

However, the theory of this new type of operation has become controversial. As Henning Fratzen pointed out, with the expansion of peacekeeping activities in the 1990s, the doctrinal issue came to the forefront. During the 1990s, great efforts were devoted to explaining different forms of operations, accompanied by numerous labels and sections of classifications.[11] Not only scholars, but top officials in international organizations as well, especially in the UN, have devoted much effort to conceptualizing the new version of peacekeeping operations.

"An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peacekeeping"[12], a report written for the UN by Secretary-General Boutros Boutros-Ghali in 1992 at the request of the Security Council to analyze and recommend ways of strengthening the UN for preventive diplomacy, for peacemaking, and for peace-keeping, and making it more efficient within the framework and provisions of the Charter, played an important role in the evolution of the post-Cold War concept of peace operations. Preventive diplomacy, peacemaking, peacekeeping, and especially peace building activities, were defined as the main pillars of peace operations and as possible UN activities. Especially, preventive diplomacy was broadly recognized as reasonable and promising after the report.[13]

On the other hand, Kofi Annan, as UN Under-Secretary-General for Peacekeeping Operations, highlighted in 1993 the importance of UN/NATO cooperation for peacekeeping operations, and argued that with its existing military structure, resources, and political weight, NATO has much to contribute to peacekeeping, particularly in its more muscular form.[14] He also envisaged a joint command control system for UN/NATO peacekeeping operations that mainly will use NATO's military assets in the theater. Both reports played an important role in the evolution of post-Cold war peace operations performed by different international actors under UN leadership.

Consent of the parties involved, impartiality, and the non-use of force except in self-defense have been the main principles of peacekeeping operations, which were defined by UN Secretary-General Dag Hammarskjold and UN General Assembly President Lester Pearson during the development of UN Emergency Force I (UNEF-I) in 1956,[15] during the Cold War. However, the nature of the conflicts and requirements for peacekeeping operations in the post-Cold War era resulted in the questioning of traditional peacekeeping operations principles and "in successfully coping with international conflicts in the post-Cold War era, a need for a comprehensive peace strategy arose."[16] In particular, the consent principle had been shown as one of peacekeeping's major weaknesses,[17] even during the Cold War era, and new peace operations, including that in Kosovo, bolstered this idea.

UN/NATO cooperation in Bosnia and then in Kosovo became a cornerstone for the new generation of peace operations. The situation on the ground urged both organizations to perform activities beyond their capabilities. First with the Implementation Force (IFOR) in 1995 and then

11 Henning A. Frantzen, *NATO and Peace Support Operations 1991-1999 Policies and Doctrines*, London and New York, Frank Cass, 2005, p.5.

12 "An Agenda for Peace: Preventive Diplomacy, Peacemaking and Peace-keeping", http://www.un.org/en/sc/ repertoire/89-92/Chapter%208/GENERAL%20ISSUES/Item%2029_Agenda%20for%20 peace.pdf, (Accessed on 11 February 2016).

13 Sezai Özçelik, "The Theory and Practice of Preventive Diplomacy: The Case of Preventive Deployment in Macedonia", *Uluslararası İlişkiler*, Vol.3, No.11 (Fall 2006), p.104.

14 Kofi Annan, "UN Peacekeeping Operations and Cooperation with NATO", *NATO Review*, Vol.47, No.5, 1993, p.5.

15 Oliver Ramsbotham, Tom Woodhouse and Hugh Miall, *Contemporary Conflict Resolution: The Prevention, Management and Transformation of deadly Conflicts*, (Third Edition), Cambridge, Polity Press, 2011, p.149.

16 Yılmaz, "Third-Party Intervention in International Conflicts", p.42.

17 Terence and Rees, *United Nations Peacekeeping in the Post-Cold War Era*, p.29.

with the Stabilization Force (SFOR), in addition to peace enforcement activities, NATO was charged with early elements of peace building -working with local civil society and promoting a climate in which the peace process could move forward.[18] The operation in Kosovo became the first mission in which all key international and regional organizations operated in an integrated peace operation under UN leadership.

All these experiences, and especially the need to formulize cooperation between international organizations, revealed the need for a comprehensive document to cover all aspects of peacekeeping operations, as well as for recording the experiences that the UN had in its first 60 years. "United Nations Peacekeeping Operations: Principles and Guidelines (2008)", the UN's "capstone document" on peace operations, argues that UN peacekeeping operations have traditionally been associated with Chapter VI of the Charter, while underlining that the Security Council need not refer to a specific chapter of the Charter when passing a resolution authorizing the deployment of a UN peacekeeping operation and that it has never invoked Chapter VI.[19] However, the document fell short in covering post-conflict activities such as nation building or state building. The document graphed the linkages between various peace operations and grey areas as shown below.
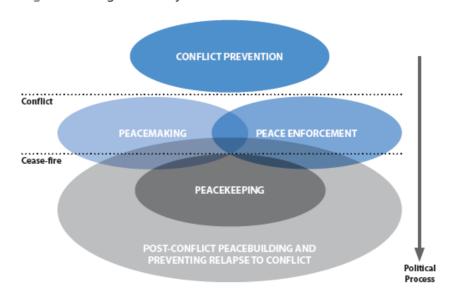
Figure 1 Linkages and Grey Areas

Source: United Nations Peacekeeping Operations: Principles and Guidelines (2008)

NATO prepared a similar document to codify NATO's role in peace operations, categorizing all peace activities under "peace support". NATO Standard AJP-3.4.1 Allied Joint Doctrine for the Military Contribution to Peace Support (2014), NATO's main document related to peace operations, has its basis in the UN Capstone Doctrine. The document defines peace support as "efforts conducted

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18 Paul F. Diehl and Alexandru Balas, *Peace Operations*, Cambridge, Polit Press, 2014, p.46

19 United Nations Peacekeeping Operations: Principles and Guidelines (2008), http://www.un.org/en/peacekeeping/documents/capstone_eng.pdf, (Accessed on 11 January 2016), p. 13.

impartially to restore or maintain peace."[20] The document uses the same graphic shown above and argues that peace support efforts can include conflict prevention, peacemaking, peace enforcement, peacekeeping and peace building, while defining them as "peace and security activities" instead of "peace support". Aware of the confusion in terminology, the document points out that other actors might use peace support-related terms in a different way than NATO, and advises identifying these differences early in the planning process in order to avoid confusion between military and civilian actors.

The term "hybrid missions" has been used by some scholars to define the new generation of peace operations. For example, Kai Michael Kenkel characterizes the evolution of peace operations as evolving in five generations: peacekeeping, civilian tasks, peace enforcement, peacebuilding, and hybrid missions. He places the Kosovo peace operation in the fourth generation, peacebuilding.[21] In the report prepared for the Department of Peacekeeping Operations of the United Nations,[22] Bruce Jones divides peace operations into two categorizations, "traditional peacekeeping" and "hybrid missions", arguing that the Kosovo mission has been an integrated operation under the category of hybrid mission.

The role of peacekeeping operations has been interpreted differently by various scholars. For example Steven R. Ratner, in evaluating the success of UN peacekeeping operations, argues that the UN caused prolongation of conflicts by removing settlements instead of creating conditions for peace.[23] Barney Henderson pointed out that of the 69 UN peacekeeping missions over the past 68 years, there have been some notable failures – as well as cases of successful intervention.[24] Michael Pugh concludes that the biggest failure of UN peacekeeping has been in the attempts to facilitate conflict resolution, while the most successful have been in preventing escalation of conflicts.[25]

On the other hand, Dilek Latif evaluates post-Cold War UN peace support operations by arguing that "although the UN after the Cold War expected to perform its role as indicated in the Charter, it could not be successful." Efforts of the Secretary Generals, Security Council and the General Assembly resolutions, even comprehensive reports such as *An Agenda for Peace*, which aimed to adapt the UN's mechanism to changing circumstances, could not save it from failing. Most of the proposed solutions to cope with internal wars in the post-Cold War era could not produce the expected outcomes.[26]

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20 NATO Standard AJP-3.4.1 Allied Joint Doctrine for the Military Contribution to Peace Support, Edition A Version 1, December 2014, Published by the NATO Standardization Office (NSO), http://nso.nato.int/nso/zPublic/ap/AJP-3.4.1%20EDA%20V1%20E.pdf, (Accessed on 11 January 2016), p.1-2.

21 Kai Michael Kankel, "Five Generations of Peace Operations: from the 'thin blue line' to 'painting a Country blue'", *Revista Brasileira de Política International*, Vol.56, No.1, 2013, p.132.

22 Bruce Jones, "Evolving Models of Peacekeeping Policy Implications & Responses", Report to DPKO, Center on International Cooperation, New York, 2003, p.17.

23 Steven R. Rattner, *The New UN Peacekeeping Building: Peace in Lands of Conflict After the Cold War,* London, McMillan Press Ltd., 1997, p.66.

24 Barney Henderson, "What have been the Successes and Failures of UN Peacekeeping Missions?", *The Telegraph*, 28 September 2015.

25 Duane Bratt, "Assessing the Success of Peacekeeping", Michael Pugh (ed.), *The UN, Peace and Force*, London, Frank Cass, 1997, p.79.

26 Latif, "United Nations' Changing Role in the Post-Cold War Era", p.46.

The Peace Operation in Kosovo

The peace operation in Kosovo derives its mandate from UN Security Council Resolution (UNSCR) 1244 (1999) and its annexes, General Principles on a Political Solution to the Kosovo Crisis adopted on 6 May 1999 (in the meeting of the G-8 Foreign Ministers held at the Petersburg Centre on 6 May 1999) and the Principles presented in Belgrade on 2 June 1999 by the President of Finland and the Special Representative of the Russian Federation.[27]

The resolution asked the UN Secretary General to establish an international civilian presence in order to provide an interim administration for Kosovo. The resolution also authorized member states and relevant international organizations to establish the international security presence as set out in Annex 2, which decided that an international security presence with substantial NATO participation must be deployed under unified command and control. Thus the United Nations Interim Administration Mission in Kosovo (UNMIK), which was tasked to perform basic civilian administrative functions with security provided by NATO, started to govern Kosovo right after the air campaign conducted by the NATO Alliance. The resolution tasked security forces, mainly composed of NATO troops, with providing security for civilian officials.

UNSCR 1244 tasked the international civilian presence (UNMIK) with promoting the establishment of substantial autonomy and self-government; performing basic civilian administrative functions; organizing and overseeing the development of provisional institutions; supporting the reconstruction of key infrastructure and other economic reconstruction; supporting, in coordination with international humanitarian organizations, humanitarian and disaster relief aid; maintaining civil law and order, including establishing local police forces; and also deploying international police personnel to serve in Kosovo.

UNMIK performed these tasks with a system of four pillars with the help of other international organizations, especially the EU and OSCE. Each pillar was headed by a Deputy Representative of The Special Representative of the Secretary General (SRSG), with SRSG for Kosovo responsible for managing and coordinating the pillars.

Pillar I: Humanitarian Assistance, led by the Office of the United Nations High Commissioner for Refugees (UNHCR)

Pillar II: Civil Administration, under the United Nations;

Pillar III: Democratization and Institution Building, led by the Organization for Security and Co-operation in Europe (OSCE),

Pillar IV: Reconstruction and Economic Development, managed by the European Union (EU).[28]

It should be noted that "the use of the term 'pillars' is somewhat of a misnomer in describing the UN mission in Kosovo. Some of the activities of UNMIK came early in the sequence of tasks, such as humanitarian aid and threshold human security. Others proceeded more slowly, such as economic and social rehabilitation."[29]

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27 Mehmet Seyfettin Erol and Şafak Oğuz, "NATO ve Kriz Yönetimi", Mehmet Seyfettin Erol (ed.), *Değişim Sürecinde Yeni NATO-Yeni Türkiye*, Ankara, Barış Kitap, 2012, p.166.

28 UNMIK Background, http://www.un.org/en/peacekeeping/missions/unmik/background.shtml, (Accessed on 08 January 2016).

29 Arthur C. Helton, *The Price of Indifference: Refugees and Humanitarian Action in the New Century*, Oxford, Oxford University Press, 2003, p.57.

The UNCHR was tasked with providing humanitarian aid and facilitating the return of refugees and displaced persons. With the return of most of the refugees to their homes, operations under initially established Pillar I structure ended in June 2000. However the problem is not completely solved and the UNCHR still continues to work under the pillar structure. The UNHCR is working with the Kosovo authorities on implementing durable solutions for around 17,000 Internally Displaced Persons (IDPs) and around 10,000 people willing to return to Kosovo from the region.[30]

In May 2001, police and justice tasks replaced the humanitarian assistance pillar, taking the police and justice sectors from the authority of the international administration. A new Police Commissioner and Director of the Department of Justice, reporting directly to SRSG, was created to link the components of the judicial system (police, justice, and prisons) under one umbrella, allowing a consolidated approach to address security issues, including those involving organized crime and extremism.[31]

Pillar II, the civil administration of Kosovo, was performed by the UN itself. In 2001, police and justice issues were transferred from Pillar II to the new Pillar I. In 2005, Pillar II was dissolved and local authorities took over most of the civil administration functions, while other functions were transferred to other pillars.

The OSCE was assigned Pillar III, "managing democratization and institution building". As stated in the official web site of the OSCE Mission in Kosovo (OMIK), the mission, which is among the largest OSCE field operations, runs a wide array of activities, from the development of democratic institutions and civic participation in decision-making to the promotion of human rights and the rule of law. The organization is particularly engaged in the protection of community rights; monitoring the judiciary; local governance reform; and the development of independent institutions, such as the Ombudsperson Institution of Kosovo, the Independent Media Commission, the Central Election Commission, the Kosovo Judicial Institute and the Kosovo Police. It monitors the work of institutions and helps strengthen legislation and policies covering the protection of human rights, antidiscrimination, freedom of expression, gender equality, and the fight against organized crime.[32]

The Head of the OSCE mission in Kosovo also serves as a Deputy Special Representative of the Secretary General, which provided a structural link between the OSCE and the UN. This is the first time the organization has structurally linked this mission to a UN mission. As of 2015, OMIK had a budget of roughly 19,000,000 Euros and a staff of 567 (151 international and 416 local), with almost half of the Mission's staff working in the field.[33]

Pillar IV, reconstruction and economic development, was performed by the EU, who were the largest donor to Kosovo, and was headed by the Deputy SRSG for economic reconstruction. Pillar IV activities were composed mainly of economic reconstruction in the war-torn country. Martina Spernbauer defines EU activities as "peacebuilding" and states that EU assistance gradually shifted from reconstruction to institution-building and the rule of law.[34]

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30 "2015 UNHCR Subregional Operations Profile-South-Eastern Europe", http://www.unhcr.org/pages/49e48d9f6.html#SRBPR, (Accessed on 19 February 2016).

31 Colette Rausch, "From Elation to Disappointment: Justice and Security Reform in Kosovo", Charless T. Call (ed.), *Constructing Justice and Security after War*, Washington D.C., US Institute of Peace Press, 2007, p.284.

32 Official Web site of OSCE Mission in Kosovo, http://www.osce.org/kosovo, (Accessed on 02 February 2016).

33 "OSCE Mission in Kosovo", *Factsheet*, http://www.osce.org/kosovo/143996?download=true (Accessed on 08 February 2016).

34 Martina Spernbauer, *EU Peacebuilding in Kosovo and Afghanistan: Legality and Accountability*, Leiden, Martinus Nijhoff, 2014, p.159.

The declaration of independence by the Kosovo authorities and the entry into force of a new constitution on 15 June 2008 resulted in important changes in the peace operation in Kosovo. First of all, UNMIK tasks were significantly modified to focus primarily on promoting security, stability, and respect for human rights in Kosovo.[35] UNMIK started a significant downsizing and reconfiguration process, based on the Secretary General's report to the Security Council that advised UNMIK to cease some of its activities, and encouraged the European Union Rule of Law Mission in Kosovo (EULEX) to take over some of its main activities while leaving basic administration authorities to Kosovo authorities, referring to "changed realities on the ground." In December 2009, the UN transferred most of its power to the Kosovo Government and to EULEX.

Although the EU has been part of the UN Kosovo mission since the beginning of the crisis, EULEX has been playing the main role for the peace operation in Kosovo on the EU's behalf since 2008. EULEX is the largest civilian mission ever launched under the Common Security and Defense Policy (CSDP). The central aim of the mission is to assist and support the Kosovo authorities in the guarantee of the rule of law, specifically in the areas of police, judiciary and customs, with around 3.200 local and international police and judicial personnel.[36] EULEX's mandate has been extended until June 2018.[37]

After independence, the International Civilian Representative (ICR), also working as the EU Special Representative (EUSR), for Kosovo, became the main authority in Kosovo. The ICR, supported by the International Civilian Office (ICO), supervised the Government of Kosovo's implementation of the Comprehensive Settlement Proposal, commonly known as the Ahtisaari Plan (2007), and started to manage Kosovo. In September 2012 international supervision ended, and Kosovo became responsible for its governance.

The security forces, composed mainly of NATO troops, were tasked with providing security for the civilian presence. NATO established the Kosovo Force (KFOR) and started Operation Joint Guardian on June 12th 1999, based on UNSCR 1244 and the Military-Technical Agreement concluded between NATO and the Federal Republic of Yugoslavia on 9 June. Russian forces were also deployed to Kosovo, headed by the UN, but incorporating NATO troops. Russian troops stayed in Kosovo until 2003.

KFOR's original objectives were defined as deterring renewed hostilities, establishing a secure environment and ensuring public safety and order, demilitarizing the Kosovo Liberation Army, supporting the international humanitarian effort and coordinating with the international civil presence.[38] KFOR did not have a hierarchical relation with UNMIK, and the Commander of KFOR worked under NATO's chain of command, reporting to the North Atlantic Council (NAC), NATO's highest decision-making body. However there was close coordination between UNMIK and KFOR through different activities such as routine meetings, the liaison officer system, and joint operations or joint patrols.

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35 "UNMIK", http://www.un.org/en/peacekeeping/missions/unmik/, (Accessed on 28 January 2016).

36 "EULEX KOSOVO EU Rule of Law Mission in Kosovo", http://eeas.europa.eu/csdp/missions-and-operations/eulex-kosovo/pdf/factsheet_eulex_kosovo_en.pdf, (Accessed on 8 February 2016).

37 "EULEX New Mandate," 21 June 2016, http://www.eulex-kosovo.eu/?page=2,11,438 (Accessed on 29 August 2016)

38 "KFOR Objectives", http://www.aco.nato.int/kfor/about-us/history/kfor-objectives, (Accessed on 22 February 2016).

At the initial stage, KFOR was composed of roughly 50,000 soldiers from NATO and non-NATO countries and, in addition to the security task assigned, NATO performed several tasks assigned to the UN. However, the improving situation in Kosovo allowed NATO to downsize troops gradually, reducing the number to 10,200 at the beginning of 2010, by declaring achievement of "Gate 1" in its transition to a deterrent presence. On 28 February 2011, the next step, called "Gate 2", was achieved, reducing KFOR troops to approximately 5,000. KFOR still plays an important role for the future of Kosovo.

KFOR also modified its mission after Kosovo's independence. On 12 June 2008, the NAC decided on additional tasks, such as the stand down of the Kosovo Protection Force (KPC) that was mandated to provide disaster response services, perform search and rescue, provide humanitarian assistance in isolated areas, assist in demining, and contribute to rebuilding infrastructure and communities, as well as to build up the Kosovo Security Force (KSF) as described in the Ahtisaari Plan.[39]

Evaluation of Peace Operation in Kosovo

The international mission in Kosovo has been categorized in various ways. As Blerin Reka pointed out, in the literature there are different opinions, qualifying UNMIK as a UN peacekeeping mission, a peace enforcement operation, a UN territorial administration, and as international governance.[40] For example, the Independent International Commission called the Kosovo peace mission "nation-building" because the UNSCR assigned NATO and the UN, along with the EU and OSCE, with the task of nation building for a non-nation.[41] Niels van Willigen uses the term "peace building", pointing out that state building and nation building have become integral parts of most peace building operations.[42] Eric Scheye defines it as an integrated mission "in the sense of its being a complex and multi-dimensional peace building operation."[43]

The UN calls the UNMIK mission a peacekeeping operation, defining it as "a technique designed to preserve the peace, however fragile, where fighting has been halted, and to assist in implementing agreements achieved by the peacemakers."[44] The Capstone Document also underlines that over the years, peacekeeping has evolved from a primarily military model (observing cease-fires and the separation of forces after interstate wars) into a complex model of many elements – military, police, and civilian – working together to lay the foundations for sustainable peace,[45] highlighting the evolution of peacekeeping into a multidimensional effort. NATO officials call their mission a "peace

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39 "NATO Press Conference with Secretary General", 12 June 2008, http://www.nato.int/docu/speech/2008/s080612b.html, (Accessed on 11 February 2016).

40 Blerim Reka, *UNMIK as an International Governance in Postwar Kosovo: NATO's Intervention, US Administration and Kosovar Aspiration*, Skopje, Logos A, 2003, p.98.

41 "The Kosovo Report Conflict, International Response, Lessons Learned", *The Independent International Commission on Kosovo*, p. 116, http://reliefweb.int/sites/reliefweb.int/files/resources/6D26FF88119644CFC1256 989005CD392-thekosovoreport.pdf (Accessed on 08 January 2016).

42 Niels van Willigen, *Peacebuilding and International Administration: The Cases of Bosnia and Kosovo*, Oxon, Routledge, 2013, p.1.

43 Eric Scheye, "UNMIK and the Significance of Effective Programme Management", Matthew H. Hänggi and Vincenza Scherrer (eds.), *The Case of Kosovo' in Security Sector Reform and UN Integrated Missions: Experience from Burundi, the Democratic Republic of Congo, Haiti, and Kosovo*, Vienna, Lit Verlag GmBH&Co, 2008, p.178.

44 "United Nations Peacekeeping Operations: Principles and Guidelines (2008)", p.18, http://www.un.org/en/peacekeeping/documents/capstone_eng.pdf, (Accessed on 11 January 2016).

45 Ibid.

support operation", stating on their official website that "NATO has been leading a peace-support operation in Kosovo since June 1999 in support of wider international efforts to build peace and stability in the area."[46]

The international mission in Kosovo played an important role in the evolution of post-Cold War-style peace operations, which are more comprehensive than traditional peacekeeping operations. UNMIK has served as a precedent in the history of UN peacekeeping operations, because for the first time four international organizations operated under UN leadership, along with NATO's involvement. The UNMIK has been a unique case in UN history. As Bershka pointed out, in international law theory there is no unique qualification on UNMIK.[47]

The pillar system has been one of the most important characteristics of UNMIK. All the pillars reported directly to SRSG for Kosovo, thus providing a common structure of command, control, and coordination. Combining forces within a single mission under one head, these civilian organizations have significantly enhanced the degree to which the international community speaks with one voice to the major political actors in the conflict.[48]

The pillar structure was an improvement over the international administration used in Bosnia, as it facilitated coordination between the major international organizations in the territory.[49] John Cockell supports this idea and argues that UNMIK and KFOR have undoubtedly been the most successful complex Balkan operations to date for interorganizational interaction, and have demonstrated that many lessons were effectively applied in the international peace building response to the Kosovo conflict in 1999.[50] Tasking international organizations with civilian activities, assigning the UN as coordinator and leader of these organizations, "demanding that security forces (KFOR) provide public security (especially at the beginning) and support its civilian counterparts"[51] are some of the lessons learned from the Bosnian operation.

The peace operation mission in Kosovo also contributed to the peace support capabilities of NATO as well as to UN/NATO cooperation, even though (unlike the OSCE and the EU) NATO was not part of the pillar system, and COMKFOR reported directly to NATO despite the fact that its mandate also was based on UNSCR 1244. Additionally, the mission played an important role in the evolution of military-civilian partnership, especially between NATO and other international organizations.

Thus, the mission became an opportunity for NATO to prepare for post-Cold War peace support operations, and to enhance the peace operations capabilities of NATO troops. Although the main responsibility for KFOR has been defined as providing security for the civilian international presence under the leadership of the UN, it was also mandated to perform certain "civilian" tasks (such as the provision of public order and the clearance of mines) for a temporary period until the establishment of an equivalent civilian capacity.

Late deployment and insufficient resources of UN police and enforcement units urged NATO

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46 "NATO's Role in Kosovo", http://www.nato.int/cps/en/natolive/topics_48818.htm, (Accessed on 23 February 2016).

47 Reka, *UNMIK*, p. 133.

48 John G. Cockell, "Joint Actions on Security Challenges in the Balkan", Michael Pugh and Waheguru Pal Singh Sidhu (eds.) *The United Nations and Regional Security: Europe and Beyond*, Boulder, Lynne Rienne Publisher, 2003, p. 123.

49 Willigen, *Peacebuilding and International Administration*, p.59.

50 Cockell, "Joint Actions on Security Challenges in the Balkans", p.116.

51 Jelle Janssens, *State-Building in Kosovo: A Plural Policing Perspective*, Antwerpen, Maklu, 2015, p.95.

troops to perform important tasks for which they are not trained. As KFOR commander Klaus Reinhardt pointed out, KFOR had to deal with ethnic violence and organized crime for which KFOR soldiers were not trained.[52] Especially at the early stage, KFOR took over responsibility for tasks such as providing public security and establishing the rule of law, even though constitutionally these were UNMIK's responsibility. In the absence of civilian police officers, judges, prosecutors and civilian administrators, NATO peacekeeping soldiers have reluctantly filled those positions.[53]

Even subsequently, KFOR members and UNMIK police executed joint patrols in which UNMIK police expertise combined with KFOR security capabilities, until UNMIK police took over full responsibility.[54] Michael F. Harsch argues that KFOR and UNMIK's mandates overlapped primarily in the provision of public safety and in the long-term goal of transferring authority to newly created local institutions. This was done intentionally because it sought to avoid situations in which both the military and the police could deflect responsibilities for performing crucial security tasks, such as riot control and combating organized crime.[55]

Additionally, KFOR has been responsible for the implementation of the so-called unfixing process, the gradual transfer of security for religious and cultural heritage sites under KFOR protection to Kosovo Police responsibility, which was not assigned by UNSCR 1244. By the end of 2013, the Kosovo Police assumed responsibility for eight properties, while KFOR retains only the Decani Monastery under its protection.

Conclusion

The rivalry between the superpowers did not allow the UN to provide a lasting or effective solution for interstate or intrastate conflicts during the Cold War. That rivalry resulted in the invention of "traditional" peacekeeping operations, which was foreseen neither in the UN Charter nor in other official documents. The peacekeeping operation became a feasible solution for the UN to fulfill its main responsibility to some degree, providing international peace and security, while preventing conflicts from becoming major security problems involving the superpowers.

Post-Cold War conflicts, with serious humanitarian crises, opened a new era in peacekeeping operations, requiring wider and more comprehensive military and civilian activities, along with participation by other international organizations.[56] The term "peacekeeping" fell short in defining the activities; however, no agreement could be found on a unique and comprehensive term for the new mission. New multidimensional and multifunctional operations prompted the UN to review its main documents for peacekeeping, resulting in the preparation of the Capstone Document of principles and guideline for peacekeeping operations, based on the lessons learned from previous missions.

Performed by different international organizations under UN leadership, the Kosovo peace operation has been one of the major milestones in conceptualizing post-Cold War peace operations and the Capstone Document. Although it was not the first multinational peace operation led by the UN, the Kosovo mission played a crucial role in the evolution of the post-Cold War concept of peace

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52 Cockell, "Joint Action on Security Challenges in the Balkans", p.121.

53 "U.N. Drags Feet in Kosovo, Pentagon Leaders Declare", *The New York Times*, 21 July 1999.

54 David Marshall, "Reviving the Judicial and Penal System in Kosovo", Michael Puch and Waheguru Pal Singh Sidhu (eds.), *The United Nations and Regional Security Europe and Beyond*, Boulder, Lynne Rienne Publisher, 2003, p.172.

55 Michael F. Harsch, *The Power of Dependence: NATO-UN Cooperation*, Oxford, Oxford University Press, 2015, p.78.

56 Erol and Oğuz, *NATO ve Kriz Yönetimi*, p.154.

operations, because it has been more effective and comprehensive than the Bosnia mission, thanks to lessons learned there.

The most important characteristic of the peace operation in Kosovo was its pillar system, which unified crucial international organizations, especially the OSCE and EU, under the leadership of the UN as a civilian presence, with security support by NATO. The pillar system also established the background for post-Cold War peace operations as defined in the UN Capstone Document.

The flexibility of UNMIK, allowing for functional and structural changes in the pillar system, has been another key characteristic of the mission. UNMIK underwent several functional and structural changes over time that allowed the UN to adjust to the necessities of the mission as well as to realities on the ground in Kosovo.

Although begun as a UN peacekeeping mission, the peace operation in Kosovo became a civilian task performed mainly by the OSCE, and especially by EULEX, after 2008. Thus, since its beginning the mission in Kosovo has experienced peacemaking, peace enforcement, peacekeeping, and post-conflict peacebuilding activities with linkages and grey areas, as described in the UN Capstone Document, playing the major role in the evolution of modern peace operations.

That said, it should be noted that the theoretical framework set out in the Capstone Document did not work perfectly in the Kosovo case, especially concerning coordination between organizations, despite being explicitly articulated in the UN Resolution and legally binding on all parties. The difference between the ambitions and political goals of the organizations, as well as the gap between these and their financial and manpower resources, hindered these organizations in carrying out the peace operation in an organized, coordinated, and effective way. The security of Europe has been the main impetus for the performance of these organizations, urging them to work in a coordinated way.

The nature of emerging interstate or intrastate conflicts is expected to require an integrated peace operation in a pillar system, where military organizations focus only on security issues while civilian international and regional organizations perform civilian tasks. Traditional methods, especially if performed only by security organizations, would be insufficient to create effective and lasting solutions for these conflicts.

Despite setbacks, the UN Capstone Document provided a theoretical framework for future operations, although it is not legally binding for other organizations. The success of the peace operations will depend on forging a close link between the organizations. In particular, defining the multi-organizational structure in detail, performing joint exercises and training, and preparing common operational documents before deployment, would help ensure better coordinated peace operations in the future. Multidimensional peace operations will succeed most when the interests of international and regional organizations converge, as happened in Kosovo. Without this convergence and cooperation, one component of the pillar system is bound to fall short.

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