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Legitimacy and International Administration: The Ahtisaari Settlement for Kosovo from a Human Security Perspective

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Legitimacy is recognized as critical to the success of international administrations in their efforts to build and promote peace, stability and welfare in post-conflict territories. Nonetheless, scholarship on state-building is dominated by the 'managerial' approach, which offers a top-down analysis of policies by international actors and their impact on local constituencies. With its focus on the grassroots, the individual and multiplicity of concerns, a human security perspective on international administration can identify and address their legitimacy gap, resulting in strategies for more effective conflict-resolution. The argument is illustrated by analysis of the Ahtisaari process and plan for Kosovo's final status.

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Legitimacy is critical to the success of international administrations. Their effectiveness in post-conflict territories is judged on the impact of their policies in building and promoting peace, stability and welfare. Nonetheless, this impact is not necessarily a measure of success; legitimacy is. Specifically, a more accurate yardstick for the success of an international administration's mandate, mission and policies in a war-torn territory is its degree of acceptance by the people it governs. The importance of legitimacy for international efforts has been recognized in state-building scholarship. However, legitimacy has been studied mainly in terms of the mandates of

outside interveners and the implications of their policies rather than in terms of their acceptance.

This article reverses the perspective by adopting a human security approach. With its focus on individuals, it challenges the concept of community and territory as the cornerstones of analysis. 'People-centeredness', favoured by human security, informs a bottom-up perspective. The consequence is the expansion of security concerns to include issues of welfare. When applied to international administrations as a form of conflict resolution, the human security perspective furthers an understanding of the legitimacy gap. This argument is backed up by analysis here of the Ahtisaari process and plan for Kosovo's final status. Based on fieldwork conducted in Kosovo and analysis of the Albanian, Serbian and Kosovo Serb press, as well as relevant documents, the article demonstrates the legitimacy deficits of the process and proposed solution. It highlights future points of contention that may ultimately decide the legitimacy of international involvement in independent Kosovo.

Human Security and Conflict Resolution

Human security is a paradigm-shifting concept. At its core is a change of focus from a state-centred understanding of security, that is, top-down and territorial, to an individual-based and therefore bottom-up and de-territorialized model. It is informed by questions: security for whom; of what values; from what threats; and by what means?[1] However, the quest for an agreed definition is still on since the publication in 1994 of a seminal UN Development Programme (UNDP) report that set the terms of the human security debate. The concept encompasses a range of perspectives, from minimalist to maximalist, from a narrow 'freedom from fear' approach to a broader 'freedom from want' emphasis. The fear-based approach stresses the issue of life; the want-based emphasises subsistence and, ultimately, dignity. Key actors, proponents and documents advancing the human security agenda are positioned on this scale.

According to Sabina Alkire, the diversity of definitions of human security reflects differences in perceived advantage to the implementing institution or country, resulting in emphases on different elements, dimensions and thresholds.[2] The practice of human security has resulted in narrow institutional appropriations of the concept, sidelining the principle of bottom-up security provision and working through the state instead. Kanti Bajpai argues that 'state security is *for* individual security,' as the state's security cannot be the end of security but a means to it.[3] This has led some scholars, such as Neil Cooper, emphasise a bottom-up approach by introducing subjective security understood in terms of engagement with 'the poor, the voiceless and the marginalised'.[4]

The critique of human security has grown in parallel with efforts to conceptualize it. Shahrbanou Tadjbakhsh and Anuradha Chenoy have identified five types: conceptual (deriving from the definitional issue); analytical (questioning its appropriateness within existing academic disciplines, primarily international relations); political implications (related to the implications for state sovereignty); moral implications (tied to perpetuation of global divisions); and implementation (in terms of bridging rhetoric and policy).[5] Responding to criticism that the concept of human security is too comprehensive and therefore of limited policy value,[6] scholars have addressed the issue of actors, capabilities and the global infrastructure required for the delivery of human security.[7] The interest in policy prescription is particularly relevant in the area of conflict resolution and state-building.

Human security has been defined as more than an absence of conflict. Yet, surprisingly, the human security agenda has more to say about pre-conflict and post-conflict stages than it does on the approach to conflict itself. The emphasis on non-traditional threats, such as poverty, inequality, human rights abuses and disease as potential triggers of conflict underpins the human security preventive agenda. By contrast, the stress on comprehensive peacebuilding, incorporating development as well as human rights, has defined a human security post-conflict approach. But what about the conflict itself; and, more particularly, conflict resolution?

According to Sakiko Fukuda-Parr, a narrow conflict resolution approach, that is, a political approach, itself creates security gaps. Therefore,

with its comprehensive approach, which includes human rights and development as well as political processes, human security is a value-adding concept.[8] While the human security approach has allowed for the bridging of the political, developmental and human rights agendas for pre- and post-conflict situations, the bottom-up political agenda itself has not received sufficient critical scrutiny. Similarly, in the context of conflict resolution, the definition of the 'political' has by and large been reserved for the state level, as embodied by the political elite, or the sub-state level, reflecting a group's political aspiration. In sum, conflict resolution has been defined by a collective, rather than an individual, approach. Therefore, the importance of the bottom-up processes and the necessity of multi-track conflict resolution have been highlighted.[9]

Sascha Werthes and Tobias Debiel point out that human security 'offers a normative reference point for evaluating and orientating policies and political instruments: the security and protection of the individual'.[10] In other words, human security allows for unpacking the bottom-up political dimension as well as recognizing the multiplicity of security concerns.[11] Such approach to international administration can identify and address the legitimacy gap, resulting in strategies for more effective conflict resolution.

International Administrations: The Bottom-up Approach to the Legitimacy Gap

The legitimacy gap has been recognized as an Achilles' heel of international administrations (IAs).[12] Also known as interim or civil administrations, international protectorates or neotrusteeships, IAs represent external interventions of a comprehensive nature in the aftermath of conflict and state failure, with the aim of facilitating the creation of inclusive, functional and sustainable states.[13] State-building thus facilitated is envisaged as an ultimate answer to conflict in the age of global (in)security.[14]

From Bosnia and Herzegovina to Timor–Leste, Kosovo and Afghanistan, the comprehensive nature of these interventions, including

democratic institution building, civil society assistance, economic development, human rights promotion, reckoning with war crimes and so on, corresponds closely to key human security concerns. At the same time, the practice of IAs violates one of the key tenets of human security: the bottom-up perspective. There is an inherent contradiction in external state-building efforts, as they are premised on the appropriation of local ownership for the sake of crafting local democracy and building local capacity.[15] Critics have addressed this contradiction in terms of a legitimacy gap.

Legitimacy derives from the nation-state framework, with a straightforward juxtaposition of the ruler and the ruled. The increasingly transnational and multilateral quality of post-cold war politics has triggered a debate on normative, empirical and procedural aspects of legitimacy above a nation state.[16] IAs embody the complexity of global politics. They involve multiple stakeholders: international organisations, nation states with distinct preferences held by their governments and publics, as well as local populations with their own political and ethnic diversity. Therefore, viewed through the prism of the nation state, international administrations provide an innately anomalous context for the generation of legitimacy. The undemocratic exercise of authority is supplanted by rational assent and conviction to norms and principles elicited by effective communication.[17] The adaptation of the 'input-oriented' legitimacy (based on a sense of identity and community), to rational reasoning, enhances the significance of the 'output-oriented' legitimacy, based on the capacity to solve problems.[18]

The discussion of legitimacy in the state-building literature reflects a wider theoretical challenge – conceptualizing legitimacy in a transnational context. Scholars have addressed the issue of sites where legitimacy is generated, grounds on which it is founded, and the process by which it is produced and contested. William Bain rejects the legitimacy of contemporary trusteeships as a form of paternalism, because human dignity and equality, as values that define international society, are at odds with the idea of trusteeship.[19] David Chandler modifies Michael Ignatieff's 'neo-imperial' argument[20] into an 'empire in denial' proposition. State-building – including by IAs – is, according to Chandler, an intrusive and contradictory form of international control. It simultaneously assumes the denial of power and

evasion of the responsibility of power.[21] Sally Morphet contends that the political legitimacy of civil administrations, like the effective execution of their mandates, correlates with their compliance with the international legal standards and norms on which they are based.[22] Similarly, Dominik Zaum conceptualises sovereignty as responsibility, assessing its impact on the policies and authority of state builders.[23]

Insofar as it addresses the legitimacy gap in terms of ambiguous international mandates, ineffective capacity-building, creation of political, economic and cultural dependence and inadequate conflict resolution, the state-building literature has been dominated by the 'managerial' approach. It provides a top-down view of policies undertaken by international actors, and therefore of their impact. Consequently, it denies agency and voice to the local constituency, which is hardly ever brought into the analysis in the existing scholarship.[24] Yet at the core of legitimacy is a notion of acceptance of, and belief in, the political decisions and the political order.[25] Distinguishing between 'international' and 'domestic' legitimacy, Benrhard Knoll highlights the significance of local consent for the discursive and governance aspects of domestic legitimation of international administrators.[26]

This is a welcome change of perspective – from legitimacy as the analysis of the rationales, mandates and policies of international administrators, to legitimacy constructed through the views of those on whose behalf they govern. Only in Timor–Leste, unlike in the Balkan involvements, was the mission obliged in its mandate to consult with local actors. Chesterman points out the key role of local consultations in the day-to-day governance of the territory,[27] while Zaum emphasizes the importance of local knowledge for effective governance.[28] The High Representative in Bosnia and Herzegovina, Miroslav Lajcak, has introduced a personal blog as a mechanism for direct consultation with the local population.

The acknowledgement of local consultations and their beneficial impact for the legitimacy of IAs, however, stops short of addressing the nature of the local constituency and the grounds on which legitimacy can be built. With hidden agendas, competing interests and cross-border links, these are critical but not self-evident, particularly in a post-conflict context. Béatrice Pouligny warns against seeing 'local societies as a shapeless, homogenous, static

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whole'.[29] During and after the conflict, she argues, political, economic and military entrepreneurs as well as indigenous civil societies, including formal social organizations and religious and community networks, are involved in fluid, cross-cutting and interconnected networks whose politics, interests and perspectives are not necessarily deducible from their position in the local political order.[30] Such disconnection has unexpected local consequences, such as elected representatives not being recognized as the best guardians and representatives of people's interests.

The article first details the Ahtisaari process and its background. It goes on to discuss the legacies of the UN Mission in Kosovo's (UNMIK's) rule, which shape the perception of the Ahtisaari package. Finally, it provides a human security perspective on the settlement.

The Path to Kosovo's Final Status

The NATO intervention in 1999 ended Serbian repression in Kosovo, but not the Serbian–Albanian long-standing contest over status. UN Security Council Resolution 1244 authorized the UN civilian administration to operate in the territory, alongside NATO's security presence, for an unspecified interim period pending the final settlement. The international community was overwhelmed by the challenges posed by a combination of post-conflict reconstruction and post-Communist transition. The outbreak of violence in March 2004, rather than the substantial headway made in preparing the province for self-rule, precipitated steps towards finalizing the status of Kosovo. As the Albanian majority turned on the minorities, 19 people were killed and thousands displaced, while private property and cultural heritage sites, including a number of Orthodox churches and shrines, were destroyed. The prospect of further instability caused by pent-up frustration over the unresolved status galvanized the international community.

The final status talks, chaired by the UN envoy and former Finnish President, Martti Ahtisaari, began in Vienna in February 2006. The Albanians entered the process insisting on independence, the Serbs on unspecified substantial autonomy for Kosovo. Due to such diametrically opposed views the talks focused on non-status issues: decentralization, cultural heritage,

community rights and economic matters. The futility of 17 rounds of talks over 14 months led to a change of strategy in March 2007. Ahtisaari stated unequivocally that the potential for negotiations was 'exhausted'.[31] Later that month came a move signalling the imposition of a solution, when Ahtisaari submitted his settlement proposal to the Security Council. A detailed outline of the internal governance architecture of the future independent Kosovo and of international supervision in the form of civilian and military presence was accompanied with a report that said: 'The only viable option for Kosovo is independence, to be supervised for an initial period by the international community.'[32]

The plan itself has two key characteristics. The first is its communitarian and territorial approach, and the second is the nature of supervision. In order to address the Serbian question in Kosovo, the community rights approach is expressed through institutional and territorial arrangements for the Serbs *vis-à-vis* the Albanian majority. The territorial aspect envisages the creation of Serb-majority municipalities. The plan sanctions cooperation between the Serb-majority municipalities, as well as their cooperation with the institutions in Serbia. [33] It also includes the creation of Protective Zones around Serbian Orthodox heritage.[34] In sum, the plan relied on the weight of group rights and new municipal borders to address Serb insecurities and co-opt the Serbs into accepting an independent Kosovo.

The second feature is the nature of supervision of Kosovo's independence, which is embodied in the authority vested in the International Civilian Office (ICO) in Kosovo. One of the responsibilities of the International Civilian Representative, as a part of overseeing the implementation of the settlement, was to be 'the final authority regarding the interpretation of the civilian aspects', annulling legislation by the Kosovo authorities and even sanctioning or removing from office any public official.[35] In effect, the ICO was modelled after the Office of the High Representative in Bosnia and Herzegovina, whose powers to override the local legislative decisions and rule by decree have, since 1995, illustrated the pitfalls of building democracy by undemocratic means.[36]

The adoption of the Ahtisaari package by the UN Security Council in the spring of 2007 was blocked by Russia's opposition to a non-negotiated

and imposed solution; which ultimately led to another 120 days of negotiations under the auspices of the Contact Group in the autumn as a concession to the negotiated approach. Its failure paved the way for the alternative, backed by the United States and the majority of the EU, of a 'coordinated' declaration of independence by Kosovo Albanians,[37] which came on 17 February 2008. The Declaration of Independence of Kosovo, adopted by the Kosovo Parliament, specifically refers to the Ahtisaari plan, and spells out Kosovo Albanians' full acceptance of the obligations for Kosovo envisaged by the plan and its proposed framework for the future administration of Kosovo.[38] The Ahtisaari plan was 'embedded' in the constitution when it came into force on 15 June 2008.[39]

Before unpacking the bottom-up perspective, the article addresses two legacies of the intervention in Kosovo in order to contextualize grassroots views and their complexity. The record of UNMIK's rule and Kosovo's 'enclavization' is critical for understanding the response to key features of the Ahtisaari settlement.

The Shadow of UNMIK

Three areas of its activity define the record of UNMIK's rule in Kosovo: governance, political will and conflict resolution. These also affect the degree of acceptance of the future international administration. Kosovo's president has already announced that the EU mission in Kosovo will not last as long as UNMIK's.[40]

The UNMIK administration, set up by the UN Security Council Resolution 1244, was a *de facto* international government for Kosovo. The transfer of powers took place gradually – though not satisfactorily, for the Albanian constituency. Albanians considered the transfer of power, which began in May 2001, inadequate and too slow. The international administration reserved specified responsibilities in areas of monetary policy, external relations, customs and so on. This led not only to a sense of disempowerment of Kosovars, but also to a 'war' between the Kosovo Parliament and the international administrators over issues such as the border with Macedonia.

UNMIK's reserved powers were a consequence of Kosovo's unresolved final status. Nonetheless, they caused resentment, thus eroding UNMIK's legitimacy.

The Serbs also had their complaints about UNMIK and the international community in general. They have criticized a lack of progress in fulfilling the standards elaborated in the 'Standards before Status' policy. This approach, initiated in 2002, involved eight standards: functioning democratic institutions; the rule of law; freedom of movement; returns and reintegration; economic progress; property rights; dialogue with Belgrade and the Kosovo Protection Corps, with minority presentation. Despite its weaknesses,[41] the policy had some impact as it was a condition for the resolution of Kosovo's status.[42] After the 2004 unrest and the launch of the UN process, the policy evolved into 'Standards with Status'. By that time, however, it had all but lost its credibility.[43]

UNMIK was also criticized for ineffective economic governance, resulting in economic malaise and distorted development. Its credibility was challenged by its reluctance to confront the clandestine criminal structures. Originating before the conflict, they were further entrenched during it.[44] Albanians and Serbs have expected UNMIK, as an empowered and an impartial governor, to come to grips with them. But UNMIK's failure to do so reinforced 'the logic of the warlords'.[45] Iain King and Whit Mason attribute this to UNMIK's own lack of capacities, such as the inability to penetrate the criminal structures.[46] By contrast, UNMIK's strategy for the people of Kosovo was not the question of ability but of political will: UNMIK bought political stability by tolerating local criminal structures. The unhindered existence of shadow intelligence operations controlled by Albanian political parties and shadow security structures set up by Belgrade in Kosovo Serb communities illustrates this.

Last, the UNMIK era in Kosovo has also been associated with the failure to resolve ethnic conflict. The conflict resolution strategy of guaranteeing minority rights to Kosovo Serbs, alongside other minority communities in Kosovo, proved largely ineffective. With the final status question pending, the Albanians' case for independence was boosted by attempts, such as the setting of the multi-ethnic Parliament, to create a

functioning multi-ethnic society.[47] Consequently, to Kosovo Serbs, and to Belgrade in particular, their participation in the Kosovo's institutions was a step towards the fulfilment of the Albanians' goal. The result, despite dissent among Kosovo Serbs, was to boycott Kosovo's institutions and political life. Meanwhile, sporadic instances of inter-ethnic violence created a sense of enduring conflict.

The Ethnic 'Enclavization' of Kosovo

Enclavization has been the main feature of Kosovo's ethnic landscape in the post-NATO intervention period. The withdrawal of Serbian security forces resulted in what has been described as a reverse 'ethnic cleansing'.[48] Albanian revenge attacks against the remaining Serbs and their property created an atmosphere of insecurity, to which enclaves offered a solution. Enclavization heralded the ruralization of the Serbian community. In the post-second world war period, the Serbs became a minority in all urban areas in Kosovo.[49] After NATO's intervention, Mitrovica, in the north of Kosovo, remained the only city with a significant number of Serbs. In Kosovo's capital, Prishtina, the pre-war population of some 40,000 was reduced to the inhabitants of a single apartment block.

There are six larger enclaves, and several dozen pockets, some of which comprise no more than 80 people.[50] While Mitrovica is the largest single enclave, more Serbs live scattered in the enclaves south of the Ibar River, which divides Mitrovica into the Serbian north and Albanian south.[51] The Serb enclave in Mitrovica, is adjacent to Serbia, and is the only area in Kosovo where the Serb population grew after 1999, owing to the arrival of displaced persons from other areas in Kosovo. Enclavization has aggravated Serbian–Albanian relations in post-intervention Kosovo, especially in Mitrovica. Albanians saw enclaves as a blueprint for the unacceptable partition of Kosovo.

Although enclaves are associated with mono-ethnicity, they are not islands of ethnic homogeneity. Even in Mitrovica, there are areas with an

Albanian population, such as the so-called Bosniak Mahala, several apartment blocks on a strip of land on the Serb side inhabited both by Albanians and Serbs. There is also a small multi-ethnic settlement to the north of Mitrovica. The Albanian inhabitants of villages on the border with Serbia are determined to remain there, even after the post-independence unrest in the area in February 2008.[52]

The existence of geographically concentrated areas of Serbs in Kosovo has facilitated Serbia's continued political presence in Kosovo. The Belgrade government has organized and funded parallel education, healthcare and civil services, as well as clandestine security structures in Kosovo.[53] Further, Serbia's political influence in Kosovo is extended through party politics. Nearly all the Serb political parties of Kosovo are branches of Serbian political parties, and their agendas are therefore set in Belgrade rather than in Kosovo. Still, the Belgrade government has failed to impose total control on Kosovo Serbs.

The Serbian National Council (SNC), an unelected body gathering Serb political and religious leaders in Kosovo, is itself divided. The SNC's Gračanica faction accepted the Serbs' position within the 'new Kosovo'; the SNC's Mitrovica faction challenged it.[54] These conflicting views translated into the former's collaboration with UNMIK, and the latter's defiance of it.[55] The tensions and resulting contradictions in policy recommendations concerning, for example, participation in Kosovo elections, continued throughout the period of UNMIK rule, coming to a head after the declaration of independence in February 2008. The founding of indigenous Kosovo Serb parties, such as the Independent Liberal Party, reflects frustration with Belgrade policies often detrimental to Kosovo Serb interests.

To sum up, both the UNMIK era in Kosovo and the ethnic-*cum*-territorial distribution of Kosovo Serbs represent legacies that informed the critical assessment of key elements of the Ahtisaari plan at the grassroots level.

The Ahtisaari Process and Plan from a Human Security Perspective

What Serbs and Albanians in Kosovo have in common is that grassroots opinion was at odds with their own political elites in appraising the Ahtisaari plan. Discordant assessments reflected the fact that the Ahtisaari process was largely an elite process: both negotiating teams overlooked the concerns of ordinary people while prioritizing the issue of the statehood of Kosovo, that is, its borders and territory.

The Albanians

The Unity Team of the Albanian negotiators, representing cross-party interests, entered the process with one crucial objective: securing independence for Kosovo. Consequently, the team compromized on other aspects of the plan. On entering the process, Albanians were not given any explicit promises of independence. Nonetheless, independence for Kosovo was an assumed outcome.[56] Key concessions concerned the institutionalization and territorialization of Serb rights on ethnic principle, even against their own better judgement. A member of the Unity Team feared that this would lead to the creation of 'two separate political communities'.[57] However, this was seen as an acceptable price for Kosovo's independence. Due to obstacles within the UN, the Ahtisaari plan was not accompanied by independence. Consequently, popular dissatisfaction surfaced over compromises made in the process.[58] Key objections concerned ethnic decentralization, special zones for religious monuments and the nature of the international rule.

The Albanians criticised the decentralization prescribed by the Ahtisaari plan on ethnic and functional grounds. With the legacy of Kosovo's post-intervention enclavization in mind, ethnic decentralization was seen as a step towards further entrenchment of ethnic divisions. Of particular concern has been the division of Mitrovica into two ethnically-defined municipalities, albeit with a joint board. This provision is seen as a validation of the ethnic segregation in Mitrovica that has been maintained by paramilitary formations such as the infamous 'Bridge Watchers'.[59] The declaration of Kosovo's independence has failed to assuage Albanian fears of Kosovo's partition. The

institutionalization of the ethnic border in Mitrovica, in accordance with the Ahtisaari plan, is perceived as the introduction of an internal division of Kosovo and a challenge to the sovereignty of Kosovo on the entirety of its territory.[60]

Furthermore, the opposition to new Serbian majority municipalities has been reinforced on practical grounds. As a result of the gerrymandering necessary to introduce Ahtisaari's ethnic municipal borders, some citizens faced being cut off from their nearest municipal offices. The opinion of an Albanian from the village of Suhadoll/Suvi Do, previously a part of Lypjan/Lipljan municipality and about to become part of the Serb-majority Graçanica/Gračanica according to the Ahtisaari plan, is telling:

> It does not make sense that in the name of bringing government closer to the citizens, we are pushed to join a municipality 30km away from our village, while the municipality of Lypjan is on our doorstep, just 2km away. How can we live as part of a municipality that will be controlled directly by Belgrade? I don't know if the politicians are aware that any project they attempt to realize without a 'yes' from the people is destined to fail.[61]

Some improvement in inter-ethnic relations in Kosovo has been attributed to the Standards before Status process.[62] By contrast, the separation of Serbs in their own municipalities under the Ahtisaari plan appears to contradict the previous policy. Local Albanian officials who worked on the integration of Serbs feel let down. Reaching out across the ethnic divide after the bloodshed of 1998–99 was a genuine challenge. Furthermore, in the traditional Albanian setting, implementation of the policy was a question of honour. One municipal leader said: 'I staked my honour on engaging the Serbs, and now it is all being undone.'[63]

Opposition to ethnic decentralization, that was clear during the negotiations, cuts across Albanian civil society. [64] In the post-independence period, the opposition has turned into resistance to the implementation of this part of the plan. Thus, the mayor of Gjilan/Gnjilane says it will be difficult to implement decentralization because it is unacceptable. Similarly, the division

of Mitrovica into two municipalities is turning into a test for the new international administrators.[65] Like Serb-majority municipalities, Albanians have criticized the creation of Protective Zones for the Serb Orthodox heritage for demonstrating a lack of trust in the Albanians, and for, effectively, isolating these sites from the local communities.[66] These objections also reflect Albanians' sensitivity to the issue of space: the introduction of these zones is seen as an underhand way of removing territory from their control.[67]

Last, both ordinary Albanians and their political leaders concur in their assessment of the nature of the international presence. The International Civilian Office represents a critical part of the Ahtisaari plan – defining the nature of the international supervision of Kosovo's status. Nonetheless, according to a member of the Albanian negotiating team, the role and authority of the ICO was not even discussed with them. Reading the section of the plan referring to the ICO therefore came as a 'complete shock'.[68] The feelings in Albanian civil society are not dissimilar and are attributed to the lack of trust in the Albanians.[69] Such views are reinforced by the culture of mistrust that is UNMIK's legacy in Kosovo.

Elements of the Ahtisaari plan have been contested because of a lack of consultation with the local elites, and the marginalization by local elites of grassroots concerns. According to one commentator, 'this was a plan of the international community and not of Albanians. So, this plan was imposed on Kosovars – they had no other way but to accept it.'[70] This is likely to adversely affect the plan's implementation and the exercise of influence by the EU administrators in Kosovo.

The Serbs

Adopting a classic geopolitical approach that puts territory first and people second, the Belgrade leadership rejecting the Ahtisaari plan. Its failure was declared 'the first and foremost state and national interest of Serbia'.[71] Unlike them, Kosovo Serbs had an ambiguous stance towards the plan.

Different opinions of the plan coincided with a political divide within the Serbian National Council. Kosovo Serbs have been inclined to reserve their dissenting opinions for themselves. This is because of the pressure they have

faced from clandestine Serbian structures in Kosovo, in case they fall out of line with Belgrade.[72] Nonetheless, especially south of the Ibar River, 'people say that the Ahtisaari plan is basically acceptable, short of the first line'.[73] 'The first line' is a reference to independence. Guarantees of group rights, combined with territorial reorganization of Kosovo along ethnic lines in the plan, were deemed credible. In fact, institutionalization and territorialization of ethnicity would allow each Serb enclave in Kosovo to become a 'little Serbia'.[74]

The official Serb rejection of the Ahtisaari plan has marginalized the dissenting opinion in the Kosovo Serb community. This is not unexpected, as Belgrade had dictated the agenda during the Vienna negotiations. A proposal by a Kosovo Serb moderate that Kosovo Serbs should represent the third delegation at the talks alongside Belgrade and Prishtina was dismissed.[75] A token presence of Kosovo Serbs was allowed insofar as they endorsed Belgrade's view. But the particular circumstances and interests of the Serbs south of the Ibar were not considered.[76] According to Radmila Trajković, of the central Kosovo branch of the SNC, the Serbs in the enclaves 'accepted the reality of being surrounded by Albanians as a dominant community. In order to survive they have been making a series of compromises, which in essence means a chance for life and for the future.'[77] After the declaration of independence, they defied Belgrade's orders to abandon any Kosovo institutions.[78] The refusal of Kosovo Serb policemen in some areas, such as Shtërpci/Štrpci and Peja/Peć, to leave the Kosovo Police Service illustrates this.[79] Establishment of the Serb Parliament in Kosovo has failed to elicit unanimous support locally.[80] By contrast, support that local leaders in Mitrovica have received from Belgrade has resulted in a hardline position.[81] Staging post-independence riots, they rejected collaboration with UNMIK and the EU.

While Kosovo Serbs did not support Kosovo's independence, the absence of a mass 'exodus' and the refusal by some to toe Belgrade's line after independence, indicate that many would find a way to live with it.[82] When asked about their top priorities, Kosovo Serbs put Kosovo's final status fourth, after regular electricity supply, public and personal security, and the return of the displaced and refugees.[83] Tacit endorsement of certain aspects of the

Ahtisaari plan helps to this end, and indicates policy space for more integrative solutions.[84] 'Enclavization' pushes Kosovo Serbs to look to Belgrade rather than Prishtina, and it does not address the issue of livelihood. According to one observer, Kosovo Serbs should have demanded a certain number of places at all levels of education, to signal commitment to future multi-ethnic Kosovo but also as a guarantee of jobs for Kosovo Serbs.[85]

The Albanians and the Serbs

Albanians and Serbs have been divided by issues concerning territory and identity, which were addressed in the Ahtisaari plan. They have been equally united by concerns for their wellbeing that were not included by the plan. The finalization of their status, which the Ahtisaari process was expected to bring, was implicitly linked to the improvement of the economic situation in Kosovo. The access to international financial institutions this would allow is one example. Nonetheless, the Ahtisaari plan has failed to live up to the expectations of ordinary Albanians and Serbs because it did not explicitly address their concerns about poverty, unemployment and Kosovo's development in general. A member of an Albanian NGO wondered, 'Why isn't there a line in Ahtisaari which says here you build a factory and employ people?'[86] Similarly, Kosovo Serbs have been preoccupied with their economic survival. They feel this concern has been inadequately addressed in the status process. The high Kosovo average unemployment rate is even higher among Kosovo Serbs.[87] This has particularly affected the younger population. In many instances, bleak economic prospects, rather than interethnic tensions, have prompted Serbs to sell up and leave, as is the case in the multi-ethnic village of Bresje, near Kosovo Polje.[88] In addition, the Serbs' dependence on handouts has made them vulnerable to political pressure from Belgrade. For example, the medical centre in Mitrovica is a key employer of Kosovo Serbs. Jobs at this hospital have provided material security for the employees, but also ensured political loyalty to Belgrade.

Conclusion

Besides confusion over the authorization of the EU's mission and the role of the UN in Kosovo, the Ahtisaari plan for Kosovo raises serious questions about its legitimacy, understood in terms of acceptance. The plan's human security analysis challenges the commonly accepted homogeneity in ethnically-defined Serb and Albanian positions. This article does not suggest that the Ahtisaari process could have produced a hitherto elusive Serb-Albanian rapprochement on Kosovo's final status. It does, however, contend that consideration of a plurality of views in each community and a multiplicity of their concerns in the process would have ensured a more auspicious start for Kosovo's new international administrators. The process ought to have incorporated rather than sidelined the diversity of Kosovo Serb concerns, and recognized Belgrade's role as a cause of insecurity for Kosovo Serbs. Likewise, it ought to have attempted to overcome the legacy of conflict, such as the ethnic border in Mitrovica, which while dividing Albanians and Serbs allows illegal interethnic collaboration to flourish. Lastly, the ICO could have built in a local monitoring/advising mechanism to legitimise its executive powers.

Insofar as the state-building literature recognizes the necessity of building legitimacy from below in territories governed by international administrators, discussion of policy implications stops short with calls for local consultation and local ownership. These have been criticized for leading to the artificial creation of civil society and abrogation of responsibility; but they also fail to address defining features of post-conflict environments. A human security approach allows for reframing of the bottom-up aspect by engaging with the complexity of local constituencies and a range of concerns in the aftermath of conflict.

This implies tackling actors and structures created during the conflict that obstruct a transition to peace. Neither is obvious when viewed from the top-down state perspective, but, nonetheless, they undermine the rule of law, distort economic development and hinder conflict resolution. Beneficiaries of conflict, that cause pervasive insecurity, are likely to be found among one's own ethnic kin. While appearing as advocates of statehood, their actual interest is in delaying state-building. Ultimately, they are set to gain from the legitimacy gaps in IAs.

Without a democratic mandate, governance is at the forefront of legitimation of international administrators, attempting to compensate for the lack of 'input' legitimacy. Governance is more than the technocratic exercise of public administration and economic resource management. It is a 'relationship' between the governors and the governed.[89] As such, it relies on the governed having a stake in the process by having a 'say' in it. In the context of IAs, a transfer of powers from external to local authorities is only one part of the process, which is determined by effective provision of a range of entitlements, including human rights, employment opportunities, transitional justice and so on. Resonance with the diverse needs of ordinary persons will enhance their sense of security, and, in turn, confer belief critical for legitimation to the providers of these public goods whether external or local.

The success of international administrators ultimately depends on making their presence redundant. They will be most legitimate when no longer needed. This entails the creation of a democratic, inclusive and self-sustainable state. The human security perspective addresses the questions: who should be empowered and on what terms, and answers them from the bottom-up vantage point. It thus points the way towards the eventual creation of a legitimate state following the exit of international governors. In this sense, the individual perspective works *for* state building, rather than in opposition to it. It does not imply an exclusion of the state, but is its 'healthy corrective'.[90]

The human security perspective moves the debate forward by indicating how and on what terms to engage the grassroots, particularly in a murky post-conflict environment, in creating security for all through state building. Prioritizing the bottom-up perspective marks a return to the paradigm-shifting quality of human security as a concept and policy. In view of the challenges posed by global governance, the stronger the claim to legitimacy – understood in terms of acceptance by local constituencies, generated by reaching beyond nascent state structures, and mindful of conflict dynamics and its legacies – the greater the opportunity for international administrations to be a more potent instrument of state building, and, ultimately, conflict resolution.

Acknowledgments

NOTES

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