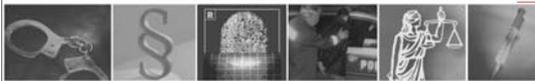




Peacekeeping and Police Reform in the Balkans: Experiences from Kosovo



Lecture
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Criminology and Police Science

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Overview + intro



- Peacekeeping and Peacebuilding
- Balkans and Kosovo/Kosova
- Where the internationals failed
- Organization of Administration
- Peace and Justice
- International Local Police cultures
- Recent situation and the future

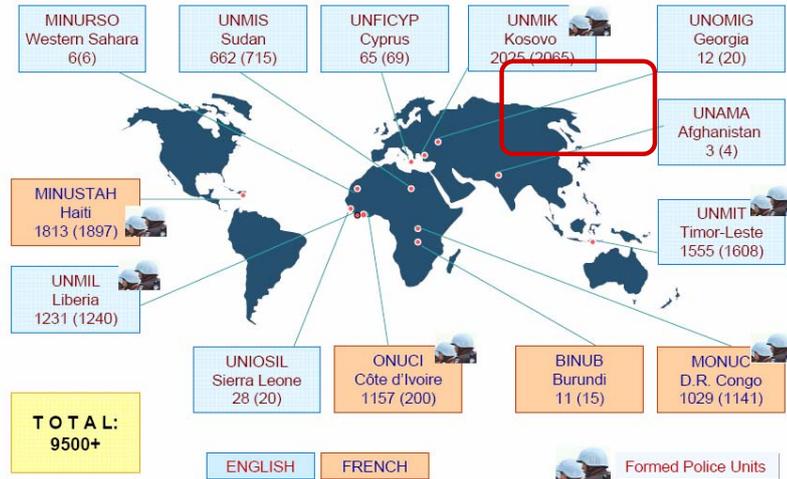
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- conceptually weak
- what is peace? no violence? what about social problems like hunger and poverty?

Peacekeeping or Peacebuilding?

UN Police Deployment

(authorized strength in brackets)



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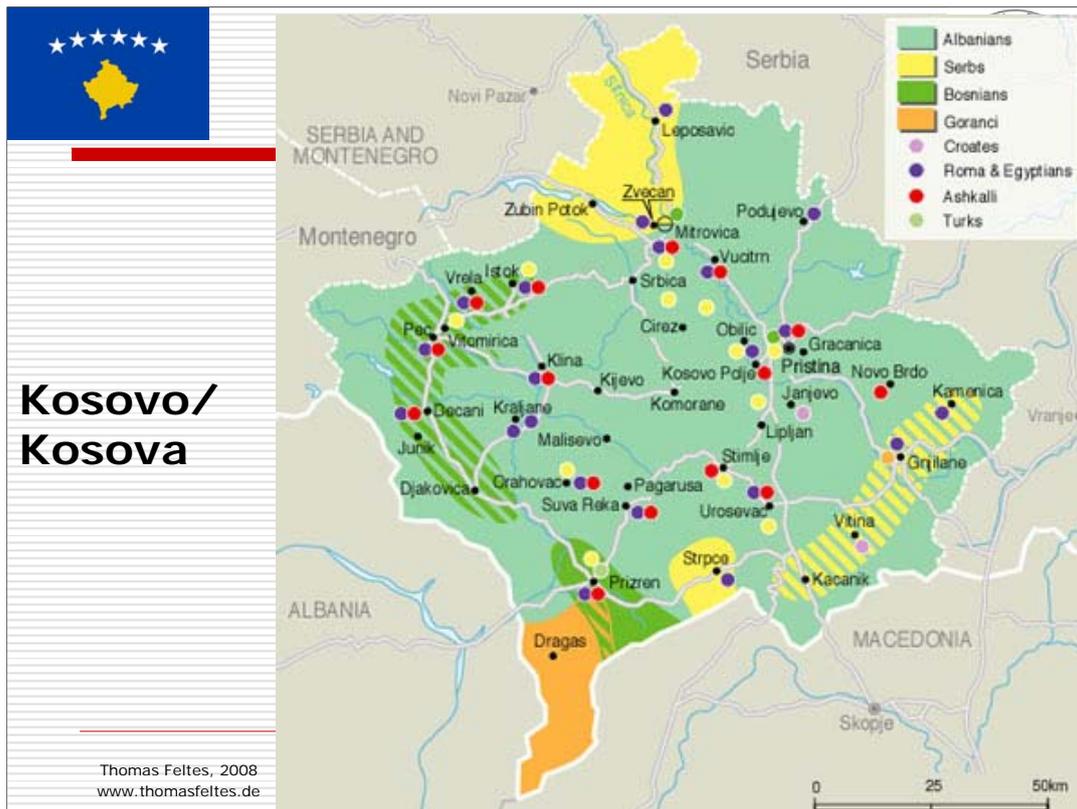


... or securing our own security?

- (the) "*Balkans ... already distribute most of Europe's heroin, facilitate illegal migration and are responsible for nearly 30 per cent of women victims of the sex trade worldwide*".

Source: International Crisis Group

<http://www.crisisgroup.org/home/index.cfm?id=5018&l=1> 28.8.2007



until 1989: part of Yugoslavia

1989-1999: autonomous province of Kosovo in Y.

1999: NATO bombing of Yugoslavia (Kosovo War)

territory under the interim administration of the United Nations (UNMIK) (UN-Reg. 1244)

February 2007, Ahtisaari delivered a draft status settlement proposal; „Troika“ (EU, US and Russia)

February 17, 2008: declaration of independence

September 2008: 44 countries recognise Kosovo

Nevertheless, as UN-Resolution 1244 is (in summer 2008) still valid: Kosovo is not a state in terms of the international or public state law.

Organisation



The Four UNMIK Pillars

Pillar I: Police and Justice, under direct leadership of **the UN, with OSCE**

Pillar II: Civil Administration, under direct leadership of **the UN**

Pillar III: Democratization and Institution Building, **led by OSCE**

Pillar IV: Reconstruction and Economic Development, **led by EU**

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It will take years for the “independent” state of Kosovo to have their own laws and not what is called “international law”: regulations by UNMIK, based on Reg. 1244 from 1999 and regulating nearly every field in Kosovo. Even in 2008 and after the declaration of independence, the representative of the United Nations Secretary General in Kosovo, issues such regulations on regular basis. Until June 14, 2008, 34 such regulations or amendments have been issued in 2008

Non-Skiing Nations and MANGOs?

4.700 police officers from 47 different counties



Contingents sorted alphabetically

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

"Mr. Bhattacharya from Bangladesh ... is expert in nothing. He is a parking guard, without a drivers license and speaks only Bengali, but he must have paid handsomely in Dhaka, because now he is a UN policeman. There are hundreds of them, incompetent people, within the UN police, within finance and even within the justice system" (Zaremba 2007). They are called „domestic internationals“, „project addicts“ or – when working for one of the estimated 4,000 NGO´s in Kosovo, „MANGOs“ (short for Mafia-NGO).

The situation in Kosovo was described as *"elephants in front of a water hole"* ("Elefanten vor dem Wasserloch") by the German journal "Der Spiegel" in April 2008: International organizations and NGO´s and their representatives are queuing to get their share of the international money. It is estimated, that the international community spent some 33 Billion Euro for their activities in Kosovo since 1999. This equals 1,750 euro per inhabitant and year. Nevertheless, the per capita cross national product is lower than that of North Korea or Papua-New Guinea, and the black or shadow economy contributes 30 to 40 % (Mayr 2008). The EU has decided in summer 2008 to spent another 1,3 billion over the next years for the new EULEX mission.

Blue socks for all?



□ How can we overcome different local police cultures?



Police officer from Bangladesh, street control in Kosovo, 2007

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Independent reports and articles mention another important aspect, why the Internationals failed in Kosovo: The missing cooperation between the international organizations and between the Internationals themselves. The competition and the resulting lack of coordination among international actors and institutions are serious obstacles to the implementation of "local ownership" and sustainable results. Arrangements for coordination of actions are often not observed, project ideas are stolen from others, with the player with the largest budget or the best connections winning the project. This "beauty contest" among the various organizations and donors and the associated hype of "fashion topics" (community policing being one) usually led to duplication, but hardly to success.

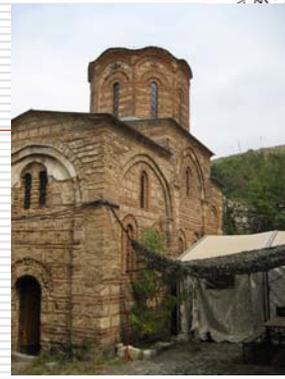
The reasons for that have been researched, showing that soldiers and police officers depend on their own local culture and that they have to, because they will return after their mission to their home countries and professional

Why "blue socks"?

Why the Internationals failed



Priszren 2007/2004



Violent clashes between Albanians and Serbs broke out in March 2004. In the presence of 17,000 NATO troops and 4,000 UN police, Albanian hooligans fell upon their minorities. 900 people were wounded, 19 died, some 30 churches were destroyed, 700 houses burnt down, 4,500 put to flight. Some 150 KFOR troops and UN police were injured, 72 UN vehicles destroyed, and 200 people arrested.

Prizren, 2007



Entrance to Archangel-Monastery, 2008



Entrance to Monastery Deçani, built 1335 (in 2007)

In Prizren, the German KFOR-troops did not show up when Albanians tried to set fire on Serbian houses, a monastery and a church. Months later there was an article in a German journal, talking about "Die Angsthasen vom Amselfeld" (The "coward" or "scaredy cat" of the Amselfeld region). German police, on duty in Prizren for UNMIK CIVPOL, was complaining about lacking support by the German military, stationed nearby. Even in 2008, the Archangel Monastery near Prizren and the monastery of Deçani are barbed-wired and under protection of KFOR troops. It is not possible to enter these places without permission by KFOR and the monks.

Protests Febr. 2007, Prishtina



In Febr. 2007, two Albanian protesters were killed by rubber bullets, fired from rifles of Rumanian UNMIK Police. Considering that human rights were not respected under the supervision of UNMIK and KFOR, how can we expect that the situation will change after Kosovo has declared independence?

Graves and the house of the Jashari family in Prekaz. In this village, 109 people have been killed, included the hole family (36 people) and 3 year old children if Jashari. In the whole area of Drenica and Skenderaj, 1.028 people have been killed by Serbs. Adem Jashari was one of the founders of the UÇK.



Is it possible to overcome deeply rooted hate and animosities, and if so: how?

public building in Prishtina with picture of Jashari



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One might ask, where this angry and hate does come from. In 2007, I met a former law student from Bochum, who lived in Germany since the early 1990ies. He left his home country Kosovo due to political suppression while being a student.

In late 2007, he took me to a place in Kosovo which is like a pilgrimage and a national museum for Kosovars: The small village of Prekaz with the graves and the houses of the Jashari family. In this village, more than 100 people have been killed by Serbs. The family (58 people, a three year old children included) of Adem Jashari, one of the founders of UÇK/KLA was extinguished. In the area of Drenica and Skenderaj, more than 1.000 people have been killed by Serbs. As a lawyer and academic, my former student knows the history, and he knows off course, that both sides (Serbian and Albanian Kosovars) did a lot of cruelty. Nevertheless, one could feel his deeply rooted hate against Serbs, who are and have been for him suppressors since centuries. He like his fellow citizens are talking about the "barbarian Serbs". But in his everyday life, he (again, like his fellow citizens) has been and still is living closely together with Serbs. In summer 2008 one could see wedding parties in Prishtina, passing the city with their cars on their way to the wedding ceremony. One party consisted of a car with Swiss licences plates at the top of the party, waving a huge red Albanian flag (not the new blue Kosovo one). Next was a car with Serbian plates, followed by a German and two Kosovo cars.

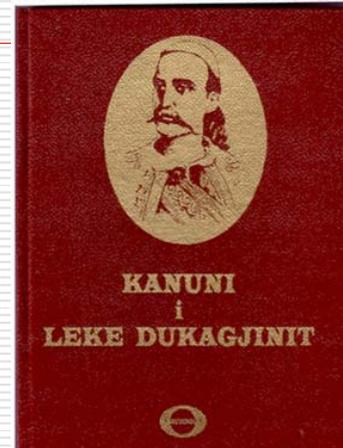
Peace and Justice



Kanun or Code of Leke Dukagjini (1410-1481)

'Peace without justice is only a symbolic peace'

**rule of law?
transitional
justice?**



How to deal with local culture and local law?

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As expressed by Guatemalan Nobel Peace Laureate, Rigoberta Menchú, "*Peace without justice is only a symbolic peace*". In the case of Kosovo, it is important to know that after 1989 the regions partly independence within Yugoslavia was slow but constantly taken away by the Yugoslav government. Kosovar Albanians were not allowed any more to be members of the public administration, to work as professors at universities, teachers at schools, or in health care. As a consequence, they built up a "second economy", with education organized privately in courtyards and medical support provided by doctors in their private houses. A strong system of assistance and mutual support between Albanian Kosovars developed, using the family and clan structures, existing since centuries. They solved their conflicts and problems by themselves and avoided to "bother" the Yugoslav police. It is reported that informal mediation courts in Kosovo solved about 1.0000 blood feuds between 1989 and 1999. Some locals reported to me, that during that time at least some huge gatherings (with 100 and more participants) have been held on the country side of Kosovo to mediate conflicts between feuding families without the police and to restore justice by means of communication and avoiding blood feuds after a conflict had happened.

To understand this, one must know that an ancient set of rules, the Kanun or Code of Leke Dukagjini, established by the 15th century Albanian feudal ruler, dictated the way people lived in this region for centuries. Renate Winter, an international judge serving on the Mitrovica District Court, said the following: "*The Kanun is really the only law that has been consistently respected here from the beginning until now. ... The Kanun was basically created to stop the proliferation of unlawful killing. ... It is extremely clear and detailed when it comes to truces, mediation and the settlement of disputes. These elements should be incorporated into the new laws UNMIK is drafting with regard to civil, commercial and petty crime disputes*" (quote from Beardsley 2007). In 1999, after the intervention of the KFOR, UNMIK took over public administration, police and judiciary. For the Justice System, UNMIK tried to establish prosecutor's offices and a court system. But the Kosova lawyers, judges and prosecutors refused to impose the law, because UNMIK decided that the law before 1999 has to be used, and as this law was imposed by the Serbian majority. For the Albanian Kosovars this was suppressor's law. It took six month to find a compromise. Then UNMIK accepted, that the judiciary uses the laws from before 1989, before the time, the partly independence of Kosovo was destroyed by Yugoslavia. It also happened that the international prosecutors and judges, installed by UNMIK and under close political supervision, dismissed or delayed cases against known war criminals, or offenders involved in Organised Crime, to avoid "political difficulties". They released suspects, after they have been arrested and sentenced by local authorities. One can imagine the consequences for the sense of justice of Kosovar people: Those who ask and demand the locals to establish the "rule of law" and declare the necessity of it for a democratic state, do not obey basic rules by themselves.

Corruption



- ❑ *„Take your human rights and shove them up your ass! We do as we wish here“.*
- ❑ *“The Kosovans were not particularly law-abiding in 1999, but they did not get any nicer by being treated like Hottentots during seven years” (Zaremba aaO.).*

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One fact shows the special role of the UN-personnel: Kosovo citizens can not sue UN-personnel in Kosovo and make them reliable before court. UN-personnel have (like diplomats) a special status of impunitiveness and may be object of internal disciplinary actions, but not prosecuted or sentenced by a local court. Often a UN-administrative is just sent home if anything had happened what might have resulted in a law case at home. Claims for compensation for damages, caused by UNMIK-personnel, have to be brought to court in the respective home country of the UN-officer. This can be Bangladesh, Nepal, Kyrgyzstan, or Zimbabwe (see picture 4) - countries, where rule of law is a chimera. Zaremba (2007) comments the habit of UNMIK: *„Take your human rights and shovel them up your ass! We do as we wish here“*. The consequences are obvious: *“The Kosovans were not particularly law-abiding in 1999, but they did not get any nicer by being treated like Hottentots during seven years“*.

Somebody from Africa was hired to rebuilt the Kosovo railway system, although he personally had no experience with railways: *“Mr. Bangura teaches the Kosovans how to run a railway and is paid some 8,000 Euro a month. Local railwaymen who are supposed to live on 150 Euro feel a bit humiliated by the project, especially since Mr. Bangura knows nothing about railways. How could he? He is from Sierra Leone where the last train stopped in 1975. He is an expert in harbours“* (Zaremba 2007). In 2007, a high ranking US-police officer, working for UNMIK, was prosecuted for sexual exploitation of women and cooperation with members of the Organized Crime.



Power and Electricity in Kosovo



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Corruption scandals, some of them at the highest level, have damaged the reputation of the international administration. The former director of the Kosovo Electricity Corporation (from 2001 - 2003), a 36 year old German from Essen (Jo Truschler) is only one example. 4,5 million US-Dollars from international donors had disappeared from his books at the Kosovo Electricity Company KEK. He has sold electricity to other countries, and the money was transferred to his private account in Gibraltar. Truschler was sentenced to probation in 2007 in Bochum – not for fraud or corruption in Kosovo, but for using false Dr.-titles in applying for a job in Germany (Zaremba 2007). In the meantime, power supply in Kosovo is still a matter of luck: Usually it breaks down at least three or four times per day.

The former British Head of Prishtina Airport, Ioan Woollett, employed together with his friend three people in average per day – not just ordinary people, but stunning nice young women, without any knowledge of the English language (Zaremba 2007). Some have won beauty contests. Finally, he had 200 more employees than necessary for an airport like this. Many of these women had to be available to Woollett and his friend day and night. His friend left Kosovo after four months to work for the UN in Sudan; Mr. Woollett fled later. In 2008, and soon after declaration of independence, one of the successors of Mr. Woollett, Afrim Azirin, has been arrested by the local (not international) police because of corruption. It looked like it was not possible to arrest this person earlier because he was backed-up by members of UNMIK.

Social Situation



- 50% „poor“ or 15% extremely poor“ (less than 1,42 Euro per day)
- 25% no access to drinking water
- minimum pension: 35.- Euro p.m.
- under 25: 70% unemployed

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More than half of the Kosovar population is considered as poor. They have to live with less than two Euro per day, and 25% have less than one Euro per day. Between one half and two-third of the inhabitants of Kosovo aged under 25, and more than half of the active population and 70% of those under 25 years are unemployed. Frustration and nationalist dreams produce an explosive cocktail, which has to be dealt with over the next years by the international community (Dehnert 2004). As the local economy is too weak to support sustainable development and is still depending on international aid and the remissions of exiles, the only solution would be to open the western countries for young migrants from Kosovo.

A study by the independent Institute for European Politics in Berlin for the German Armed Forces (Jopp/Sandawi 2007) summarizes: "*The international community as well as their representatives in Kosovo carry decisive joint responsibility for the alarming spread of mafia structures in Kosovo. They have damaged the credibility of international institutions by the open support of political-criminal actors in varied manner*".

Failed states tend to have failed economies, but failed economies can be the product of either national or international bureaucratic incompetence or of bombs and embargoes.