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POSTWAR JUSTICE AND THE RESPONSIBILITY TO REBUILD

The Norms and Politics of Exit: Ending Postconflict Transitional Administrations

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Since the mid-1990s, Western states and international organizations have been deeply involved in the reconstruction of political and social institutions in postconflict societies. Whether through temporary international administration in Bosnia, Kosovo, and East Timor; transformative military occupation in Iraq; or in the context of peacekeeping operations in Afghanistan, Liberia, and Sierra Leone, they have pushed for the transformation of political, economic, and administrative institutions to create the conditions for self-sustaining peace. As postconflict statebuilding operations normally compromise the sovereignty of the affected states, intervene in their domestic affairs, and, at times, even exercise comprehensive governmental authority, one of the most difficult issues that has arisen in the context of these operations is the problem of exit: When and how should international actors hand over political and administrative responsibility to local institutions?[1]

Postconflict statebuilding entails efforts by donors and international organizations to build and strengthen the capacity and legitimacy of state institutions, often (but not exclusively) with the aim of consolidating peace. International exit from such operations raises three distinct sets of questions. The first is operational: What is the best time and process for exiting to ensure that the gains made in security and development are not jeopardized by a return to conflict? Much of the literature on peacebuilding has examined these questions, focusing, for example, on the duration of international engagement to reduce the risk of

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conflict recurrence, or highlighting the problems of particular exit mechanisms, such as elections.[2] Thus, Benjamin Reilly and Roland Paris examine how elections might reignite conflicts (as in Angola) or entrench the rule of the war-time parties (as in Bosnia), and Richard Caplan shows how postconflict international administrations have increasingly abandoned elections as an exit mechanism in favor of "phased" exit strategies to further stabilize postconflict societies.[3]

The second set of questions is: What kind of normative considerations should guide the decision of statebuilders to exit? Ralph Wilde outlines two normative frameworks providing guidance with regard to exit: trusteeship (associated with contemporary liberal statebuilding efforts) and self-determination.[4] Under the trusteeship framework an international presence should come to an end when the local capacity to govern has reached a certain threshold, while the self-determination framework emphasizes the right to self-government irrespective of local capacities, arguing that any nonconsensual international involvement is illegitimate and that immediate exit is ethically mandatory. As Noah Feldman's work demonstrates, most efforts to develop an ethic of exit are likely to be located between these two poles, drawing on elements of the trusteeship framework (for example, establishing benchmarks for democratically legitimized government) as well as the self-determination framework (for example, emphasizing the importance of local consent for the presence of international statebuilders).[5]

The final set of questions asks how the normative framework that has shaped postconflict statebuilding efforts affects the actual practice of exit: What is the impact of the norms associated with statebuilding on the timing and process of exit? As a range of scholars have shown, statebuilding practices have been strongly shaped by liberal-democratic norms of democracy, human rights, the rule of law, and economic liberalism. However, the way in which these norms might also shape the exit from statebuilding operations has so far remained largely unexplored.

There are two reasons why such an inquiry can add to our understanding of exit practices. First, an account of exit relying on the material interests of states—arguing that the nature and timing of exit is determined by concerns about casualties and the cost of statebuilding on the one hand, and about the extent of the security benefits derived from such operations on the other—cannot account for the actual exit practices of a range of recent statebuilding operations. In Bosnia, domestic pressures on the U.S. government to bring troops home quickly meant that the 1995 Dayton peace agreement originally sought to limit the international engagement to one year; nonetheless, the international community's

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statebuilding efforts in Bosnia continue to this day, 13 years after Dayton. While Bosnia's institutions remain fragile and ethnic divisions salient, the country's armies have been largely demobilized and integrated into a single force, the level of security incidents has been low (no international soldier has died in combat in Bosnia since the signing of the peace agreement), and there have been several peaceful transitions of government. Still, no final deadline for the closure of the international presence has been set.[6]

Second, as Martha Finnemore and others have argued, we cannot make sense of a country's security interests without giving consideration to the normative frameworks that constitute these interests.[7] States' calculation of the costs and benefits of statebuilding interventions, as well as their understanding of what kind of statebuilding practices will contribute to their security, are thus shaped by norms.

This analysis draws on the experience of a particular case of postconflict statebuilding operations, namely international transitional administrations, which are established by international organizations to exercise governmental functions and engage in the reconstruction of political, administrative, and economic institutions. Examples include the UN Transitional Authority in Cambodia (UNTAC) from 1992 to 1993, the Office of the High Representative (OHR) in Bosnia since 1995, the UN Interim Administration Mission in Kosovo (UNMIK) after 1999, and the UN Transitional Administration in East Timor (UNTAET) from 1999 to 2002. As these administrations are among the most intrusive forms of statebuilding, involving the exercise of sovereign authority by international actors, the problem of exit is particularly pronounced. However, these international administrations have been relatively well-staffed and financed, in particular in comparison with many postconflict peace operations in Africa, where, in light of major resource constraints, the influence of norms on policy is likely to be less pronounced. I therefore do not claim that this article's findings are fully generalizable across other forms of postconflict statebuilding.

To capture the complex role that norms play in international politics, the examination of the impact of the normative framework on exit extends the inquiry from the international to local actors, and to the ways in which they perceive, adopt, and contest these norms.[8] More specifically, this inquiry draws on a growing literature that shows how norms constitute a source of power that different actors can use strategically to promote their interests.[9] Norms are akin to public goods: they are nonrivalrous and nonexclusive, and can be appropriated (and reinterpreted) by either side in a political argument to strategically promote

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its goals, even by actors that do not necessarily accept a norm's legitimacy. Their intersubjective nature, and their impact on the identity of the actors that subscribe to them, can make such strategic use of norms effective. Their use appeals to well-codified and internalized normative frameworks, and thus strengthens the positions of those actors who use such norms in political arguments.

The remainder of this article is divided into four sections. The next section examines the concept of exit, arguing that exit is inextricably linked to the statebuilding objectives of international administrations, and is best considered as a process rather than an event. The second section outlines the normative framework that has shaped postconflict statebuilding activities since the end of the cold war, and proposes three ways in which norms can affect exit. Drawing on the extensive constructivist literature on the role of norms in international relations, it argues, first, that norms act as blueprints for statebuilding and can thereby shape benchmarks for exit; second, that norms create "zones of permissibility" that commit statebuilders to an explicitly transitional presence and make exit central to the legitimacy of statebuilding operations; and, third, that local actors strategically use norms, in particular those of self-determination and the taboo of permanent control of a territory, to push for an early exit of statebuilding operations. The third section explores both the scope and limitations of the three functions of norms with regard to exit in the context of a brief case study of UNMIK's exit from Kosovo. Finally, the article concludes with some observations about the impact of the findings for exit strategies of international actors from statebuilding operations.

The Concept of Exit in Statebuilding Operations

The term "exit" raises a range of important questions in the context of postconflict statebuilding operations. What, for example, does an operation exit from? Does it exit from a territory (or part thereof), or rather from a particular set of functions, such as policing, the judicial system, or the public finance system while maintaining a physical presence?[10] Furthermore, what is the entity that is exiting? The closure of a UN mission, for example, does not necessarily mean the end of UN (let alone wider international) involvement, as it might be followed by a successor mission with a different mandate. UNTAET was closed in May 2002 when East Timor was given statehood and independence, but was followed by a successor mission with an altered and more limited mandate, the UN Mission in Support of East Timor

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(UNMISET). This raises a third question, namely, what authority takes over after exit? What are the institutions and who are the individuals that authority is handed to, and how are these chosen?

For the purposes of this inquiry, I define exit as *the transition of political authority from international to legitimate local institutions*, a definition that reflects the understanding of exit formulated by the UN Secretary-General in his 2001 report on the issue.[11] Such an understanding of exit has two implications for this analysis. The first is that the exit of international actors is inextricably linked to their statebuilding efforts. Ultimately, exit requires the existence of reasonably legitimate institutions to which power can be transferred. The second is that exit should be understood as a process, not a single event, such as mission closure or the holding of elections. Elections, which used to be considered as the keystone of the statebuilding edifice, and a convenient and highly symbolic exit point for international actors, legitimizing the new political settlement, have lost their iconic status, given that states have relapsed into conflict (for example, Angola) or authoritarian rule (for example, Cambodia) shortly thereafter.[12] Since the mid-1990s, most statebuilding operations have remained involved in governance and reconstruction activities in the aftermath of elections (Bosnia, Kosovo, Sierra Leone, Iraq, and Afghanistan); or, as mentioned earlier, they have been succeeded by follow-on mechanisms with a declining degree of international involvement, as authority was gradually handed over to local institutions.[13]

This definition of exit focuses attention on the changing relationship between the international presence in the aftermath of a conflict and the developing local political institutions, and on the role that both international and local actors play in this process. The link between exit and statebuilding highlighted by these two issues strengthens the case for examining the impact of the normative framework governing statebuilding on the exit of such operations as well.

Norms, Statebuilding, and Exit

The Normative Framework of Statebuilding

A range of scholars have examined the ways in which a particular liberal normative framework has shaped international efforts since the end of the cold war to (re)build state institutions.[14] With a nod to the concept of a "responsibility to protect," this normative framework has been described as one of *sovereignty as responsibility*.[15] Sovereignty (and the right to nonintervention) is conditional upon the fulfillment of certain governance standards; and recent postconflict statebuilding efforts (as

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distinct from the military interventions that often precede them) have been justified by the interveners with reference to the failure of the affected societies to live up to these standards.[16] Furthermore, these governance standards are reflected in the types of institutions established by statebuilding operations.

This normative framework of "sovereignty as responsibility" has five key elements, reflected in the mandates of statebuilding operations, and in the justificatory language used by the international actors involved:

- *Democratic government*. Democracy has increasingly been identified by international organizations and international law as the preferred form of domestic government, and the mandates of most statebuilding operations (for example, in Bosnia, Kosovo, East Timor, and Afghanistan) have emphasized the establishment of democratic institutions.[17]
- *Promotion and protection of human rights*. The importance of upholding human rights and international humanitarian law (in particular as it applies to civilians) has been an essential element of peace operations since the end of the cold war.[18] It has also been a key element of the mandates of international postconflict statebuilding operations, reflected in the establishment of dedicated human rights institutions in postconflict societies.[19]
- *Upholding the rule of law*. Believed to be central to the promotion of security, democracy, and economic development, the promotion of the rule of law has become one of the key priorities of postconflict statebuilding operations, and has shaped judicial reform efforts and transitional justice processes.[20]
- *Economic liberalization*. A government's legitimacy crucially depends on its ability to provide for the economic well-being of its population.[21] For statebuilding operations and their international donors, this has generally meant the promotion of economic liberalization and the establishment of a free market economy, based on the view that a free market economy can most effectively ensure growth and prosperity.[22]
- *Effective government*. Effective government is central to most traditional conceptions of the state, most famously Max Weber's association of the state with claims to the monopoly on legitimate violence over a particular territory.[23] The lack of effective government (the inability to develop and implement public policy and/or to provide basic public services) and the

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> consequences of this, in particular for the security of the population, have been central to the justifications for statebuilding interventions by international administration; the restoration (or creation) of reasonably effective governmental institutions is generally at the heart of statebuilding mandates.

This liberal normative framework is, of course, predominantly a Western commitment, reflecting the provenance of most of the institutions and individuals engaged in postconflict reconstruction. It has been criticized by a range of scholars as a quasi-imperial imposition of Western standards on postconflict societies, and as a denial of democratic self-government and self-determination.[24] While it is beyond the scope of this article to fully engage with these criticisms, it is worth highlighting two issues that affect the impact of these norms on the exit of statebuilding operations.

First, the fact that this form of "liberal statebuilding" is often insufficiently attuned to local norms has undermined the effectiveness of postconflict reconstruction efforts. One of the assumptions underlying the reconstruction of postconflict societies along liberal lines is that such institutions are more legitimate and hence more stable, reducing the risk of renewed conflict.[25] However, if societies have strong diverging local norms that make it difficult to adapt and incorporate these liberal norms into the existing domestic order, such new institutions are unlikely to have much support or to function effectively. The record of institution building in areas such as policing and the judiciary, where norms tend to be culturally specific, is much poorer compared to the record in sectors such as healthcare or reform of the military, where norms transfer more easily.[26]

Second, the international norms associated with liberal statebuilding also conflict with other well-codified international norms, in particular those of self-determination and territorial integrity, which themselves may be in tension as in the case of Kosovo.[27] These "intricate structures of conflicting norms and values"[28] not only determine whether and how an intervention occurs but also when and how international agencies exit. The existence of strong liberal norms, therefore, does not necessarily lead to liberal statebuilding outcomes. While they shape the exit of statebuilding operations, they do not determine its character and timing. Mindful of these caveats, the remainder of this section draws on the constructivist literature in international relations to propose three pathways through which norms affect exit.

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Norms, Blueprints, and Benchmarks

The first way in which norms can affect the exit of statebuilding operations is by shaping specific benchmarks for exit, the fulfillment of which triggers the handover of authority to local institutions. As highlighted by the socialization literature in international relations, which examines how actors are induced to accept the norms of a given community, norms can provide blueprints for appropriate institutions and conduct.[29] In the case of statebuilding, such blueprints can be fairly informal, simply reflecting the institutions of the international statebuilders themselves. In East Timor, for example, the German legal advisor introduced investigative judges into the judicial system, a concept previously unknown in that country.[30] However, blueprints can also be explicit, outlining in the mandates of statebuilding operations the kind of institutions that should be built, most explicitly in Bosnia's "Peace Implementation Agenda" and in the "Kosovo Standards."

With regard to exit, such blueprints are the basis for the benchmarks for the transition of authority from international to local institutions. These benchmarks can entail legislative and institutional reforms or sustained changes in conduct (for example, in the treatment of minorities) that might indicate the acceptance of the normative framework. As the use of elections as a transition mechanism has declined since the mid-1990s, and more emphasis has been put on "phased" exit linked to the fulfillment of various phases of the statebuilding mission's mandate, benchmarks have become an important exit mechanism, as in Bosnia, Afghanistan, and Kosovo.

An obvious challenge posed by the use of exit benchmarks, however, is the issue of who determines their specific content, and who reviews whether they have been met.[31] In the case of UN operations, benchmarks are established at the outset as part of the mandates of the operation, which are set and reviewed by the Security Council and the Secretary-General. Such a review raises the danger that benchmarks do not reflect the political and resource constraints faced by the operation on the ground, or are too vague to be useful.[32] On the other hand, leaving the determination of benchmarks to the international administration itself raises the possibility that they can be manipulated to ensure the "right" outcome—either to prolong statebuilding efforts or to shorten them. Some critics of the OHR in Bosnia, for example, have argued that it has frequently "moved the goalposts," justifying its continued authority by shifting its focus to fighting corruption and crime, rather than its original mandate of establishing security and building basic public institutions.[33]

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The Taboo of Colonialism

A second function of norms is the creation of "zones of permissibility," encompassing a range of actions that are compatible with these norms,[34] and of "taboos" that make particular practices all but inconceivable.[35] One such taboo of particular importance to the issue of exit and statebuilding is the prohibition of colonial rule, epitomized in the 1960 UN General Assembly's *Declaration on the Granting of Independence to Colonial Countries and Peoples*.[36] As scholars such as Robert Jackson and Hendrik Spruyt have shown, in the wake of the Second World War the practice of colonial governance was increasingly challenged and delegitimized internationally by the norm of self-determination, and this emerging taboo significantly contributed to the dissolution of the European overseas empires.[37] However, other forms of outside domination over formally sovereign countries—for example, through economic influence or the establishment of military bases—have not attracted the same moral opprobrium as the direct exercise of political authority by colonial administrations.

In light of this taboo, postconflict statebuilding operations, especially those involving international administration, have generally sought to distance their efforts from any appearance of colonialism.[38] To this end, they have emphasized their temporary nature, reflected in the description of such operations as the UN *Interim* Administration Mission in Kosovo and the UN *Transitional* Administration in East Timor. Similarly, President George W. Bush emphasized the temporary nature of the U.S. presence in Iraq, arguing that "Our coalition will stay until our work is done. Then we will leave, and we will leave behind a free Iraq."[39] In the same vein, Michael Ignatieff has suggested that "All modern imperial rule is temporary, justified as the exercise of force and coercion necessary to restore peoples to their sovereignty."[40]

The norm of self-determination and the taboo of permanent direct control associated with colonialism therefore make timely exit central to the legitimacy of postconflict statebuilding efforts. Ultimately, some form of self-government needs to be re-established, which helps to explain the effectiveness of the strategic use of norms by local actors to argue for exit, as discussed in the next section.

Norms as Instruments in Political Discourse

The way in which norms function in political discourse has important implications for the exit process. As Ian Hurd and Frank Schimmelfennig have shown, actors appeal to norms strategically in political arguments, interpreting and reinterpreting

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the content and meaning of norms to justify their political objectives.[41] In the case of international administrations, elements of the liberal normative framework have been invoked by international actors to justify their continued presence and statebuilding activities. In particular, they have highlighted the absence or weakness of democratic institutions, the weakness of administrative institutions, persistent human rights problems, or the continued lack of domestic security.

However, norms are public goods, meaning that they are nonrivalrous (that is, use by one actor does not preclude use by another) and nonexclusive (no one can be prevented from invoking them). As a result, each side in a political argument can appropriate a norm and use it strategically to promote its political goals. Even if local elites do not necessarily accept the legitimacy of particular norms, they can strategically employ and reinterpret them to argue against the presence of international administrations, to push for more local participation in the statebuilding process, and to support exit from the mission. They have based their claims in particular on the norm of democracy, interpreting it not so much in terms of accountable and representative institutions (as international administrations have), but focusing instead on the notion of self-rule inherent in the concept. Local elites have frequently invoked the language of "ownership," emphasized the lack of democracy that is fundamental to the practice of international administrations, and demanded more self-government and greater local control over public institutions and the statebuilding process. These claims have been effective given the international normative commitment to democracy: they appeal to well-codified and well-understood international normative frameworks, and create what one could call a "transition push"—significantly shaping the nature and timing of the exit process.

Thus, in East Timor local pressures for self-government led to the increasing "Timorization" of institutions, and the adoption of a timetable for independence, which was declared in May 2002. Local elites criticized the undemocratic nature of UNTAET to push for more self-government. As the local leadership grew increasingly frustrated with the unwillingness of UNTAET to share more power, the whole cabinet threatened to resign in December 2000. In a letter to the Special Representative of the Secretary-General, they complained that "The Timorese Cabinet Members are caricatures of ministers in a government of a banana republic. They have no power, no duties, nor resources to function adequately."[42] Such appeals to norms of self-rule accelerated the transition of authority to local

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institutions in East Timor, which in the end occurred despite the continued weakness of these institutions and concerns about their sustainability.

In Iraq, the Coalition Provisional Authority (CPA) originally wanted to select the members of the Transitional National Assembly, which was tasked to draft the new Iraqi constitution and to choose the new Iraqi government through a complex and opaque system of regional caucuses. This way, it hoped, it could maintain a degree of control over the composition of the future government. However, Iraqi leaders appealed to the very same democracy norm used by the U.S. occupation forces to legitimize their actions, and forced the CPA to approve elections. Thus Ayatollah Sistani stated publicly that an Iraqi government had to be democratically elected to be legitimate, making it impossible for the CPA to stick to the process of caucuses and, in the end, forcing it to accept the election of the assembly.[43]

Attempts to accelerate the exit of statebuilding operations based on the democracy norm have had various results, reflecting the different political environments within which statebuilding efforts have taken place. The commitment to Timorese independence from the outset of the international administration, the similarity of its situation to decolonization (that is, independence from Indonesian occupation), and the reluctance of major powers to fund an international administration for much more than three years all contributed to the success of the Timorese insistence on a faster transition.[44] In Kosovo, the need for UNMIK to co-opt local parties into government to compensate for the limits of its presence and authority on the ground supported the claims for a faster transition by local parties, while the territory's unresolved status mitigated against it. In Bosnia, the continued contest over the strength of the central state vis-à-vis the entities (mostly running along the ethnic cleavages that also characterized the conflict), and the continued threat of separatism, have worked against coherent local pressure for the exit of the OHR. More than in any other instance of international administration, the comprehensive international authority exercised in Bosnia has allowed the local political leadership to shift difficult and controversial political choices to the Office of the High Representative, undermining local political participation and creating a culture of dependency.[45]

Kosovo: A Case Study

Following NATO's 1999 air war against Yugoslavia to end the large-scale displacement of Kosovo's majority Albanian population, the Security Council

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established UNMIK and temporarily placed Kosovo under UN administration.[46] The resolution left Kosovo's future status unresolved, reflecting the tension between the territorial integrity norm on the one hand, and human rights norms (which Kosovo Albanians invoked in support of their demand for independence) on the other.[47] While under UN administration, the territory formally remained part of Yugoslavia, pending a final settlement. The destruction of much of the physical infrastructure, the exclusion of Albanians from public office for ten years under Milosevic's apartheid regime, and the flight of most Serb officials after the war meant that the institutions of government had all but collapsed. As a consequence, the international administration was given a mandate both to build institutions of self-governance and work toward a resolution of the status question.[48]

The case of Kosovo highlights how the normative framework that governs postconflict statebuilding has shaped the exit of the UN-led international administration in the territory. The "Kosovo standards," which became UNMIK's main exit mechanism, were an explicit use of exit benchmarks based on liberal norms; and references to local ownership and democracy were strategically used by local elites to argue for the faster handover of authority. In some respects, however, Kosovo might be seen as a problematic case to examine exit practices. When Kosovo unilaterally declared its independence on February 17, 2008, the deep divisions over this action between the United States and most European countries on the one hand, and Russia, China, and many developing countries on the other, made it impossible to obtain agreement in the Security Council to close down UNMIK, even if the mission was unable to exercise most of its functions. The failure to settle the status question through diplomacy threw the UN into crisis and left the international community in Kosovo without direction and momentum. It led to the de facto partition of Kosovo and control by Belgrade over the Serb-inhabited northern municipalities, and left the international community struggling to define the nature of its engagement.[49] At the time of this writing (February 2009), Kosovo has been recognized by 54 countries, including most EU member states, the United States, and three of the former Yugoslav Republics (Croatia, Macedonia, and Montenegro). A year after the declaration of independence, UNMIK has not been closed down, but in November 2008 the Security Council endorsed the Secretary-General's plans to "reconfigure" the mission to reflect the new realities in Kosovo, in particular transferring its policing and rule of law function to the European Union Rule of Law Mission in Kosovo (EULEX).[50] In a sense, then, UNMIK has still not exited from Kosovo.

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If considered as a process, however, exit has clearly taken place, as authority has largely been transferred to successor missions, and in particular to the local institutions that UNMIK had established and democratically legitimized, and which decided to declare the territory's independence. The role of norms in this process can be usefully examined. Rather than provide a comprehensive account of the exit process and the problems that resulted from the failure to attain a negotiated settlement, the following two sections focus on the specific role that norms played in the exit process.

The Use of Exit Benchmarks

UNMIK's original strategy envisaged the use of governance benchmarks and progress in the resolution of the status question to manage the transition of authority to local institutions. Its original exit strategy for Kosovo foresaw three broad phases: first, the exercise of direct rule and the establishment of administrative structures; second, the election of transitional local institutions and gradual transfer of authority to them as their capacity increased; and, third, a political settlement and the final transfer of responsibilities to the new institutions, whatever form they might take—either in an independent Kosovo or in a territory that formed part of Yugoslavia.[51] In each case, the move from one stage to the next was to happen once local institutions had shown a degree of "maturity."

These early plans for benchmarks were not operationalized or further developed, as the transition of limited authority became subject to more immediate political pressures (discussed below), and the international community (both in the Security Council and on the ground in Kosovo) remained reluctant to address the question of Kosovo's status. From 2003 onward, however, benchmarks associated with the so-called "standards" for Kosovo became the main exit instrument, making the resolution of Kosovo's status (and the departure of UNMIK) conditional upon the attainment of a comprehensive list of governance standards.

The so-called "standards before status" policy was originally devised a year earlier in 2002 by the then-head of UNMIK, Michael Steiner. Its aims were both to bring the status issue onto the agenda of the international community and to reassure Kosovo Albanians that the status question would be addressed.[52] The eight governance standards outlined by Steiner closely reflect the liberal normative framework outlined earlier, including, inter alia, functioning democratic institutions, the rule of law, freedom of movement, the sustainable return of refugees, and the establishment of a market economy. The proposal remained

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silent about the nature of the final status, yet it was implicit that this would be some form of independence.[53]

While UNMIK and the main international donors, after some initial reluctance, officially adopted the standards as the main instrument to attain a political settlement and manage an exit by the end of 2003,[54] it was the outbreak of violence rather than improvements in governance that accelerated international efforts to resolve the status question—not the desire for exit. The riots in March 2004, which targeted the Serb minority and UNMIK and which left 19 dead and some 900 injured,[55] increased the pressure to resolve Kosovo's status.[56] Western states that had previously feared that attempts to address Kosovo's status would destabilize the region and lead to renewed calls for separatism in Bosnia and Macedonia now viewed a delay in resolving the issue as a source of instability. The standards remained the process through which UNMIK's exit and Kosovo's status was pursued; however, in the aftermath of the riots the implementation of the more difficult standards was effectively decoupled from the status question.[57] In October 2005 the Special Envoy of the UN Secretary-General, Kai Eide, who had been dispatched to Kosovo to ascertain the extent to which the standards had been met, recommended that talks about the status should begin even though important shortcomings in the implementation of the standards remained.[58] In the words of Marc Weller, the international community's policy shifted from "standards before status" to "some standards before status" in the wake of the 2004 riots, and later to "standards with status" as the political negotiations over the status question dragged on.[59]

The use of benchmarks had a lasting influence on the exit process, and on the envisaged character of the successor missions. They are reflected in the notion of "supervised" independence for Kosovo expressed in the proposal of UN Special Envoy Martti Ahtisaari for Kosovo's status, published in March 2007, and in the mandates of the International Civilian Representative (ICR) and EULEX, which have wide-ranging competences with regard to the rule of law and human rights protection.[60] Implementation of the standards is being pursued now that the status question (at least in the eyes of the Kosovo Albanians and their international backers) has been resolved. Full, "unsupervised" independence is only envisaged once these concerns (in particular with regard to the protection of ethnic minorities) have been alleviated.

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The Strategic Use of Norms in Kosovo

From the outset of UNMIK's mandate, Albanian political leaders regularly criticized the undemocratic nature of UNMIK when calling for greater local participation in the governance of Kosovo, and at times challenged it directly.[61] These challenges increased the pressure on UNMIK to hold elections and to gradually hand over authority to local institutions. Kosovo Albanian leaders used the newly established and democratically legitimized institutions, such as the Kosovo Assembly established after the first province-wide elections in 2001, to challenge UNMIK's authority. Several times the assembly voted on issues that were still under UNMIK's jurisdiction, for example on privatization and on Kosovo's borders with neighboring states.[62] Once the status negotiations commenced, both sides tried to use conflicting norms to support their claims. The Kosovar negotiation team emphasized Kosovo's commitment to the protection of human rights of minorities and its willingness to offer far-reaching concessions to the Serb minority regarding self-government within an independent Kosovo,[63] while the Serb negotiators insisted on the importance of the territorial integrity norm.[64]

The strategic use of the democratic norm by the Kosovo Albanian leaders has been successful for two reasons. The first is that it overlapped with the normative commitments of those involved in UNMIK's statebuilding efforts, many of whom were often uneasy about the scope of their powers and the inherently undemocratic and unaccountable nature of the governmental authority of the international administration. The push for more participation, employing the norm of democracy, could effectively tap into the normative concerns of the international community. Thus Bernard Kouchner, head of UNMIK in 1999 and 2000, reflected after his departure that:

> I wanted to implicate the Kosovars, all the ethnic groups—Albanians and Serbs, Bosniacs and Roma, Ashkali, Turks, and the others—in the ensemble of decisions that concerned them or had bearing on the future of Kosovo. . . . The sharing of competences would allow them to become players but also responsible actors—that is, equally accountable with the international community: partners in success as well as in failure.[65]

Second, the limited capacity of UNMIK created an ideal environment for the demands of the Kosovo Albanian elite, as it required UNMIK to co-opt local power structures to advance its statebuilding mandate. UNMIK formally assumed all executive, legislative, and judicial authority in Kosovo.[66] These comprehensive powers on paper, however, were not matched by reality. In the first few months

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UNMIK's authority barely extended beyond Kosovo's capital, Pristina, and the existing power vacuum was filled instead by the unrecognized, Kosovo Liberation Army-led "Provisional Government of Kosova," which appointed mayors in the municipalities and established a parallel governmental structure levying taxes and issuing permits and licenses without any accountability to UNMIK.[67] To maintain some leverage over the Kosovo Albanians, UNMIK therefore needed to co-opt the local parties and accelerate the transition of authority to local institutions.

At the same time, the scope of the strategic use of norms to push for a faster transition in Kosovo was constrained by the need for a settlement of Kosovo's legal status, as a result of which certain "reserved powers" had to stay under international control. These included Kosovo's "foreign policy," the institutional structure, and the issue of privatization. Furthermore, the judiciary and police also remained under the control of UNMIK; and since the unilateral declaration of independence, the ICR and EULEX have claimed both a supervisory and operational role in the judiciary and the police. Reflecting ongoing concerns about human rights, especially of minorities, this highlights how benchmarks relating to the "sovereignty as responsibility" framework continue to shape Kosovo's transition.

Conclusion

This article has highlighted how the liberal normative framework that influences international postconflict statebuilding efforts has also affected the exit practices of such operations. These norms have shaped one of the key exit mechanisms—governance benchmarks—and have limited the ability of statebuilding operations to determine the timing and the nature of their exit, as norms are used strategically by local elites to push for a faster transition. As a consequence, exit rarely coincides with the achievement of the normative ambitions of statebuilders, or of the full implementation of their mandates. The "success" of statebuilding operations with regard to the establishment and reform of political and administrative institutions is often only of limited relevance for the nature of their exit. These findings raise important policy questions: What does it mean for exit strategies from postconflict statebuilding, and how can international actors continue peace consolidation efforts in light of these constraints?

This situation is compounded by a second problem: In light of the taboo of colonialism, contemporary international administrations are explicitly

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transitional. They are a response to a particular emergency where self-governance is seen as not feasible, either because the question of who should exercise the right to self-governance is (violently) contested or because there is very limited capacity for self-governance. Their mandate is to address the emergency, and then to work themselves out of existence. Extended international administration, implicit in the notion of exit as a process, is therefore both likely to be seen as increasingly illegitimate and to be contested by local elites. In the worst case, this can lead to violence targeted at the international administration, as during the March 2004 riots in Kosovo.

The fate of East Timor highlights these challenges. Public order broke down and violence returned in the summer of 2006, four years after the end of UNTAET, and one year after the closure of the UN Mission in Support of East Timor (UNMISET). When asked whether he thought that the United Nations had left East Timor too soon, Secretary-General Kofi Annan reflected on the constraints faced by the organization when deciding on the duration of the deployment, but overall agreed with such an assessment.[68] Managing this tension between pressures for exit and the need to shore up the gains of statebuilding needs to be at the center of any exit strategy.

Both challenges to exit—those arising from the limited control that international administrations have over their exit, and from a drawn-out exit process—suggest that in their statebuilding work international administrations should focus on establishing institutions and structures through which a less interventionist follow-on operation (focusing on assistance rather than governance) can be structured. Given the limited mandate and power of such follow-on operations, the focus needs to be on the creation or strengthening of local institutions and elites in cooperation with which international reconstruction and peace consolidation efforts can continue. As Sir Jeremy Greenstock, the former British Permanent Representative at the United Nations, observed, "We do not just get out. We hand over to a mechanism that deals with the next stage."[69]

NOTES

[1] The literature on exit is still limited. But see Richard Caplan, "After Exit: Successor Missions and Peace Consolidation," *Civil Wars* 8, nos. 3–4 (2006), pp. 253–67; Gideon Rose, "The Exit Strategy Delusion," *Foreign Affairs* 77, no. 1 (1998); pp. 56–67; Dominik Zaum, "Peace Operations and Exit," *RUSI Journal* 153, no. 2 (2008), pp. 36–40.

[2] See for example Nicholas Sambanis, "Short- and Long-Term Effects of United Nations Peace Operations," *World Bank Economic Review* 22, no. 1 (2008), pp. 29–30.

[3] Benjamin Reilly, "Post-Conflict Elections: Constraints and Dangers," in Edward Newman and Albrecht Schnabel, eds., *Recovering from Civil Conflict: Reconciliation, Peace and Development* (New York:

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Routledge, 2002), pp. 118–39; Roland Paris, *At War's End: Building Peace after Civil Conflict* (Cambridge: Cambridge University Press, 2004); Caplan, "After Exit."

[4] Ralph Wilde, "Exits from Colonialism, Occupation, Mandate, and Trusteeship Arrangements and International Territorial Administration: The Competing Normative Models of Trusteeship and Self-Determination," paper delivered at the Annual Convention of the International Studies Association, New York, February 15, 2009.

[5] Noah Feldman, *What We Owe Iraq: War and the Ethics of Nation Building* (Princeton, N.J.: Princeton University Press, 2004).

[6] *Declaration by the Steering Board of the Peace Implementation Council*, February 27, 2008; available at www.ohr.int. The Steering Board decided not to give a fixed date for the closure of the OHR, and instead made it conditional on a range of governance benchmarks and "a positive assessment by the . . . [Steering Board] based on full compliance with the Dayton Peace Agreement."

[7] Martha Finnemore, *National Interests in International Society* (Ithaca, N.Y.: Cornell University Press, 1996); Peter Katzenstein, ed., *The Culture of National Security: Norms and Identity in World Politics* (New York: Columbia University Press, 1996).

[8] Amitav Acharya, "How Ideas Spread: Whose Norms Matter? Norm Localization and Institutional Change in Asian Regionalism," *International Organization* 58, no. 2 (2004), pp. 239–75.

[9] See, for example, Michael Barnett and Raymond Duvall, "Power in International Politics," *International Organization* 59, no. 1 (2005), pp. 39–75; Ian Hurd, "The Strategic Use of Liberal Internationalism: Libya and the UN Sanctions, 1992–2003," *International Organization* 59, no. 3 (2005), pp. 495–526.

[10] Kevin C. M. Benson and Christopher B. Thrash, "Declaring Victory: Planning Exit Strategies for Peace Operations," *Parameters* 16, no. 3 (1996), pp. 69–80.

[11] Kofi Annan, *No Exit Without Strategy: Security Council Decision-Making and the Closure or Transition of United Nations Peacekeeping Operations*, UN doc. S/2001/394 of April 20, 2001.

[12] Charles T. Call and Susan E. Cook, "On Democratization and Peacebuilding," *Global Governance* 9, no. 2 (2003), p. 237.

[13] Caplan, "After Exit," p. 254.

[14] David Chandler, *Empire in Denial: The Politics of State-Building* (London: Pluto, 2006); Paris, *At War's End*; Dominik Zaum, *The Sovereignty Paradox: The Norms and Politics of International Statebuilding* (New York: Oxford University Press, 2007).

[15] International Commission on Intervention and State Sovereignty, *The Responsibility to Protect* (Ottawa: International Development Research Centre, 2001).

[16] Zaum, *Sovereignty Paradox*, pp. 39–43. See also Lene Mosegaard Søbjerg, "Trusteeship and the Concept of Freedom," *Review of International Studies* 33, no. 3 (2007), pp. 475–88.

[17] Gregory H. Fox, "International Law and the Entitlement to Democracy after War," *Global Governance* 9, no. 2 (2003), pp. 179–97. Fox emphasizes that "When the UN contributed to the political and legal structure of postconflict societies, it has invariably drawn on the body of emerging democratic norms." (p. 180). For examples of the role of democratic government in statebuilding mandates, see *Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions*, Bonn, December 5, 2001 (Afghanistan); SC Res. 1244 of June 10, 1999, Art. 11(c) (Kosovo); and SC Res. 1272 of October 25, 1999, Art. 8 (East Timor).

[18] See Georg Nolte, "The Different Functions of the Security Council with Respect to Humanitarian Law," in Vaughan Lowe, Adam Roberts, Jennifer Welsh, and Dominik Zaum, eds., *The United Nations Security Council and War: The Evolution of Thought and Practice since 1945* (New York: Oxford University Press, 2008), pp. 519–34.

[19] See for example UNMIK Regulation 1999/24, "On the Law Applicable in Kosovo," December 12, 1999; and UNTAET Regulation 1999/1, "On the Authority of the Transitional Administration in East Timor," of November 27, 1999. In Bosnia, an entire annex of the Peace Agreement (Annex 6) was dedicated to human rights, outlining the applicable international human rights law applicable in Bosnia, and establishing human rights institutions. See "General Framework Agreement for Peace," reprinted in OHR, *Bosnia and Herzegovina: Essential Texts*, 3rd ed. (Sarajevo: OHR, 2000), pp. 23–63.

[20] Kirsti Samuels, *Rule of Law Reform in Post-Conflict Countries: Operational Initiatives and Lessons Learned*, Conflict Prevention and Reconstruction Paper No. 37, World Bank, October 2006, p. 3.

[21] David Williams, "Aid and Sovereignty: Quasi-States and the International Financial Institutions," *Review of International Studies* 24, no. 4 (2000), p. 557.

[22] See, for example, Michael Pugh and Neil Cooper, with J. Goodhand, *War Economies in a Regional Context: Challenges of Transformation* (Boulder, Colo.: Lynne Rienner, 2003), pp. 91–141.

[23] Max Weber, "The Profession and Vocation of Politics," in Peter Lassman and Ronald Speirs, eds., *Weber: Political Writings* (Cambridge: Cambridge University Press, 1994), pp. 310–11.

[24] See, for example, Chandler, *Empire in Denial*; Beate Jahn, "The Tragedy of Liberal Diplomacy: Democratization, Intervention, and Statebuilding (Parts I and II)," *Journal of Intervention and Statebuilding* 1, nos. 1–2 (2007), pp. 87–106 and pp. 211–29.

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[25] Paris, *At War's End*, pp. 40–51; Robert I. Rotberg, "The Failure and Collapse of Nation-States: Breakdown, Prevention, and Repair," in Robert I. Rotberg, ed., *When States Fail: Causes and Consequences* (Princeton, N. J.: Princeton University Press, 2004), pp. 1–45.

[26] See Sarah Cliffe and Nick Manning, "Practical Approaches to Building State Institutions," in Charles T. Call and Vanessa Wyeth, eds., *Building States to Build Peace* (Boulder, Colo.: Lynne Rienner, 2008), p. 170.

[27] Zaum, *Sovereignty Paradox*, p. 42.

[28] Martha Finnemore, "Paradoxes in Humanitarian Intervention," in Richard Price, ed., *Moral Limit and Possibility in World Politics* (Cambridge: Cambridge University Press, 2008), p. 198, and pp. 206–14.

[29] Jeffrey T. Chekel, "International Institutions and Socialization in Europe: Introduction and Framework," *International Organization* 59, no. 4 (2005), p. 804. Roland Paris compares peacebuilders to a "transmission belt" conveying norms to postconflict countries. Roland Paris, "International Peacebuilding and the 'Mission Civilisatrice,'" *Review of International Studies* 28, no. 4 (2002), pp. 633–34.

[30] Hansjörg Strohmeyer, "Building a New Judiciary for East Timor: Challenges for a Fledgling Nation," *Criminal Law Forum* 11, no. 3 (2000), pp. 259–85.

[31] See for example George Downs and Stephen John Stedman, "Evaluation Issues in Peace Implementation," in Stephen John Stedman, Donald Rothchild, and Elizabeth Cousens, eds., *Ending Civil Wars: The Implementation of Peace Agreements* (Boulder, Colo.: Lynne Rienner, 2002), pp. 45–47.

[32] For such a criticism of UNMIK's mandate in Kosovo, see Ian King and Whit Mason, *Peace at Any Price: How the World Failed Kosovo* (London: Hurst, 2006), p. 33.

[33] Gerald Knaus and Felix Martin, "Travails of the European Raj," *Journal of Democracy* 14, no. 3 (2003), pp. 60–74.

[34] Friedrich Kratochwil, "How Do Norms Matter?" in Michael Byers, ed., *The Role of Law in International Politics: Essays in International Relations and International Law* (New York: Oxford University Press, 2000), pp. 43–51.

[35] Richard Price, "A Genealogy of the Chemical Weapons Taboo," *International Organization* 49, no. 1 (1995), pp. 73–103.

[36] GA Res. 1514 (XV) of December 14, 1960.

[37] Robert H. Jackson, *Quasi-States: Sovereignty, International Relations and the Third World* (Cambridge: Cambridge University Press, 1990), pp. 82–85; Hendrik Spruyt, "The End of Empire and the Extension of the Westphalian System," in James A. Caporaso, ed., *Continuity and Change in the Westphalian Order* (Oxford: Blackwell, 2000), pp. 65–92.

[38] Ralph Wilde, *International Territorial Administration: How Trusteeship and the Civilizing Mission Never Went Away* (New York: Oxford University Press, 2008), pp. 395–428.

[39] Remarks by the President from the USS Abraham Lincoln at Sea off the Coast of San Diego, California, May 1, 2003.

[40] Michael Ignatieff, *Empire Lite: Nation-Building in Bosnia, Kosovo, and Afghanistan* (London: Vintage, 2003), pp. 113–14.

[41] Hurd, "Strategic Use of Liberal Internationalism"; Frank Schimmelfennig, "The Community Trap: Liberal Norms, Rhetorical Action, and the Eastern Enlargement of the European Union," *International Organization* 55, no. 1 (2001), pp. 47–80.

[42] Cited in Simon Chesterman, *You, the People: The UN Nations, Transitional Administration, and State-Building* (New York: Oxford University Press, 2005), p. 140.

[43] Feldman, *What We Owe Iraq*, pp. 115–16.

[44] Anthony Goldstone, "UNTAET with Hindsight: The Peculiarities of Politics in an Incomplete State," *Global Governance* 10, no. 1 (2004), pp. 83–99.

[45] Elizabeth Cousens and David Harland, "Post-Dayton Bosnia and Herzegovina," in William J. Durch, ed., *Twenty-First Century Peace Operations* (Washington D.C.: USIP Press, 2006), p. 120.

[46] SC Res. 1244 of June 10, 1999. For details of the Kosovo conflict, see, for example, Tim Judah, *Kosovo: War and Revenge*, 2nd ed. (New Haven, Conn.: Yale University Press, 2002).

[47] Mark Zacher, "The Territorial Integrity Norm: International Boundaries and the Use of Force," *International Organization* 55, no. 2 (2001), pp. 215–50.

[48] For detailed discussions of statebuilding in Kosovo, see Caplan, *Rule and Reconstruction*; Michael Dziedzic, "Kosovo," in William J. Durch, ed., *Twenty-First Century Peace Operations* (Washington D.C.: USIP Press, 2006), pp. 319–88; King and Mason, *Peace at Any Price*; Zaum, *Sovereignty Paradox*.

[49] See Crisis Group, *Kosovo's Fragile Transition*, Brussels and Pristina, September 25, 2008; Kosovo Stability Initiative (IKS), *Who's the Boss?* Discussion Paper, December 3, 2008, available at www.iksweb.org; Oisín Tansey and Dominik Zaum, "Muddling Through? Kosovo's First Year of Independence," *Survival* 51, no. 1 (2009), pp. 13–20.

[50] *Report of the UN Secretary-General on the United Nations Interim Administration Mission in Kosovo*, UN doc. S/2008/692 of November 24, 2008.

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[51] *Report of the Secretary-General on the United Nations Interim Administration Mission*, UN doc. S/1999/779 of July 12, 1999, paras. 110–16. The distinction into three phases is my simplification of the five phases identified in the SG report.
[52] The standards were first publicly announced in a speech by Michael Steiner at the UN Security Council on April 24, 2002. See UN Doc. S/PV. 4518 of April 22, 2002, pp. 2–4.
[53] King and Mason, *Peace at Any Price*, pp. 174–75.
[54] UNMIK, *Standards for Kosovo*, Pristina, December 10, 2003.
[55] International Crisis Group, *Collapse in Kosovo*, Pristina, August 22, 2004, p. 1.
[56] Tim Judah, "Kosovo's Moment of Truth," *Survival* 47, no. 4 (2005), pp. 75–76.
[57] King and Mason, *Peace at Any Price*, p. 192.
[58] *A Comprehensive Review of the Situation in Kosovo*, UN Doc. S/2005/635 of October 7, 2005.
[59] Marc Weller, *Negotiating the Final Status of Kosovo*, Chaillot Paper 114 (Paris: EUISS, 2008), p. 82.
[60] *Comprehensive Proposal for the Kosovo Status Settlement*, UN Doc. 2007/168/Add. 1 of March 26, 2007.
[61] Crisis Group, *Kosovo Report Card*, Brussels, and Pristina, August 28, 2000. They were also central to calls for "unsupervised" independence by the student-led independence movement *Vetëvendosje* ('Self-determination'). See for example Vetëvendosje, Newsletter No. 69, November 19, 2007.
[62] Conflict, Security, and Development Group, *A Review of Peace Operations—A Case for Change: Kosovo* (London: King's College, 2003), para. 252.
[63] See, for example, Speech by the President of Kosovo, Fatmir Sedjiu, at the Vienna Meeting of March, 10 2007; available at www.president-ksgov.net.
[64] For a detailed discussion of the negotiations, see Marc Weller, "The Vienna Negotiations on the Final Status for Kosovo," *International Affairs* 84, no. 4 (2008), pp. 659–81; and Marc Weller, "Kosovo's Final Status," *International Affairs* 84, no. 6 (2008), pp. 1223–43.
[65] Cited in Caplan, *International Governance of War-Torn Territories*, p. 115.
[66] UNMIK Regulation 1999/1, "On the Authority of the Interim Administration in Kosovo," July 25, 1999.
[67] ICG, *Waiting for UNMIK—Local Administration in Kosovo* (Pristina: ICG, 1999), pp. 2–3.
[68] UN Secretary-General's Press Encounter Following the Security Council Meeting on Timor Leste, New York, June 13, 2006; available at www.un.org/apps/sg/offthecuff.asp?nid=885 (accessed September 17, 2008).
[69] The remark was made in the context of a Security Council debate on exit strategies. See UN Doc. S/PV. 4223 of November 15, 2000, p. 24.

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