The Concept and Practice of Democratic Regime-Building

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The practice of international administration is a multi-faceted undertaking that involves many complex objectives and activities, and extensive levels of international authority at the domestic level. Frequently, this form of international engagement includes democracy promotion as one of its key elements, and thus provides international actors with a major role in 'democratic regime-building'. This article contends that democratic regime-building enables international administrators to shape democratization processes through a unique range of mechanisms of influence, but nevertheless is not sufficient to empower international actors to ensure that democratization efforts are successful. Rather, while democratic regime-building activities can remove non-democratic options from the political agenda, their ultimate impact on democratization is inherently limited by three primary factors: competing international objectives, unaccountable international rule and the mediating effects of domestic obstacles to political transition. Analysis of recent experiences of democratic regime-building in Kosovo demonstrates how these issues play out in practice.

The practice of international administration, an irregular feature of world politics during the twentieth century, has been rejuvenated since the end of the cold war. In a small number of cases, particularly Bosnia, Kosovo and East Timor, the international community[1] has responded to severe internal crises by establishing multilateral operations that enjoy extensive levels of executive authority at the domestic level, and that have ambitions that go well beyond those of conventional, or even multi-dimensional, peacekeeping.[2] The activities of these administrations have in turn become associated with the practices of peacebuilding and state-building, broad categories of international action that entail a wide range of international pursuits, including security provision, economic restructuring and the establishment of the rule of law.[3] Inevitably, when peacebuilding or state-building efforts are carried out in the context of international administration, they also involve the goal of creating a specifically democratic system of government, and these international operations can thus also be said to pursue the objective of 'democratic regime-building'.

While there has been much research on the role and practices of democracy promotion in general, and also in post-conflict contexts specifically,[4] only limited attention has been given to the effects of large-scale international administration on the processes of political regime change at the domestic level.[5] Yet, as this article posits, democratic regime-building provides international actors with unique mechanisms of influence over the dynamics of political regime change, as the nature of international administration provides external actors with levels of authority unavailable in other, less intensive, forms of international engagement.

Yet while this extensive level of international influence may remove some non-democratic options from political agendas, it does not automatically translate into improved prospects for successful democratic transition. As the remainder of this article demonstrates, with empirical support from the case of Kosovo, three issues in particular limit the potential of democratic regime-building efforts: competing international objectives, non-democratic international rule in the name of democracy, and domestic obstacles to democratization that are associated with weak states and post-conflict territories.

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The practice of international administration entails a wide range of political activities that have been discussed largely in connection with two broad concepts, those of peacebuilding and state-building. Yet two problems arise in relation to the treatment of these issues in existing scholarship. First, different approaches often use different terms to refer to similar underlying activities. For example, what counts as state-building for one author may count as peacebuilding for another.[6] Second, concepts such as state-building and peacebuilding are themselves very broad, and run the risk of conceptual stretching, where so much is packed into a concept that precision is lost at the expense of coverage.

As Charles Call and Susan Cook have argued, however, conceptual precision in this area is imperative if improved comparative empirical work is to be carried out.[7] One strategy that can minimize some of the existing conceptual ambiguity is to disaggregate broader concepts and pursue 'analytical differentiation' in order to get closer to the separate activities of multilateral intervention.[8] Consequently, this article seeks to disaggregate the concepts of state-building and peacebuilding and focus on a single element of international action (democracy promotion) that takes place within the context of external administration, when international actors have extensive levels of executive authority at the domestic level. This is not an effort to replace the concepts of peacebuilding or state-building, but rather to supplement them with one that captures a particular, and very significant, type of international activity that takes place in the context of the administration of territory. The experience of regime transition is a major political process in itself, and extensive and intrusive international efforts to engage in regime-building in the context of international administration thus warrant specific attention.

Democratic regime-building can thus be distinguished from both peacebuilding and state-building. Compared to the latter, democratic regime-building relates in particular to the idea of the political *regime*, which remains distinct from that of the state, while maintaining a close connection to it. While state-building includes activities relating to wider state structures such as security provision, the economy and legal and administrative institutions,[9] the concept of regime-building refers particularly to the realm of the political system. In particular, political regimes contain three core procedural attributes, those that determine:

- the number and type of actors who are allowed to gain access to principal governmental positions;
- the methods of access to such positions;
- the rules that are followed in the making of publicly binding decisions.[10]

Furthermore, the concept of democratic regime-building pertains to an effort to develop a *democratic* regime, one whose rules, procedures and institutions allow for regular and open competition for access to political power, and guarantee the broad range of political and civil liberties that are necessary for such open competition to take place. The concept of democratic regime-building is thus much narrower than that of state-building, as it captures only the efforts of the international community to establish a particular political system, and not wider elements of state capacity and performance. Similarly, the concept is also narrower than that of peacebuilding, as it does not entail a direct focus on conflict resolution activities such as demobilization, demilitarization and disarmament.[11]

As well as differing from state-building and peacebuilding, the concept of democratic regime-building can also be distinguished from other forms of democracy promotion. Democracy assistance, for example, entails the provision of advice, support and funding for local governments and organizations on matters such as election administration, human rights protection and media independence, but it does not involve the same level of international authority at the domestic level that is central to democratic regime-building.[12] Similarly, while intrusive intervention was combined with democracy promotion objectives by the UN in Haiti and Sierra Leone during the 1990s,[13] these missions also did not entail the kind of international governance at the local level that comes with external administration.

The most critical point here is that the nature of international administration allows external actors to assume roles conventionally held by domestic politicians and officials, thus enabling international administrators to become key individual players in guiding and directing the critical processes of political transition. In a number of recent cases, especially Bosnia, Kosovo and East Timor, international administrators have both held extensive political authority at the domestic level and been mandated to involve themselves directly in building the very political *regime* itself. In these particular settings, the concept of democratic regime-building can help capture the international role and the key mechanisms of influence that international officials can use to shape the regime change process. Only in the context of military occupation do international actors enjoy similar levels of authority, and developments in Iraq have highlighted the intrusive role that international occupiers can play in domestic politics.[14] Yet state-led occupation differs from international administration in a number of crucial respects, particularly in relation to the level of multilateral involvement and the oversight role of international organizations.[15] While there are many parallels between the two forms of intervention, the differences are significant, and the arguments presented here relate primarily to international administration rather than occupation.

The most critical powers that international administrations have available to them at the domestic level are forms of conditionality and control that are directly

linked to the high levels of authority these missions enjoy. In relation to conditionality, international administrations have in their power a significant 'reward' for domestic actors that they can use to extract particular political outcomes, namely the timing of their own withdrawal. As international administrations are by definition temporary operations, they can use the timing of their withdrawal, and thus the promise of independent self-government, as a tool to promote certain types of behaviour, making withdrawal conditional only on certain political outcomes. The involvement of international organizations in international administration can also entail a second form of conditionality, as bodies such as the European Union make membership conditionality an integral part of their role during the transition phase.

Aside from conditionality, international administrations also have extensive powers of control that go beyond those enjoyed by other types of international actor. These include:

- *agenda-setting powers*, which can enable transitional administrations to influence which issues are subject to discussion;
- *veto powers*, which can include the ability to strike down laws that are proposed by domestic actors, and remove domestic officials from their positions of authority or prevent them from gaining positions of power in the first place;
- *drafting powers*, where international actors can involve themselves in drafting basic legislation or more significant institutional provisions for the entity in question;
- *imposition authority*, which provides international administrations with the ability to bypass domestic actors entirely and enforce measures they deem necessary.

These intrusive powers can in turn be used to affect the core elements of the political regime as outlined above, namely the type of actors allowed to gain access to power, the institutions through which they must compete for power and the extent and nature of their political power once in office. Democratic regime-building thus allows international actors to use extensive authority at the domestic level to intervene in and influence processes of political transition that are usually determined by local actors operating at the local level.

In important ways, this international role can represent an important source of support to democratization processes in otherwise challenging post-conflict contexts, which are often marked by divided political communities and limited commitment to democratic norms and practices (especially in relation to minority rights). Through their extensive authority at the domestic level, and their direct involvement in the regime-building process, international administrations can ensure that some avenues are closed off for those who would seek to undermine democratic development, and that purely non-democratic regime change outcomes are unlikely to emerge.

However, democratization requires more than international action alone, and must ultimately be supported and driven by domestic as opposed to purely international actors. Even though international administrators may act unilaterally to

promote democratic change, international and domestic priorities concerning regime change do not always converge, and a regime-building process driven by international administrators is not comparable to one driven by domestic actors. As Tony Killick has highlighted with reference to international aid provision, international and domestic authorities retain separate identities and interests; action taken by internationals operating at the domestic level is fundamentally different from action taken by domestic actors themselves. First, international and domestic actors have different histories and political origins, which can lead to contrasting perceptions regarding the desirability of political change. Second, these different groups need to satisfy separate constituencies, with domestic actors having to address the demands of local electorates, while international authorities are often accountable to international bodies, which in turn comprise states that have their own domestic electorates to consider. Third, the fact that one party to the relationship (the international authorities) does not bear the full consequences of its actions (for example, does not have to abide by institutional arrangements it promotes in the host country) gives rise to a separate set of attitudes regarding political risk and the desirability of particular measures of political change.[16] Consequently, the intrusive role of international actors in domestic regime-building activities can entail problematic as well as positive consequences for democratization.

Three issues in particular suggest that the international presence will not in any way be able to 'guarantee' a successful transition, and that it may actually have negative outcomes on the regime-change process. First, although democratic regime-building can be seen as a distinct aim and activity of international administration, it does take place within a context of wider international efforts such as peacebuilding and economic reconstruction, and as such is not always the first priority. Often, the various objectives of international administrators are perfectly compatible with one another, and international activities can be coordinated to achieve multiple objectives simultaneously. On occasions, however, this multiplicity of goals can create tensions, as actions that might further one goal, such as rule of law, may undermine the promotion of alternative objectives, including democratic regime-building.[17] For example, democracy promotion activities in Kosovo (see below) often had to be compromised due to international divisions on the status of Kosovo itself and a subsequent reluctance to devolve extensive powers of self-government.[18]

Second, the very nature of international administration, entailing the use of executive authority by unelected international actors, can undermine the democracy-promotion goals the international authority is being used to promote. As Simon Chesterman has observed, the means of international administration are often inconsistent with the aims,[19] and the lack of accountability and representativeness of international administrators can compromise the legitimacy of some international actions and set an undemocratic precedent for the local actors who will gain authority once the external administrators withdraw.[20]

Finally, even if international and local priorities converge, and international administrators govern in a benign fashion with local consent, the very nature of the political contexts that attract such extensive international intervention suggest that long-term democratization will require more than international

actions alone. The contexts within which international administrations are established usually have serious domestic problems that, despite even the best international efforts, will pose significant challenges to long-term democratic transition and consolidation. In particular, entrenched inter-community conflicts and weak state capacities are two key problems common to cases of democratic regime-building, and both have the potential to hamper democratic development once international authorities depart.

Although each of these issues does not have the same effect in all cases, they have each posed some form of challenge to democratic regime-building. For these reasons and others, some authors have argued that international governance is anathema to democratic rule and rather than promote democratization, actually undermines democratic development and constitutes an unacceptable denial of local autonomy and self-determination.[21] Others, however, have taken the opposite position and argued firmly that international administration can enhance the prospects for democratization and build the foundation of democratic rule, not only by providing international capacity but also by protecting individual freedoms at the local level.[22] This article takes something of a middle road between these opposing positions, and argues that there is no clear pattern of democratic regime-building having only beneficial or harmful effects. Rather, the practice of democratic regime-building brings both advantages and disadvantages for democratic transition, and should be viewed neither as a cure-all nor purely as a form of international malpractice.

Analysis of developments in Kosovo, which has been under UN civilian administration by the UN Interim Administration Mission in Kosovo (UNMIK) since 1999, highlights these complex dynamics further. The following section examines the role and impact of democratic regime-building in Kosovo, in terms of both the mechanisms through which international administrations can shape the domestic processes of regime change, and also some of the limitations that are inherent in international efforts at democratic regime-building.

Democratic Regime-building in Kosovo

Developments in Kosovo since 1999, particularly in the arenas of electoral politics and institution-building, reveal significant moves in the creation of a political regime for democratic self-government. UNMIK was established after the NATO-led intervention secured the withdrawal of Serb troops from the territory. Although the majority Albanian population sought immediate independence, the international community was divided on the issue, and UN administration became the compromise solution.[23] The most powerful political actor in Kosovo since 1999 has thus not been a politician from either Kosovo or Serbia, but rather the head of the UNMIK mission, the Special Representative of the Secretary-General (SRSG).[24]

As in international administrations more generally, in Kosovo international actors assumed positions of authority at the local level conventionally held by domestic actors, and gained corresponding powers in local political affairs. Accordingly, UNMIK has been in a position to use a wide range of mechanisms

to influence political developments, relying both on extensive use of conditionality and direct intervention in the regime-building process through powers of agenda-setting, veto, drafting and imposition.

In the early stages of UNMIK's presence, its regime-building role concentrated on dealing with the first two of the three core procedural attributes of the political regime as outlined earlier: determining who would gain access to power and establishing the institutions of self-government. UNMIK thus became a central player in developing the structures of Kosovo's nascent political regime, and used many of the mechanisms available to it to influence the direction and nature of institutional design. A common theme in this process was a desire on the part of UNMIK officials to limit the authority of the domestic institutions and actors, in part due to concerns about local democratic commitment, and in part due to a desire not to prejudge the issue of Kosovo's status by granting full powers of self-government. Thus, while democracy was consistently expressed as a goal by the international authorities, the (unelected) international actors guided much of the process of regime development, and sought to limit the potential for full democracy by restricting the autonomy of Kosovo's self-governing political structures.

The initial domestic structures established by UNMIK were not even nominally democratic, and were not intended to be. Seeking only to meet the minimum requirements in its mandate for the provision of local self-government, UNMIK initially set up a consultative forum, the Kosovo Transitional Council, and later an executive council and a series of political departments. However, as international rather than domestic actors had designed the interim institutions, they reflected international rather than domestic priorities – their powers were limited relative to UNMIK itself and their local participants were mostly international appointees.[25] To a large extent these interim bodies served the purpose of providing legitimacy for UNMIK in its initial stages, rather than paving the way for democratic politics at the local level.

As a result, local dissatisfaction with the pace of devolution intensified, and helped prompt more substantial progress on the development of institutions of self-government in early 2001, when UNMIK initiated a process to develop a 'legal framework' for Kosovo that would pave the way for a significant transfer of power to elected local authorities. During 2001, Kosovo experienced a critical period of political transition, as international and domestic officials negotiated over this new legal framework, and laid the foundations for Kosovo-wide elections and the establishment of a new legislature and government – the core elements of a democratic political regime.

This process was largely concentrated into a short three-month period in the spring of 2001, when UNMIK established a Joint Working Group on the Legal Framework (JWG) that would bring international and local officials together to develop the new set of institutions. It convened for several weeks, and throughout the drafting process, the operations of the JWG were based largely on an international/domestic divide. The local Kosovo Albanian members sought to ensure that the legal framework would lay the foundations for an independent Kosovo state, while the international side sought to avoid prejudging the sensitive status issue by ensuring that the document would fall short of a conventional constitution.[26]

During the negotiations, UNMIK highlighted the range of mechanisms of influence it could bring to bear on Kosovo's political transition. In particular, it set the agenda for the working group's meetings, showed a willingness to veto local proposals, directly drafted much of the final document, and completed the process with a moment of unilateral imposition. The negotiations did lead to agreement on much of the document, including an elected assembly, a directly elected president (not originally envisaged by UNMIK) and mandatory power-sharing in several branches of government. The extent of differences among the international and local sides ensured, however, that there was no consensus on the final draft, and that key provisions would be inserted by UNMIK without local support. Critical points of dispute included the extent of responsibilities that would be granted to the new self-governance institutions, and whether the document should include provisions for a referendum on independence or a time limit for the international administration. Ultimately, UNMIK reserved considerable powers for itself, including the right to overrule local decisions, and the final document contained no provisions for a time limit or referendum on independence. In a move widely criticized among the local political parties, the Constitutional Framework was promulgated by the then SRSG, Hans Haekkerup, on 15 May 2001: UNMIK essentially imposed a key political document for which it had sought a consensus.[27]

Aside from the development of the Constitutional Framework, new election laws were also developed during this period, with heavy input from both the Organization for Security and Cooperation in Europe (OSCE) and the office of the SRSG.[28] For the electoral system, the political process mirrored the negotiations over the Constitutional Framework; a considerable degree of local consultation was combined with a strong international influence on the final outcome. A Central Election Commission (CEC) was established in early 2000, largely comprising local representatives but chaired by the head of the OSCE. After lengthy deliberations, it became clear that no unanimous decision would be possible. Kosovo's two largest parties, the Democratic League of Kosovo (LDK) and the Democratic Party of Kosovo (PDK), were divided over the electoral system, with the PDK favouring a majoritarian system and the LDK favouring a mixed system. Yet the OSCE was opposed to any majoritarian element in the electoral laws, as this would require the division of Kosovo into constituencies, which without census information would have been both technically difficult and time consuming. The OSCE also wished to promote a proportional electoral system to enable representation of small parties and thus enhance the protection of minority interests within Kosovo.[29]

Ultimately, with no consensus between the local parties and the OSCE, the choice of the electoral system, as with the Constitutional Framework, was made by the international authorities – the SRSG made the final decision on the OSCE's recommendation, and passed a regulation that included provisions outlining a proportional electoral system with open lists.[30]

These experiences of institutional design highlighted both UNMIK's ability to shape the regime change process, and also the particular mechanisms available to it in its efforts. While the international administrators rarely acted without local input, they were nonetheless in a position to set the agenda, to veto measures

deemed unacceptable and to impose significant political provisions in the face of domestic opposition. Contrary to more conventional cases of regime change, the international democratic regime-building role ensured that the territory's political trajectory was in large part directed and channelled by international as opposed to purely domestic actors. Consequently, the process of regime-building was not always smooth, and the tensions that emerged through this early period of establishing qualified self-government structures carried over to the subsequent stage of political development.

Co-habitation: UNMIK and the Government of Kosovo

Once the new Provisional Institutions of Self-Government (PISG) were in place, they paved the way for the first set of Kosovo-wide elections in October 2001 (municipal elections had been held in 2000). The elections brought to power a grand coalition of local political parties, including the LDK, Kosovo's long-running pacifist pro-independence party with 45 per cent of the vote, as well as two successor parties of the Kosovo Liberation Army: the PDK with 25.7 per cent and the AAK (the Alliance for the Future of Kosovo) with 7.8 per cent. The result was also notable for the strong showing of a Kosovo Serb coalition grouping Coalition Return, which polled 11.3 per cent of the vote.

The formation of a coalition government in 2002, which entailed a significant role for international administrators in mediating and brokering the coalition deal, marked the beginning of a prolonged period of international and domestic cohabitation, and of a new and often fraught stage of democratic regime-building. While previously UNMIK had influenced the development of Kosovo's core institutions, now it sought to determine how the new regime actors would behave once in office – the third attribute of a political regime. As a result, relations between the PISG and UNMIK were at times fraught, as the two sides engaged each other over the control of Kosovo's political development.

In particular, the new Assembly often clashed with UNMIK over its choice of legislation, which UNMIK frequently felt to be outside the competences of the body as set out in the Constitutional Framework. In an early show of defiance, the Assembly debated a resolution on territorial integrity, which touched on the sensitive issue of Kosovo's borders with Macedonia and was viewed as potentially destabilizing by the international community. Despite warnings from UNMIK, the EU and the UN Security Council against approving the resolution, the Assembly passed it in May 2002, immediately prompting UNMIK to veto the measure and declare it 'null and void'.[31] A similar response met other resolutions that UNMIK viewed as beyond the Assembly's competence, including resolutions that sought to praise the 'righteous war' of the KLA against Serb forces,[32] and to nullify all laws passed by Serb authorities during the 1990s.[33] When the Assembly also tried to amend the Constitutional Framework unilaterally in 2003–04, UNMIK refused to accept any of the proposed changes.[34]

In addition to using the veto, UNMIK also increasingly fostered positive incentives to encourage actions that it viewed as beneficial. A second significant hallmark of cohabitation in terms of political development was thus an UNMIK

strategy to ensure domestic progress on key political priorities through a particular form of conditionality: linking resolution of Kosovo's status to progress on a series of specified benchmarks. This strategy was initiated under SRSG Michael Steiner in April 2002, when he announced eight benchmarks to be satisfied by the PISG: functioning democratic institutions, the rule of law, freedom of movement, returns and reintegration, the economy, property rights, dialogue with Belgrade, and guaranteeing the civilian mandate of the armed forces. They became the core of a process, 'Standards before Status', which made any talks on future status conditional on progress towards the internationally set targets. The standards were developed in greater detail after 2002.[35] In November 2003, it was announced that if sufficient progress on achieving the standards was made there would be a review in mid-2005 that might lead to the opening of status negotiations.[36]

After 2002, UNMIK thus used the tool of conditionality extensively during the cohabitation period in order to shape domestic political development. By setting international standards in the political arena, especially regarding the role of democratic institutions and the need to protect minority rights and freedoms, the international administrators sought to shape the content of Kosovo's political transition and ensure that international democratic priorities were met. UNMIK set the agenda of political change and sought to use a powerful set of incentives and disincentives to try to ensure that the agenda was adhered to.

The effects of these efforts, however, were decidedly mixed, and international efforts have met with obstacles and failure as much as they have with success and achievement.[37] While the standards conditionality ensured that the PISG began to work more closely with UNMIK, and cooperate in achieving the targets, much of the progress was superficial and the underlying commitment to achieving the standards was limited. For example, although the Assembly increased its legislative output to meet the conditions,[38] concern was raised that this reflected a superficial commitment and was viewed only as means to an end rather than as desirable goals in themselves. Legislation was often passed quickly and without significant debate or consideration.[39]

Such fears were fuelled in March 2004, when unsubstantiated reports that intimidation by a group of Serb youths had led to the drowning of three Kosovo Albanian children were swiftly followed by large-scale riots and co-ordinated violent attacks on Serb areas throughout Kosovo. Although lasting only two days, the violence raised serious questions about the commitment within the Albanian community to the goals of a democratic and multi-ethnic Kosovo, combining as it did widespread violence against Serbs, disregard for UNMIK and the NATO security force (KFOR), and a lack of moderating leadership from elected officials and the media. Nineteen people were killed, nearly 1000 injured, and over 4000 displaced. Albanian Kosovar leaders generally did little to calm the situation, especially at the local level, and were unwilling afterwards to accept the severity of the problem.[40]

The March violence highlighted the limits of international democratic regime-building efforts, indicating that Kosovo was still a great distance from fully embracing democratic norms and practices.[41] This can partly be attributed to

the severity of the conflict between Serbs and Albanians, which was so deep before 1999 that it was almost inevitable that inter-communal tensions would not be eradicated in the short, or even medium, term. However, an immediate international review of what went wrong in March 2004 also suggested that the international mission itself was partly to blame. Its prolonged rule in the absence of status talks had led to a deep sense of frustration among the local Albanian community, which increasingly viewed the mission as an obstacle rather than an asset.[42] The politics of the status issue also highlighted the implications of the multiple, often competing, goals that the mission had to contend with. While UNMIK was committed to enhancing local self-government, it was also mandated not to prejudge the status issue, and this led it to delay full devolution of self-government. International inability to agree on Kosovo's place in Europe thus contributed to a prolonged administration that maintained international executive authority, which thus limited the potential for genuine democracy.

This suggests that democratic regime-building efforts are limited in their capacity to exact change at the local level, and are also potentially part of the problem of stalled political transition. As of mid-2007, however, international democratic regime-building efforts in Kosovo were unlikely to be terminated in the immediate future. The low point of the 2004 violence led to renewed attention to the standards process and the status issue, and in early 2006 the UN initiated status talks under the auspices a Special Envoy, Martti Ahtisaari. These talks failed to produce an agreement, however, and in early 2007 Ahtisaari recommended that the United Nations proceed to resolve the status issue unilaterally, and that Kosovo should gain 'independence, supervised by the international community'.[43] The plan proposed that Kosovo would become a multi-ethnic democracy, within its current borders. To take into account the position of the Serb minority, decentralization and re-districting would be introduced to ensure that the majority of Serbs lived in majority-Serb municipalities. Furthermore, there would be a particular emphasis on minority rights, the protection of religious and cultural heritage and the right of refugees to return – all significant Serb concerns. Crucially, the plan also proposed replacing UNMIK with a new EU-led international mission, headed by an International Civilian Representative (ICR). The figure would supervise implementation of any settlement, and have 'strong corrective powers' similar to those of the High Representative in Bosnia, namely 'the ability to annul decisions or laws adopted by Kosovo authorities and sanction and remove public officials whose actions he/she determines to be inconsistent with the Settlement'.[44] Outright Serb and Russian opposition to the plan, however, with the latter threatening to use its Security Council veto, led to its withdrawal from the United Nations and the renewal of status negotiations.[45] Whatever happens, Kosovo is likely to continue to experience international administration, either by UNMIK or a smaller EU mission, for some time. Democratic regime-building in Kosovo has still yet to run its course.

Conclusion

Democratic regime-building in the context of international administration provides international actors with a fundamental role in political regime

change, but is nonetheless inherently limited in the extent to which it can ensure successful democratic transition. Competing objectives, unaccountable international rule and the severity of domestic obstacles to political transition serve to reinforce the point that democratization is not, and can never be, a top-down process, even when international executive powers are almost absolute. Events in Kosovo throw into sharp relief the limited extent to which democratic regime-building can transform political society and usher in domestic democratic government.

Kosovo is not the only case of international administration, however, and the dynamics of democratic regime-building are not the same in all contexts. The breadth and depth of international administration missions can vary, and so too can the domestic contexts. Bosnia, for example, has shared with Kosovo a lengthy period of international administration since 1995, but differs in that international authorities have not only regularly imposed legislation and institutional change but also frequently dismissed elected politicians and officials.[46] In contrast to the Balkan cases, the international administration in East Timor lasted only two and a half years (between October 1999 and May 2002), and involved considerably lower levels of international imposition in a political setting that lacked the levels of societal divisions found in Bosnia and Kosovo.[47]

Yet establishing clear causal patterns that link these different experiences of democratic regime-building to particular prospects for democratization is difficult, if not impossible, at this stage. Kosovo and Bosnia remain under international administration, and thus it is difficult to be certain how robust these regimes will be once the international authorities withdraw. Furthermore, the experience of East Timor shows that a full assessment of the impact of democratic regime-building requires a lengthy period of post-withdrawal politics. East Timor was originally heralded as a success story, but has experienced severe challenges to its nascent democratic regime following a breakdown of law and order and a political crisis in the first half of 2006, events that had roots both in domestic politics and in the legacies of UN administration.[48]

Until the international administrations withdraw from the Balkan cases, it will be impossible to fully assess the long-term impact of different democratic regime-building strategies and experiences. It seems clear, however, that democratic regime-building is neither a panacea nor a curse. In many respects it can improve the prospects for successful democratization by reducing the space for non-democratic behaviour and contributing to the development of the structures of a democratic regime. Yet, it is also an activity that invariably takes place where post-conflict dynamics and state weakness present serious obstacles to further democratic development. Furthermore, intrusive international efforts to shape domestic politics can sometimes harm the very cause of self-government that external actors profess to strive for. Because of these considerations, the potential of democratic regime-building should be considered in relation to both the domestic context and the ranking of democracy promotion policies in the priorities of international administrators. Given both considerations, expectations concerning the potential of international democratic regime-building efforts should be limited rather than expansive, cautious rather than heroic.

NOTES

1. There is much debate on the question of whether 'the international community' is indeed either fully international, or truly a community. Following Zaum, the term is used here to refer to the (primarily western) states and international organizations that have mandated international administration operations in Bosnia, Kosovo and East Timor. Dominik Zaum, *The Sovereignty Paradox: The Norms and Politics of International Statebuilding*, Oxford: Oxford University Press, 2007, pp.9–13.
2. Richard Caplan, *International Governance of War-Torn Territories*, Oxford: Oxford University Press, 2005, esp. p.86.
3. Simon Chesterman, *You, the People: The United Nations, Transitional Administration, and State-Building*, Oxford: Oxford University Press, 2004; Zaum (n.1 above).
4. See, e.g., Michael W. Doyle and Nicholas Sambanis, *Making War and Building Peace: United Nations Peace Operations*, Princeton, NJ: Princeton University Press, 2006.
5. For a rare examination of the influence of large-scale UN intervention on democratization, see Edward Newman and Roland Rich (eds), *The UN Role in Promoting Democracy: Between Ideals and Reality*, Tokyo: UN University Press, 2004.
6. Cf. Roland Paris, *At War's End: Building Peace After Civil Conflict*, Cambridge: Cambridge University Press, 2004, pp.3–4 and Chesterman (see n.3 above), p.5. Both specify a similar range of activities that they separately refer to as peacebuilding and state-building.
7. Charles T. Call and Susan E. Cook, 'On Democratization and Peacebuilding' *Global Governance*, Vol.9, No.2, 2003, pp. 233–46.
8. See David Collier and Steven Levitsky, 'Democracy With Adjectives: Conceptual Innovation in Comparative Research', *World Politics*, Vol.49, No.3, 1997, pp.430–51.
9. Chesterman (see n.3 above), p.5.
10. Gerardo L. Munck, 'Disaggregating Political Regime: Conceptual Issues in the Study of Democratization', Working Paper No.228, The Helen Kellogg Institute for International Studies, University of Notre Dame, 1996.
11. On peacebuilding, see Paris (n.6 above), Introduction.
12. See, Peter Burnell, *Democracy Assistance: International Co-operation for Democratization*, London: Frank Cass, 2000.
13. See Simon Chesterman, *Just War or Just Peace? Humanitarian Intervention and International Law*, Oxford: Oxford University Press, 2001, ch.4.
14. See, e.g., Larry Diamond, *The American Occupation and the Bungled Effort to Bring Democracy to Iraq*, New York: Times Books, 2005.
15. See Caplan (n.2 above), pp.3–4.
16. Tony Killick, *Aid and the Political Economy of Policy Change*, London: Routledge, 1998, ch.4.
17. On the dilemma of peace versus democracy objectives, see Eva Bertram, 'Reinventing Government: On the Promise and Perils of United Nations Peacebuilding', *Journal of Conflict Resolution*, Vol.39, No.3, 1995, pp.387–418.
18. On competing objectives in Afghanistan, see Hamish Nixon and Richard Ponzio, 'Building Democracy in Afghanistan: The Statebuilding Agenda and International Engagement', *International Peacekeeping*, Vol.14, No.1, 2007, pp.26–40.
19. Chesterman (see n.3 above), p.239.
20. This is a key theme in Caplan (n.2 above), ch.8 and Zaum (n.1 above), ch.2 and Conclusion.
21. E.g., David Chandler, 'Back to the Future? The Limits of neo-Wilsonian Ideals of Exporting Democracy', *Review of International Studies*, Vol.32, 2006, pp.475–94; Beate Jahn, 'The Tragedy of Liberal Diplomacy: Democratization, Intervention, Statebuilding (Part II)', *Journal of Intervention and Statebuilding*, Vol.1, No.2, 2007, pp.211–29.
22. See, Lene Mosegaard Søbjerg, 'Trusteeship and the concept of freedom', *Review of International Studies*, Vol.33, No.3, 2007, pp.475–88.
23. Independent International Commission on Kosovo, *The Kosovo Report: Conflict, International Response, Lessons Learned*, Oxford: Oxford University Press, 2000.
24. UN Security Council Resolution 1244, S/RES/1244, 10 June 1999.
25. United Nations, 'Report of the Secretary General on the United Nations Interim Administration Mission in Kosovo', S/1999/779, 12 July 1999.
26. Author's interviews with former Kosovo Albanian JWG members, Pristina, April 2005.
27. UNMIK Regulation 2001/9, 'On A Constitutional Framework for Provisional Self-government in Kosovo', 15 May 2001.
28. The OSCE has been the lead international organization in UNMIK's 'institution-building' pillar.
29. UNMIK Press Release, 'Interim Administrative Council Discusses Electoral System Proposals', 13 June 2000; UNMIK Press Briefing, 10 July 2000.

30. UNMIK Regulation No. 2000/39, 'On The Municipal Elections In Kosovo', 8 July 2000. See also Andrew Taylor, 'Electoral Systems and the Promotion of Consociationalism in a Multi-ethnic Society: The Kosovo Assembly Elections of November 2001', *Electoral Studies*, Vol.24, No.3, 2005, pp.435–63.
31. Michael Steiner press conference, 23 May 2002, accessed at www.unmikonline.org/press/2002/trans/pc230502.htm.
32. UNMIK Press Release, 'SRSG Issues Declaration on Kosovo Assembly Resolution on War Values', 15 May 2003. See also Associated Press, 'Kosovo local officials banned from int'l meetings after pro-KLA vote', 15 May 2003.
33. UNMIK Press Release, 'UNMIK Considers the decision of the Assembly as invalid', 11 Dec. 2003.
34. Author's interview with senior UNMIK official, Pristina, April 2005. For the proposed changes, see also OSCE, 'OSCE Spot Report on the Monitoring of the Assembly of Kosovo', 7 July 2004.
35. See UNMIK, 'Standards for Kosovo', 10 Dec. 2003, accessed at www.unmikonline.org/press/2003/pressr/pr1078.pdf.
36. UNMIK Press Briefing, 'Joint Press Conference of SRSG Harri Holkeri and US Under-Secretary of State for Political Affairs Marc Grossman', 5 Nov. 2003.
37. For a comprehensive effort to measure progress on each of the standards, see Iain King and Whit Mason, *The Price of Peace: How the World Failed Kosovo*, Ithaca, NY: Cornell University Press, 2006, pp.233–9.
38. In its first year, the Assembly approved nine separate laws, a figure that rose to 26 laws in 2003, and during 2004, in the final nine months of its mandate before the elections of October 2004, it approved 50 pieces of legislation (see: www.assembly-kosova.org).
39. Author's interviews with senior UNMIK and NDI officials, Pristina, April 2005.
40. ICG, 'Collapse in Kosovo', ICG Europe Report No.155, 22 April 2004.
41. See King and Mason (note 37 above), Introduction and p.239.
42. United Nations, 'The Situation in Kosovo: Report to the Secretary-General of the United Nations', UN doc. S/2004/932, 15 July 2004.
43. United Nations, 'Report of the Special Envoy of the Secretary-General on Kosovo's future status', S/2007/168, 26 March 2007.
44. Ibid., para.11.
45. Warren Hoge, 'Kosovo Independence Measure Withdrawn From U.N. Council', *New York Times*, 21 July 2007; Tim Judah, 'Kosovo's Moment of Truth', *Survival*, Vol.47, No.4, 2005–06, pp.73–84. In August 2007, another round of internationally mediated talks commenced with a UN-set deadline of 10 December 2007. There was little clarity about what would happen if the talks failed. One outcome might be the recognition of independence by the United States and the EU without prior approval from the UN Security Council. Daniel Dombey and Neil MacDonald, 'Europe and US try to Maintain United Front', *Financial Times*, 13 Aug. 2007.
46. Chandler, 'From Dayton to Europe', *International Peacekeeping*, Vol.12, No.3, 2005, pp. 336–49.
47. See Chesterman, 'East Timor in Transition: Self-Determination, Statebuilding, and the United Nations', *International Peacekeeping*, Vol.9, No.1, 2002, pp.45–76.
48. Sven Gunnar Simonsen, 'The Authoritarian Temptation in East Timor: Nationbuilding and the Need for Inclusive Governance,' *Asian Survey*, Vol.46, No.4, 2006, pp.575–96.