Legitimacy and Coercion in Peacebuilding: A Balancing Act

Birte Julia Gippert

University of Liverpool

B.Gippert@liverpool.ac.uk

Abstract

Despite the tendency of the power literature to analyse legitimacy and coercion in separation, both theoretical and empirical evidence suggest that coercion and legitimacy are not parallel lines but can interact in different ways, supporting or undermining each other. A methodical exploration of the relationship between legitimacy and coercion is not only important to improve the theoretical literatures on power and legitimacy, but also given the increasing interest in the power of legitimacy in state- and peacebuilding. This article does three things: First, it analyses the overall interaction between coercion and legitimacy. Second, the article explores the question that emerges from the interaction analysis; what level of coercion is permitted/required in order for a mission's local legitimacy to be sustained? For the practice of peacebuilding the article shows that an operation needs to understand its initial legitimacy standing with the local population as that determines how much coercive force it can employ without undermining its overall legitimacy.

Introduction

This paper explores the relationship between coercion and legitimacy conceptually and in international peacebuilding practice. Both concepts are mechanisms of power according to the literatures on power and authority in International Relations and political science (Boulding 1989; Carr 1939; Tyler 1990; Hurd 2007). Studies that analyse power mechanisms usually consider them in separation, either because it conforms to their conceptual view or because it facilitates analysis. Therefore, there is a considerable literature on coercion (Koh 1997; Young 1979; Levi 1997; Mitchell 1993; Fisher 1981) and on legitimacy (Weber 1978; Tyler 1990; Hurd 2007; Hurrell 2007; Clark 2005), respectively, and some of these authors consider both concepts in their studies. However, these works analyse the concepts separately, rather than their mutual relationship. The number of scholarly works which do explore the relationship between coercion and legitimacy is very small (Raz 1990; Hurd 2007; Clark 2005; Tyler 1990; Lake 2010). Very little attention has been paid to this conceptual question, and even less to its empirical dimension in peacebuilding. However, the few works named above suggest that coercion and legitimacy are not parallel lines but can interact in different ways, supporting or undermining each other.

Hurd suggests that the continued use of coercive power to force an actor to comply undermines legitimacy. Others suggest that coercive power is restrained by legitimacy (Whalan 2010), which, if taken further, comes to the same conclusion as Hurd; the over-use of coercion (whatever that means in practice) undermines legitimacy (Hurd 2007). These arguments suggest a negative relationship between coercion and legitimacy, as the former can undermine the latter. Turned around, this relationship is often considered mandatory as coercion can only be employed by a legitimate institution without being despotic. Lake makes the argument that governing a state requires a ruler to hold the monopoly of violence to enforce compliance and punish non-compliance, but he must also be recognised as legitimate in using this violence (Lake 2010). Similarly, Raz argues that coercive power is required by any institution to be considered legitimate at all; a legitimate institution needs to be able to enforce its decisions, as a lack of such enforcement itself could become a delegitimising factor (Raz 1990).

A methodical exploration of the relationship between legitimacy and coercion is not only important to improve the theoretical literatures on power and legitimacy, but also given the increasing interest of academic and policy-makers alike in the power of legitimacy in state- and peacebuilding (OECD-DAC 2010; DFID 2012; Lemay-Hebert 2013; Mersiades 2005). As the introduction to this special issue highlights, coercion and legitimacy can be

close comrades in war and conflict: military might may serve to legitimise one actor over others (including the state), the legitimate use of violence is spread to actors beyond the state, or the unrestrained use of coercive power of governments and militias undermines their legitimacy in the eyes of the population, causing conflict (von Billerbeck and Gippert, this issue). In order to be able to categorise and analyse such complex events as found in conflict and post-conflict peacebuilding, the conceptual tools need to be sharpened. Furthermore, peacebuilding operations are dependent on the support of the local population and elites for reaching their reforms aims (Gippert 2016). So while international missions constitute institutions of authority to the local population and elites, they need to be aware how to best use the powers they have to achieve their aims (Whalan, this issue). This requires understanding how much coercive force they can use without undermining their legitimacy standing.

This article draws its empirical data from two examples of European Union civilian crisis management, the EU term for peacebuilding: the EU Rule of Law Mission in Kosovo and the EU Police Mission in Bosnia-Herzegovina. Both missions lend themselves to this analysis as they have, through different mechanisms, acquired coercive power over local actors. However, at the same time the bulk of the missions' mandates rests on a cooperative monitoring, mentoring, and advising approach, which requires the cooperation and voluntary compliance of the local police officers and justice personnel. Data on legitimacy perceptions was collected through a legitimacy survey and semi-structured face-to-face interviews with local police/justice/ministry staff in both countries, which provided for just over 100 interviews. Legitimacy data for the wider population comes from United Nations Development Program surveys. The information on the police reforms is drawn from official mission reports, as well as meeting minutes, and official documents on the implementation of the reforms. The legitimacy perceptions analysed are those of the local actors at the receiving end of EUPM and EULEX' reforms.

In exploring the research question of how much coercion an international operation is permitted/required to use without undermining its local legitimacy, this article does three things: First, it analyses the overall interaction between coercion and legitimacy. It finds four categories of interaction in the literature, two of which are explored with the help of empirical case studies, as they the only ones which apply to the specific context of international post-conflict peacebuilding. Second, the analysis of the case studies suggests two findings, which seem contradictory at first: 1. that a certain amount of coercion is required for an operation to be seen as effective and legitimate; and 2. that too much coercive force breeds resentment and

undermines the mission's legitimacy. Tackling this seeming contradiction, the article finally introduces a new conceptual distinction that captures the temporal changes of a mission's local legitimacy – initial legitimacy and action legitimacy. It suggests first, that it is the initial level of local legitimacy of the operation that determines how much coercion the mission can employ; here initial legitimacy acts as a constraining factor to the degree of coercive force a mission can employ (Beetham, 1991). Second, it finds that the lack of effectively using coercive force to advance the goals of the mission, undermines the operation's action legitimacy; here effectively wielding coercive force is seen as a requirement for an institution to be seen as legitimate (Raz, 1990).

The analysis of the case studies demonstrates that legitimacy is a dynamic and fluid concept, which has the potential to change during a mission's deployment (Wiharta 2009). The two uses of legitimacy (initial legitimacy and action legitimacy) are measures of local legitimacy at different times of the deployment, one at the very beginning or before deployment (initial legitimacy) and one after the mission has started to work towards its set goals (action legitimacy). Both can contain procedural and output legitimacy elements. Initial legitimacy of international peacebuilding operations emerges from local interpretations of a mission's official mandate, its statements in the press, or attitudes held towards the participating states that second personnel. The information of the mission's objectives and goals in then matched against local communities' normative benchmarks. The degree of fit determines the degree of local legitimacy. Action legitimacy derives its name from the fact that it captures local legitimacy attitudes at a later stage of the mission's deployment, when the mission has been working towards its goals and objectives. Action legitimacy is therefore based on the match of the actions (or omissions) of the mission (rather than its promises and expectations as initial legitimacy is) with the same normative benchmarks of the local communities. This conceptual differentiation is inductively derived from the analysis of the cases and shows that the argument, is not circular: initial legitimacy influences how much coercion the mission is permitted to employ without undermining its legitimacy, while the effective use of coercion during the mission's reform actions influences the mission's action legitimacy. This double finding hence necessitates the double statement of 'permitted/required' in the research question.

In exploring the relationship between using coercive force and legitimacy and how its balance affects an operation's effectiveness, this article contributes to the second strand of this issue that explores the dilemmas of legitimation strategies.

Mechanisms of Power

This paper explores the relationship between coercion and legitimacy, which are both mechanisms of power (Hurd 1999; Boulding 1989; Carr 1939; Dahl 1957). The link to power is important for this paper as it considers the means which international peacebuilding operations have available to implement their reforms. The relationship between the missions and the local staff is not an equal one, but one defined by an asymmetric power relationship. For the purpose of this article, the mechanisms of power under exploration are labelled coercion (the power of sanctions) and legitimacy (the power of appropriateness). This discussion brackets the third mechanism, reward-seeking (the power of incentives),[i] not because it is not considered relevant but because the aim is to investigate the relationship between coercion and legitimacy specifically. The following sections briefly introduce the two power mechanisms, coercion and legitimacy.

Coercion

Coercive power relies on the threat or application of sanctions or punishment for non-compliance. The reason for compliance of an actor is fear and is based on an attempt to avoid being subject to negative consequences for non-compliant behaviour (Fisher 1981). Coercion can work to prevent and to retrospectively punish non-compliance (Young 1979, 5). That means coercion can take different forms depending on whether it serves to shift behaviour towards compliance (using for instance threats) or whether it is used to punish actors for already having acted in a non-compliant manner. Actors' choices are subject to a rational evaluation of what course of action is most beneficial (in the sense of least hurtful). The stimulus for action or the choice of behaviour is externally imposed by the institution making the compliance demand (Hurd 2007, 38).

Legitimacy

Legitimacy is described by Weber as a mechanism 'to influence the conduct of one or more others (*the ruled*) […] in such a way that their conduct to a socially relevant degree occurs as if the ruled had made the content of the command the maxim of their conduct for its very own sake' (Weber 1978, 946). Contrary to coercive power, which requires external control, in the case of legitimacy 'control by others is replaced by self-control, as social norms and values are internalized and become part of the individual's own desires concerning how to behave' (Hoffman 1977, 8). Legitimacy provides a reason for compliance as through the process of internalisation the issued rules or laws become part of the individual's own motivational

system. Legitimacy is a social phenomenon that depends on the individual or collective interaction between the rule-giver and the rule-recipient. Legitimacy perceptions arise from the legitimacy judgements made by an audience on the basis of certain normative benchmarks. These benchmarks are individually and collectively held beliefs and legitimacy arises out of the match of these benchmarks with the aims and policies of the rule-giver. However, at the same time legitimacy also imposes constraints on rule-makers not to exceed the limits of their legitimacy. Legitimacy is hence a social and relational process which has consequences for both the rule-maker and the rule-recipient - the actor and the organisation – it is both a constitutive and a constraining factor (Clark 2005, 4-5).[ii]

Interactions between coercion and legitimacy

From the small literature that addresses the relationship between coercion and legitimacy, we can identify four main categories of how the concepts interact: 1. Legitimacy constrains the use of coercive force; 2. The use of coercion undermines legitimacy; 3. Coercive power is required for legitimate authority; 4. Coercive power can over time turn into legitimate power (authority). The contributions to this final category analyse historical cases of how nation-states evolved from the right of the strongest to rule-based entities in which the processes and justifications for power became institutionalised and legitimated (Hurd 2007; Hurrell 2007). While this is an interesting strand of the argument, it does not apply to the temporally limited phenomenon of post-conflict peacebuilding. International peacebuilding operations are very particular phenomena as they constitute institutions of authority to the local population and elites through the powers of their internationally sanctioned mandates. At the same time, they are by definition temporary intrusions on the host state's sovereignty. These characteristics of international peacebuilding operations inherently exclude the final category of interaction, which sees coercive power turning into legitimacy over time. That is because no international peacebuilding mission is solely based on coercive power (indeed coercive powers are usually limited) and is never in the country for long enough to undergo such a transition; they are temporary phenomena by definition (Knoll 2007). However, in the wider context of war and conflict, there are numerous examples of military leaders who grab power by coercive means, like a military coup, and then work to legitimise (through different strategies) their power over time. This exclusion leaves us with three categories to explore.

The first category, legitimacy constrains coercion, is based on the argument that an over-use of coercion breeds resentment and undermines legitimacy. This negatively influences the degree and quality of compliance that can be secured (Beetham 1991; Hurd

1999, 2007). Beetham provides the example of a classroom and a teacher. If the children see the teacher as the legitimate authority, based on their shared belief in the value of education, the goal of teaching is facilitated by the children's voluntary compliance (1991, 28). If the children buy into the goal of education, they accept that its conveyance may include a degree of punitive action for non-compliance that all schools reserve for themselves. However, the legitimacy of the teacher only equips him with the use of force that is considered appropriate for the conveyance of education. This means that a legitimate authority can use some coercive power, but it is limited to reaching an agreed goal (education) and constrained by the degree of legitimacy the authority has, as based on the collective normative benchmark (value of education). In other words, legitimacy is a prerequisite for using coercive force and its degree serves as a constraining factor as to how much coercion can be used. In the following section, the example of implementing police reforms in the Republika Srpska in Bosnia-Herzegovina is used to explore this constraining power of legitimacy on coercive force in an empirical context.

The second category sees coercion and legitimacy as mutually exclusive mechanisms of power. Hannah Arendt explains that authority (legitimate use of power) by definition precludes the use of coercion, 'where force is used, authority itself has failed!' (Arendt 1958, 2) . Authority for her is based solely on legitimacy and any use of coercive power denotes a lack of legitimacy. She specifies, 'The authoritarian relation between the one who commands and the one who obeys rests neither on common reason nor on the power of the one who commands; what they have in common is the hierarchy itself, whose rightness and legitimacy both recognize and where both have their predetermined stable place' (Arendt 1958, 2). Drummond analyses the work of Etzioni on power and involvement and agrees with Arendt that the use of coercion by definition precludes involvement (his variable of voluntary compliance) (Drummond 1993, 12). Blau, in his analysis of Weber's understanding of authority, states that coercion and authority are both sources of social control but they are incompatible (Blau 1963, 313). Not only can they not work together in achieving their common aim, social control, but they are mutually exclusive, 'its [power's] use to coerce others destroys its potential as a source of authority over them' (Blau 1963, 313). This category does not see legitimacy as a prerequisite for coercion but considers the two concepts mutually exclusive. It is unlikely that this applies to international peacebuilding operations, which use a range of different power mechanisms simultaneously, as most governance institution do.

Weber himself is ambiguous on the relationship between coercion and legitimacy; it seems to differ between his writings. While Blau asserts in his analysis of Weber's theory of authority that Weber sees legitimate authority and coercion as mutually exclusive (1963, p. 313), Weber claims in Economy and Society that it is not only possible to develop from 'domination based on a position of monopoly' into domination based on authority but to develop 'into associations with heterocephalous [two-headed] power of command and coercive apparatus' (1978, 946). This account seems to understand authority as based on both voluntary obedience and the power to use force. This line of interpretation also seems to underpin Weber's understanding of the state as based on the 'monopoly of the legitimate use of force' (1978, 54), which again marries the two concepts but constrains coercion to having to be 'legitimate'. This interpretation moves Weber into the previously discussed category of legitimacy constraining the use of coercive power, but allowing it in the right measure.

The final category posits that the successful use of coercive force, in order to ensure compliance, is a precondition for any legitimate authority (Raz 1990). Raz states, 'governments of the kind we are familiar with can only succeed in meeting the conditions of legitimacy (according to the service conception) if they have the authority to use and are successful in the use of force against those who flout certain of their directives' (Raz 2010, 158). Lake argues in a similar fashion that the political authority of a state can and needs to use coercive power to ensure stability and order (2008, 15). In his view, the mixture of legitimate authority and coercive force enables states to fulfil their end of the social contract. The failure of which would dispose the state of its legitimacy. Therefore, the effective use of coercion is seen as an important element of legitimate authority. The case of judicial reform in Kosovo serves to illustrate this pattern of interaction in more detail.

Although this analysis has discovered four different perspectives on the relationship between coercion and legitimacy in the literatures, only two of them practically apply to post-conflict peacebuilding. The strand of the literature that considers their relationship to be evolutionary with coercion developing into legitimate authority over time, is interesting but for the reasons established before does not apply to the following empirical analysis. Arendt's analysis and Blau's reading of Weber that coercion and legitimacy are by definition mutually exclusive also is unlikely to apply to international peacebuilding, which has been known to use both if they have the means.

The two relevant categories, legitimacy as a constraining factor and coercion as a condition for legitimate authority, both pose the question of balancing. An institution needs to have sufficient coercive power to be seen as effective but the overuse of coercion can

undermine legitimacy. The question that hence arises is what is the right amount of coercion to sustain legitimacy? This puzzle is explored in the following section with the help of two cases of post-conflict peacebuilding. Using this empirical evidence helps shed light onto the question of how much coercion is required or permitted for an international operation's local legitimacy to be sustained.[iii] This exploratory analysis seeks to lay some initial foundations for future research rather than 'test hypotheses' in any generalizable form.

Legitimacy and Coercion in International Peacebuilding

Peacebuilding, as understood by the academic and practitioners' literatures, has been heavily influenced by the United Nations Secretary-General's *Agenda for Peace*, which incorporated peacebuilding into the UN's remit of tools for conflict management (Boutros-Ghali 1992). In this literature peacebuilding is understood as an effort by the international community of states and international organisations to support and build peace in post-conflict countries using a host of associative strategies (Paffenholz 2013; Campbell and Peterson 2013; Lederach 1997). Originally defined as an activity of the United Nations, regional organisations have increasingly become involved in peacebuilding under Chapter VIII of the UN Charter. This article explores two examples of European Union civilian crisis management, the EU term for peacebuilding: the EU Rule of Law Mission in Kosovo and the EU Police Mission in Bosnia-Herzegovina. The following sections will provide a very brief introduction into each operation and the cases of police and justice reform that are analysed respectively.

EUPM Bosnia-Herzegovina- Community-based policing

International intervention in Bosnia started during the 1992-1995 war, which pitted the three main ethnic groups (Serbs, Croats, Bosniaks) against each other after the break-up of Yugoslavia (Woodward 1995; Silber and Little 1996). International intervention to end the war, in the form of US-led air-strikes against the Serb forces, finally brought all parties to the negotiating table in 1995 (Holbrook, 1999). The General Framework Agreement for Peace was the basis for a large military presence and an International Police Training Force (IPTF) as well as the blueprint for a new state that divided the country along ethnic lines into two entities: The Serb-majority Republika Srpska (RS) and the Bosniak-Croat Federation (GFAP, 1995). These entities are the seat of most state power, including the power to police their respective territory. To Bosnian-Serbs this division is the requirement for their community to live in a majority-Bosniak country and a non-negotiable security guarantee. This highlights

the importance of policing to be a power of the entities and not of the central state. To the Bosniak population, on the other hand, Bosnia's division is a reminder of the methods of ethnic cleansing used during the war and stands in the way of a unified Bosnian state for which policing should be a power of the central state (Mühlmann, 2008). The communities' divisions on the question whether policing should be a power of the central state or the entities are key to the communities' legitimacy views of EUPM.

The EU Police Mission in Bosnia-Herzegovina was deployed in January 2003 to take over from IPTF and bring the Bosnian police forces closer to European standards. EUPM was not empowered to take executive action but relied on a cooperative mandate to monitor, mentor, and inspect the local police. However, in cases of intransigent non-compliance the head of EUPM could draw on the power of the Office of the High Commissioner[iv] (the highest power in the state) to fire officers (Merlingen 2009; PPIO 2003). This provided EUPM with a coercive edge, particularly in the first years (under analysis here) when the local officers had not yet found out the mission's (and OHR's) hesitancy to use that power. EUPM's mandate can be divided into two essential parts for this analysis: the first aimed at professionalising the local police and strengthening their capacities, while the second foresaw strengthening the central state policing institutions, at the expense of the powers of the entities (Council of the European Union 2002).

Considering the match of the communities' normative benchmarks with the reforms of EUPM, the following stands out: All ethnic communities in Bosnia support the professionalization of the police as it matches their normative belief that a strong police (of their own ethnic group) is important for their community's security (Mühlmann, 2008; Interviews with Bosnian Police officers, 2013). However, the centralisation reforms of EUPM are not supported at all by the Serb community, as they contradict their fundamental normative belief that policing is an entity right and a required security guarantee (Mühlmann, 2008; Interviews with Bosnian Police officers, 2013). From the Serb point of view, only one part of EUPM's mandate supports their legitimacy views: professionalization of the local police (Interviews with Bosnian Police officers, 2013). This analysis focuses on the first mandate period of EUPM from January 2003 until December 2005 and analyses the reform that aimed at introducing community-based policing.

The police in the former Yugoslavia, and hence in Bosnia, was state-oriented, which means the police were considered a tool to protect the interest and safety of the state. The police was hence an instrument of state control rather than a service to the citizens (Dziedzic and Bair 1998). Community policing, on the other hand, envisions the relations between the

police and the public to be a partnership in which the needs of the community determine policing priorities (Morash and Ford 2002). One of the core reforms of EUPM was to embed community policing in Bosnia's forces in order to improve the still distrustful relations between the public and the police, especially between minority communities and police of other ethnic groups (EUPM 2005). This required breaking up the monopoly of control of the ministry of interior (MoI) in the respective entities. This process was resisted heavily in the Republika Srpska. Resistance took the form of refusal to start the reforms and refusal to engage in community policing (EUPM 2004b).

The official orders from the RS MoI to start the reform process were produced nearly 2 years after the reform was meant to have started (EUPM 2004b). The official explanations of the MoI in the RS was that community policing 'did not match the norms and values of the Bosnian police' as it required a degree of institutionalisation that contradicted 'the cultural framework' of the local police (Interviews with RS ministry of interior, October 2013). The MoI officials were very open about the fact that they had resisted the reform because of this perceived mismatch. They did not recognise the value of community policing and they saw it as an imposition of EUPM and a general Western European norm (Interviews with senior officials, RS ministry of interior, October 2013). Speaking to senior police officers outside the MoI and several civil society organisations provided an additional explanation for the resistance to the community policing reforms. Community policing requires the decentralisation of policing power away from the MoI and towards lower ranked police officers and the public. This automatically entails a loss of control over the police and with that one of the most important tools of state (entity) control. Community policing was seen to contribute to the loss of control over the police by the MoI, just like the centralisation reforms, and was therefore perceived as illegitimate; it contradicted the fundamental normative belief of the RS leadership that control over the police should be an entity right (Interviews with local MoI and senior police staff, October 2013). This interpretation of entity rights is enshrined in the Dayton Accords and with that in the constitution (GFAP 1995). Therefore, EUPM's reforms threaten the constitutional rights of the entities, a security threat to the RS, who, as mentioned above, see the existence of the powerful RS as a security guarantee to life in a Bosniak-majority state. This lack of legitimacy of EUPM' centralisation reforms and with it community-policing, led to the resistance of the RS leadership to the introduction of community-based policing.

As legitimacy can lead to voluntary compliance with orders, as the literature above explains, the limited degree of legitimacy of EUPM (based only on their goal of

professionalising the local police) created an obstacle to Serb compliance with the reform of community policing. In order to push this reform through, EUPM decided to use pressure and coercive threats (with the support of the OHR) against the MoI and police director of the RS (EUPM 2004a). EUPM threatened to use the power of the OHR to remove any police and MoI staff from their post who refused to support the community policing reform. These threats carried weight as the OHR has the power to fire officers (OHR 2015; GFAP 1995). As mentioned above, coercion can be used to prevent or to retrospectively punish non-compliance. In the case of the RS, EUPM (and the OHR) used coercive threats to change the behaviour of the relevant senior RS staff from recalcitrant to compliant in order to launch the community policing reform.

However, by employing these coercive threats, EUPM's local legitimacy changed. EUPM's initial legitimacy had been limited in the case of the Serb community as they only agreed with the reforms aiming at professionalizing the police. Low initial legitimacy does not provide much scope for EUPM to use coercion. This showed when EUPM tried to use coercion to push through the community policing reform, despite Serb resistance. By doing so EUPM undermined their action legitimacy (as based on their actions rather than initial perceptions of the mission) as they overstepped the limits of their authority as perceived by Serbs.

The link between the move from initial to action legitimacy and EUPM's coercive stance is visible in the plummeting of Serb approval rates of EUPM between 2003 (50.7%) and the end of 2004 (35%), the time period where the mission started to use coercion (UNDP 2004; UNDP 2003). As these surveys only ask for approval of EUPM, not legitimacy, the connection between the two needs to be established. The author's interviews with RS ministry of interior staff and police corroborate the connection between the survey results and EUPM's actions; EUPM's coercive approach was the reason for the decline in approval rates as their clumsy threats had been widely reported and discussed in the media (Interviews with RS ministry staff, October 2013).

This case shows very similar characteristics of the relationship between coercion and legitimacy as Beetham's work introduced above: A legitimate authority can use some coercive power to reach agreed on goals but the degree of coercion is determined by its initial legitimacy (local legitimacy at the time of deployment, based on expectations towards and statements of the mission's goals and policies). In this case the agreed-on goal was only professionalising the Bosnian police as the RS never agreed to EUPM's centralisation plans. The mission overstepped this limit when they pressured the RS leadership into accepting the

13

community policing reforms, undermining their action legitimacy, as indicated by the UNDP surveys and the author's interviews. This analysis provides empirical evidence to Beetham's (and others') claims that the degree of legitimacy constrains the use of coercive force. As mentioned in the previous section, this finding poses the question of how much coercion can be used in order to sustain legitimacy.

European Union Rule of Law Mission in Kosovo (EULEX)

After years of effective apartheid, in which the Albanian population of the Serbian province of Kosovo was oppressed by the government in Belgrade, the Albanian militia of the Kosovo Liberation Army was formed. Their militarised resistance provoked large-scale Serb army involvement in Kosovo from 1998 onwards, leading to ethnic cleansing and wide-spread violence against the Albanian community (Judah 2002, 2008; King & Mason 2006). NATO intervened with air-strikes in March 1999 and Kosovo became an international ward, administered by the United Nations Administration Mission in Kosovo (UNMIK) as of June 1999. The international presence was reduced, following Kosovo's unilateral declaration of independence in 2008. The EU Rule of Law Mission in Kosovo was envisioned to take over from UNMIK and support Kosovo's rule of law institutions (Weller 1999). To obtain Serbia's and Russia's support for the mission, EULEX was deployed as a 'status neutral' mission, which means it does not officially recognise Kosovo's independence but continues to regard it as an international ward (at least on paper) (de Wet 2006; Muharremi 2010).

EULEX' mandate was split between monitoring, mentoring, and advising (MMA) the relevant institutions of the rule of law and a limited executive mandate that allowed independent investigation and prosecution of war criminals, organised crime and serious financial crime, among others (Council of the European Union, 2008, articles 3 (a &d)). EULEX is still operating in Kosovo and has undergone multiple restructuring phases. This article focuses on the initial reform work between 2008 and 2012, specifically EULEX' executive judicial work to bring to justice highly connected individuals accused of organised crime and corruption.

EULEX's mandate was focused on supporting and strengthening the rule of law institutions of Kosovo to make them more effective at dealing with past crimes but also to build public trust in the rule of law again, which the years of apartheid had undermined for the Kosovo-Albanian population. The Albanian population[v] strongly supported EULEX' aims of strengthening the rule of law, eradicating judicial impunity for highly-connected individuals with ties to organised crime, and tackling high-level corruption. Ordinary Kosovars were

highly aware of the short-comings of their own rule of law institutions, especially the judiciary (KIPRED 2010a; KIPRED 2010b); In April 2009, less than 20% of all Kosovars were satisfied with their courts (UNDP 2009b). EULEX's strong statements to tackle Kosovo's problems, the mission's strong mandate, and their purported objectives all resonated with the Kosovo Albanian population. The resonance of EULEX' mandate with the Kosovo-Albanian population was also demonstrated when their legitimacy views of EULEX increased despite the EU's announcement to deploy EULEX as a 'status-neutral' mission that would not recognise Kosovo's declaration of independence. Although after this announcement Kosovo Albanian views of EULEX initially plummeted to 13%, they rose again as soon as it became clear that EULEX' mandate was not going to change (UNDP 2008b; Interviews with civil society, April 2013). This lead to high approval rates of EULEX in the first year of their deployment, peaking at 55% in August 2009 (UNDP 2009a).

Kosovo's judiciary had, for the years of oppression, been staffed with Serb judges and prosecutors. The limitations for Kosovo-Albanians working in government positions, meant that hardly any Albanian prosecutors and judges existed in Kosovo in 1999, after NATO's bombing campaign. Rebuilding of the judiciary never took centre-stage for UNMIK. The low quality of local judiciary staff hurried through qualifications or possessing qualifications from Yugoslavia pre-Serb oppression (before 1989), meant the judiciary soon became (and remains) Kosovo's Achilles Heel (Strohmeyer 2001; Marshall 2003). EULEX recognised the inability of Kosovo's fledgling judiciary to prosecute and trial highly connected individuals. This was due to judges' fear rather than unwillingness as no adequate protection is in place for them, both inside and outside of the court room. The small country and extensive family ties make isolating judges for safety difficult. Further, low local salaries paired with rising cost of living (thanks to the influx of highly-paid internationals) make local judges vulnerable to bribes. Even if they resist bribes, their jobs pay too little to risk their lives for a trial (International Crisis Group 2010). EULEX recognised this problem and took over these trials in an executive manner, which their mandate permitted.

This approach was greeted with support by the local population because it matched popular beliefs that corrupt but highly-connected people should be prosecuted, while providing local judges with the solution to their problem of not feeling safe to trial them themselves. The Kosovo public hold a very low image of their own judiciary, with over 40% of people believing the court system to be corrupt (UNDP 2009b). Coercion in this instance took the form of EULEX judges punishing retrospective non-compliance with Kosovo state laws regarding corrupt practices particularly in public tenders (in the case of the minister for

transport and other ministry officials) and organised crime. As mentioned above, coercion can serve to preventatively shape behaviour into compliance or to retrospective punish non-compliance. In this case EULEX had the power to do the latter by bringing highly-connected individuals to court. Retrospective punishment can, however, also be seen as a future prevention of non-compliance by demonstrating the consequences of non-compliance, hence making future threats more credible (Young 1979).

Despite its coercive power to punish law-breakers and the local population's support, EULEX did not achieve very much with regards to these reform aims. By the end of 2010 (2 years after deployment), the mission had conducted 4 corruption cases and none for high-level organised crime (Kosovar Stability Initiative 2010). Several high-level arrests were made, including the former minister for transport, but he was acquitted (EULEX Press Release 2010; EULEX Press Release 2012). In 2011 and 2012 several further high-level arrests followed, but the total number of cases remained low with the mission publicising their every move but failing to show effective results (EULEX Press Release 2011a; EULEX Press Release 2011b; UNSC 2012). EULEX' criminal judges handled 87 cases in 2010, up from 56 in 2009. For 2010 that meant an average of 2.2 cases for each of the 39 EULEX judges per year, an improvement from the 1.4 cases per judge in 2009 (EULEX 2010). By the end of 2012, after 5 years on the ground, EULEX judges had pronounced 308 verdicts in the criminal field (KIPRED 2010a) but failed to end or even curb the culture of impunity for highly-connected individuals.

EULEX has had a rollercoaster ride of legitimacy perceptions in Kosovo: its initial legitimacy started out very low due to the Albanian disappointment over EULEX's status-neutrality, which ran counter to their normative belief on Kosovo's independence (UNDP 2008a; UNDP 2008b). Once the Albanian population realised that this agreement did not change EULEX' mandate and policy direction, support and initial legitimacy rose steeply (UNDP 2009a). However, after three years on the ground with very little to show for itself, EULEX' action legitimacy (as based on actions and omissions) declined considerably (UNDP 2011; UNDP 2012; KIPRED 2013).

What undermined EULEX' action legitimacy was the perception that they failed to enforce their own aims and set new standards for Kosovo's rule of law (KIPRED 2013; IPOL 2011; Saferworld 2012). My interviews further show this link: 'why are EULEX here when they don't do anything? If they can't, who can?' asked me a disillusioned NGO worker. A member of a local think tank stated: 'we had such high hopes. EULEX would help us. We

need strong courts but they don't work. But now, they still don't work even with EULEX here' (Interviews with civil society, Kosovo, April 2012).

In terms of the relationship between legitimacy and coercion, this case shows that the authority of EULEX was undermined by their lack of effective use of the coercive powers they commanded to advance their goals. This case provides empirical evidence to the claim Raz makes that a legitimate authority requires an effective command of coercive force (Raz 1990). Raz and Lake argue that an authority which cannot enforce its decisions against people who seek to 'flout' them are shown up as ineffective, which undermines their position of legitimacy. Lake bases this loss of legitimacy on the failure of the institution to uphold its end of the social contract on which its authority is based (2008). In the case of EULEX this argument is key, as it was the failure to live up to the reform promises the mission made and the population bought into that undermined their legitimacy.

A question of balance

The empirical analysis has yielded a number of relevant findings. Due to the case study approach taken here, these findings cannot be generalized beyond these cases but in their limited form still provide important insights. While EUPM's action legitimacy was undermined by the over-use of coercion given its limited initial legitimacy, EULEX's action legitimacy was undermined by the ineffective employment of coercion. The dual findings of the case studies hence support the conceptual analysis: Beetham argues that the teacher who exceeds the limits of coercive power permitted to convey his lessons for the purpose of education loses legitimacy in the eyes of the children – the EUPM case (Beetham 1991); Raz, on the other hand, states that governments require coercive force to be considered effective and hence legitimate – the EULEX case (Raz 2010). What both the conceptual analysis and the case studies demonstrate is that the 'wrong' use of coercion can undermine perceptions of legitimacy and with that the effectiveness of the mission (see Weigand, this issue). So, what level of coercion is required/permitted to sustain an international operation's legitimacy?

The answer to this question emerges from both the conceptual and the empirical analysis; the level of coercion an institution can use depends on its initial degree of legitimacy in the eyes of the relevant audience. Beetham explains that the level of legitimacy of the teacher derives from the children's belief in the value of education (Beetham 1991, 28). Lake states that the legitimacy of an operation comes from the social contract between the mission and the local population (or elite) (Lake 2010). Both accounts are illustrations of the process of legitimation in which a relevant audience makes judgements as to the validity of these

legitimacy claims by matching them to their own normative benchmarks. Normative benchmarks of a community therefore constitute a yard-stick against which institutional claims for legitimacy are measured. If these claims are accepted because they conform to the community's benchmarks, legitimacy arises. If these claims are rejected, no legitimacy perceptions arise. Since legitimacy is a matter of degree, it is also possible for an institution's claims to be partially accepted with anything ranging from low to medium level legitimacy perceptions emerging as the case of EUPM showed.

Initial perceptions of legitimacy towards international peacebuilding operations emerge from local interpretations of a mission's official mandate, its statements in the press or other media, or attitudes held towards the participating states that second personnel. The information of the mission's aims and goals in then matched against local communities' normative benchmarks. The degree of fit determines the degree of initial local legitimacy.

This argument implies a causal connection between the levels of coercion used and the sustainability of a mission's legitimacy. A high level of initial legitimacy, as based on the match of local normative benchmarks with the mission's mandate and objectives, permits the use of more extensive coercive force. Failure to use such coercive force for the fulfilment of the reform considered locally desired undermines the legitimacy standing of the mission. Low or partial levels of initial legitimacy, as based on a mismatch or partial match of local normative benchmarks with the mission's mandate and objectives, limits the use of coercive force. Exceeding these limits undermines the legitimacy standing of the mission. These two statements can be condensed into a two-step process:

1. Initial legitimacy of operation -> degree of coercion locally permitted
2. Using right amount of coercion -> operation's action legitimacy

This is a counterintuitive process as legitimacy is the independent variable in the first step and the depend in the second. However, as noted above, the two legitimacies are conceptually and practically different both in terms of being sequential and drawing on different sources. Coercion similarly is the product of the first process and the determining variable in the second. However, it could also be considered as acting as the intervening variable as it is the same coercion in both cases. However, a two-step process makes the sequential nature of the processes clearer and helps with its analysis. As these processes were drawn in part from the empirical evidence of the two case studies, I cannot test them on the same cases. However,

they do serve to illustrate the complex and highly case dependent nature of the relationship between legitimacy and coercion in peacebuilding. Future work is needed to see if these causal connections are relevant beyond this article and these two case studies.

In their limited scope, these findings nevertheless have implications for the practice of peacebuilding as they suggest that peacebuilding operations need to be aware of their own legitimacy standing with the local population because their possibility of using coercive force depends on it, i.e. they need to get the balance of coercive force right. Too much coercion can entail overstepping legitimacy limits and undermine legitimacy, which breeds resentment and resistance like in RS. Too little coercive enforcement of a peacebuilding operation's rules can make otherwise highly legitimate missions seem ineffective as EULEX experienced. It is almost impossible to prescribe how much coercion exactly a mission can use in a legitimate manner as that is highly context specific as the analysis shows. However, we do know that the basis for local legitimacy evaluations are the match of local normative benchmarks and the mission's mandate and objectives. This suggests that in order to achieve a high degree of initial local legitimacy, local rationales for reform need to be considered heavily when drafting mandates and planning mission objectives. A mission whose mandate and objectives are informed by local priorities would stand a better chance of being considered legitimate initially than a mission that did not include local priorities, all else being equal. Such information on local society's or different communities' normative benchmarks can be gleaned from planning teams' consultation with local stakeholders, civil society, and focus groups of local citizens in different areas and of different communities. Indeed, the Australian-led RAMSI operation in the Solomon Islands incorporated extensive local consultations into their mandate which bolstered their local legitimacy (Whalan 2010).

Given the increased focus of international organisations and sending states on the value of local ownership, which should include ownership of the drafting process, considerations of local benchmarks fit into the overall picture (even if that picture only exists on paper) (see von Billerbeck, this issue). However, such information on local normative benchmarks at the moment does not enter into the largely political bargaining process that establishes missions' mandates in the deploying organisation's headquarters. Further, mission staff are still selected for their technical knowledge and not for their local knowledge, despite noted shortcomings of this approach (Autesserre 2010; Gilbert 2012). While prescriptive changes to the practice of peacebuilding can be found in donor strategies, EU and UN documents, and academia, they still fail to impress peacebuilding practice.

This article cannot (and does not seek to) present a quick and easy solution to help international operations find the 'right' balance of legitimacy and coercion. However, it does present some initial findings on the relations between coercion and legitimacy, the difference between initial and action legitimacy, and the need for international operations to find a workable balance of powers.

Acknowledgements

I would like to thank the editors of the journal and the two peer reviewers for their helpful comments.

Disclosure Statement

No conflict of interest is reported by this author.

Notes on Contributor

Birte Gippert is a Teaching Fellow at the Department of War Studies, King's College London. She holds a PhD from the University of Reading.

References

Arendt, Hannah. 1961. "What Is Authority." In *Between Past and Future: Six Exercises in Political Thought*, edited by Hannah Arendt. New York: Viking.

Autesserre, Severine. 2010. *The Trouble with the Congo. Local Violence and the Failure of International Peacebuilding*. Cambridge: Cambridge University Press.

Beetham, David. 1991. *The Legitimation of Power*. Basingstoke: Macmillan.

von Billerbeck, Sarah. 2017. "UN Peace Operations and Conflicting Legitimacies". *Journal of Intervention and Statebuilding, 11:3*.

von Billerbeck, Sarah and Gippert, Birte Julia. 2017. "Legitimacy in Conflict: Concepts, Practices, Challenges". *Journal of Intervention and Statebuilding, 11:3*.

Blau, PM. 1963. "Critical Remarks on Weber's Theory of Authority." *The American Political Science Review* 57 (2): 305–16.

Boulding, Kenneth. 1989. *Three Faces of Power*. London: SAGE Publications.

Boutros-Ghali, Boutros. 1992. "Agenda for Peace, Report of the Secretary-General of 17 June 1992, UN Doc. A/47/277-S/24111."

Campbell, Susanna, and Jenny Peterson. 2013. "Statebuilding." In *Routledge Handbook of Peacebuilding*, edited by Roger Mac Ginty. Basingstoke: Palgrave Macmillan.

Carr, Edward. 1939. *The Twenty Year's Crisis*. 1st Edition. Basingstoke: Macmillan.

Clark, Ian. 2005. *Legitimacy in International Society*. Oxford: Oxford University Press.

Council of the European Union, The. 2002. "Joint Action 2002/210/CFSP. 11 March 2002, OJ L 70."

———. 2008. "Council of the European Union Joint Action, 2008/124/CFSP O.J. (L42) 92."

Dahl, Ronald. 1957. "The Concept of Power." *Behavioral Science* 2 (3): 201–15.

de Wet, Erika. 2006. "The International Constitutional Order." *International and Comparative Law Quarterly* 55 (1): 51–76.

DFID. 2012. "State-Building, Peace-Building and Service Delivery in Fragile and Conflict-Affected States." Available from https://assets.publishing.service.gov.uk/media/57a08ab340f0b64974000714/60963-DFID_SBPB_Literature_Review_FINAL_REPORT.pdf.

Drummond, Helga. 1993. *Power and Involvement: An Empirical Examination of Etzioni's Compliance Theory*. Aldershot: Avebury.

Dziedzic, Michael, and Andrew Bair. 1998. "Bosnia and the International Police Task Force." In *Policing The New World Disorder: Peace Operations And Public Security*, edited by Robert Oakley, Eliot Goldberg, and Michael Dziedzic, 253–314. Collingdale, PA: Diane Publishing.

EULEX. 2010. *ANNUAL REPORT ON THE JUDICI AL ACTIVITIES OF EULEX JUDGES*. Available from www.eulex-kosovo.eu.

EULEX Press Release, The. 2010. "EULEX Search Operation. 28 April 2010." Available from www.eulex-kosovo.eu.

———. 2011a. "Detention Ordered for Suspicion of Involvement in Organised Crime. 16 December 2011." Available from www.eulex-kosovo.eu.

———. 2011b. "Six Arrests and 14 Searches in EULEX Organised Crime Investigation . 5 October 2011." Available from www.eulex-kosovo.eu.

———. 2012. "Fatmir Limaj Indicted for Organized Crime and Corruption. 16 November 2012." Available from www.eulex-kosovo.eu.

EUPM. 2004a. "EUPM Monthly Assessment Report, July 2004. Council of the European Union, 11917/04, 24 August 2004." On copy with author.

———. 2004b. "EUPM Monthly Assessment Report. November 2004. Council of the European Union 16241/04, 17 December 2004." On copy with author.

———. 2005. "Cover Letter PIP 5.5. Implementation of Community Policing. Programme Development and Coordination Department. 4 November, 2005." On copy with author.

Fisher, Roger. 1981. *Improving Compliance with International Law*. Charlottesville, VI: University Press of Virginia.

GFAP. 1995. "The General Framework Agreement for Peace in Bosnia and Herzegovina. Dayton, Ohio, November 1995." Available from www.ohr.com.

Gilbert, Andrew. 2012. "Legitimacy Matter: Managing the Democratization Paradox of

Foreign State-Building in Bosnia-Herzegovina." *Southeast Europe. Journal of Politics and Society* 4: 483–96.

Gippert, Birte Julia. 2016. "Exploring Local Compliance with Peacebuilding Reforms: Legitimacy, Coercion and Reward-Seeking in Police Reform in Kosovo." *International Peacekeeping* 23 (1): 52–78.

Hoffman, Martin. 1977. "Moral Internalization: Current Theory and Research." *Advances in Experimental Social Psychology* 10: 86–128.

Hurd, Ian. 1999. "Legitimacy and Authority in International Politics." *International Organization* 53 (2): 379–408.

———. 2007. *After Anarchy: Legitimacy and Power in the United Nations Security Council*. Princeton, NJ: Princeton University Press.

Hurrell, Andrew. 2007. *On Global Order: Power, Values, and the Constitution of International Society*. Oxford: Oxford University Press.

International Crisis Group. 2011. "North Kosovo: Dual Sovereignty in Practice". Report no 211, March 2011. Available from https://www.crisisgroup.org/europe-central-asia/balkans/kosovo/north-kosovo-dual-sovereignty-practice.

International Crisis Group, The. 2005. "Bosnia's Stalled Police Reform: No Progress, No EU." Europe Report No 164. 6 September. Available from https://www.crisisgroup.org/search?text=Bosnia%E2%80%99s%20Stalled%20Police%20Reform:%20No%20Progress,%20No%20EU.

———. 2010. "The Rule of Law in Independent Kosovo". Report No 204, May 2010.

IPOL. 2011. "EULEX and the Rule of Law in Kosovo." Available from https://www.crisisgroup.org/search?text=The%20Rule%20of%20Law%20in%20Independent%20Kosovo.

Judah, Tim. 2002. *Kosovo: War and Revenge*. 2nd Edition. New Haven, CT: Yale University Press.

———. 2008. *Kosovo: What Everyone Needs to Know*. Oxford: Oxford University Press.

King, Iain, and Whit Mason. 2006. *Peace at Any Price. How the World Failed Kosovo*. Ithaca, NY: Cornell University Press.

KIPRED. 2010a. "STRENGTHENING RULE OF LAW IN KOSOVO: THE FIGHT AGAINST CORRUPTION AND ORGANISED CRIME." Policy-paper 2010/8, November 2010. Available from http://www.kipred.org/repository/docs/Strengthening_Rule_of_Law_in_Kosovo-_The_Fight_Against_Corruption_and_Organised_Crime_602831.pdf.

———. 2010b. "The Fragile Triangle." Policy Research 2010/01, February 2010. Available from

http://www.kipred.org/repository/docs/The_Fragile_Triangle_Police,_judges_and_prose cutors_coordination_during_criminal_proceedings_response_in_Kosovo___178849.pdf.

———. 2013. "A Comprehensive Analysis of EULEX: What next?" Polic Paper No 1/13. January 2013. Available from http://www.kipred.org/en/news/A-COMPREHENSIVE-ANALYSIS-OF-EULEX-WHAT-NEXT-135.

Knoll, Bernhard. 2007. "Legitimacy and UN Administration of Territory." *Journal of International Law and Policy* 4: 1–15.

Koh, Harold Hongju. 1997. "Why Do Nations Obey International Law?" *Faculty Scholarship Series* Paper 2101 (June): 2599–2659.

Kosovar Stability Initiative. 2010. "Untying the Knot: The Political Economy of Corruption in Kosovo." June 2010. Available from http://iksweb.org/en/?p=3721.

Lake, David. 2010. "Building Legitimate States After Civil Wars." In *Strengthening Peace in Post-Civil War States: Transforming Spoilers into Stakeholder*, edited by Caroline Hartzell and Hoddie Matthew. Chicago, IL: Chicago University Press.

Lederach, John Paul. 1997. *Building Peace: Sustainable Reconciliation in Divided Societies:* Washington, DC: United States Institute of Peace Press.

Lemay-Hebert, Nicolas. 2013. "Everyday Legitimacy and International Administration: Global Governance and Local Legitimacy in Kosovo." *Journal of Intervention and Statebuilding* 7 (1): 87–104.

Levi, Margret. 1997. *Consent, Dissent, Patriotism*. Cambridge: Cambridge University Press.

Marshall, David. 2003. "Reviving the Judicial and Penal System in Kosovo." In *The United Nations & Regional Security: Europe and Beyond*, edited by Pal Singh Sidhu and Michael Charles Pugh, 155–73. Boulder, CO: Lynne Rienner.

Merlingen, Michael. 2009. "The EU Police Mission in Bosnia and Hezegovina (EUPM)." In *European Security and Defence Policy The First 10 Years*, edited by Giovanni Grevi, Damien Helly, and Daniel Keohane, 161–71. Paris: European Union Institute for Security Studies.

Mersiades, Michael. 2005. "Peacekeeping and Legitimacy: Lessons from Cambodia and Somalia." *Internatrional Peacekeeping* 12 (2): 205–21.

Mitchell, Ronald. 1993. "Compliance Theory: A Synthesis." *Review of European Community & International Law* 2 (4): 327–34.

Morash, Merry, and Kevin Ford. 2002. "Transforming Police Organizations." In *The Move to*

Community Policing, edited by Merry Morash and Kevin Ford, 1–14. London: SAGE Publications.

Muharremi, Robert. 2010. "The European Union Rule of Law Mission in Kosovo (EULEX) from the Perspective of Kosovo Constitunional Law." *Zeitschrift Für Ausländisches Öffentliches Recht und Völkerrecht* 70: 357–79.

OECD-DAC. 2010. "The State's Legtimacy in Fragile Situations: Unpacking Complexity." Available from http://www.oecd.org/development/incaf/44794487.pdf.

OHR. 2015. "Mandate of OHR." http://www.ohr.int/?page_id=1161&lang=en.

Paffenholz, Thania. 2013. "Civil Society." In *Routledge Handbook of Peacebuilding*, edited by Roger Mac Ginty. Basingstoke: Palgrave Macmillan.

PPIO. 2003. "The European Union Police Mission in Bosnia. PPIO Review 2003. The First Year." On copy with author.

Raz, Joseph. 1990. *Authority*. New York: New York University Press.

———. 2010. *Between Authority and Interpretation: On the Theory of Law and Practical Reason*. Oxford: Oxford University Press.

Saferworld. 2012. "Still Time to Act". October 2012. Available from http://www.saferworld.org.uk/resources/view-resource/696-still-time-to-act-rising-conflict-fears-in-kosovo.

Silber, Laura, and Allan Little. 1996. *The Death of Yugoslavia*. London: Penguin.

Strohmeyer, H. 2001. "Collapse and Reconstruction of a Judicial System: The United Nations Missions in Kosovo and East Timor." *The American Journal of International Law* 95 (1): 46–63.

Tyler, Tom. 1990. *Why People Obey the Law*. Princeton: Princeton University Press.

UNDP. 2008a. "Early Warning Report 22". October 2008. Available from http://www.ks.undp.org/content/kosovo/en/home/publications.html.

———. 2008b. "Kosovo Early Warning Report". July - September 2008. Available from http://www.ks.undp.org/content/kosovo/en/home/publications.html.

———. 2009a. "Early Warning Report 25". August 2009. Available from http://www.ks.undp.org/content/kosovo/en/home/publications.html.

———. 2009b. "Kosovo Early Warning Report". April 2009. Available from http://www.ks.undp.org/content/kosovo/en/home/publications.html.

———. 2011. "Public Pulse Report". September 2011. Available from http://www.ks.undp.org/content/kosovo/en/home/publications.html.

———. 2012. "Public Pulse Poll". May 2012. Available from

http://www.ks.undp.org/content/kosovo/en/home/publications.html.

UNSC. 2012. "Security Council, S/2012/72, Report of the Secretary-General of the United Nations Interim Administration Mission in Kosovo, January 2012." Available from http://www.securitycouncilreport.org/un-documents//document/kos-s-2012-72.php.

Weber, Max. 1978. *Economy and Society*. Edited by Guenther Roth and Claus Wittich. Berkeley, CA: University of California Press.

Weigand, Florian. 2017."Afghanistan's Taliban - Legitimate Jihadists or Coercive Extremists?" *Journal of Intervention and Statebuilding, 11:3.*

Weller, Marc. 1999. *The Crisis in Kosovo 1989-1999. International Documents and Analysis, Vol. I.* Documents & Analysis Pub.

Whalan, Jeni. 2010. "The Power of Friends: The Regional Assistance Mission to Solomon Islands." *Journal of Peace Research* 47 (5): 627–37.

———. 2013. *How Peace Operations Work: Power, Legitimacy and Effectiveness*. Oxford: Oxford University Press.

———. 2017. "The Local Legitimacy of Peacekeepers" *Journal of Intervention and Statebuilding, 11:3.*

Wiharta, Sharon. 2009. "The Legitimacy of Peace Operations." *SIPRI Yearbook 2009: Armaments, Disarmament and International Security*.

Woodward, Susan L. 1995. *The Balkan Tragedy*. Washington, DC: The Brookings Institute.

Young, Oran. 1979. *Compliance and Public Authority*. Baltimore, MD: John Hopkins University Press.

---

[i] See Gippert (2016) for an exploration of all three mechanisms of power and their relevance for influencing local compliance with peacebuilding reforms.

[ii] For a disaggregate view of legitimacy as comprising an instrumental and a substantive element, see Weigand, this issue.

[iii] See Whalan, this issue, for an exploration of peacebuilder's legitimation dilemmas.

[iv] The Office of the High Representative is an international institution responsible for overseeing the implementation of the civilian aspects of the General Framework Agreement for Peace that ended the Bosnian civil war in 1995. The High Representative has the power to remove public officials who violate the Dayton Agreement and to impose laws if the elected officials fail to do so (OHR 2015).

[v] I am focusing this analysis on the Albanian population because at this point (2008) the Serb population looked to Belgrade for their needs and leadership and refused to recognise that Pristina's rule of law institutions were responsible for them (International Crisis Group, 2010). This view changed gradually as of 2010/11 for Serbs living in the southern areas of Kosovo which do not border Serbia. Especially when Serbia kept reducing their payments, leaving local Serbs little alternative than to engage with the institutions in Pristina, and hence EULEX. The situation is very different in the predominantly Serb-inhabited northern provinces, which border Serbia (International Crisis Group 2011).