

An Empirical Study of the United Nations Peacekeeping Mission in a Post-Conflict Country: The Kosovo Case

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Abstract

The United Nations under the Department of Peacekeeping Operations frequently engages in post-conflict society in order to create the conditions to sustain peace in a country torn by conflict or war. A crucial component of the durability of peace within a post-conflict country is the rule of law, a component where legal and judicial institutions are believed to be of vital importance for continued progression of peace, security, and development. There is little literature that empirically examines whether the UN has improved the rule of law in a post-conflict country and if so, which procedures have been used for concluding that there was or was not an improvement. This is particularly so with regards to the 1999 former Yugoslavia and Kosovo international armed conflict.

This study tries to gather the available data to determine whether UN peacekeeping mission in the Balkan region including Bosnia and Herzegovina and Croatia, has had positive effects on the quality of the rule of law, with specific consideration within the former Yugoslavia and Kosovo context. Using matching analysis and legal rationalization in order to find a positive or a negative direction, this study aims to find evidence that UN peacekeeping mission influenced the rule of law after the 1999 former Yugoslavia and Kosovo international armed conflict.

Keywords: *United Nations Peace-keeping mission, Kosovo-former Yugoslavia conflict, rule of law, improvement.*

The Charter gives the power and the responsibility to the United Nations Security Council (UNSC) to take collective actions in order to maintain peace in a conflict country. Since 1948 the United Nations (UN) carried out more than 63 peacekeeping operation missions justified within its legal framework through the United Nations Charter (Charter). These civilian

missions and military operations have been carried out in order to build and preserve peace and strengthen international security, develop and consolidate democracy, the rule of law and respect for human rights and other fundamental freedoms. However, with the enlargement of peacekeeping operations by other international and regional organizations, the UN relies on close coordination with the European Union (EU) and on occasion the North Atlantic Treaty Organization (NATO).

UN engagement within the context of the former Yugoslavia (Yugoslavia) and Kosovo international armed conflict (conflict) had begun a long before the conflict started in 1999. In fact the UN had addressed its concerns through many resolutions. These resolutions in general called upon the parties to end the conflict through political dialogue and a bilateral agreement.

A chronology of UN resolutions before the 1999 Yugoslavia and Kosovo conflict started with UNSC Resolution 1160 (S/RES/1160, 1998). The Resolution called for the parties to take steps to achieve a peaceful political solution through dialogue and actions. In addition, it decided that: “all States shall, for the purposes of fostering peace and stability in Kosovo, prevent the sale or supply to the Federal Republic of Yugoslavia, including Kosovo, by their nationals or from their territories or using their flag vessels and aircraft, of arms and related materials of all types, such as weapons and ammunition, military vehicles and equipment and spare parts for the aforementioned, and prevent arming and training for terrorist activities there” (S/RES/1160, 1998, pg. 2).

In addition, UNSC Resolution 1199 (S/RES/1199, 1998), expressed deep concerns about the excessive use of force by Yugoslav security forces and army, and as a result it demanded that all parties, groups, and individuals immediately cease hostilities and maintain a ceasefire. In the following article it called for both authorities take immediate steps to improve the humanitarian situation, to avert the impending humanitarian catastrophe and called for a ceasefire for both parties (S/RES/1199, 1998, pg. 2).

Further, UNSC Resolution 1203 (S/RES/1203, 1998), demanded that Yugoslavia cooperate fully to implement the agreements signed between Yugoslavia and NATO, and the other agreement between Yugoslavia and the Organization for Security and Cooperation in Europe (OSCE), concerning the verification of compliance by Yugoslavia and all others concerned in Kosovo with the requirements of its UNSC Resolution 1199, and demanded full and prompt implementation of these agreements by Yugoslavia. It is important to note that article thirteen of this Resolution urged Member States and others concerned to provide adequate resources for humanitarian assistance in the

region and to respond promptly and generously to the UN Consolidated Inter-Agency Appeal for Humanitarian Assistance Related to the Kosovo crisis (S/RES/1203, 1998).

Finally another Resolution implemented before Yugoslavia and Kosovo conflict, UNSC Resolution 1239 (S/RES/1239, 1999), called for access of UN and all other humanitarian personnel operating in Kosovo and other parts of Yugoslavia to aid refugees and International Displaced Persons.

The UNSC Resolution 1244 (S/RES/1244, 1999), alongside with two annexes: annex one was a Statement by the Chairman on the conclusion of the meeting of the G-8 Foreign Ministers held at the Petersburg Centre in 1999, and Annex 2 was the agreement of a set of principles developed by the Yugoslav government in 1999 (S/RES/1244, 1999, pg. 5-6), officially authorized an international civil and security presence in Kosovo. Exclusively, it authorized NATO to secure and enforce the withdrawal of Yugoslavia forces from Kosovo and moreover it established a UN Mission called United Nations Mission in Kosovo (UNMIK).

As this is the most important Resolutions that the UN has adopted, it would be useful to explore some of its main principles that addressed the Yugoslavia and Kosovo conflict. The Resolution placed its actions under chapter VII of the Charter. It aimed to resolve the grave humanitarian situation in Kosovo and enabled the return of refugees and internationally displaced persons to their home country. The resolution condemned all acts of violence in Kosovo and reaffirmed the jurisdiction and the mandate of the International Criminal Tribunal for the former Yugoslavia and reaffirmed the commitment of all member states to uphold the territorial integrity and sovereignty of Yugoslavia (S/RES/1244, 1999, pg.2-3).

For the first time, the Resolution called for substantial autonomy and meaningful self-administration of Kosovo (S/RES/1244, 1999, pg.2). At the same time the Resolution called for the establishment of a secure environment in which refugees and displaced persons could return home safely, where the international civil presence would be able to operate and establish a transitional administration and in the meantime humanitarian aid would be delivered.

The Resolution also called upon the EU and other international organizations to develop a comprehensive approach to the economic development and stabilization of the region affected by the Kosovo crises, including the implementation of a Stability Pact for South Eastern Europe with broad international participation in order to further the promotion of democracy, economic prosperity, stability and regional cooperation.

In addition, Security Council President issued three more statements (S/PRST/1998/25, 1998; S/PRST/1999/2, 1999; S/PRST/1999/5, 1999). The three statements called for a ceasefire between Yugoslavia and Kosovo Liberation Army, and emphasized the importance of unhindered humanitarian access to internally displaced people.

After the war period the UN adopted several more resolutions through General Assembly Documents, Security Council Presidential Statements, Secretary Generals Work, Security Council Letters, Security Council Meeting Records, Security Council Press Statements and other documents. Most of these resolutions called upon parties to cease fire (S/PRST/1998/25,1998), called for an immediate and full investigation to bring the perpetrators of violent attacks that took place in Kosovo and southern Serbia to justice and to end all acts of violence in Kosovo (S/PRST/2000/35, 2000).

When it was under Serbia's administration and regime it did not have its rights internationally respected. When the interim regime was established after the 1999 Yugoslavia and Kosovo war, under this regime all legislative and executive authority with respect to Kosovo were vetted by UNMIK and were administered by the Special Representative of the Secretary-General (SRSG) of the UN. A Constitutional Framework was promulgated on 2001, which defined the responsibilities relating to the administration of Kosovo between the SRSG and at that time the Provisional Institutions of Self-Government of Kosovo (UNMIK Regulation 2001/9, 2001, para. 62). One of the responsibilities of the international civil presence was to seek a negotiated political final settlement, but the parties were slow to make any progress, which led to the Special Envoy's conclusion in his 2007 Report that the parties were not able to reach any agreement on Kosovo's future status (S/2007/168, Report of the Special Envoy, para.1), and that "reintegration into Serbia is not a viable option" and that "independence with international supervision is the only viable option" (S/2007/168, Report of the Special Envoy, para.1). Consequently, in 2008, a Declaration of Independence in respect of Kosovo was made by the then Provisional Institutions of Self-government of Kosovo. The effect of the Declaration of Independence was purported to create a new State within international law, and a new Constitution of the Republic of Kosovo came into force in 2008. Thus, with the support of the international community, Kosovo became one of the newest countries in the world. It formally declared its independence in 2008.

The purpose of this study is to use mixed methods to explore the impact that UN actions, specifically the peacekeeping measure, has had on the security conditions in a post conflict country. By exploring how UN peacekeeping measure is reflected in stability and rule of law in a post-conflict

country, with a focus on Kosovo case, this study hopes to add to the overall knowledge of the importance that the UN peacekeeping mission has on post conflict countries. In addition, this study tries to provide a quantitative analysis of the relationship between UN peacekeeping and the long-term rule of law in a post conflict country. It explores the extent to which UN peacekeeping effectively improves the rule of law years in a post-conflict setting. The focus is on the quality of the rule of law on a long-term basis, specifically, comparisons of the UN's peacekeeping troops, and police units effectiveness in improving the police, justice, and the quality of the rule of law in a post-conflict society. All of these issues are addressed within the context of the Kosovo case.

When the discussion comes to the rule of law, it is important to accurately define this term, as it may encompass several issues and can be applied in many different situations. Carothers (1998) defined the rule of law as “a system in which the laws are public knowledge, are clear in meaning, and apply equally to everyone” (pg. 95). In addition, Belton (2005) defines the rule of law as falling into two categories: “(1) those that emphasize the ends that the rule of law is intended to serve within society (such as upholding law and order, or providing predictable and efficient judgments), and (2) those that highlight the institutional attributes believed necessary to actuate the rule of law (such as comprehensive laws, well-functioning courts, and trained law enforcement agencies)”. In addition, the United States Agency for International Development (USAID) defines the rule of law as law and order. This paper addresses the issue of the rule of law with reference to these.

In addition to the rule of law, peacekeeping is another key element for the purpose of this study. Peacekeeping mission arranged from different international organizations differ from each other. In the UN peacekeeping mission case, the idea arose from the UN's driving commitment to avoid the “scourge of war”, in response to the two world wars, the last great threat to peace and security (Hempson, 2011, pg.1), Nevertheless, the UN peacekeepers must be invited by the host state and do not deploy until a ceasefire had been established. As a result, the first generations of peacekeepers were quite passive, due to the fact that they were deployed to keep the peace, not to restore peace or stop ongoing fighting (Russell Field, 1993). On the other hand, the Balkan peace building assessment is defined as a second-generation peacekeeping mission, because UN had to redefine its structures and its goals by coordinating a variety of agencies, organizations and actors, and by being frequently involved in long-term state and civil-society-building project. (Hempson, 2011, pg.1-2)

Finally, the concept of post-conflict legal integrity within the context of a post-conflict country, in this paper, encompasses not only the complementation of the peacekeeping activities but also the ability of UNMIK to reform and to effectively re-establish the rule of law in Kosovo. Therefore, the preliminary research questions are:

- Did the presence of UN peacekeeping personnel in a post-conflict country strengthen the quality of the country's rule of law institutions, within the Kosovo case context?
- Did an increase in the strength of the mandate of the UN mission, increase its ability to strengthen the quality of the Kosovo's rule of law institutions?

Methodology

Setting

This study includes "Peace building" Data Set by Doyle and Sambanis (2000). The data set includes 124 events of civil wars, beginning in 1944 and terminating before 1997 and wars which were ongoing as of 1999, but which had at least one significant settlement or truce or third party peace operation, signaling the parties' desire to terminate the war and start a peace building process. This allows for evaluation of peace building outcomes at least two years after either the end of the war or the beginning of a peace operation (Doyle & Sambanis, 2000, pg.1). The goal is to select a set of coding of variables that include Yugoslavia and Bosnia, Yugoslavia and Croatia, and Yugoslavia and Kosovo. Taking into account that the dataset has not included any coding for variable Yugoslavia and Kosovo, it adds all the related information as the data set requires in order to analyzing the three set of coding of these variables. More information of "Peace building" dataset can be found in Doyle and Sambanis (2000).

The study reflects also Maturu's article (2013), which includes the "Peace building" dataset by Doyle and Sambanis (2000), and adds the rule of law as a dependent variable estimated from the World Bank Governance Indicators (Maturu, 2013, pg.69). The World Bank's estimates of the quality of rule of law are normally distributed with a mean of zero and a standard deviation of one each year of measurement. Therefore, all scores lie between -2.5 and 2.5. Estimates of governance are calculated as -2.5 as weak governance performance and 2.5 as strong governance performance. As with Doyle and Sambanis dataset, the World Bank Governance Indicators do not have any available data for Kosovo from 1996 to 2002. Therefore, the study collects that data.

UN peacekeeping Variables

Rule of law variable – Rule of law variable is correlated with the variables that are included within the “Peace building” Data Set. Thus, the regression between UN peacekeeping mission and the rule of law as control factors control for security stability.

Increase and decrease of the personnel of UN peacekeeping mission variable – Increase and decrease of the UN peacekeeping mission variable is correlated with the World Bank Governance Indicator, section ‘Rule of Law’ within the context of the Kosovo example. After data collection with an estimation of the Rule of Law in Kosovo for periods 2004 and 2013, comparison of means able to denote whether there had been an improvement in the rule of law with an increase or decrease in the number of UN peacekeeping mission variable.

Other constructs: In order to compare a weak or a strong economy, other constructs such as ethnic cleansing, number of victims (low or high number of victims), and economic development are analyzed.

The “Peacekeeping” data set by Doyle and Sambanis (2000), and Maturu’s analysis (2013) is compared. Additional data for Kosovo is added. A comparison on the duration of the conflict and the duration of the peacekeeping mission is analyzed in order to find extraneous and causality concerns within the rule of law part.

In addition, the hypothesis are tested through variety of regressions in order to estimate the relationship between UN peacekeeping mission and the quality of the rule of law, while controlling for factors such as presence of reformation of rule of law in general, and the international agreement between the two post-conflict countries. In addition, matching analysis is used. Such analyze, involve comparisons between countries that might have similarities on the rule of law dimension. Specifically, it compares Yugoslavia and Bosnia, Yugoslavia and Croatia variables. Such similarities, give a determination as to whether UN peacekeeping mission does or does not reform a post-conflict country in the matter of rule of law.

The regression analysis is conducted to determine whether or not the UN peacekeeping effect on rule of law is supported. The theoretical hypothesis relates to strength on the quality of the country’s rule of law institutions with the presence of the UN peacekeeping mission, weather an increase in the number of personnel within the mandate of UN peacekeeping mission increases the quality of the post-country’s rule of law institution, weather a decrease in the number of personnel within the mandate of UN peacekeeping mission decreases the quality of the post country’s rule of law

institution. In addition the empirical results provide us with information whether peace building has had significantly positive or negative effect on the rule of law by estimating and comparing the relationship among variables.

Analysis

UNMIK may be able to improve the rule of law by improving the efficacy of Kosovo institutions that carry out rule of law functions. The UN, by facilitating the improvement of the reformation of the rule of law in post-conflict countries like Kosovo, works to improve the framework within Kosovo's rule of law functions. This framework includes the police sector, justice force, and law implementation. As such, training local police and improving the quality of justice force improves not only institutional capacities, but also works to build trust in legal institutions. Hence, it helps rule of law institutions to further increase their legitimacy and effectiveness of local institutions.

The analysis can be best explained by the following hypothesis: An increase in the number of UN peacekeeping personnel including military, police, and civilian within the context of post-conflict country of Yugoslavia and of Kosovo strengthens the quality of country's rule of law institutions.

With the fact that the number of UN personnel in Kosovo has decreased at year five and year ten of Kosovo war, and adding the World Bank Governance Indicators Rule of Law for Kosovo, and an estimation of the Rule of Law in Kosovo from 2004 (estimation -0.96) and 2013 (-0.57), the results show that there is still a weak governance performance even though the number of UN personnel in Kosovo has decreased. Therefore, the results for a nine year estimation of rule of law provide evidence to support the hypothesis that a decrease in the number of UN peacekeeping mission is not a tool for improving the quality of rule of law in a post conflict country of Kosovo. Looking at the mean difference statistic, we can be more specific and say that our sample shows that in Rule of Law in 2004-2008, has a *t* obtained of 4.214 (.42) which is not significant, and the Rule of Law in 2009-2013, has a *t* obtained of 2.333 (.23) which is not significant as well. Therefore, even though the results show a decrease nevertheless the *p* values are not statistically significant.

One-Sample Statistics

	N	Mean	Std. Deviation	Std. Error Mean
Rule of law 2004-2008	2	-.5900	.19799	.14000
Rule of law 2009-2013	2	-.4200	.25456	.18000

One-Sample Test

	Test Value = 0					
	t	df	Sig. (2-tailed)	Mean Difference	95% Confidence Interval of the Difference	
					Lower	Upper
Rule of law 2004-2008	-4.214	1	.148	-.59000	-2.3689	1.1889
Rule of law 2009-2013	-2.333	1	.258	-.42000	-2.7071	1.8671

From the hypothetical thesis, there are several factors that influence the UNMIK ability to implement the rule of law reform in Kosovo as a post-conflict country. Notably, the degree and the duration of the conflict could determine the success of the UNMIK improvement of the rule of law in Kosovo. In a country where the duration of the conflict is longer it implies that fatalities in every social stratum is affected by such event as ethnic cleansing or the number of war victims or on the contrary, where the duration of the conflict is shorter, it implies that fatalities were lower. Besides, such factors, another important factor that influences a successful rule of law implementation is the economic development of a country, which in addition, influences another factor variable, the political and security stability. Where a country is more economically developed the more feasible it is for a peacekeeping mission to implement the rule of law reforms. On the contrary, it is difficult for a peacekeeping mission to implement the rule of law reforms

in a weak economy as this carries greater security risks which are not only affected by the political and security stability, but also by the economic concerns. Within the Yugoslavia-Kosovo case example, the socio economic development was very weak at the time when war happened. In addition, even though the duration of conflict lasted only two years, the conflict within these two countries lasted longer in the sense that the Kosovo community was excluded from the Yugoslavian institutions decision making process.

At some point in the crisis in Kosovo, the international community became concerned. First the UN, followed by the EU and finally NATO's intervention shows a great cooperation between existed non-state actors. Such cooperation finally brought independence to Kosovo. However, as the data has shown, the country still faces many problems with regard to rule of law. Such problems can not be overcome only with the international community involvement. The problem of the rule of law should be addressed from within the Kosovo institutions. Indeed efforts have started to reform these institutions, but the results appear to be negligible.

International peacekeeping mission is needed all around the world where a conflict between countries exists. Such mission should be coordinated and should be available at the right time.

Every post-conflict country's prerequisites should be evaluated on peacekeeping mission. Such peacekeeping mission is crucial to long-term success in settling crises. As has been stated by Mays (2011) peacekeeping operations can be great examples of the international community cooperating to help settle a crisis. Nevertheless, settling crises does not help building public trust in the rule of law.

The main finding implication reached from this research paper is that the empirical results do not provide enough evidence to confirm that UN peacekeeping mission improves or harms the rule of law after the Yugoslavia and Kosovo conflict. It does not appear that UN peacekeeping mission has any substantive effect on improving rule of law institutions in the long term outcome. As such there is no significance between a decrease of UN peacekeeping personnel including military, police, and civilian in the post-conflict country of Kosovo and the quality of country's rule of law institutions. The findings of this empirical analysis complement the findings carried out by Doyle and Sambanis (2000) data that evaluate the positive effects on the quality of rule of law in post-conflict settings.

Yugoslavia and Kosovo case can be taken as an example of Balkan stability in the sense of peacekeeping efforts to end up the conflict, and look for reconciliation through various agreements between the two countries in

conflict. Nevertheless, with regard to the rule of law issue as has been analyzed, it remains to citizen's and institution's will and effort to progress towards good governance.

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Appendix 1
Table 1

The table shows the “Peace building” Data Set by Doyle and Sambanis (2000). Additional variable Yugoslavia-Kosovo with new data information is included.

Data set	Cname	Yr beg	Yr end	Decade	geo	Un2int	Un type2
34	Yugoslavia-Croatia	91	91	5	1	1	0
88	Yugoslavia-Bosnia	92	95	5	1	1	0
125	Yugoslavia-Kosovo	97	99	6	1	1	1

Data set	Untype 3	Untype 4	Untype5	Battle	Dead	ridp	Lifes
34	1	0	0	10000	25000	320000	71.73
88	0	0	0	150000	250000	25000000	71.42
125	1	0	1	2000	11300	17030000	68.95

Data set	Lifee	Area	Popst	Popen5	Ruleoflaw	Rule of law5	Rule oflaw 5and 5
34	71.73	-	4795547	4661086	.70	-	-
88	63.30	51233	4327168	3365727	-.30	-.45	-.24
125	71.35	10908	1956000	1871000	-.75	-.73	-.60

Definition of variable code names that correspond to “Peace building” Data Set by Doyle and Sambanis (2000):

cocode	Three-letter war abbreviation
cluster	Country abbreviation for clustering
clust2	Clustering all x-USSR, and x-Yugo states together
cname	Country in war
yrbeg	First Year of the War
yrend	Last Year of the War
decade	Decade Dummy
geo	Geographical Area/Continent
royal	Monarchies
euro	Europe
un2int	UN Presence
untype2	untype==Observer
untype3	untype==TradPKO
untype4	untype==MultiPKO
untype5	untype==Enforcement+
battle	Number of battle deaths
dead	Total number of deaths
ridp	Refugees and IDPs
lifes	Life expectancy pre-war
lifee	Life expectancy post-war
area	Area in square kilometers
popst	Pre-war population
popen5	Population 5 years after end of the war
ruleoflaw	Rule of law
ruleoflaw5	Rule of law 2004-2008
ruleoflaw5and5	Rule of law 2009-2013

Appendix 2

Summary of final results in the form of Regression and T-Test tables.

Regression

Variables Entered/Removed^a

Model	Variables Entered	Variables Removed	Method
1	untype==Enforcement+ ^b		Enter

a. Dependent Variable: Rule of law

b. All requested variables entered.

Model Summary^b

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
1	.214 ^a	.046	-.908	1.02530

a. Predictors: (Constant), untype==Enforcement+

b. Dependent Variable: Rule of law

ANOVA^a

Model		Sum of Squares	df	Mean Square	F	Sig.
1	Regression	.050	1	.050	.048	.863 ^b
	Residual	1.051	1	1.051		
	Total	1.102	2			

a. Dependent Variable: Rule of law

b. Predictors: (Constant), untype==Enforcement+

Coefficients^a

Model	Unstandardized Coefficients		Standardized Coefficients	t	Sig.
	B	Std. Error	Beta		
1 (Constant)	-.300	1.025		-.293	.819
untype==Enforcement+	.275	1.256	.214	.219	.863

a. Dependent Variable: Rule of law

Residuals Statistics^a

	Minimum	Maximum	Mean	Std. Deviation	N
Predicted Value	-.3000	-.0250	-.1167	.15877	3
Residual	-.72500	.72500	.00000	.72500	3
Std. Predicted Value	-1.155	.577	.000	1.000	3
Std. Residual	-.707	.707	.000	.707	3

a. Dependent Variable: Rule of law

T-Test**One-Sample Statistics**

	N	Mean	Std. Deviation	Std. Error Mean
Rule of law 2004-2008	2	-.5900	.19799	.14000
Rule of law 2009-2013	2	-.4200	.25456	.18000

One-Sample Test

	Test Value = 0					
	t	df	Sig. (2-tailed)	Mean Difference	95% Confidence Interval of the Difference	
					Lower	Upper
Rule of law 2004-2008	-4.214	1	.148	-.59000	-2.3689	1.1889
Rule of law 2009-2013	-2.333	1	.258	-.42000	-2.7071	1.8671