Chapter 3

UN International Administrations, the ‘Light Footprint’ Approach and the Occupation of Iraq

This chapter continues to assess the evolution described in the previous chapters and is aimed at situating the cases of Kosovo, East Timor, Afghanistan and Iraq within it. Full administrative powers were assumed by the UN in the cases of Kosovo and East Timor. Alternative approaches are the ‘light footprint’ in Afghanistan, and the post-conflict occupation of Iraq by the coalition forces. In the latter two cases, the UN was only granted a limited role in the post-conflict phase.

A. The United Nations Interim Administration in Kosovo

Following NATO’s armed intervention in Kosovo in March 1999, the Security Council adopted Resolution 1244 establishing the ‘United Nations Interim Administration Mission in Kosovo’ (UNMIK). Resolution 1244 was adopted after the acceptance by the Federal Republic of Yugoslavia of the plan presented by Martti Ahtisaari and Victor Chernomyrdin, which contained the general principles of an agreement on the Kosovo crisis. In the post-conflict peace-building context, the international administration of Kosovo is, at present, the

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112 “Agreement on the principles (peace plan) to move towards a resolution of the Kosovo crisis presented to the leadership of the Federal Republic of Yugoslavia by the President of Finland, Martti Ahtisaari, representing the European Union, and Viktor Chernomyrdin, Special Representative of the President of the Russian Federation”, UN Doc. S/1999/649 (3 June 1999).
113 NATO’s intervention in Kosovo followed the refusal of Yugoslavia to sign the ‘Rambouillet Accords’ (Interim Agreement for Peace and Self-Government in Kosovo, UN Doc. S/1999/648 (7 June 1999). During the NATO air strikes, the G8 foreign ministers had a meeting in Petersberg, resulting in a “Statement by the Chairman on the conclusion of the meeting of the G-8 Foreign Ministers held at the Petersberg Centre on 6 May”, UN Doc. 1999S/1999/516
most comprehensive mission ever deployed by the UN. The powers granted to UNMIK and the Special Representative of the Secretary-General encompass a wide range of executive and legislative powers, the scope of which is unprecedented in that context. A complementary and important aspect making UNMIK a historic case lies in the fact that the Security Council Resolution is adopted under Chapter VII, almost ‘imposing’ the mission onto the Federal Republic of Yugoslavia,\textsuperscript{114} even if the latter had previously accepted the Ahtisaari-Chernomyrdin proposal.

The Security Council agreed to the deployment of an international civil and an international security presence under UN auspices. The Secretary-General was requested to appoint a Special Representative who was to lead the civil presence and co-ordinate closely with the security presence.\textsuperscript{115} The security presence was to operate independently of the civil presence, under the general authority of NATO. More specifically, Resolution 1244 called upon UNMIK to promote the establishment of substantial autonomy and self-government in Kosovo, perform basic civilian administrative functions, facilitate a political process to determine Kosovo’s future status, co-ordinate the humanitarian and disaster relief of all international agencies, support the reconstruction of key infrastructure, maintain civil law and order, promote human rights, and assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo.\textsuperscript{116} To implement its mandate, UNMIK initially brought together four ‘pillars’ under its leadership, as envisaged by the Secretary-General in his report following the adoption of Resolution 1244. Each of the four pillars was entrusted to international organisations working together as a sort of ‘federation’ under the general authority and co-ordination of the Special Representative of the Secretary-General, the head of UNMIK. Initially, the responsibilities were divided as follows: ‘humanitarian assistance’ led by the Office of the United Nations High Commissioner for Refugees (UNHCR), ‘civil administration’ under the direct leadership of the UN, ‘democratisation and institution building’ led by the Organisation for Security and Co-operation in Europe (OSCE), and

\textsuperscript{114} The Federal Republic of Yugoslavia was a federal state consisting of the republics of Serbia and Montenegro, and was formed following the collapse of the former Socialist Federal Republic of Yugoslavia. In 2003, the Federal Republic of Yugoslavia was reinstated as the State Union of Serbia and Montenegro, which was in turn dissolved following the independence of Montenegro in 2006. We will nevertheless refer to the Federal Republic of Yugoslavia when discussing issues occurred under the Federal Republic of Yugoslavia, while we will refer to ‘Serbia’ when we discuss aspects of the state’s current involvement.

\textsuperscript{115} SC Res. 1244, UN Doc. S/RES/1244 (1999), paras. 5 and 6.

\textsuperscript{116} \textit{Ibid.}, para. 11 (a)–(k).