UNHCR as an Autonomous Organisation:
Complex Operations and the Case of Kosovo

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1   Introduction

The post-Cold War world has seen a shift in the global political system, which is marked by the increasing significance of humanitarian issues and international organisations in world affairs. Created by states to assist in managing global problems, in issue areas ranging from refugees to monetary policies, international organisations[1] (IOs) such as the United Nations (UN)[2] have emerged as relevant, non-state actors in international politics. These organisations have gone beyond carrying out the interests of states; they are involved in and, in some cases, oversee international and domestic matters that once were under the sovereign control of states. In making authoritative decisions, defining and shaping the understanding of rules and norms[3] and by monitoring their implementation at the international and domestic level, IOs build the social world in which cooperation and choice takes place (Barnett and Finnemore 2004, 2005). The increasing relevance and expanding roles of IOs raise broader issues about their role in global governance[4], their increasing power[5], and their influence in shaping states' interests and global outcomes. Like states, IOs are not unitary 'black boxes' (see Betts 2005) whose preferences, strategies and goals are predetermined, rather, they develop and change through their interaction and involvement in the international community. As an IO's interests and agendas change and develop over time, it is important to analyse their ability to act autonomously[6] and/or independently[7] in situations of global importance.

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[1] From an organisational perspective, three characteristics identify an international organisation: a formal agreement between three or more nation states which serves as the constitution of the organisation; an international conference where representatives of nation states assemble and make decisions and where non-state actor representatives may exercise influence; and a permanent secretariat for the performance of ongoing tasks (a bureaucracy led by a secretary-general) (Reinalda and Verbeek 2004: 12).

[2] It is argued that the rise in UN relevance is due to the shift in relationships between the members of the United Nations Security Council. In particular, Malone (2003: 490) argues that during the Cold War the Security Council was 'stymied' by hostility between the two superpowers and a 'plethora' of vetoes. In the post-Cold War era, the situations viewed by the Security Council as threats to international peace have expanded and the Council has been more willing to become involved in a wide range of internal conflicts; this has required tackling problems that are more complex than the interstate conflicts with which it had more experience. See Malone (2003) for further detail.

[3] Broadly, a norm is defined as a 'standard of appropriate behaviour for actors with a given identity' (Zaum 2007: 2).

[4] A debated concept within academic discourse; however, according to Loescher et al. (2008: 128) 'Global governance broadly relates to the way in which a regulatory framework is negotiated, monitored and enforced at the international level.'

[5] Barnett and Duvall (2005b: 3) define power as the 'production, in and through social relations, of effects that shape the capacities of actors to determine their own circumstances and fate' and as a term that does not have a single expression or form.

[6] Autonomy, for the purposes of this paper, is defined as an IO's ability to interpret its role and mandate; to make its own rules and administer its own affairs; and to decide how they will operate in implementing their interpretation.

[7] Independence, for the purposes of this paper, is defined as the IO's ability to carry out its mission without outside interference. While the study of autonomy and independence can be debated as two sides of the same coin or as distinct concepts, this study takes as a given that the concepts are not synonymous. This paper, therefore, will focus solely on the organisation's ability to act autonomously and not on the examination of the organisation's ability to act as an independent actor.

While there is significant academic literature dedicated to the examination of what organisations do and how it is done, much of it lacks consideration of their position in world politics (see Waltz 1979). Academics, such as Barnett and Finnemore (2004) and Oestreich (2007), argue that even within literature that examines how IOs behave, there is a gap in studying the role of how these organisations pursue their own interests and how they demonstrate autonomy. A comprehensive approach to analysing the ability of an international organisation to act autonomously is essential for at least three reasons: to assist in understanding the roles of IOs in global governance; for the growth and expansion of international relations theory; and for awareness of the practical affects of IO action. First, IOs have become more central in world politics because of their participation in the production and constitution of global governance (Barnett and Duvall 2005a; Barnett and Finnemore 2004). According to Barnett and Finnemore (2005), IOs have been chosen as the main mechanism to manage the increasing complexity of interactions at the national and international level. Analysis of the autonomy of an IO can further understandings of the role that IOs have in the creation and implementation of institutional frameworks, which serve to monitor and regulate the behaviour of states in an ever changing world (Loescher et al. 2008). Second, mainstream international relations theory has tended to view IOs as passive actors, whose only purpose is to implement state interests. Current international relations literature, however, demonstrates that IOs can be autonomous and influential actors in world politics (Barnett and Finnemore 1999, 2004, 2005; Hawkins et al. 2006; Loescher 2001b; Loescher et al. 2008). Further analysis grounded in empirical research is needed to understand the conditions under which autonomous action can take place. Third, an IO's activities and decisions affect the lives of millions (Oestreich 2007). Analysis of organisational autonomy is important in expanding our understanding of how organisations like UNHCR implement international norms at the local level (Schmidt 2006); how they influence the creation and implementation of regulatory frameworks (Loescher et al. 2008); and how they can influence state behaviour on issues of global importance.

To fill part of the gap in current research, this study takes an analytical and empirical approach to assessing how one international organisation, the Office of the United Nations High Commissioner for Refugees (UNHCR), has demonstrated autonomy. Literature on UNHCR has generally focused on historical description or normative assessments of the organisation; which has lacked a comprehensive approach in analysing its ability to act autonomously.[8] This study offers a conceptual framework through which UNHCR's operations in the post-Cold War context and Kosovo will be examined. The Kosovo case study does not give an in-depth analysis of its history[9], causes or consequences of war, the North Atlantic Treaty Organisation's (NATO) bombings or the refugee emergency in 1999. Rather, it provides a snap-shot view of how UNHCR had the ability to act autonomously during the one year period (June 1999-June 2000) it was part of the United Nations Interim Administration Mission in Kosovo (UNMIK). While one

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[8] Loescher's (2001b; Loescher et al. 2008) examination of UNHCR as an autonomous actor has largely focused on historical exploration of the organisation's ability to increase its autonomy through expansion of the scope and size of its operations and its material resources. Loescher's (2001b; Loescher et al. 2008) analysis provides an important foundation to draw from; however, it does not examine the conditions under which UNHCR can increase and demonstrate autonomy using a comprehensive theoretical framework.

[9] See Malcolm (1998); Mertus (1999); O'Neill (2002).

empirical case study cannot answer all the questions of IO autonomy, it can serve to broaden the understanding of how humanitarian IOs can shape decisions and affect outcomes within the constraints of the structures in which they are embedded and in the face of realpolitik and member state interests.

I will argue that, in spite of structural constraints, UNHCR had the power to act autonomously in post-Cold War operations and as part of UNMIK. It has done this by using three 'strategies of autonomy'; first, through its utilisation of authority (delegated, moral and expert); second, through exploitation of information asymmetries; and finally, through manipulation of stakeholder incentives and the ability to play stakeholder interests off one another. UNHCR's role in Kosovo is central to a discussion of IO autonomy, because it raises questions about the nature and role of a humanitarian organisation as part of a state building[10] operation. Specifically, the Kosovo case study raises issues about the role of a non-political, humanitarian organisation in an administration with substantial governing power, the power and influence of an IO in creating and implementing regulatory frameworks, and the lack of public accountability of IOs (which usually serves to restrain government action and includes mechanisms of public oversight) in state building operations[11]. This study aims to add to current international relations literature by providing a comprehensive conceptual framework to assess IO autonomy in empirical situations.

Methodology
The data-gathering methodology used in this paper is based on four forms of qualitative and inter-disciplinary research. First, it is based on semi-structured interviews of UNHCR officials[12], conducted at UNHCR headquarters in Geneva during a single trip between 10 and 12 February 2008. The interviews were based on a uniform questionnaire, with two open-ended thematic questions on UNHCR's mandate, role and relationships in Kosovo[13]. Second, it is rooted in a thorough examination of multi-disciplinary literature, with a main focus on international relations. Third, it is based on assessment of primary United Nations documents and analysis. Fourth, it is based on questionnaires sent to UNHCR officials in the final stages of data-gathering, which asked further questions and clarification of facts. The objective of the semi-structured interviews was to gain a better sense of organisational culture and an internal perspective of UNHCR's operations in Kosovo, in order to examine UNHCR's actions from an academic and operational perspective. Being a literature-driven study, it used the analysis of primary documents to further explore information from my interview research and to analyse the content of secondary academic literature.

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[10] According to Zaum (2007: 16), the term state building 'refers to the establishment of institutions of government in a society. The term nation-building is often seen as synonymous with state building, but they describe different processes. 'Nationbuilding implies the creation of a nation, addressing issues of identity rather than government.' Both processes can overlap as the creation of political institutions can also seek to strengthen common identity.

[11] See Caplan (2005).

[12] The views expressed during the interviews are personal and not necessarily shared by UNHCR.

[13] For in-depth analysis of semi-structured interviewing and ethical considerations see Bryman (2001); Robson (2002); Flick (1998).

Structure

This paper is structured in a way that will provide a conceptual lens through which to assess and understand UNHCR's position in the UN system, its role in complex operations in the 1990s and the conditions under which it could act autonomously as part of UNMIK. Chapter One firmly situates the importance of IO autonomy in the wider international relations theoretical debate, explores why understanding the behaviour of organisations is important in the international political system and defines 'strategies of autonomy.' The aim of this chapter is to provide the conceptual framework through which UNHCR's operations in the post-Cold War era and Kosovo will be analysed. Chapter Two introduces UNHCR's position within the UN structure, its relationships with donor states, the complexity of its internal culture and the tensions inherent within its mandate. This overview will provide a strong foundation for exploring the expansive and influential roles taken on by UNHCR in the post-Cold War world. Chapter Three aims to establish the basis of UNHCR's ability to demonstrate autonomy, as it outlines the organisation's work in the Balkans region and its involvement in the complex operations of the 1990s. UNHCR's role and relevance in world politics will be discussed by illustrating how the organisation was able to use its 'strategies of autonomy' to remain relevant, ensure institutional survival and adapt to new roles. Chapter Four will examine the conditions that allowed UNHCR to act autonomously by exploring UNHCR's interpretation of mandate, responsibilities, and relationships. In conclusion, the conceptual framework presented in Chapter One will be revisited to reveal how the UNHCR case study has wider implications for analysis of IOs.

2 Theory and Autonomy: Developing a Conceptual Framework

Perceptions of IO roles, importance, and autonomy are widely debated in academic literature, with views ranging from IOs as runaway international bureaucracies to IOs as implementing mechanisms of state interests (Hawkins et al. 2006). Realist and neo-realist theory (see Morgenthau 1961; Waltz 1979) presupposes that states are the main actors in world politics, and that IOs are created only to fulfil states' self-interested and power maximising motivations. While the idea of IO agency[14] is not completely discounted by realist and neo-realist scholars, IOs are often seen as 'empty shells,' whose actions are controlled by states (Barnett and Finnemore 1999). From this perspective, IOs have little or no effect on how states pursue their interests, their behaviour, or on world political agendas. When restricted to the realist conceptualisation of power and perceptions of international organisations, understanding 'how global outcomes are produced and how actors are differentially enabled and constrained to determine their fates' is limited (Barnett and Duvall 2005b: 39).

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[14] The concept of agency is a debated topic in academic literature, but this paper, following Oestreich (2007), uses it to mean when IGOs pursue policies or actions that cannot be reduced to state influence and the implementation of this action which produces results that affects the international community (this is different from how Giddens (2002) uses it in the sociological sense, as a continuous flow of conduct).

Current international relations literature is moving beyond the debate of IO importance, to analyse issues concerning how IOs pursue their own interests, how they influence policy decisions, and how they define and implement rules and norms (Barnett and Finnemore 2004; Hawkins et al. 2006; Reinalda and Verbeek 1998, 2004). In order to fully examine IO autonomy, it is necessary to draw upon recent international relations literature grounded in constructivist and rationalist (principal-agent) theories[15].

Structure and Agency

The exploration of IO autonomy, in this study, begins with a sociological perspective of IO action and relationships. The structure-agency theory has gained ground in recent years as structuralist explanations for political events have become more prominent (Imbroscio 1999). The structure-agency theory, developed by Anthony Giddens (2002), introduces us to identity and interest formation of individuals and how they develop within socially created structures[16]. Giddens (2002) argues that an individual's action (agency) is constrained by these structures, but unanticipated action continually reinforces and shapes the structure. The mutually constitutive nature of structure-agency is captured by Giddens' (1984) term 'structuration.' However, structures do not only impart constraints, but as rules and resources, they enable action by providing common frames of meaning (Imbroscio 1999). Giddens (2002) argues that structures are connected to practices like language is connected to speech. As Calhoun (2002: 223) explains, language, as the structure, sets out rules that organise speech and gives us a way to interpret the sounds we make, but in turn, 'a language exists only as it is used and reproduced in speech.' Therefore, structure and agency cannot be examined in isolation from one another, because they are connected in interactive and mutually reinforcing ways. Philip Abrams (1992, cited in Imbroscio 1999) asserts that while events or actions may happen within a structured context, the structure is not only sustained, but changed through those actions. Abrams (1992, cited in Imbroscio 1999) argues that political and social outcomes are not predetermined by the structure, but that they are able to develop in unforeseen ways. This sociological theory allows for a useful approach to studying international organisations, as seen in recent international relations literature:

> Rather than treating organisations as mere arenas or mechanisms through which other actors pursue interests, many sociological approaches explore the social content of the organisation—its culture, its legitimacy concerns, dominant norms that govern behaviour and shape interests, and the relationship of these to a larger normative and cultural environment (Barnett and Finnemore 1999: 706).

International Organisations as Bureaucracies

With an understanding of the sociological background to the relationship between structure and agency, the examination of IOs can now be viewed from an international relations perspective. Constructivist theory, especially the work of Wendt (1992), argues

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[15] Rationalist theory assumes that actors are rational and goal-oriented; political outcomes are explained by the interaction between these actors in the context of institutional constraints. For a more detailed analysis of the combination of constructivist and rationalist theories, see 'middle range theories' in Reinalda and Verbeek 2004: 27-28.

[16] Giddens (2002) defines structures as the rules and resources that act as common frames of meaning in a particular social system.

that the identities and interests of states are formed and transformed within the international system. Barnett and Finnemore (1999, 2004, 2005) have provided a constructivist theoretical basis for explaining the importance and influence of international organisations in global affairs and for analysing autonomous action. Barnett and Finnemore (2004) examine autonomy by concentrating on the 'bureaucratisation' of international politics, which explores how IOs are created to organise and regulate the world. Bureaucracies[17] are composed of and producers of rules and these rules shape their actions, perceptions, identity and practices and define the organisational culture; all of which serve to guide IO action. Rules are essential to bureaucracies, as they are 'explicit or implicit norms, regulations and expectations that define and order the social world and behaviours of actors within it' (Barnett and Finnemore 2004: 18). 'Bureaucracies are also authorities in their own right, and that authority gives them autonomy vis-à-vis states, individuals, and other international actors' (Barnett and Finnemore 2004: 5). By viewing IOs as bureaucracies, according to Barnett and Finnemore (2004), we can see how they are able to use mechanisms such as their expertise, knowledge and ability to claim more authority, which is the basis for their autonomy. In using their authority, IOs can change the way states perceive certain issue areas, their interests and what course of actions they eventually take.

Principals and Agents

In addition to the constructivist perspective, the rationalist, principal-agent theory assists in the exploration of IO autonomy. IOs are created by states and delegated authority in specific areas to assist their needs; which creates a structural relationship of interdependency, what some scholars call a principal-agent relationship (Reinalda and Verbeek 2005; Hawkins et al. 2006). The principal-agent theory has been used to analyse the relationship between an actor (the principal) who delegates (but does not relinquish) authority to a particular body (the agent), which was created to carry out specific tasks (Reinalda and Verbeek 2004). As IOs manage, regulate and coordinate action, the delegation of a degree of autonomy is necessary. Hawkins et al. (2006) argue that in receiving conditional grants of authority, IOs have autonomy, and this autonomy can be used to the advantage or disadvantage of the principal[18]. Principal-agent analyses tend to assume a rationalist view, arguing that agents (IOs) use delegated authority strictly to increase the size and scope of their operations and/or their financial resources.

Solely using the rationalist perspective restricts our understanding of the behaviour of IOs by assuming expansion and material interests are the only guiding preferences (Reinalda and Verbeek 2004). The objectives of IOs cannot always be reduced solely to material interests. As Oestreich (2007) argues, inter-governmental organisations, in particular, are created by states to pursue functions that give them the right to their resources and legitimacy; however, fulfilling this function is their main motivation. Organisations, like

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[17] Bureaucracy is defined as 'a distinctive social form of authority with its own internal logic and behavioural proclivities' (Barnett and Finnemore 2004: 3). To be considered a bureaucracy, an organisation must: exhibit hierarchy (each official has a clearly defined role within a division of labour and is answerable to superiors), continuity (in terms of salary structure that offers the prospect of advancement), impersonality (that work is done in accordance with prearranged rules and operating procedures that remove arbitrary and politicised influences; and expertise (officials are selected for merit, trained for their function and control access to knowledge) (Barnett and Finnemore 2004: 17-18).

[18] See Hawkins et al. (2006: 8) for reference to 'agency slack.'

states, have changing interests and distinct internal cultures which affect their actions. Over time, these organisations learn, adapt and take on new functions, which influence their future interests and behaviour. By drawing upon both the constructivist and principal-agent theories, a more comprehensive approach to assessing autonomy is possible.

Why Autonomy Matters

If IOs are becoming more relevant in world politics, it is important to ask: what effects can IOs have? How will the organisation be held responsible for its actions? 'IOs use authority to expand in ways that both help constitute how the world is organised and give IOs more control over a transformed world' (Barnett and Finnemore 2004: 164). As IOs continue to expand and gain more power, analysis and understanding of IO autonomy is essential for many reasons, including accountability and legitimacy. The concept of accountability[19] of international organisations is a disputed and complex topic within current academic literature, where it can have internal and external aspects and take many forms. Debate aside, accountability remains essential for an IO:

> Accountability matters because of the presumption that its absence means that those in power have the capacity to act without regard for those who authorise their actions and for those whose lives are affected by those actions (Barnett and Finnemore 2004: 171).

Despite its importance, mechanisms of accountability have not developed as quickly as the scope and power of IOs have (Barnett and Finnemore 2004). The legitimacy of an IO ultimately rests on the general belief that IOs should be judged on the basis of what they accomplish; therefore, their legitimacy diminishes when they are not effective at accomplishing the goals that are consistent with broader societal values[20]. However, measuring the success of an IO is difficult and standards differ, as there are many methods used to measure the effectiveness of operations. IOs do not always provide information on internal processes and planning and, therefore, they often lack transparency. An IO's ability to act autonomously is, perhaps, the most important factor when questioning how it can influence global outcomes; especially when operational effectiveness is debatable, accountability mechanisms are poor and there is a lack of transparency. As Oestreich argues (2007: 198), inter-governmental organisations (specifically those within the UN system) have a certain amount of authority with which to act as independent agents and make decisions of moral value. With this said, while there are limitations to their ability to act freely, Oestreich (2007) argues that they have considerable room to manoeuvre within the principal-agent relationship and have significant intellectual and financial power to pursue their goals. While humanitarian agencies generally act with the best intentions to benefit those affected, it is essential that there are proper oversight mechanisms in place to ensure transparency, accountability and legitimacy.

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[19] For the purposes of this paper, accountability of international organisations will be defined as the notion of an organisation being held responsible for its actions, decisions and policies.

[20] See Barnett and Finnemore (2005) on Liberalism and IOs.

Measuring Autonomy

Academic literature has overlooked evidence of IO autonomy, Barnett and Finnemore (2004) argue, because it has assumed that the only important autonomous action is that which defeats state opposition. However, through exercising their authority, IOs develop an autonomous space and can use this as a way to directly or indirectly shape the behaviour of others.

> Even where the IO did adopt policies favored by states…we must remember that correlation is not causation. IOs and states can arrive at similar policies but for very different reasons…in [other] cases, for example that of UNHCR, IOs can be the policy leaders, setting the agenda in their domain of action and cajoling states to adopt it (Barnett and Finnemore 2004: 11).

Autonomy, as Barnett and Finnemore (2004) explain, is not just part of or missing from an IO; it varies in degree and type. By definition, bureaucracies (therefore, IOs) are authorities and it is their authority that creates the basis for their autonomous action. IOs are rational-legal authorities in the field in which they practise; however, they can also derive authority from other sources (Barnett and Finnemore 2004). In particular, IOs can draw from their expertise, moral status and from their delegated responsibilities to increase their authority. Barnett and Finnemore (2004: 21-29) refer to three types of authority[21] that are important in the examining the conditions of IO autonomy: (1) 'delegated authority', which is conferred upon establishment by member states; (2) 'moral authority', which comes from the fact that IOs are often created to represent, serve or protect a shared set of principles, which are used as a basis of authoritative action; (3) 'expert authority' which develops through the IO's reputation for having specialised knowledge and experience. 'Authority generates an autonomous space and IOs hinge their authority on the claim that they are acting on behalf of others and in pursuit of widely-shared goals through value-neutral and impartial means' (Barnett and Finnemore 2004). Mainstream international relations theory has disputed IO power and autonomy, mainly because their warnings are often ignored by states and they lack enforcement mechanisms; however, this view overlooks the important ways IOs form the world in which states operate:

> IOs are able to use their authority, knowledge, and rules to regulate and constitute the world that subsequently requires regulation. We identify three related mechanisms by which they do this. IOs (1) classify the world, creating categories of problems, actors, and action; (2) fix meanings in the social world; and (3) articulate and diffuse new norms and rules (Barnett and Finnemore 2004: 31).

In uncovering and clarifying the ability of the 'agent's' scope and freedom within the principal-agent relationship, Reinalda and Verbeek (2004: 23) argue that the principal-agent theory offers 'sources of influence' available to IOs and their member states. Two such sources in principal-agent literature are applicable to the case study of UNHCR: (1) information asymmetry, where international organisations have a better chance of

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[21] Authority, like agency, is a debated and hard to define concept. For the purposes of this paper authority is defined as 'the ability of one actor to deploy discursive and institutional resources in order to get other actors to defer judgment to them' (Barnett and Finnemore 2005: 169).

affecting decision-making when they have an 'information advantage' over their member states; (2) international organisations have a better chance to affect decision-making when they face several principals, because 'the plurality of principals' enables the IO to play one off against another (Reinalda and Verbeek 2004: 23). We can adapt the concept of playing principals off against one another, to include examination of how IOs 'manipulate interests'[22] (Barnett and Finnemore 2004) of both principals and actors and play their interests off against each other, in order to create an autonomous space and affect decisions. By incorporating criteria from constructivist and rationalist (principal-agent) theories, the development of a conceptual framework through which to analyse IO autonomy is possible.

Strategies of Autonomy

The constructivist and rationalist theories offer interesting insights on how to analyse IO autonomy, but neither has provided a comprehensive framework for assessment. As Hawkins and Jacoby (2006) argue, principal-agent literature has mainly focused on 'principal control strategies' over an agent, but it has lacked on providing analysis and understanding of the strategies which agents can use to evade such controls. Hawkins and Jacoby (2006: 202) contribute to the growing principal-agent literature by focusing on IOs as 'strategic actors with agency.' Agent strategies can persuade principals to delegate authority and then, once that authority has been delegated, it can be used to increase the agent's autonomy (Hawkins and Jacoby 2006: 202). Hawkins and Jacoby's (2006) analysis of IO autonomy, however, can be expanded beyond strictly identifying strategies that agents use to influence the principal-agent relationship, to include constructivist notions of bureaucratic authority. In drawing from the constructivist and rationalist theories, a comprehensive conceptual framework will be created for analysis of IO autonomy. Specifically, analysis of UNHCR's ability to act autonomously will be demonstrated by using this framework, which employs three broad 'strategies of autonomy': first, through its utilisation of authority (delegated, moral and expert); second, through exploitation of information asymmetries; and finally, through manipulation of stakeholder incentives and its ability to play stakeholder interests off one another. In order to assess the conditions under which UNHCR demonstrates autonomy, it is necessary to understand the structures in which it is embedded and the environment in which the organisation works. The next chapter aims to provide a basis for the exploration of the expansive and influential roles UNHCR took on in the years following the end of the Cold War.

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[22] Barnett and Finnemore (2004: 30) explain that IOs can 'manipulate incentives' to shape the behaviour of another actor through means such as deploying material resources to induce or coerce actors to comply with existing rules. IOs can also use rules and deploy knowledge in order to change incentives and regulate behaviour.

3   UNHCR: Structures, Culture and Mandate

The environment in which UNHCR is rooted frames the choices available to the Office and provides the context in which decisions are made. The international framework in which UNHCR has had to work has changed dramatically in the years since its establishment and it is necessary to understand the structures within which UNHCR is embedded and the constraints the organisation faces. The international system has traditionally been dominated by states, where sovereignty has been the basis of power and authority. The rising number of non-state actors and the increasingly important role they play in world politics has added new dimensions to humanitarian assistance. Local networks and working relationships with a variety of external actors are essential for UNHCR's survival, as it must respond to local political issues, interests and needs as it works to fulfil its mandate. While a specific task or mandate might be given by member states, how it is interpreted, its effectiveness and the way that it is implemented on the ground depends on the communication and understanding within the organisation. In order to analyse UNHCR's operations using 'strategies of autonomy,' it is necessary to understand the constraints it faces within the UN structure, its internal culture and the tensions within its mandate.

The UN Structure

Refugees have been a constant throughout history; however, it was not until the twentieth century that a formal organisational structure was created. In the aftermath of World War II, countries in Europe were overwhelmed with the number of displaced persons and refugees[23]. Following several precedents, UNHCR was created by the General Assembly in 1950 and its Statute[24] provides the organisation with its mandate, which is centred on two roles: to provide protection to refugees and to find solutions to their plight. However, the Office was given few responsibilities, little autonomy, a temporary mandate (renewable by the General Assembly), and was dependent on member states for resources.

To limit the authority and autonomous ability of UNHCR, member states created mechanisms and procedures to restrain its action. First, member states created an executive and advisory mechanism, the Executive Committee of the High Commissioner's Programme (ExCom)[25], which approves UNHCR's programmes and budgets, makes conclusions on policy issues pertaining to international refugee protection, and offers guidance on UNHCR's internal workings and priorities. Membership of ExCom, appointed by the General Assembly, is open to member states pending a selection process. Membership has grown since its establishment in 1958 and a few powerful donor countries have tried to preserve their dominant influence over policy issues and UNHCR programming and priorities. Second, member states gave the

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[23] As defined by the 1951 Convention and its 1967 Protocol, a refugee is 'any person who owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.'

[24] Officially: the 1950 Statute of the Office of the United Nations High Commissioner for Refugees.

[25] Membership is open to any member state of the UN, see Gordenker (1988).

organisation a temporary mandate[26] through which operations could only be renewed and extended by the General Assembly. Since its establishment, the General Assembly has been instrumental in increasing the scope and size of UNHCR's work, using its power to issue policy directives. Third, while UNHCR acts under the authority of the General Assembly and has the ability to fulfil its mandate under the auspices of the UN, it is ultimately dependent on member states for authorisation and funding. The funding structure of the organisation states that only administrative expenditures will be financed through the budget of the UN and that all other expenses relating to the activities of the Office must be financed by voluntary contributions (originally only from member states). While UNHCR was born with some charitable ideas, funds provided by donor states have generally depended on how states view the relevance of the Office and specific refugee situations in relation to their national interests[27]. Material constraints and donor interests have influenced much of the policy and practice of UNHCR; however, the organisation has found ways to increase its relevance and influence by using its 'strategies of autonomy.'

UNHCR's Mandate

UNHCR's duties of protecting refugees and finding solutions have, historically, acted as a constraint on the organisation. While there are several reasons why its two-part mandate can constrain its behaviour, two are especially relevant to this study. First, the Statute states that 'the work of the High Commissioner shall be of an entirely non-political character'[28]; however, the work of the Office is often political in nature and requires political solutions. In addition, UNHCR was entrusted with acting as custodian over the international refugee regime[29] in order to fulfil its mandate. While this allows for the organisation to approach governments concerning the treatment of refugees (Gordenker 1988: 276), it does not give UNHCR means by which to take action against a state if it fails to live up to its treaty obligations. It is restricted in its ability to change the behaviour of a state which is in violation of the 1951 convention. It can call attention to these violations in the hopes that through public shame and pressure, the state will change its course of action; however, it must proceed with caution. UNHCR requires host-government consent in order to fulfil its mandate in a given country and must leave if told to do so. Second, UNHCR's mandate does not give the organisation operational freedom. UNHCR must rely on other organisations and agencies to implement its programmes of material assistance and to conclude refugee processes such as repatriation and resettlement. In this situation the host government holds the ultimate authority, as the agencies and organisations that carry out UNHCR's programmes also require permission (Gordenker 1988: 281). 'Thus, UNHCR activities are constrained by a tension between the duty to

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[26] UNHCR granted limited extensions for over fifty years, until recently. Realising the hampering effects of having a temporary mandate, and with considerable persuasion from High Commissioner Lubbers (2001-2005), the General Assembly (GA) removed temporal limitations on the Office in 2003 and secured UNHCR's existence until 'the refugee problem is solved.'

[27] See Loescher (2001a) for historical background and examples of autonomous action.

[28] 1950 Statute para. 2.

[29] As defined by Loescher et al. (2008: 2), the global refugee regime includes a number of interstate agreements and practices, which define states' obligations towards refugees. The 1951 Convention (and its 1967 Protocol) is at the centre of the regime, which provides the definition of a refugee, and states who qualifies for refugee status and the rights they are entitled to. The 1951 Convention also clearly identifies UNHCR as having supervisory responsibility for its implementation.

protect qualifying individuals with humanitarian needs and the legal, administrative, and political fact that as an organisation it cannot supplant the governments that support it or benefit from its services' (Gordenker 1988: 281).

Bureaucratic Culture

It is important to remember when viewing the organisation as a bureaucracy that there is a complex internal culture[30], structure and series of relationships that shape its behaviour. Organisational goals are shaped by the norms of the work that dominates the bureaucracy, where interests vary and often change over time (Barnett and Finnemore 1999: 706). Core features of a bureaucracy, according to research grounded in the Weberian tradition, include: hierarchy (where each official has a defined role within a certain area and is answerable to superiors), impersonality (where the work is carried out according to fixed rules and operating procedures), continuity and expertise (Benner et al. 2007; Barnett and Finnemore 2004). Knowledge and expertise, as Weber highlighted, are central characteristics of contemporary bureaucracies (Benner et al. 2007). While it will not be discussed in great detail, it is important to grasp the basic components of the internal structure of a bureaucracy, including: the role of leadership, division into sub-units, intra-organisations coordination mechanisms (including headquarter-field interaction), financial arrangements, and the ideals and realities of providing an internationally valued humanitarian service (Benner et al. 2007: 9). All of these components affect the daily work and decisions of IOs.

In examining UNHCR's autonomy, it must be kept in mind that 'UNCHR is unique within the UN system, as it is an individual, represented in the High Commissioner, and a bureaucracy, with its own distinctive culture and value system' (Loescher et al. 2008: 74). The role of leadership is important in an organisation like UNHCR. Leadership in UNHCR includes legal, diplomatic, programmatic and public relations functions, which all depend on possession of information that is usually held by the organisation itself (Gordenker 1988: 289). Furthermore, the internal structure and governance of an international bureaucracy cannot be understood in isolation from its external environment. Over time, UNHCR's organisational structure has evolved as it has expanded its activities, which has affected the general policy lines of the organisation[31].

Furthermore, inherent in an IO as decentralised and field-oriented as UNHCR, there are internal levels of autonomy which affect the organisation's operations. UNHCR began as an organisation based out of Geneva, with a small staff and budget. In expanding the size and scope of its operations, UNHCR has grown to over 6000 staff in more than 100 countries and an annual budget over US$1 billion (Loescher et al. 2008: 79). This expansion has created and changed the departments and divisions within the organisation. Approximately one-third of UNHCR staff is located at headquarters (Geneva) and two-thirds are located in 'the field' around the world. Operations in 'the field' are directed by regional and country offices which are in charge of implementing protection and assistance directives from headquarters (Loescher et al. 2008: 82). Such a

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[30] Bureaucratic culture is defined by Barnett and Finnemore (2004: 19): 'the solutions that are produced by groups of people to meet specific problems they face in common. The solutions become institutionalised, remembered and passed on as the rules, rituals, and values of the group.'
[31] See Barnett and Finnemore (2004).

decentralised approach to action is often left exposed to interpretation by staff both within regional and country offices, and on the ground. Staff pressures, relating to tension between headquarters and field offices, frequent rotation, challenges of management and the effects of acting in a climate of crisis, affect the organisational culture and action (Loescher et al. 2008).

On the ground, UNHCR staff must work to implement global policy at the local levels by interacting with a variety of actors, negotiating with state authorities and by putting various programmes into operation; which leads to room for autonomous action. The decentralised nature of UNHCR's operations and the changing context of operations on the ground accounts for different management structures in different countries (Loescher et al. 2008: 83). In many cases, officials in 'the field' feel that they have a certain level of autonomy in interpreting the mandate in the context of the local place and situation. Schmidt (2006) explains that, while attention has been paid to the 'gap' between policy and practice in refugee policy, there is little attention paid to the actual processes of policy making in 'the field.' Schmidt (2006: 1) argues that the type and degree of designation of 'refugee-related tasks' to different organisations matters and that 'refugee-related norms' are not clearly defined, but are subject to differing interpretations and prioritisations by these organisations over time and in different refugee situations. Therefore, the outcome is not determined by one actor (government, UNHCR or specific NGOs), but is influenced (in varying degrees) by all.

When conceptualised as local regimes, which are part of, but separate from the international refugee regime, these networks of organisations involved in implementing policy create and are conditioned by (1) the nature of their decision-making procedures and relations; (2) notions of norm-compliance, where over time, distinct, partially shared understandings are developed of what is most important among the different tasks they have to fulfil [sic], and what constitutes success or failure; (3) practices: by shaping the relative influence of different organisations or actors, organisational networks on the ground also shape outcomes (Schmidt 2006: 1).

In the case of UNHCR, Schmidt (2006) argues that field offices are not just implementing mechanisms for headquarter policies or guidelines, but autonomous actors with various and vital diplomatic roles.

UNHCR and Accountability

Schmidt's (2006) research raises questions about accountability, especially when UNHCR's policy directives and tasks from headquarters can be prioritised, interpreted and implemented differently on the ground level. As discussed in the previous chapter, accountability for a humanitarian organisation like UNHCR is essential, because it is a means of ensuring more effective protection of rights, giving individuals the opportunity to voice their opinions on UNHCR's operations and to seek rectification for violations (Pallis 2005). However, external examination of UNHCR and formal mechanisms of oversight, which would hold it accountable for its actions, are insufficient and scarce. The lack of transparency and growing influence of UNHCR raise questions about how the Office is to be held accountable for operational failures, misuse of power, or for behaving in a way that endangers the very refugees it is mandated to protect (Loescher et al. 2008:

74). While accountability within UNHCR is limited, this is not to say that the organisation abuses the rights of those it serves to protect. Nevertheless, in examining accountability for UNHCR, it is important to remember that the Office is torn between several stakeholders[32], such as the UN, donor states, and also 'persons of concern'[33] to the Office. In being accountable to several stakeholders, most UNHCR Behaviour serves one or the other's interests more so than another and has the potential to be unfavorable or dangerous to some of the stakeholders.

In sum, the ability of UNHCR to fulfil its mandate must be viewed in relation to its position within the UN structure, the inherently political nature of its work and the complexities of its bureaucratic culture. The UN system, donor states, and UNHCR organisational culture, have restricted UNHCR actions, but the organisation has proved that it is not just a submissive mechanism through which states act:

> While the UNHCR is constrained by states, the notion that it is a passive mechanism with no independent agenda of its own is not borne out by the empirical evidence of the past half-century…it seems clear that the autonomy and authority of the UNHCR in world politics has grown over time and the Office has become a purposeful actor in its own right with independent interests and capabilities (Loescher 2001a: 6).

As Loescher (2001a) argues, UNHCR finds itself on a 'perilous path,' trying to maintain a balance between protecting refugees and the sovereign choices and interests of states. In outlining some of the internal aspects of UNHCR, this chapter also illustrates the basis of UNHCR's authority. Specifically, UNHCR has delegated authority from the member states which established it; it has moral authority based on its role as guardian and diffuser of international refugee law and standards; and, it has expert authority based on its extensive specialised knowledge of and experience with refugee movements and refugee law and related issues (Loescher et al. 2008: 19). With an understanding of the basis of UNHCR's authority, the constraints of the UN structure, the complexities of bureaucratic culture and the tensions within its mandate, it is possible to explore the changing context in which the organisation found itself in the 1990s. The next chapter explores UNHCR's expanding mandate in complex situations in the post-Cold War era, its operations in the former Yugoslavia in the 1990s and the ability of the organisation to demonstrate autonomy by capitalising on these changes.

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[32] Defined, for the purposes of this paper, as: an individual, group or entity which can affect, or can be affected by, an organisation's actions.
[33] Resolutions of the General Assembly have expanded UNHCR's competence ratione personae beyond refugees and asylum seekers to include internally displaced persons (IDPs), stateless persons, repatriating refugees and war-affected populations (Mooney 1999).

4   Complex Operations in the Post–Cold War Era

Reinalda and Verbeek (2004: 10) point to four developments in the last two decades that have contributed to the increased relevance of IOs in world politics, including: (1) the dissolution of bipolar competition at the end of the Cold War, where superpower divisions had constrained IO behaviour; (2) globalisation[34], which has created incentives for actors in the international community to deal with increased interdependencies by widening the scope and size of IO operations; (3) the growing interconnectedness of transnational and national politics, offering non-state actors, such as IOs, an opportunity to become more active in both international and domestic politics; and (4) the growth of the 'legalisation' of international relations, making it harder for states and other actors to ignore policies of organisations such as the EU, who have established systems of compliance through national judiciaries. Over the past fifteen years, these developments have 'contributed in principle to an increase of policy autonomy for international organisations, albeit in different degrees for different organisations' (Reinalda and Verbeek 2004: 11).

The end of the Cold War led to considerable changes in international politics and, with the end of the superpower rivalry, led to new opportunities for international organisations[35]. While UNHCR's position within the UN system has not formally changed, its relevance in world politics and relationship with other UN agencies has. Building operational relationships has been important to UNHCR's expanding role since its creation; however, as UNHCR has become more involved in complex emergencies (which often have a military and political component), coordination with other UN agencies and security actors, such as the Security Council and NATO, has become essential. The 1990s presented humanitarian organisations, UNHCR in particular, with a variety of new challenges and opportunities.

Since the late 1980s, powerful Western states no longer view refugees as an acceptable way to increase national workforces or as strategically important pawns in the West's fight against communism (Hammerstad 2000: 393). With the break-up of the Soviet Union into fifteen new countries, nationalism, ethnic conflict and discrimination against minorities led to mass migration. Western states sought to deter massive refugee flows and were increasingly trying to find ways to impose restrictive asylum policies. With Western states focused on more restrictive policies, military intervention and humanitarian assistance were often used as an excuse for political inaction and as a means to contain and prevent possible refugee outflows. Globalisation has led to further interrelatedness of transnational and domestic politics and to an increase in the number of actors involved in decision-making; providing UNHCR with challenges and opportunities for growth. Hammerstad (2000) argues, while UNHCR's activities had been expanding since the 1970s, at the end of the Cold War there was internal concern that the organisation would no longer have a significant role to play in this new era. Therefore, UNHCR had to transform its operations and conceptualisations of refugee emergencies to

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[34] Globalisation is a debated concept and has many definitions; for the purposes of this paper it is defined as 'the deterritorialisation of human interrelationships' (Reinalda and Verbeek 2004: 11).

[35] Especially because of the changes in the UN Security Council after the fall of the Soviet Union and the changing relationships within the Council itself.

remain relevant to the changing needs of the international community. For example, UNHCR has been asked by the General Assembly and has pursued in-country assistance and protection, in order to 'contain' possible refugee flows; which was once taboo for the agency, as it was seen as a violation of state sovereignty. The prevention of refugee outflows and UNHCR's in-country assistance enlarged the scope of the Office's activities and those protected beyond refugees and asylum seekers. UNHCR's competence and activities no longer refer strictly to refugees but more broadly to 'persons of concern'. As UNHCR's mandate expanded and it took on a larger role in humanitarian assistance missions and in-country protection, its relationships with its stakeholders changed. Donor states now relied more heavily on UNHCR to provide solutions for refugee flows that were now perceived as 'security concerns'[36].

Leverage and Leadership

Freitas (2004) argues that in the changing international political system, one where IOs are gaining more power, issue areas that were once the sole concerns of states have become 'internationalised.' As the internal affairs of states (such as adherence to human rights norms) are increasingly being scrutinised by the international community, new issues, tasks and responsibilities have emerged. As Freitas explains, organisations have been able to increase their power and authority by expanding into these new issue areas and they have become 'indispensable providers of certain services' (2004: 125). This expansion allows for an increase in autonomy, because it provides more leverage in decision-making. For example, when the member states that created UNHCR lack a clear, cohesive policy on an issue area and cannot come to agree on one, the agency has more freedom to behave as it sees fit and can use this to extend its autonomy (Freitas 2004; Barnett and Finnemore 2004). UNHCR's relevance and growing importance to donor states and in world politics is not only a result of being delegated new tasks, but is also due to the High Commissioner's ability to interpret the mandate in a liberal and expansionist way. As Betts (2005: 55) argues, 'UNHCR has not been a passive barometer of these donor interests and donor state "power" has not entirely determined outcomes. Far more significant has been the role of individual leadership…'. The end of the Cold War and the increasing interrelatedness of transnational and domestic politics presented High Commissioner Sadako Ogata (1990-2000) with opportunities to shift institutional thinking on areas of its mandate, demonstrating autonomy.

Freitas (2004) provides an example of how UNHCR has been able to act autonomously by pursuing a policy choice despite external pressures, while remaining relevant to international conditions, balancing internal divisions and working towards state interests. In analysing UNHCR's policy choices regarding the assistance of internally displaced persons (IDPs), Freitas (2004) explores why the agency avoided formalising task expansion (which would typically be expected from an international organisation when the opportunity arises). In the early 1990s, UNHCR had the opportunity to formally accept a full mandate for IDPs and received some external state pressure to adopt such a mandate (Freitas 2004: 129). However, most states (and other actors within the international community) did not clearly specify or back a policy response regarding responsibility for IDP protection and assistance. Freitas (2004) explains that given such a policy vacuum, UNHCR had an opportunity to move in, formally expand its mandate and

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[36] For further detail see Chimni 1998; Gibney 2002; Waever 1995; Weiner 1995.

gain more responsibility for IDPs. However, there was internal division on how to handle the situation. Divisions derived from two sources: the structure of the organisation (i.e. headquarters and field offices); and contradictions that might arise from a role with IDPs. Specifically, that in some cases, IDP responsibility would clash with UNHCR's protection function, in the sense that carrying out protection might limit the ability to provide assistance to refugees and that the costs would be too great, resulting in programme cuts for refugees (Freitas 2004).

The complexity of the situation offered the circumstances where organisational leadership could significantly influence the organisation's choice. UNHCR took this opportunity and used its freedom within its principal-agent relationships with member states; it adopted a solution where further expansion was halted and involvement with IDPs was kept from 'mandate incorporation,' but did not alienate its role with IDPs (Freitas 2004). With no agreement within UNHCR, no clear policy guidelines stipulated by states, and the complex issues (such as material assistance, competition with other organisations and mandate confliction) that accompanied IDP responsibility, UNHCR had significant policy autonomy (Freitas 2004: 130). Further, UNHCR issued policy papers, outlining conditions and criteria for its involvement, which allowed the agency to make decisions on the definition of its own mandate, permitting it to keep its responsibilities mainly dependent on its own judgments. Specifically, UNHCR's ability to demonstrate policy autonomy is seen in official recognition of its role:

> Considering the unique non-political and humanitarian mandate of the Office, UNHCR must be able to intervene directly, through its Representative, with the Governments concerned. This measure of independence is as important for UNHCR in dealing with internally displaced persons as it is for the protection of refugees (UNHCR's Operational Experience With Internally Displaced Persons 1994: 49).

Freitas' (2004) example demonstrates something larger about UNHCR's role in refugee crises in the post-Cold War world: while UNHCR did not want to formally extend its mandate (because it would then be held accountable for any failure) it needed to remain relevant and flexible in changing conditions. UNHCR's caution in reacting to the IDP issue seems to validate the agency's desire to maintain autonomy in deciding its participation, without having to formalise the task or completely withdraw from the issue area. Relevance and flexibility are two key elements for UNHCR's survival and both were imperative in the complex operations that emerged in the former Yugoslavia in the 1990s.

UNHCR in the Balkans

Humanitarian operations, like the one in Bosnia in the early 1990s, became more complex for many reasons, including the need to operate in the midst of an ongoing conflict; the combination of political, military and humanitarian components; and an increase in new actors on the ground. The environment UNHCR found itself in was very different from the Cold War context. In the 1970s and 1980s, UNHCR had managed to have a significant degree of autonomy because it found itself the main and, many times, only, actor in handling refugee crises. Because UNHCR's mandate did not allow for much operational capacity, non-governmental organisations (NGOs) were used as 'implementing agencies,' where UNHCR dictated the course of action. However, during

the 1990s operations expanded and a greater number of actors, specifically NGOs, emerged equipped to handle complex humanitarian emergencies. For the first time, UNHCR found itself competing with NGOs for relevance and status.

With the emergence of crises in Croatia and Bosnia, there was unprecedented international interest in humanitarian issues[37]. As High Commissioner Ogata notes:

> Traditionally, our activities have been carried out in the relatively peaceful environment of a neighbouring country of asylum. That scenario is now changing dramatically with the proliferation of internal conflicts and escalation of population movements, and a much greater willingness on the part of the international community to address these problems within borders…The multiplicity as well as the complexity of the humanitarian crises in the post-Cold War world have created an increasing demand for international action in internal situations (24th Annual Vienna Seminar 1994).

Many factors contributed to the emergence of such interest, including mass media attention drawing public outcries for action in Western states[38] and European governments' fear of instability and mass refugee flows. The changing international environment in which UNHCR found itself required it to find ways to remain relevant and necessary in broader humanitarian areas.

How could UNHCR demonstrate autonomy in these new operations, where political and military interests seemed to trump all else? The organisation was able to use its authority and exploit information asymmetries in two important ways: to define its role and assert its position as the lead humanitarian agency, which created room to manoeuvre within the structure of the UN and its relationships with other actors; and to create an autonomous space for itself, where it had more power and leverage in decision-making. First, UNHCR's work in Bosnia was fraught with vaguely defined roles and concepts, like the organisation's role as 'lead agency.' The concept of 'lead agency' was meant to increase coordination on the ground; however, it was ill-defined and there was no specific protocol outlining its mandate and responsibilities (Cunliffe and Pugh 1997). UNHCR's extensive experience and knowledge of refugee assistance (giving it expert authority and an advantage over information) put it in the position to be given such a role by the UN (Cunliffe and Pugh 1997: 136). The ambiguity of the concept 'lead agency' left room for UNHCR to interpret its role and allowed for leverage in decision-making. According to Cunliffe and Pugh (1996), UNCHR operational coordination has involved 'taking the lead in policy-making, planning and information sharing', allowing it to utilise its moral and expert authority.

Second, UNHCR seized the opportunity of the international community's interest in addressing internal conflicts by utilising its authority, its information asymmetries and its experience as a humanitarian actor to expand the scope of its operations and to create an

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[37] See Kaldor's (2006) examination of 'new wars', Turton (1997) for analysis of war and ethnicity, and Woodward (1995) for historical background.

[38] The so-called 'CNN Effect,' which is the idea that real-time communications technology such as Cable News Network (CNN) could provoke a major response from domestic audiences and political elites to global events (Robinson 1999). For specific interest in Kosovo, see Gibney 1999.

autonomous space for its operations. As Hammerstad (2000) argues, an important task of UNHCR lies on a discursive level and entails the interpretation, dissemination and consolidation of normative standards of international refugee protection. UNHCR was able to capitalise on the security concerns of the international community, by framing language to employ the concept 'human security'[39], which justified and gave legitimacy to their intervention in domestic and interstate issues[40] in the post-Cold War world. By drawing attention to the security dimensions of refugee emergencies and by positioning itself as a non-political and neutral agency, UNHCR was able to gain autonomy vis-à-vis the military and political actors in these situations by creating a 'humanitarian space'[41]. UN agencies have not been able to foster perceptions of neutrality by the parties to a conflict in which the UN is engaged, especially with armed peacekeepers; however, UNHCR was able to negotiate between local authorities and military actors, creating the image of neutrality and serving both actors' needs. UNHCR's actions in the post-Cold War context resulted in deferment of humanitarian matters, by the UN and member states, and gave the organisation leverage in future decision-making.

In sum, by employing 'strategies of autonomy,' UNHCR was able to define its role, take 'the lead' in policy making and create an autonomous space within which to operate. Through its operations in the Balkans, UNHCR expanded from an organisation focused strictly on refugees to the UN's leading humanitarian agency. Through this expansion and global presence, UNHCR gained a higher profile in international politics and was able to secure more generous funding for its operations (Loescher et al. 2008). UNHCR was seen as a natural leader in humanitarian operations in the Balkans region, because of its flexibility, its humanitarian status and its ability to remain relevant and influential by being part of framing current discourse. The next chapter aims to outline the events leading up to UNHCR's role in Kosovo and its responsibilities as part of UNMIK. The UNMIK structure and UNHCR's tasks will be explored to illustrate how the organisation was able to demonstrate autonomy.

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[39] According to Hammerstad (2000: 398), this was done as a means to 'establish harmony between the security of concerns of states and the protection needs of refugees'.

[40] See 'power as constitution' and 'power as domination' in Barnett and Finnemore (2004: 156-173).

[41] High Commissioner Ogata discusses UNHCR pursuing a 'humanitarian space', which refers to action based on humanitarian principles of impartiality and neutrality (17 March 1999 Lecture at UC Berkeley).

5 State Building and Autonomy: The Case of Kosovo

As the conflicts in Croatia and Bosnia-Herzegovina were ending in the 1990s, Kosovo's long simmering ethnic tensions were reaching a boiling point. An autonomous province within Serbia and sharing a border with Albania, Kosovo had a population of approximately 90 percent ethnic Albanians and 10 percent Serbs in the 1990s (King and Mason 2006). While tensions can be traced back centuries, it was during the late 1980s that the situation irreversibly deteriorated. The division between Serbs and Albanians was deep, based on each group's assertion that it had the sole right to dominate the territory (King and Mason 2006: 5). The break-up of the Socialist Federal Republic of Yugoslavia in 1989 led naturally to increased demands for independence within Kosovo, which President Milosevic of Serbia was determined to repress. The autonomous status of the province was revoked and the people of Kosovo (especially Albanians and other non-Serbs) were reduced to a situation where basic human rights were denied and the province was surviving on parallel systems for all public services (UNHCR 2000: 233).

In the decade following the revocation of its status, close to half a million Albanians had fled and fighting between the Serb and Albanian factions was escalating. As the security situation declined, UNHCR was asked to assist several hundred thousand IDPs and victims of war in Kosovo. Already having substantial experience and staff in the Balkans (from wars in Croatia and Bosnia starting in 1991), UNHCR was familiar with the ethnic situation. The practice of 'ethnic cleansing' that had begun in 1991 in Croatia had spread to Bosnia in 1992 and eventually to Kosovo in 1998. In 1998, the situation reached its breaking point; violence and the practice of 'ethnic cleansing' was escalating. In an attempt to prevent further bloodshed, the UN Security Council adopted resolution 1199, which led to the agreement of a cease-fire between the Serbian security forces and the Yugoslav Army[42] on one side and the Kosovo Albanian army and militia groups on the other. The Organisation for Security and Co-operation in Europe (OSCE) sent monitors to confirm compliance with the agreement. Initially, the cease-fire held; however, by the end of 1998 the agreement was unravelling.

In January 1999, the massacre by Serb forces of forty-five Albanians in Račak (a village in southern Kosovo) led to further fighting and renewed international efforts to end the conflict. Although international efforts initially led to peace talks in Rambouillet, France, Milosevic challenged Western leaders over Kosovo and the peace talks collapsed. Without formal UN Security Council authorisation, NATO launched an air campaign against Serbia, including attacks on targets in Kosovo. While outside the scope of this study, it is important to note that the legitimacy and legality of NATO's intervention has been widely disputed in academic literature. It has been argued by NATO's member countries, that the bombings were justifiable on humanitarian grounds (as it was intended to stop the killings and intimidation of Kosovo Albanians and prevent a humanitarian crisis); however, as Roberts (1999: 120) emphasises, no simple conclusions can be drawn about humanitarian intervention or about the ability of NATO's bombings to produce compliance. In addition, Roberts (1999: 105) argues that because contradictory principles

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[42] Yugoslavia at this time consisted of Serbia (including Kosovo) and Montenegro.

were at the centre of the crisis, no definitive legal answer produced would be able to satisfy all sides (public, governments or international lawyers). Did NATO's bombings deter killings, prevent a humanitarian crisis or secure a political settlement to the Yugoslav conflict? According to Woodward (2001: 343), the answer is no. In the short term, the ten-week air campaign resulted in the unleashing of Serb forces on ethnic Kosovo Albanians and created a massive outflow of 750,000 Albanians (Loescher 2001a: 328). Despite early warning signals that the Serb-Albanian conflict was inevitable, no one, including UNHCR, expected such a large, complex crisis to emerge.[43] Furthermore, Woodward (2001) argues, the bombings produced a long-term, unstable, stalemate in Kosovo.

On June 10 1999, the day after NATO bombing ceased, UN Security Resolution 1244 created UNMIK. UNMIK was created to establish a safe and secure environment, begin the process of peace-building, and to establish provisional, democratic self-governing institutions. Resolution 1244 was the result of a political compromise between the states in the Security Council who held veto power; with the United States, Great Britain and France, on one side, and Russia and China on the other[44]. Various political factors contributed to NATO member states choosing the UN to lead the civil administration in Kosovo. These factors, according to Pula (2003: 200), included: the eagerness of NATO member states to see the bombing end; Milosevic's refusal to give power over Kosovo to any foreign government and his willingness to transfer control to the UN; Russia and China's interest in gaining influence over developments in the Balkans and in Kosovo; and the reluctance of Western governments and Russia to recognise an independent Kosovo. However, UNMIK was created in just a few days in a climate of emergency, where the largest problems were perceived to be managing the return of 750,000 Albanian refugees and enforcing authority against Belgrade (Hopkinson 2006). These assumptions resulted in many problems, as Resolution 1244 did not specify the scope and authority of the mission; the abilities and capacities of the participating IOs were largely unknown; and the realities on the ground differed greatly from what was anticipated.

State Building and the UN
Given under Chapter VII of the UN Charter[45], the tasks set out in Resolution 1244 were massive and the UN had restricted capacity and little experience in assuming administrative responsibility over the territory (Yannis 2001: 33). There are many interesting aspects of the UN administering a territory; however, perhaps the most important is that the UN had no prior experience with the type of mission it was given in Kosovo.[46] Furthermore, the final outcome of the UN mission was extremely important for

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[43] While UNHCR's initial response to the Kosovo Albanian refugee emergency is not analysed in this paper, there has been a significant amount of academic literature and evaluation dedicated to the subject (Groom and Taylor 2000; Goodwin-Gill 2001; Helton 2002; Loescher 2001a; Pugh 2000, Suhrke et al. 2000).

[44] See Pula 2003; Roberts 1999; Yannis 2001 and 2004 for further details.

[45] Chapter VII of the UN Charter states that 'the Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42, to maintain or restore international peace and security' (Art. 39). Chapter VII also states that the Security Council may take action by land, air or sea to maintain or restore international peace and security (Art. 41).

[46] The UN had experience in a related mission in Cambodia (UNTAC 1992-1993) where it assumed control of key sectors of administrative structures to build a stable environment. In the months following the

the UN's reputation. If UNMIK turned out to be a 'success' (as in meeting the set of internationally determined benchmarks in order to determine a final political status (Zaum 2007)) it would dismiss the argument that state building can only fruitfully be done by powerful states and it would reinforce the role and importance of the UN as a credible and effective 'nation-builder' (King and Mason 2006: 21).

The scope and ambition of UNMIK's mandate was unique to UN operations; it was not only given the authority to take on full interim administrative activities, but it was also endowed with a central political role in resolving the conflict (Yannis 2004: 67). UNMIK was endowed with a significant amount of power through Resolution 1244, which effectively suspended Yugoslavia's sovereignty over the province of Kosovo[47] (Yannis 2001). According to Zaum:

> Even if Kosovo has not been recognised as a state, it constitutes and has been recognised as a single political community with its own political and administrative institutions. UNMIK's efforts to establish and strengthen these institutions can best be described as state building…the determination of the future status and the nature of Kosovo's statehood are formally made conditional on the fulfilment of the 'standard of civilisation.' UNMIK's 'standards before status' policy…conditioned the resolution of Kosovo's status on meeting a set of internationally determined benchmarks… (2007: 172).

As Zaum (2007) argues, Resolution 1244 was drafted within very tight political constraints and designed to end the bombing rather than to provide a plan for state building. UNMIK was given a broad and vague mandate, which lacked adequate specification of its scope of authority, structure or the extent and assumption of sovereign responsibilities. Specifically, the Resolution set out the following:

> Authorises the Secretary-General, with the assistance of relevant international organisations, to establish an interim civil presence in Kosovo under which the people of Kosovo can enjoy substantial autonomy within the Federal Republic of Yugoslavia, and which will provide transitional administration while establishing and overseeing the development of provisional democratic self-governing institutions to ensure conditions for a peaceful and normal life for all inhabitants of Kosovo (S/Res/1244 (1999) para. 10).

Issued approximately one month after Resolution 1244, the structure of the UN mission was provided by a UN Secretary-General's report to the Security Council[48]. The

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establishment of UNMIK, the UN Security Council mandated the UN with another civil-administration mission to East Timor (UNTAET 1999-2002).

[47] Yannis (2001: 46) outlines the term 'suspended sovereignty' as being used in legal and political discourse to explain situations in recent history where internal sovereignty seemed to be 'an empty legal proposition not matching political realities.'

[48] The Secretary-General's report to the Security Council provided a framework for UNMIK, under which UNHCR would lead the humanitarian component to ensure that basic needs were met for the returnees inside Kosovo, establish legal advice centres, and design and implement a protection strategy to address the protection needs of returning refugees and IDPs, as well as Croatian Serb refugees and the Serb and Roma ethnic minorities in Kosovo (S/1999/779: 18).

international civil structure comprised four pillars, each led by an international or regional organisation and overseen by a Special Representative of the Secretary General (SRSG). UNMIK's pillars were divided into four areas which would take a 'coordinated and integrated approach' (S/1999/779: 10) to ensure fulfilment of Resolution 1244. Pillar I, led by UNHCR, was responsible for humanitarian affairs; Pillar II, led by the UN, was responsible for daily administration, the police and the judicial system; Pillar III, led by OSCE, was responsible for institution building and democratisation; and Pillar IV, led by the EU, was responsible for economic development and reconstruction. In addition, the NATO peacekeeping force (KFOR) was mandated to assist in UNMIK's objectives, by providing a safe and secure environment.

While the structure of the mission and broad objectives were defined, the question of Kosovo's political status was postponed indefinitely. The international community hoped that time and progress in Kosovo and Serbia would offer a solution (King and Mason 2006). UNMIK was to act as a transitional government with no roadmap to the final status. The resolution provided a mandate for political institution building, but it did not determine the extent of authority these institutions could ultimately possess. As a result, UNMIK was fraught with problems of ambiguity, political constraints and a lack of clear direction. Notably, the UNMIK Pillars were supposed to take an integrated and coordinated approach to fulfilment of the Resolution; however, each Pillar was able to have autonomy in interpreting and defining its role and, more importantly, each was ultimately accountable to a different set of stakeholders and interests (Yannis 2001). While the full scope of UNMIK's authority and role in Kosovo has been extensively documented (see Brand 2003; King and Mason 2006; Zaum 2007), this paper does not specifically focus on the role and effectiveness of UNMIK as a state building endeavour. It is UNHCR's role within UNMIK (June 1999-June 2000), in the context of state building and in the absence of a sovereign state, which makes Kosovo such an interesting case study. Due to its experience in Croatia and Bosnia, UNHCR was familiar with much of the political situation, ethnic tensions and problems within the region. However, Kosovo differed from UNHCR's operation in Bosnia in two important ways: first, assistance in Bosnia took place in the midst of an ongoing war; second, UNHCR was working in a sovereign country[49]. UNHCR's role within a UN civil administration in the absence of a sovereign state was new for the organisation. In Kosovo, UNHCR was leading the 'Humanitarian Pillar' in the context of state creation, as a part of a transitional administration and assisting in capacity-building of provisional democratic self-governing institutions.

Resolution 1244 and UNHCR

UNHCR's role in assisting in the fulfilment of the goals outlined in Resolution 1244 raises significant questions about how UNHCR would be able to affirm its autonomy within the UNMIK structure. One would expect that UNHCR was at its least autonomous being part of the UNMIK structure and under the pressures of big power policy within the Security Council; however, it was because of the vague nature of Resolution 1244, the lack of UN experience in such operations and the organisation's status as head of the humanitarian

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[49] Bosnia's sovereignty was disputed initially, but was recognised by the United States, the EC in 1991 and unofficially by Serbia and Montenegro in 1992, upon the declaration of their unification as the Federal Republic of Yugoslavia (FRY).

mission that UNHCR was able to demonstrate autonomy. Specifically, Resolution 1244 outlined three areas in which UNHCR (and the international organisations under UNMIK) would need to cooperate: (1) assist with providing a transitional administration; (2) assist in establishing and overseeing the development of provisional democratic self-governing institution; (3) supervise the safe and free return of all refugees and displaced persons to conditions that would allow for 'a peaceful and normal life for all inhabitants of Kosovo.' The organisation was delegated authority to carry out its humanitarian activities under Resolution 1244, which stated:

> Safe and free return of all refugees and displaced persons under the supervision of the Office of the United Nations High Commissioner for Refugees and unimpeded access to Kosovo by humanitarian aid organisations (Annexe 2, para 7).

The objectives and roles outlined in Resolution 1244 are interesting in exploring the conditions that allow for autonomous action. The three areas outlined in Resolution 1244 provide interesting ways to explore the how UNHCR used its 'strategies of autonomy' vis-à-vis UNMIK, other Pillars within UNMIK and the local Kosovo authorities. Through exploring the tasks set out in Resolution 1244 and UNHCR's action, it will be possible to examine the varying kind and degree through which the organisation acted autonomously.

UNHCR as Part of the Transitional Government

UNHCR found itself part of a complex structure, having to work with a wide range of actors on the ground and in a situation where concepts and relationships were not clearly defined. As Pillar I under the UNMIK structure, UNHCR was to cooperate with the other pillars in order to promote return and assist in fulfilment of the tasks set out by the Security Council. However, as Yannis (2001) argues, the internal structure of UNMIK raised questions and problems as to how to carry out activities.

> The different pillars not only had different management structures and work ethos but they also were ultimately accountable to different bureaucratic chains of command and constituencies. This often resulted in different policy priorities and varying degrees of commitment to the implementation of policies adopted by the international administration's political leadership (Yannis 2001: 33).

In addition to the differing policy priorities and varying degrees of commitment, the extensive responsibilities of UNMIK—political, military, human rights, and humanitarian activities—created tensions within the mission and between the organisations involved (Helton 2002; King and Mason 2006). These problems led to competition, a lack of coordination and overlapping activities on the ground between the pillars.

While UNMIK created a politically constraining structure for UNHCR, it also allowed for opportunities where the agency could be more influential. It has been argued that high level UNHCR officials felt, at times, frustrated being part of UNMIK as it 'did not allow UNHCR complete political independence'[50]; however, UNHCR staff[51] indicated that

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[50] Kotsalainen (2008) Interview with author, February 2008.
[51] From interviews in Geneva, February 2008.

being part of the UNMIK structure afforded the organisation more opportunities to influence decisions. According to a senior UNHCR official, the organisation had 'a significant degree of autonomy'[52] in interpreting and implementing its mandate. UNHCR's influential role was emphasised by the organisation, which stated 'UNHCR's comparative advantage over other agencies in Kosovo is indeed the combination of extensive field presence and direct access to the highest policy-making bodies in UNMIK' (UNHCR 2004: 4). The organisation was able to employ 'strategies of autonomy' in ways that would ensure its ability to fulfil its mandate and ensure its relevance.

UNHCR's extensive field presence and experience in Kosovo gave the organisation expert authority in decision-making on the ground. In addition to its expert authority, UNHCR also had an office in Belgrade which gave it an informational advantage within UNMIK, which did not originally have a Liaison Office in Belgrade. The UNHCR Special Envoy was able to use this advantage to conduct negotiations with Serb officials, in terms of the situation of IDPs in South Serbia and the mission's efforts to support minority returns[53]. According to a senior UNHCR official, the inclusion in UNMIK's structure and its informational advantage gave the agency leverage vis-à-vis the authorities (locally and in Belgrade) and other UN agencies.[54] In meeting with the SRSG daily, UNHCR did (and was perceived to) have more power in influencing decisions, by agencies outside of the structure and by local authorities. In examples provided below, it will be demonstrated that this position in a transitional government gave UNHCR the power to decide how information would be used, to define the priorities of the humanitarian pillar and to create a 'benchmark' by which the mission would be judged.

UNHCR and Capacity Building
In addition to being part of a transitional government, UNHCR's role assisting in establishing and overseeing the development of democratic self-governing institutions raises questions concerning the power and autonomy of international organisations. Resolution 1244, as Yannis (2001: 36) explains, was 'neither an agreement between Serbs and Albanians on a common future, nor an agreement between exhausted opponents seeking a compromise end to their conflict.' Furthermore, UNMIK and KFOR essentially took over full administrative responsibility and excluded the Yugoslav authorities in Belgrade from any part in the administration (Yannis 2004). Cessation of violence, however, would require the Albanian authorities and Serb authorities (who were mainly advised by those in Belgrade) to cooperate and endorse adherence to UNMIK's rules. Unlike other operations, UNHCR was working with a mandate (under Resolution 1244) that the de facto political parties of the territory did not agree to. In the context of state creation and in the capacity building of local leaders UNHCR's relationships with the local authorities were different from any other IO in the mission. UNHCR was in a unique position of being able to approach both the Kosovo authorities and those in Belgrade, because of its prior experience in the region and the perception by both parties

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[52] Kotsalainen (2008) Interview with author, February 2008.
[53] Kotsalainen (2008) Interview with author, February 2008.
[54] Kotsalainen (2008) Interview with author, February 2008.

that it was the most neutral actor within the mission[55]. This position raises two interesting points, which will be discussed below: UNHCR's ability to manipulate the incentives of authorities and play them off against one another, in order to achieve its ultimate goal and to ensure cooperation with the humanitarian agenda; and UNHCR's humanitarian status, informational advantage and authority to disseminate information and establish the standards and rules that applied to how and when displaced persons could return.

First, there was no agreement at the international or local level on the future status of Kosovo, creating a situation where UNHCR had leverage in relationships with the authorities, locally and in Belgrade, while part of UNMIK. By presenting itself as neutral and impartial, driven by its moral values, and having influence in framing the discourse related to humanitarian matters, UNHCR was able to create a 'humanitarian space' where its expertise and knowledge were respected by both the local authorities, on one hand, and the political and military actors, on the other. As Barnett and Finnemore (2004) explain, IOs regulate the behaviour of state and non-state actors by manipulating incentives to shape their behaviour and to induce actors to comply with the rules. UNHCR was able to use rules, authority and knowledge in order to change incentives and regulate behaviour. Due to UNHCR's unique relationship with the Albanian and Serbian authorities, its humanitarian status and its conferred authority, it had power within UNMIK to act as a 'middle man.' For example, UNHCR realised that the Kosovo Albanians' ultimate goal was to gain independence and that such a goal did not necessarily require cooperation with the mission, but could encourage further violence in the hopes of achieving this. UNHCR convinced the Albanians that international 'benchmarks' had to be met before a final status could be decided ('standards before status', Zaum 2007). These 'benchmarks' included the promotion of a multi-ethnic society in Kosovo. The Kosovo Albanians realised that by cooperating, their goal might be achieved and participated in activities to promote minority tolerance. UNHCR had successfully used its ability to manipulate the incentives for the Albanian authorities to pursue a course of action they would not have taken alone. In addition, UNHCR was able to use 'strategies of autonomy' with regard to the other actors within the operation who were under pressure to meet international expectations. For example, UNHCR was able to manipulate incentives of organisations under UNMIK and KFOR through publishing minority assessments which openly criticised failures and misgivings (publicly shaming); thus, getting these actors to cooperate in assisting UNHCR with their operations and activities. By influencing actors' incentives, and therefore their overall interests or actions, UNHCR was able to create an autonomous space for itself in the local communities and within UNMIK.

Second, as the humanitarian pillar, UNHCR was able to use its status, knowledge and authority to disseminate information and define the standards and rules that applied to how and when displaced persons could return. Due to its vague and broad mandate, UNHCR had the autonomy to interpret and define what a 'safe return' was in the context of minority returns in Kosovo and then implement that definition in facilitating their return. UNHCR promotes all voluntary returns taking place in 'safety and dignity,' a

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[55] Kotsalainen (2008) 'The Kosovo Albanians had a positive image of UNHCR due to our involvement in Kosovo from 1992 and the Serbs soon realised that UNHCR was the main organisation interested in their protection and return'.

concept often touted at the official level but ill-defined and inconsistent on the ground (Bradley 2007). According to Martin Gottwald, a senior UNHCR official, the concept of ensuring conditions so that displaced persons could 'return to their homes' was new in UNHCR operations, a Balkan-specific concept which was first used in the Bosnian operations (part of the Dayton Agreements), and created an ambitious role for the organisation (Gottwald 2008). The role of UNHCR leadership in demonstrating autonomy by defining the concepts and rules that determine the fate of those under its protection can be seen in High Commissioner Ogata's expansion of the concept of 'safety and dignity.' In a statement on aid in the former Yugoslavia, Ogata explained that protection includes 'the right of return for all those who so desire, and above all, it means the right to be allowed to remain in one's home in safety and dignity, regardless of one's ethnic, national or religious origin' (Ogata 1992). This expansion then gave UNHCR two responsibilities, one in assisting in returns and the other in ensuring an environment conducive to sustainable returns. In Ogata's conception of the 'right to return' UNHCR had defined the conditions under which refugees and minorities could return, the environment KFOR would have to produce to ensure such returns could take place', and what a 'successful' return looked like. Furthermore, UNHCR has the power to change and redefine the rules and standards through which returns can take place in a given situation.

Peaceful and Normal Life for 'All'

According to Resolution 1244 and as interpreted by UNHCR (2001), UNMIK is responsible for 'assuring the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo,' under the supervision of UNHCR. According to one UNHCR official, the organisation had a certain amount of autonomy due to the specification of its supervisory role in Resolution 1244, even though NATO and UNMIK were the 'big fishes.'[56] However, the responsibility of supervising the safe and unimpeded return of all, given to UNHCR by the UN Security Council, was one that was almost impossible to implement on the ground. As King and Mason (2006: 245) argue, in order to create the multi-ethnic society that the UN Security Council envisioned, Kosovo would have to 'become a kind of society it had never been before.' Kosovo did not have the political culture, economy or institutions conducive to the aims of the UN Security Council. Transformation of Kosovo society was required to achieve changes that would encourage a multi-ethnic Kosovo (King and Mason 2006: 245).

How was UNHCR to fulfil its mandated role of creating conditions for the safe and free return of all? In the absence of a sovereign state, UNHCR's responsibility of supervising the government to enforce safe and tolerable conditions did not exist. According to UNHCR officials, its responsibility to 'supervise' was left undefined and ambiguous. According to one senior UNHCR official[57], UNHCR staff assumed that by working within a UN structure it would be easier to fulfil their mandate; however, this was not always the case. According to a UNHCR official:

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[56] Anonymous. (2008) Questionnaire, 22 May 2008.
[57] Koefner (2008) Interview with author, February 2008.

No one specified the relationship between UNMIK and UNHCR and the starting point for protection, minimally was 1244, it was a political resolution that did not think of the practical consequences on a day to day basis.[58]

UNHCR staff often found themselves questioning their supervisory role, as Martin Gottwald states, 'UNHCR was supposed to supervise the return of refugees and IDPs. One key question has always been whom shall we supervise? UNMIK? The local authorities? And what does this role mean?' Gottwald also argues that UNMIK would not have accepted UNHCR giving instructions or guidance; instead, UNMIK seemed to perceive UNHCR as their implementing agency. As the mandate given by the Security Council proved to be inadequate on the ground, UNHCR was able to interpret and implement their mandate as they saw fit in the local context.

Autonomous Action: An Example
One example that UNHCR officials continued to point to as evidence of the autonomy UNHCR had in Kosovo was its ability to influence the different SRSGs (and, therefore the direction of the mission) on the importance of minority protection and to establish a 'benchmark' by which the mission would be judged[59]. As one UNHCR official argued, 'Minority protection was necessary, even if it was outside of UNHCR's mandate, for the return of minority populations'[60]. UNHCR staff knew that in order to fulfil its mandate of 'safe and free returns' it would have to address the ethnic tensions and improve conditions before returns became a realistic option[61]. According to a UNHCR official, UNHCR viewed its high degree of involvement in human rights issues as part of its role because it is a 'human-rights based and oriented organisation'[62]. In using 'strategies of autonomy', such as exploitation of information asymmetries and use of authority, UNHCR was able to influence the SRSGs on what was needed to rebuild Kosovo. UNHCR began to produce assessments (with the OSCE[63]), which critically examined UNMIK's efforts in creating a sustainable environment for returnees and minorities groups to live in and to enhance voluntary returns. In the course of two years (while UNHCR was within and outside of the UNMIK structure) ten reports were published on the minority situation with assessments of the security and various areas, such as public services and freedom of movement, which produced recommendations on how to create a functioning, multi-ethnic society.

While UNHCR has traditionally had the role to supervise and monitor implementation of compliance with legal instruments in the international refugee regime, the agency has always had to act with caution in the past, as it is in the country of operation only with government consent. As Erin Mooney (1999: 204) explains,

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[58] Gottwald (2008) Interview with author, February 2008.

[59] Interviews with UNHCR staff, Geneva, February 2008.

[60] Kotsalainen (2008) Interview with author, February 2008.

[61] Koefner (2008) Interview with author, February 2008.

[62] Koefner (2008) Interview with author, February 2008.

[63] UNHCR and the OSCE worked to produce these reports together. As the institution-building pillar, OSCE was in charge of the human rights monitoring component.

Unlike the United Nations human rights bodies which have long recognised the nexus between displacement and human rights violations, UNHCR played it down until recently for fear of jeopardising the consent of host governments on which its refugee work relies.

However, under UNMIK, UNHCR had the authority to critically write about the efforts of UNMIK and about the Kosovo authorities (albeit not in a traditional state). In a situation with a locally installed traditional government, according to one UNHCR official, UNHCR would have difficulty openly producing human rights reports; the Office may have the possibility of discussing such issues with the government, but not openly publishing reports.[64] Furthermore, these assessments and UNHCR's recommendations were not always appreciated by the SRSG and, at times, UNHCR was seen as 'being difficult' because their recommendations may have gone against the political agenda[65]. According to a UNHCR official[66], ethnic minority returns became a measure of good governance and there was political pressure from the UN and member states to move forward with these returns. Reports on the prevailing security situation were not always appreciated by UNMIK and the NATO military structure (KFOR), as they perceived them, at times, as an implicit criticism on their performance, and lack of progress made in stabilising Kosovo.

UNHCR exercised autonomy by interpreting and implementing its mandate, even under pressure from the UNMIK stakeholder(s). UNHCR had the expertise and knowledge to disseminate information and advise the SRSG, other UNMIK Pillars, and member states on how to address what the International Crisis Group (2002) termed the 'heart' of Kosovo's political agenda, returns. According to one UNHCR official, 'every time the SRSG changed we had to get minority protection on the agenda and the return of these people back on track'[67]. In using its authority, UNHCR brought attention to the minority issues and persuaded the SRSG that a structure needed to be created for minority protection; which eventually led to UNMIK establishing the Office of Returns and Communities (ORC) within the Office of the SRSG in 2001. In employing 'strategies of autonomy' minority protection was placed at the top of UNMIK's agenda and UNHCR had created a norm by which the success of the mission would be measured.

6   Conclusion

An international organisation's ability to act as an autonomous actor is dependent upon the circumstances and can vary in degree and kind. Analysis of IO autonomy expands our understanding of how an IO can affect outcomes in the face of realpolitik, member state interests and structural constraints. By examining how UNHCR employs 'strategies of autonomy' this study has wider implications for issues of global governance, international relations, and forced migration.

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[64] Anonymous (2008) Interview with author, February 2008.
[65] Anonymous (2008) Interview with author, February 2008.
[66] Anonymous (2008) Interview with author, February 2008.
[67] Koefner (2008) Interview with author, February 2008.

Utilising Authority

> UNHCR has used its authority to shape how the world understands refugees and their circumstances, but also, potentially, to control their lives and determine their fates (Barnett and Finnemore 2004: 120).

As Barnett and Finnemore (2004: 165-166) argue, 'the bureaucratisation of world politics means that international organisations have more authority than ever before…(and) that global bureaucrats have authority to act in powerful ways.' The role of individual leadership, and the way that principled[68] ideas are chosen and developed by leaders in IOs are both important in influencing state interests and global outcomes (Oestreich 2007). As IOs use their authority to expand into new issue areas and gain leverage in decision-making, they increase their autonomy. In exercising its authority, UNHCR was able to create an autonomous space during its operations in the 1990s and in Kosovo, where it had leeway in interpreting and implementing its mandate. Through participation in framing the discourse on 'human security' and by linking the security of people and that of states, UNHCR was able to capitalise on the concerns of the international community, therefore, justifying its intervention in domestic and interstate matters, ensuring institutional survival and expanding its authority. In Kosovo, UNHCR utilised its authority to demonstrate autonomy by defining the rules and conditions under which return took place and by influencing the 'benchmarks' by which the mission's success would be judged. It is through delegation, moral claims and expertise that IOs have the authority to act; which provides the basis for their autonomy and their ability to change and constitute the world (Barnett and Finnemore 1999, 2004).

Exploiting Information Asymmetries

As Reinalda and Verbeek (2004) argue, when IOs have an 'information advantage' over member states (principals), they have a better chance in influencing decision making at both the domestic and international levels. Generally, UNHCR's control over information is important for two reasons: in demonstrating internal levels of autonomy; and in the High Commissioner's reporting and advising role to UN organs. First, field staff provide headquarters with information that is used in assessments and reports (e.g. Kosovo minority reports), which allows for interpretation at both levels as to what is important and how the information is presented. Second, the High Commissioner reports to and advises UN organs, such as the Security Council and General Assembly, on refugee (and generally, humanitarian) matters. In exploiting information asymmetries and through language framing, an IO has influence over how issues of global importance are perceived. Ultimately, IOs can use their authority to decide what information to use, how to set the agenda to reflect both relevant and irrelevant items, and to be selective in choosing what actors participate in the decision-making process (Barnett and Finnemore 2004). Authority and information asymmetries allow IOs to create categories, fix meanings, spread values and norms (Barnett and Finnemore 2004) and play an integral role in framing discourse that is of global importance (Hammerstad 2000).

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[68] 'Principle' being defined as 'beliefs about right and wrong held by individuals' (Risse and Sikkink 1999: 7).

Manipulating Incentives and Interests

IOs are able to regulate Behaviour through their ability to manipulate incentives and play stakeholder interests off one another (Barnett and Finnemore 2004). UNHCR can manipulate the interests of stakeholders by publishing (or threatening to publish) reports on states' human rights violations and their failure to adhere to their obligations. Specifically, in Kosovo, UNHCR used its information asymmetries to publish reports which created incentives for actors, such as KFOR and the Albanian and Serbian authorities, to comply with human rights norms. UNHCR's ability to influence stakeholder interests is important in the broader sense of an IO's power in regulating state behaviour and influencing state preference.

Wider Implications

Through UNHCR's role in post-Cold War operations in the Balkans and in Kosovo, this study has provided a comprehensive conceptual framework to assess the autonomy of an IO in empirical situations. The case study was chosen because it demonstrates that, even within a highly politicised and constraining environment, UNHCR had the ability to exercise autonomy and influence interests and behaviour. While Kosovo is only one example, it supports Zaum's (2007) assertion that international organisations are exercising a level of authority over domestic issues and in post-conflict situations that is unprecedented in history. The conclusions of this study are not limited to UNHCR; they have wider implications for global governance, international relations theory and for awareness of the practical affects of IO action. UNHCR's expanding operations provide insights into the role of IOs in global governance. As Loescher et al. explain:

> The role of UNHCR in the global refugee regime potentially offers wider insights for global governance. In particular, it contributes to understanding the role of international organisations in upholding an institutional framework designed to regulate the behaviour of sovereign states (Loescher et al. 2008: 128).

On a theoretical level, mainstream international relations literature has not adequately dealt with the question of an IO's ability to act autonomously. This analysis has shown that an IO can demonstrate varying degrees of autonomy through utilisation of 'strategies of autonomy.' In addition to the examination of UNHCR, this study has provided a conceptual framework which can be used in empirical research to comprehensively analyse IOs and their ability to act autonomously. On a practical level, analysing the autonomy of an IO through its use of 'strategies of autonomy' has importance for the study of forced migration. Such analysis can add to our understanding of how organisations like UNHCR implement international refugee norms at the local level (Schmidt 2006); how they influence the creation and implementation of regulatory frameworks; and, how they use different strategies to influence state behaviour on refugee-related issues. As demonstrated by UNHCR's operations in the post-Cold War world and within the context of state building in Kosovo, IOs can act as more than implementing mechanisms of state interests; they can be autonomous actors in world politics.

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