

## **From AIC to AIC-IA: Applying the AIC Framework to Capacity Building<sup>1</sup>** **The Case of the Police Inspectorate of Kosovo**

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**Abstract.** *This paper analyzes the reasons for the remarkable success of an institution-building initiative in a post-conflict situation – namely the establishment of a Police Inspectorate in Kosovo (PIK). Selim Selimi shows that rather than create and run the new institution itself, as most international organizations tend to do in similar circumstances, OSCE (the Organization for Security and Cooperation in Europe) (a) first ensured the new organization’s legitimacy within the framework of the country’s legal system; (b) enlisted the support of the organization’s main stakeholders and provided for a sound implementation plan under which PIK was initially jointly managed by OSCE and a national partner; (c) withdrew from line management to become a management adviser; and ultimately (d) moved away from operational responsibilities to become a policy adviser to Government – thus ensuring that PIK would continue to benefit from a supportive enabling environment. In sum, this capacity-building project owes its success to adoption of the original AIC design sequence, and its reformulation into an innovative design sequence, AIC-IA.*

### **I. Introduction**

Countries in transition are those countries which are in the process of transformation from one particular political system into another. Most of the transition countries have striking differences, but also similarities, one of which in the case of post-conflict countries, is particularly relevant to this paper -- namely the cohabitation of many international organizations with the national administration during the transition period. Depending on their scope and power, some of these organizations can have a tremendous impact on such countries’ policy-making. In fact, they may sometimes be in complete control of the process of institution building, or re-building.

Unfortunately, there are many examples where international actors unilaterally planned and implemented the establishment of new institutions which later failed. This often happened because of poor design that ignored the local historical context, values and institutions, and/or because of lack of national ownership and stakeholder participation. This paper in contrast will focus on an unusual success story in institutional building, which underlines the importance of strategic planning by international organizations. It also underlines the usefulness of the AIC framework for its interpretation and replication. In particular, this case demonstrates that national ownership and its positive impact on sustainability does not require exclusion of international expertise, but rather their strategic interplay over time and through multidimensional tasks. Such an approach proved successful in the case of the Police Inspectorate of Kosovo, which started as an idea conceived by the Organization for Security and Cooperation in Europe (OSCE) and within only three years has become a fully independent and sustainable entity.

### **II. Background**

<sup>1</sup> The AIC methodology approaches institutional design from two perspectives: one is spatial and focuses on the institution’s external environments; the other emphasizes the sequence of steps necessary to carry out the design process in relation with each of the institution’s external environments. These steps consist of (i) the development of agreed upon common goals; (ii) the design of the relationships among stakeholders; and (iii) the preparation of operational plans, creation of internal organizational relationships and incentives, and establishment of feedback mechanisms. -- See ODII, <http://www.odii.com/>.

<sup>2</sup> Final paper prepared for the MIDP seminar “Institutional Design for Sustainable Development”, Fall 2009 and edited by Professor Francis Lethem. -- © Duke Center for International Development 2010.

### Kosovo's recent history

Kosovo is a country located in south-eastern Europe. It has an estimated population of 2 million, mainly Albanians (about 90%) but also minorities of Serbs, Turks, Bosniaks, Roma, etc. Kosovo used to be part of ex-Yugoslavia and had the status of an Autonomous Province<sup>3</sup>. It was the only part of Yugoslavia which had a majority of non-Slavic population (Albanians), and it continuously requested the status of a Republic. The situation worsened following the demonstrations of 1980 which were brutally suppressed by the Yugoslav police. From 1989 to 1999 Kosovo was under Serb occupation, during which time its status of Autonomous Province was abrogated and existing institutions were declared illegal. As a result, Kosovo institutions operated "underground" and established an informal political, economic and educational system. In 1998 the tensions escalated in a war led by the Kosovo Liberation Army. The political and military developments from 1998 to 1999 triggered the NATO military intervention against Serbia<sup>4</sup>.

In June 1999, the United Nations Interim Administration in Kosovo (UNMIK) became Kosovo's highest administering body following United Nations Security Council (UNSC) Resolution 1244.<sup>5</sup> Although UNMIK had pledged to transfer its powers to local authorities this process was very slow, and is still ongoing. Local institutions emerged immediately after the war, but they were essentially controlled by UNMIK and their transformation into self-sustaining independent bodies was conducted on a step-by-step basis. UNMIK initially consisted of 4 "pillars" under United Nations leadership. Once the emergency stage was over, at the end of June 2000, Pillar I (humanitarian assistance), led by the Office of the High Commissioner for Refugees (UNHCR), was phased out. However the other pillars were kept in operation, namely: Pillar II: Civil Administration, which is under the United Nations (UN), Pillar III: Democratization and Institution Building, led by the Organization for Security and Co-operation in Europe (OSCE) and Pillar IV: Reconstruction and Economic Development, managed by the European Union (EU).<sup>6</sup> This diversity of organizations was reflected in the different impacts that each had in shaping the country's political and economic performance.

On February 17, 2008, Kosovo declared its independence and has been recognized to date by 65 states. The International Community is still present and retains certain reserved powers. Presently this community consists of UNMIK and EULEX (EU Mission), and their powers include *inter alia* the rule of law.

### The Kosovo Police Service

The Kosovo Police Service (KPS) is the newest police service in the world. It was created after the war of 1999 and its operations started with only 176 officers to cover the entire population<sup>7</sup>. It has become a highly respected institution that enjoys the trust of its citizens. KPS is now holding the command of all 33 police stations and five out of six Regional Police Headquarters across Kosovo.<sup>8</sup> The Kosovo Police Service consists of 7,124 KPS officers including by gender: 6160 male and 964 female; and by ethnicity: 6082 Albanian, 646 Serbian,

<sup>3</sup> The Socialist Federal Republic of Yugoslavia had 6 Republics (Slovenia, Croatia, Bosnia and Herzegovina, Serbia, Montenegro and Macedonia) and 2 Autonomous Provinces (Kosovo and Vojvodina).

<sup>4</sup> <http://www.nato.int/cps/en/natolive/index.htm>

<sup>5</sup> UN Security Council Resolution 1244 - <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N99/172/89/PDF/N9917289.pdf?OpenElement>

<sup>6</sup> United Nations Mission in Kosovo - <http://www.unmikonline.org/1styear/unmik18.htm>

<sup>7</sup> Kosovo Police Service - <http://www.kosovopolice.com/?page=1.2>

<sup>8</sup> United Nations Mission in Kosovo - <http://www.unmikonline.org/intro.htm>

and other minorities for the remainder (as of November 2007).

*The Police Inspectorate of Kosovo (PIK)*

Although the Police in Kosovo have been widely recognized as professional, representative and successful, concerns have been raised about its accountability. This kind of issue, actually, is not new in the history of the world and had already been raised in Roman times by the poet Juvenal who had asked: “*Quis custodiet ipsos custodet?*” (“Who will guard the guardians?”).<sup>9</sup> In the case of Kosovo, oversight of the Police was mainly done by the UNMIK Police and different international bodies such as the UN, EU and OSCE. Although it was desirable and necessary, the role of international observers and monitors was inevitably limited by finite resources and time. Recognition of this limitation was a key factor in the OSCE’s proposal that the ongoing development of the KPS could be assisted by the **introduction of an independent oversight body within the Ministry of Internal Affairs** – the *Police Inspectorate of Kosovo* (PIK).<sup>10</sup> The PIK was thus established as an independent oversight mechanism that combines two primary functions in pursuit of the principles of accountability and transparency (mainly based on the *European Code of Police Ethics*). Firstly, by conducting inspections it performs an audit function, scrutinizing the management performance of every station and department in terms of economy, effectiveness, and compliance with the law. Secondly, the PIK has authority to investigate all allegations of serious<sup>11</sup> misconduct by KPS officers of all ranks.<sup>12</sup> The OSCE Mission in Kosovo (OMiK) created a task team to design and implement this project. The team consisted of the following key staff members: a Project Manager and a Training Manager -- both recruited internationally; and nationally recruited Trainers and Translators/Field Coordinators.<sup>13</sup> It was a successful mix of international and national staff.

**III. The OSCE strategy as seen through the lens of the AIC framework**

The OSCE implementation team devoted its efforts toward building a sustainable agency. Such a focus on sustainability from the very early stages of institutional design was remarkable, considering the lack of local capabilities in the country’s post-conflict environment, but inclusion of local actors already at the design stage demonstrated the agency’s genuine concern for ensuring local ownership. At the same time, it wisely ensured that the “rules of the game” would incorporate international democratic principles such as respect for minorities, gender balance and avoiding political interference. In other words, the OSCE implementation team chose to adopt a middle ground that ensured both local and international legitimacy, while at the same time planning to strategically modify the intensity of its involvement, according to the successive stages of project implementation.

Indeed, and consistent with AIC principles, OSCE started its capacity-building project with a careful stakeholder analysis. It then developed the project strategy in consultation with them, and thereafter worked out the details of its implementation. Interestingly, under such

<sup>9</sup> Juvenal – Satires – Cambridge Greek and Latin classics Book I – edited by Susanna Morton Braund – Cambridge University Press 1996

<sup>10</sup> Frank Harris and Stephen Smith - Police Inspectorate of Kosovo – Terms of References – OSCE, 2005

<sup>11</sup> Section 5 of Regulation 2005/54 and Administrative Direction 2006/9 differentiate between ‘serious’ and minor’ discipline offences: the latter are investigated by the (internal) KPS Professional Standards Unit on behalf of the Police Commissioner, whilst serious discipline offences are investigated by the PIK.

<sup>12</sup> Frank Harris and Stephen Smith - Police Inspectorate of Kosovo – Terms of References – OSCE, 2005

<sup>13</sup> The OSCE Implementation Team consisted of: Frank Harris (Project Manager); Steve Smith (Training Manager); Selim Selimi (Trainer - Applicable Law), Apollon Hoxha (Trainer - Report Writing); Burim Brahimi (Trainer - Management Skills); Teuta Begolli (Trainer); Almir Vucelj, Arlinda Krasniqi, Bekim Llapashtica, Bojana Ivkovic, Elvane Bunjaku, Enisa Dervisevic, Faton Ajeti, Mehmet Velju, Nenad Gajic, Sinan Pasha, Srdjan Peric, Venera Mehmeti and Visar Bivolaku (Translators/Field Coordinators).

strategy, OSCE first put itself strongly in control of project implementation so as to ensure recruitment of highly qualified candidate inspectors and their proper training; then it switched to managing by influence through progress monitoring and the provision of advice; and finally it completely withdrew from managing through full transfer of responsibility to the local institutions and limited its role to ensuring that the new local institutions would continue to benefit from a supportive enabling environment. By doing so, OSCE intuitively followed the principles of the AIC framework while expanding them into a new sequence for capacity building, namely AIC-IA as we will explain in detail in the next section.

#### *A. Stakeholder Analysis:*

The main stakeholders under this project were: the Ministry of Internal Affairs (MIA), the Kosovo Police Service (KPS), the Diplomatic Corps (DC), the Parliamentary Committee on Security (PSC), OSCE, UNMIK, the Ministry of Finance and Economy (MFE), Civil Society (CS) and the Media.

*The Ministry of Internal Affairs (MIA)*, at that time had just been established, but it still lacked the capacity and competencies to act independently, and had only about 15 staff.

*The Kosovo Police Service (KPS)*, was one of the key stakeholders for the project and as could be expected had not welcomed initially the idea of an external scrutiny. Instead, they had proposed to run their own internal scrutiny system. In the end, though, once they saw how the proposed system would benefit their reputation, they agreed to cooperate.

*The Diplomatic Corps (DC)*, consisted of ambassadors from the US, France, Germany, the UK and Russia. They had a major influence over the Government's policies.

*The Parliamentary Committee on Security (PSC)*, this group did not have any executive or supervisory powers and consisted of members of Parliament belonging to different political parties.

*OSCE*, this organization had a legally mandated responsibility for institution building (Pillar III). They were also the agency responsible for designing and implementing this project and had the necessary legal and political powers in this regard.

*UNMIK*, was the highest institutional instance in Kosovo. Although local institutions had already been established, all legal and political decisions had to be approved by them. They also had reserved powers in Legislative, Executive and Judiciary matters.

*The Ministry of Finance and Economy (MEF)*, was a major player as well. Indeed, PIK's financial sustainability depended on MEF making the necessary provision under the Kosovo Consolidated Budget.

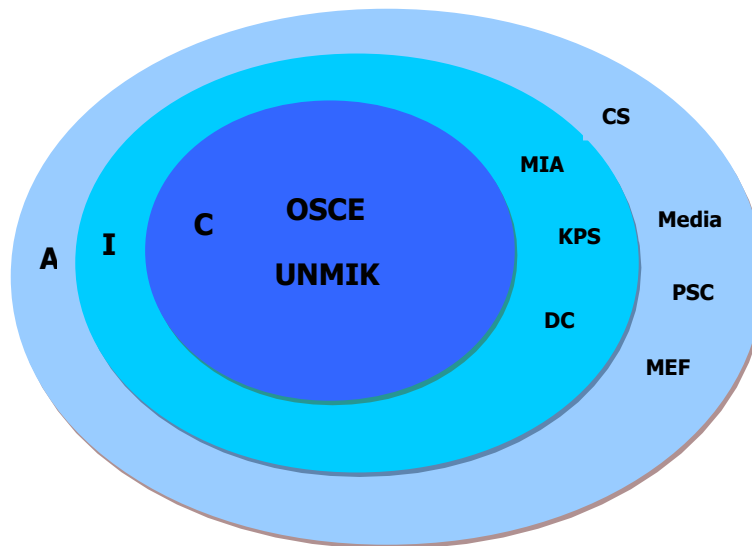
*Civil Society (CS)*, was very influential at the community level and was an important source of information for PIK due to its role as a potential whistle-blower in the case of police irregularities.

Finally, the *Independent Media* had a similar function of watchdogs over police activities and could have a considerable influence on public opinion.

#### *B. The traditional approach to capacity building*

Before we analyze the institutional approach adopted by OSCE, we should examine the traditional model for capacity building followed by most international actors in a post-conflict country such as Kosovo. Under this model international institutions tend to give little power to national institutions but rather keep it mostly for themselves. As a result, their institutional designs are likely to be ill-suited to the local context, and in the case of Kosovo many of the institutions they established turned out to be weak, dysfunctional, to lack local ownership and participation, and to depend on continuation of foreign funding.

**Chart I. Traditional approach to establishment of PIK: OSCE and UNMIK are in control.**



Thus if OSCE and UNMIK had followed this model and placed PIK under their control, PIK and the entire police system would have been perceived by the population as an alien body and would have lacked the legitimacy they needed to perform their crucial role in a post-conflict society. In such a case, an AIC chart might have looked as shown in Chart 1 above, in which key national institutions such as MIA and KPS would have had a mere consultative role, the views of Parliament, Civil Society and the Media would have been ignored, and MEF would have been unable to ensure PIK's financial sustainability.

Such an approach would have been doomed to fail.

Instead, the OSCE team decided to use a different approach that emphasized a strong partnership with the key stakeholders, and a strategy of gradual delegation of power in accordance with the project's successive phases.

C. The OSCE strategy

*(i) First (A) stage of design: ensuring a favorable environment for the new institution*

Rather than work in isolation, OSCE decided to launch its initiative by identifying key national stakeholders, such as KPS, MIA and PSC and to partner with them to ensure that PIK would be established within the framework of the country's legal structures.

*(ii) Second (I) stage of design: agreeing on the strategy*

OSCE proposed a strategy under which once the legal framework for PIK would be in place, OSCE itself and MIA would control the recruitment and training process of PIK officers, with OSCE gradually removing itself from day-to-day operations as soon as local capacity would become stronger.

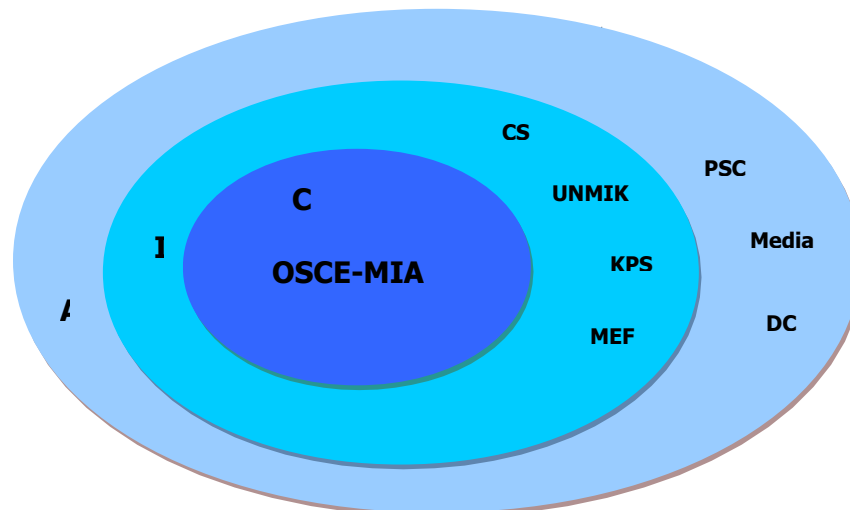
*(iii) Third (C) stage of design: action planning*

Here, OSCE and MIA would have to actually plan and perform the recruitment and training of the PIK officers. It was agreed that the recruitment of PIK officers would be done in three stages: (a) review of the candidates' applications, (b) written tests and (c) interviews. The minimum educational requirement of an applicant was a university degree. Capacity development would then take place and consist of a 6 months course including legal, report writing, management and investigation skill building. And progress would be measured by written tests and essays on a pass-fail basis.

#### D. Actual implementation

Once the law establishing PIK was approved and consistent with the agreed strategy and action plans, actual project implementation proceeded with OSCE as the senior partner so as to ensure that recruitment would exclusively be on a merit basis and thereby avoid political interference. Responsibility for the first two stages of recruitment was given to OSCE, whereas the interviews were done by MIA. This worked well and the nearly 800 applications were filtered down to about 100. From these 100 interviewees MIA chose 40 candidates for training. Capacity development was implemented by the OSCE because of their wide expertise, while MIA was responsible for logistical and administrative support -- thus maintaining the spirit of partnership between the international and national actors. Civil Society organizations were kept informed of implementation and ensured a measure of accountability. Similarly, UNMIK was responsible for ensuring adherence to international standards. MEF was also an important partner because the entire funding was provided from the national budget, a practice which ensured financial sustainability and avoided the kind of distortion of civil service salary scales that has often plagued similar international interventions. KPS which now understood the importance of an independent PIK for its own reputation and legitimacy became a supporting partner. Meanwhile, the Diplomatic Corps was kept informed to ensure the support of bilateral constituencies but was not directly involved in the project. Finally, at this stage of the project, the Media and PSC played only a secondary role. The project's institutional relationships could be represented by the following AIC chart:

**Chart II. The international and national agencies are management partners benefitting from strong national & international support and a favorable legal environment**

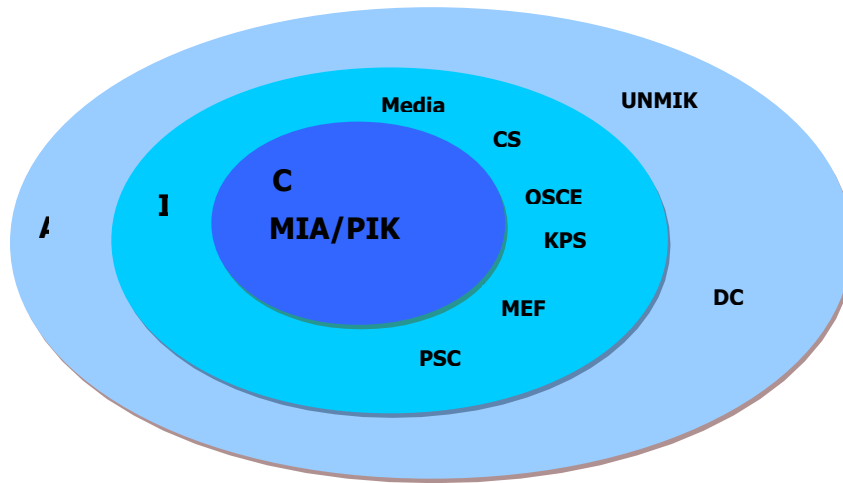


#### E. A major innovation: monitoring of implementation as a capacity-building strategy

As an innovation compared to the original three stages of the AIC framework, OSCE introduced two additional stages of design/ implementation. The fourth stage dealt with the implementation of the lessons learned during the human resources development stage of the project. Up to now, PIK officers had been recruited and trained, but had not had to apply their new knowledge on their own. It was thus time for the PIK officers to conduct their inspections and investigations on their own, and OSCE moved away from its role of co-implementer of the officers' training, to one of monitoring their activities. In terms of the AIC framework, OSCE thus moved from a "control" to an "influence" relationship vis-à-vis PIK, under which it limited its role to writing periodic reports highlighting where PIK performed well, and where improvement would be needed. Meanwhile, MIA moved from being co-implementer to becoming solely

responsible for the oversight of PIK’s day-to- day operations. These new relationships can be represented by the following AIC chart:

**Chart III. National control with international advice**

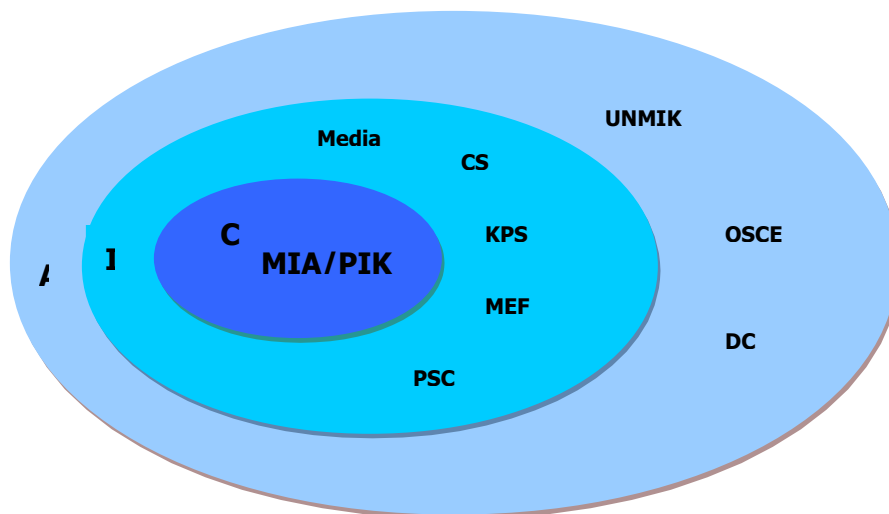


Thus, while OSCE retained some of its monitoring responsibilities, its recommendations became only advisory. Because of MIA’s involvement since the early stages of the project, the trust between international and national actors had already been built and both parties could easily switch to their new roles. At the same time, the Media became much more involved and PIK invited them to witness many of their inspections and investigations, thus creating a strong partnership. PSC was also brought into the scene and their authority was expanded to ensure appropriate checks and balances. Meanwhile, UNMIK was moved to PIK’s “appreciative” environment, where it performed the important role of ensuring the international legitimacy of the whole system.

*F. Final stage of design/ implementation: full transfer of competencies*

This final stage of the project required PIK and other related agencies to operate in a fully autonomous and self-sustaining capacity. The importance of this stage was immense, because it was the final test whether OSCE’s approach would be successful. All stakeholders focused on verifying that OSCE would actually withdraw from its advisory functions and join UNMIK in ensuring that the system would continue to benefit from a favorable enabling policy and institutional environment. The AIC chart at this stage might be represented as follows:

**Chart IV. National control with international agencies advising on policy only**



#### **IV. Conclusion**

As we can observe, OSCE has moved into PIK's appreciated environment. Thus, the Police Inspectorate of Kosovo has now become a genuine national institution and part of a sustainable and self-sufficient national system. The international organizations are in the appreciative environment and they function in tertiary roles where they are providing advice to the Kosovo government at the policy-making level. The move of OSCE into this third level represents a paradigm shift regarding its role as an international agency in relation with the country, and should be considered as a model for other international agencies to follow when they have to perform the difficult task of creating (or re-establishing) national capabilities in countries emerging from violent conflict . In terms of the AIC framework, the designers first adopted the successive A, I, and C design stages. Then, to build local capabilities, they moved the international manager from a "control" position, to one of "influence" as an adviser to PIK's management, and ultimately to one of adviser to the country's Government thus ensuring PIK's continued favorable "appreciative" environment. **In sum, the AIC process became AIC- IA.**