



Policy Recommendations

of the PFP-Consortium Study Group on Regional Stability in South East Europe

Fifteen Years of Peace-Building Activities in the Western Balkans: Lessons Learned and Current Challenges¹

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General Outline

Over the past fifteen years, the complexity of the peace processes in the Western Balkans has shown that achieving stability in terms of preserving a situation free of armed conflict cannot be automatically equated with peace-building. The latter demands long-term and comprehensive efforts in the political, security, judicial, and economic realms on the part of the affected post-war societies and international intervention forces.

However, in the “laboratory” of the post-war Balkans, many new concepts and instruments have been developed and tested with regard to international interventions in crisis and post-war situations. Among them are the building (or the rebuilding) of states and their institutions, civil-military cooperation, the concept of Security Sector Reform, new forms of military peace-keeping (such as the Liaison and Observation Teams), the cooperation between the EU and NATO in peace support operations, the concept of restoring multiethnic societies in post-war areas, and the focus on integration as a tool for fostering reconciliation and restoring regional cooperation.

This generally comprehensive approach has guaranteed the absence of war on the one hand. But, on the other hand, the serious problems that Bosnia-Herzegovina, Kosovo, and (to a lesser degree) Macedonia still face while trying to install functional state institutions and establish peaceful multiethnic societies point to the shortcomings of international strategies and instruments as well as to unrealistic expectations.

With respect to the analytical framework of international interventions in post-war societies, it can be stated that permanent and substantial evaluation processes are still rare. An important lesson that can be drawn from the Western Balkan experience is that the complicated processes of conflict transformation need a continuous analytical observation by evaluation task forces.

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These task forces, which could be established in the delegating countries, should apply the analytical capacity of researchers in the affected post-war societies. Their task would mainly be to overhaul the strategic approach of the international intervention forces in the peace-building process as well as aid in determining the appropriate usage of personnel and financial resources.

Lessons Learned from State- and Institution-Building, with Recommendations

The Challenge of Setting Priorities

A crucial question in the context of state- and institution-building is whether international intervention forces in the first phase of their engagement should be focused more on supporting the process of democratization or on implementing the rule of law. It is difficult to draw any general lesson due to the fact that the specific situations of individual cases have to be taken into consideration (e.g., the respective level of democratization in the state before the war occurred, the respective level of corruption among post-war elites, etc.). However, guaranteeing minimum standards with regard to the rule of law needs to be seen as a precondition for establishing democratic and functional state institutions in a post-war society.

In Bosnia-Herzegovina and Kosovo—the main regional target countries for international intervention in the post-war period—serious mistakes were made with respect to ensuring the rule of law. In both areas, the international intervention forces—in particular in the first period after the war—were more engaged in organizing elections than in fighting criminal structures that continued to dominate the political scene. This shortcoming has seriously impeded the establishment of functional institutions according to Euro-Atlantic standards. The latest developments in Kosovo, where the EU rule of law mission “EULEX” signaled a higher readiness to act against corrupt politicians, shows how difficult it still is to establish the rule of law after the fact.

Foreign Intervention and Local Ownership

Most international actors engaged in peace-building would agree that, in post-war territories, supportive measures should not lead to long-term protectorates that evoke an “occupation syndrome” in the affected societies. Nevertheless, the experience gained from Bosnia-Herzegovina and Kosovo—which have passed through almost fifteen and eleven years respectively of externally guided peace- and state-building—indicates how difficult it is to find a balance between international support and regional responsibility.

Bearing in mind that, during the first period after the war, energetic measures from international intervention forces are necessary to establish basic standards in the field of rule of law and for fighting criminal elites, it seems reasonable to use protectorate powers primarily at the beginning of an international intervention. When basic standards in the field of rule of law are guaranteed, and the political institutions show themselves to be capable of fulfilling their tasks, political responsibility should be gradually transferred to the local authorities.

Neither in Bosnia-Herzegovina nor in Kosovo did the interaction between the international intervention forces and the local authorities develop as described above. As far as Bosnia-Herzegovina is concerned, the period 1995–97 was characterized by maximum tolerance of

war elites on the part of the international forces. These elites were thus able to realize their war goals by political means.

From 1997, when the High Representative was provided with *de facto* protectorate powers, the peace process developed in a better direction. The setbacks in the peace process since 2006, in turn, have derived from shortcomings in the Dayton peace accord, which does not take into account state functionality. Thus, Bosnia-Herzegovina still has a High Representative, who is backed up by the international stakeholders in the Peace Implementation Council in using his executive powers to a far smaller degree than was the case before 2006.

Two lessons can be drawn from the Bosnian experience. First, political shortcomings that are accepted in the peace plan in order to end the war can seriously impede priority goals in the peace-building process, and should therefore, if possible, be avoided. Second, a precondition for continuing the use of protectorate powers is stout support from the main international stakeholders.

The importation of “Western standards” into a post-war society can be only successful if the international intervention forces practice a positive culture of intervention. This includes exemplifying good governance and avoiding adapting to local corrupt practices. If international intervention forces become “a part of the problem,” their presence in the post-war area has to be questioned (e.g., cases where international forces become involved in organized crime as clients or middlemen).

Post-war societies, as is the case in the Western Balkans, are burdened with (partly) corrupt and nationalistic political elites. This makes it even more important for international intervention forces to identify constructive and credible partners in the civil society sector in order to give the necessary reforms an endorsement from outside the political sector. This does not mean providing blanket financial support for the “NGO industry,” but rather a selective approach that is guided by a clear strategy.

Consistent Political Strategy and Division of Labor

Without a reasonable and consistent strategy on the part of the international stakeholders as well as an efficient division of labor between the intervention forces, the foreign influence on state-building will not produce the desired results, and can be even counterproductive.

In Bosnia-Herzegovina, the mode of cooperation between the High Representative as the highest political authority and the military missions (SFOR and later EUFOR) has proved to be an efficient model, especially in the phase when the HR was backed by the international stakeholders. As distinguished from the Bosnian situation, the present “division of labor” in Kosovo between the intervention forces UNMIK, OSCE, EULEX and ICO looks rather chaotic. This deplorable circumstance is the result of disagreement between the international stakeholders regarding the question of Kosovo’s status.

Incentives

As demonstrated by the example of the Western Balkans, political and economic incentives can play a prominent role in the peace-building process. Offering the prospect of integration into the EU and NATO will not be enough to reconcile public sentiment within the states of the Western Balkans, but they are important triggers for regional cooperation in that they

provide the same standards and goals for all. In order to preserve integration tools as important catalysts in the peace processes, all the Western Balkan countries should be included in the integration processes (at present, this is not the case with Kosovo).

The case of Cyprus demonstrates that long-lasting ethnic and political conflicts will not be automatically resolved through EU membership. This also applies to the former parties of the conflicts in the Western Balkans. They will have to normalize their relations before their accession to EU membership; a strict EU condition with regard to good-neighborly relations would contribute to this goal.

Lessons Learned from Establishing a Peaceful Security Environment, with Recommendations

NATO and later EU military forces have generally been successful in providing and maintaining a secure environment, which is an absolute precondition for any peace-building effort. However, the lack of sufficient numbers of international police—in particular at the beginning of the international peace missions in Bosnia-Herzegovina and Kosovo—overburdened the military forces, which were not trained primarily to enforce the rule of law. This created a security gap in some phases of the deployment.

The lesson drawn from this experience is that, in the best case, the deployment of a military mission should go hand-in-hand with the deployment of a substantial police mission that is focused on the enforcement of the rule of law. For critical situations, such as the defense against massive use of violence by civilians (see the Kosovo crisis in 2004), the so-called Gendarmerie forces should be brought into action as the link between the police and the military.

International interventions for the purposes of peace-building also need to include some modality for taking preventive action if clear signals of a new crisis arise. Macedonia is regarded as a successful example of proactively preventing the escalation of violence. The military observer mission of the United Nations Preventive Deployment Force (UNPREDEP 1995–99) in the border area contributed substantially to minimizing the spill-over of the Kosovo conflict to Macedonia. The lesson drawn is that a successful preventive mission should not be terminated prematurely, in particular if indicators of a violent crisis are increasing.

Once the clashes between Macedonian security forces and Albanian guerrilla fighters began escalating in spring 2001, rapid political intervention at a high level by NATO and the EU (resulting in the Ohrid Agreement) prevented the outbreak of a war. The lesson that can be drawn is that preventive action should be based on high-level involvement and a balanced political proposal.

NATO and the EU's integration processes have certainly fostered regional cooperation in the security sector. Here the support of the new NATO members Albania and Croatia for Bosnia-Herzegovina's application to NATO's Membership Action Plan can be mentioned, as can the increased police cooperation in the region stimulated in particular by the previous EU program CARDS (Community Assistance for Reconstruction, Development and Stabilization).

Furthermore, in the process of having become aspirants to NATO membership, the Western Balkan countries have transformed themselves from security receivers to security contributors.

Lessons Learned from Fostering Transitional Justice and Reconciliation, with Recommendations

Reconciliation is a long-term process that goes beyond the political context while also having a profound impact on social relations between average citizens. Strong political signals from the political class are a precondition for reconciliation. Although Western Balkan politicians have sent more and more reconciling signals in the wake of their Euro-Atlantic aspirations since 2000, the reconciliation process is partly still impeded by hidden political agendas (see, for example, the policy of Republika Srpska in Bosnia-Herzegovina).

It is difficult to start a regional process of reconciliation while borders in the region are still in question. Hence, international intervention forces should either contribute to clear status and border arrangements, or—if this is not possible for the time being—reduce the space for regional politicians to continue using territorial and national issues to manipulate the public.

International tribunals for prosecuting war criminals like the ICTY are important tools in transforming the wartime perception of collective guilt into concrete legal responsibility borne by individual criminals. On the other hand, the previous experience with ICTY has shown that a legal body that is primarily assigned responsibility to deal with legal tasks cannot reconcile the former parties of a conflict.

However, the judgments of the ICTY could be better used to initiate discourses on justice and reconciliation in the affected societies and between them. The Euro-Atlantic community could contribute to this process by supporting relevant outreach activities to civil society groups in the region.

Recommendations with Regard to Current Developments

Bosnia-Herzegovina

After four years of political stagnation, this country needs an awakening after the next parliamentary elections, which will take place in October 2010. An absolute necessity in order to increase the state functionality will be to decide and implement substantial changes with regard to the Dayton constitution. The support of the Euro-Atlantic partners will be necessary to push this important process forward, since in particular the Serb side tends to shun any move toward constitutional changes.

Among other issues, it will be necessary to address the matter of “entity voting,” otherwise this mechanism can be further misused by destructive politicians to block the Euro-Atlantic integration of Bosnia-Herzegovina under the guise of “defending national interests.” In particular, the EU should use its influence on Croatia and Serbia to help guarantee a constructive policy on the part of these countries *vis-à-vis* the inevitable reforms in Bosnia-Herzegovina.

Kosovo

Kosovo-Albanian-Serb relations will soon enter into a new sensitive phase due to the upcoming ruling of the ICJ.³ It will be important that the members of the Kosovo Steering Group stick to their previous position that the status issue will not be re-opened. Instead, the EU and the U.S. should support a political dialogue between Prishtina/Priština and Belgrade, which—in the context of European integration—should lead to a *modus vivendi* similar to the German-German relationship in the 1980s.

The Kosovo authorities have criticized the international presence in Kosovo for its uncoordinated performance. Different status positions of the EU-22 and EU-5 weaken the EULEX mission. The EU should strive for a common policy regarding its support for Kosovo, or else the EU presence will lose its credibility among Kosovo Albanians.

Furthermore, it will be necessary for the EU and U.S. to better coordinate their joint efforts in Kosovo, in particular as initiatives of the Kosovo government are concerned with “reintegrating” the Serb-dominated north. Another field in which more harmonization of the policies of the Euro-Atlantic partners is needed will be providing stronger support to EULEX in fighting corrupt politicians, which is one of the basic problems in Kosovo’s transition process.

The Euro-Atlantic partners should change their strategic attitude. Instead of only pursuing short-term stability goals, long-term strategic thinking should be established. In particular, this means that instead of communicating primarily with a small group of corrupt politicians, the EU and U.S. should strive to increase support for grass roots-level involvement in Kosovo.

Kosovo needs less international police and more international judges to start the prosecution of corrupt politicians. EULEX should be reorganized in compliance with this priority.

Without a clear vision for an economic recovery in Kosovo, this country—with more than 50 percent unemployment, and a disproportionately young populace—will remain a fragile and explosive society.

FYR of Macedonia

The continuing Greek blocking of Macedonia’s integration into the EU and NATO due to the unresolved name issue could become a serious risk for internal stability in Macedonia. Both NATO and EU accession would be important steps in strengthening the state identity among Albanians in Macedonia. Holding Macedonia in a state of a limbo as far as Euro-Atlantic integration is concerned increases ethnic tensions between ethnic Macedonians and the Albanian population. The EU-26 and the U.S. need to continue with their efforts to convince Greece to accept a compromise on the name issue in order to decrease the risk of new ethnic clashes in Macedonia.

³ This policy paper only reflects the recommendations of the workshop and was written in June 2010, therefore it does not refer to the ICJ-ruling from July 2010.