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Approaching or Avoiding Cooperative Security?

The Western Balkans in the Aftermath
of the Kosovo Settlement Proposal
and the Riga Summit

14th Workshop of the Study Group
„Regional Stability in South East Europe”



Study Group Information





FPF Consortium of Defense Academies
and Security Studies Institutes



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Foreword

Predrag Jureković

The key issue for a peaceful development in the Western Balkans is the question of how to strengthen regional co-operation in this post-warspace, in order to achieve the aim of co-operative security. Five years ago the Regional Stability in South East Europe Study Group of the PfP Consortium of Defence Academies and Security Studies Institutes carried out a workshop on a similar subject that took place also in Reichenau, in Lower Austria, and in which especially the results of the South Eastern Europe Stability Pact reached then were analyzed. The conclusion at that time was that regional co-operation initiatives like the Stability Pact were useful, but the group members came also to the conclusion that the involvement of the international community for a longer period is necessary to put life into them.

What has really changed in the last five years regarding regional co-operation? Does the renaming of the Stability Pact into Regional Co-operation Council, which is planned to be done in early 2008, mean that the regional actors are finally aware of their responsibility for contributing to a peaceful and co-operative security environment? Or is this only wishful thinking on the side of the international community, which wants the countries of the region at last to become a part of the European mainstream? What will, what should be the role of the international community in the regional stabilisation process in the next years?

Are we near to reaching the end of the cycle of international involvement, in which the international role has changed from terminator of war to a peacekeeping role and finally to an advisor's role that gives support in economic and political reforms? Or is it a naïve and illusory idea to expect the Western Balkans in the medium term of becoming an area characterized by well-developed political, social, economic and security relations, seeing that some conflicts like the Kosovo case still have the

potential to destabilize part of the region? In which fields does co-operation work? In which areas is there necessity for improvement?

New dynamics in regard to the stabilisation process have characterized developments in South East Europe in late 2006 and in current 2007. Some of these dynamics linked to Euro-Atlantic integration have the potential to increase regional actors' ability and readiness to strengthen co-operative structures, especially if we look at the positive signals coming from the last NATO Summit in Riga. On the other side dynamics linked to state-building issues could call forth new nationalist tendencies among regional actors and cause serious setbacks in regard to the peace processes.

Beside the difficult Kosovo situation the continuation of the semi-protectorate in Bosnia and Herzegovina evoke critical questions related to regional stability in general and especially to the goal of reaching co-operative security.

Can the perspective for the Western Balkan countries of becoming members of the EU and NATO really guarantee the establishment of self-sustained co-operative relations, having in mind that especially EU membership for most of the Balkan countries will remain a long term goal? Without doubt the EU's integration instruments influence the decisions and behaviour of the politicians in the region, but what is really its influence on the process of reconciliation, which, due to its deep social implications, is much more complicated than the normalisation of political relations? This question seems to be of great importance, due to the fact that without reconciliation, sustained co-operative relations between the former belligerents are unthinkable.

Are there any other incentives outside the Euro-Atlantic integration processes or motives that can be found in the Western Balkan countries themselves, which could serve as catalysts for strengthening regional co-operation? Or do we have to state that the integration of the whole region in the Euro-Atlantic institutions is a *conditio sine qua non* for establishing co-operative security in this part of Europe?

This long list of questions was the guide through the Study Group workshop entitled “Approaching or Avoiding Co-operative Security? – The Western Balkans in the Aftermath of the Kosovo Settlement Proposal and the Riga Summit”, which took place in Reichenau, 11-13 May 2007. This publication includes the presentations and results of the workshop.

The book opens with general reflections about the main topic. Such an opening makes it easier to achieve a common understanding of concepts and terms. Furthermore it supports the setting up of a bridge between theoretical considerations and the political reality on the ground. In this special case different views on the concept of co-operative security are presented, which is here meant in a very broad sense and refers to a comprehensive understanding of security that beside military and police aspects considers also social, political and economic co-operation.

Prof. Denis Sandole from the Institute for Conflict Analysis and Resolution at the George Mason University, who is a long-time member of the working group and a specialist of conflict management, in his article focuses on the general challenges of co-operative security in a post-war-space. Heinz Vetschera tries to explain how co-operative security can be applied under the specific conditions in South East Europe. He is a senior researcher from the National Defence Academy in Vienna, who according to his engagement in many OSCE-led missions has the longest practical Balkan experience among the Austrians dealing with the stabilisation process.

Two former parties of conflict cannot find solutions to their problems and develop co-operative relations, if they are not able as a first step to agree on constructive negotiations, in which both sides try to give proper attention to the fears and interests of the other negotiating party. Recent Balkan history and especially the last Kosovo negotiations have provided a lot of evidence for this thesis. Prof. Plamen Pantev, the Bulgarian co-chair of the Study Group and director of the Sofia-based Institute for Security and International Studies in his article deals with this very important element of co-operative security.

Part 2 analyses the unfinished processes of state-building, which many analysts regard as the biggest challenge or obstacle for establishing stronger co-operative relations in the region. The two cases considered are Kosovo and Bosnia and Herzegovina. For both, the war period and in the Kosovo case also the pre-war period with its negative consequences for interethnic relations still have a very strong impact on the state-building processes. The stability of both depends very much on their relationship with their neighbours. The internal developments in Bosnia and Herzegovina and especially in Kosovo can have an impact on the stability of the neighbouring countries. What distinguishes Bosnia and Herzegovina from Kosovo is its clear political status as an internationally recognized state, while the Kosovo status process has yet not been completed.

The authors deal with the impact of the Kosovo status process and its probable outcome on Kosovo's and Serbia's stability as well as on Albanian-Serb relations and secondly with the capability of Belgrade and Prishtina/Priština to contribute to co-operative security in the region under such difficult political conditions. Jolyon Naegele from the UN administration in Kosovo (UNMIK), Lulzim Peci from the Kosovar Institute for Policy Research, Dušan Janjić from the Belgrade-based Forum for Ethnic Relations and John Erath from the US State Department focus on the Kosovo developments from different corners.

Bosnia and Herzegovina lies in the centre of the Western Balkans and could therefore play an important role in enhancing regional co-operation. But still, important elements for becoming a consolidated state are missing in Bosnia and Herzegovina, which would be necessary to make it a regional player. Denisa Saraljić-Maglić from the Foreign Policy Initiative in Sarajevo and Matthew Rhodes from the Marshall Center in their articles approach the question of how Bosnia and Herzegovina as an unfinished state can contribute to co-operative security in the region.

Part 3 deals with the question of how the international and regional efforts to institutionalize regional co-operation as well as the dynamics in

the Euro-Atlantic integration processes could influence the stabilisation process.

Franz-Lothar Altmann from the German Institute for International and Security Affairs in Berlin in his article gives information at first-hand on the transformation of the Stability Pact. It will change from a conflict prevention and confidence building initiative, which has been partly driven by non-regional actors, to a regionally-owned Co-operation Council that should be fully operational by early 2008. Will this evolution of the Stability Pact really mean that the Western Balkan countries will take more responsibility for their region, or is there a danger of sticking in personal changes at the top level without enhancing regional ownership?

What do NATO's strong signals sent at its Riga summit to the Western Balkan countries mean concretely for the security co-operation in the region? Are Bosnia and Herzegovina's, Montenegro's and Serbia's accession to PfP a vehicle to improve the security relations in the region? If yes, what are the concrete benefits? Or does membership in PfP serve solely the security interest of the individual Balkan countries, which will use it only for pushing forward the modernization of their armed forces? How will the fact that some Western Balkan countries could become much earlier members of NATO than of EU influence the relations between EU and those countries? What could be its consequences for EU's and NATO's co-operation in the region? How could the different speeds in the two integration processes affect regional co-operation? Amadeo Watkins from the UK Defence Ministry and Sandro Knežović from the Zagreb-based Institute for International Relations try to approach these complicated issues linked to Euro-Atlantic integration.

The human security dimension of co-operative security is the focus of part 4. As it was emphasized earlier co-operation between former parties of conflict lacks substance, if its spirit does not reach the ordinary citizens. Real co-operation in a post-conflict-space seems not to be possible without starting the process of reconciliation. The articles of part 4 show how strongly the legacy of war still influences the fragile process of reconciliation. Sonja Biserko from the Helsinki Committee for Human

Rights in Serbia writes about justice as a precondition for co-operation, an issue which has come stronger to public mind after the disputed judgement of the International Court of Justice in case of Bosnia and Herzegovina's genocide suit against Serbia.

Dragana Klincov from the Human Rights Department of the OSCE mission in Bosnia and Herzegovina in her article provides information about the regional efforts regarding refugee return, which is another topic that deeply concerns reconciliation. Nina Dobrković from the Serbian European Movement summarizes the human security aspects by presenting in her article a broad picture of the relevant interethnic, cultural and economic challenges for establishing long lasting co-operation in the region.

The book closes with a summary of the workshop results, which is provided by Frederic Labarre from the Royal Military College of Canada in Kingston.

We hope that our discussion will engage the reader in further thoughts and understanding on the aforementioned topics. All help with the booklet, whether it is large or small, is greatly appreciated and we are indebted to everyone who has contributed their time and effort to its publication, especially Mag. Ernst Felberbauer and Frederic Labarre for proof-reading the texts.

Welcome Speech

Johann Pucher

Your Excellencies,
Ladies and Gentlemen,
Dear friends and partners within the PfP Consortium,

It is an outstanding pleasure for me to welcome you here on behalf of the Austrian Ministry of Defence at the 14th Workshop of the PfP Consortium Study Group on “Regional Stability in South East Europe”.

Being here in Reichenau at this occasion is a *deja vue* for me. I was here as participant several times already. Now, having taken over the position as head of the Directorate for Security Policy in the MOD, I expect that through this workshop I can even deepen the experience I could gain up to now: be it as Director RACVIAC, or more recently as member of the EU Presidency team working on Western Balkan issues.

I recognise many well-known and well-respected faces representing the main international organisations being active in the Western Balkans. As a co-organiser, we, equally, if not more important, appreciate the presence of representatives and experts from the countries in the region.

A warm welcome also to many friends I personally have had the privilege to meet over the past years during my engagement in the region, both in my capacity within the Austrian Ministry of Defence as well as before in Zagreb. I am glad to see you here again in Reichenau.

This house has gained high importance for this gathering. It is the traditional meeting venue for the workshops of the South East European Regional Stability Study Group. Through this Study Group, Austria supports research and policy coordination between security-political institutions in the Western Balkans.

Let me share some more general thoughts with you. Austria has been a member of PfP since 1995. We are proud to be considered as one of the most active partner countries. Austria has been participating in a variety of PfP activities. I want to mention our IFOR participation during the first year of the AUT PfP membership already, followed by SFOR, now KFOR. As we still see the necessity for a well balanced military presence in the region, AUT has committed herself to take over even more responsibility in 2008: We will assume command of a regional task force in KFOR as the responsible lead nation.

We will be part of the Operational response Force ORF, that will be stationed outside the region, to assist EUFOR ALTHEA as well as in KFOR, if need be. Austria has participated in a lot of PfP exercises, and we have organised several ones. This all has immensely contributed to opening up our Armed Forces, stimulated innovation, and transformation and helped to ensure interoperability of the Armed Forces.

It is even more than that: it has changed the approach of our leaders and soldiers, but also beyond the military establishment proper. PfP activities have allowed our soldiers to establish new contacts. PfP has contributed essentially to promote better insight and understanding by meeting and learning from others.

This is the 14th PfP Consortium workshop already. We think that such meetings are really reflecting the spirit of PfP: To be an instrument for promoting understanding, aiming at joint actions to preserve peace and deepen stability. And we want to go beyond mere theory. The Study Group has been dealing with something concrete: it is the region in transition.

It is a region very close to us: in the geographic sense, but also emotionally. More or less everything that has political relevance, has repercussions on the wider region, has repercussions on Austria consequently also.

The workshop comes at the right time again. The Western Balkans is in a defining phase of its stabilisation: new states have been created, and

the achieved peace processes need to be strengthened. I assume we all are carefully following the political moves ongoing in parts of the region just now: In particular the further steps regarding the status issue for Kosovo, the domestic developments in Serbia.

We all hope that the leaders in the region have the courage to overcome the darkness of the past two decades. We all hope that they have the dedication to look forward, for the benefit of their people. In particular the leaders from such parts of the region where new shock waves might erupt and might influence the security political development in South East Europe. We hope that they are aware of the importance of coherent regional cooperation against the security challenges the countries are commonly facing.

But let me also point at the moral obligation for the West to maintain unquestionably the perspective of integration and membership. For the Western Balkan countries, up to now this has been the most stimulating effect. Yet still much depends on sustained external stimulus.

The EU Stabilisation and Association Process is an essential machinery for promoting transformation of administrations and governance. By gathering all the Western Balkan countries under the umbrella of PfP, NATO has created better conditions for enhanced confidence building and cooperation between the security actors in South East Europe. The possible invitation of the three Adriatic Charter countries to the Alliance in 2008 will further the stability.

The Western Balkan region is on top of Austrian Foreign Policy. This was underlined when the new government listed initiatives to support the Western Balkans Peace processes with first priority in the newly adopted Government Programme 2007 to 2010. Austria supports any rapprochement strategy of South East European countries to the EU and also NATO, if they so wish.

To underline this approach, we have set in place a specific Balkan initiative of the Austrian Ministry of Defence. It focuses on:

- General and overall support for training,

- with an special additional focus on ESDP training;
- Mediating permanent dialogue in any kind of security and defence policy matters on all concerned levels,
- Mediating dialogue in civil-military relations in South East Europe,
- Offering support to Western Balkans Armed Forces for participation in exercises and international peace operations.

Let me focus briefly on one of these issues, namely ESDP training. This sequence of courses, oriented on diplomats, military experts and staff from the MOI as well as civil society, is of a roving nature, having started with its first modules Belgrade in November 2006 and Skopje this March. Further modules will be convened in Zagreb at RACVIAC in June, finalising the course in fall in Sarajevo. We will continue in 2008 and 2009. The program has been supported by Germany, Hungary and Slovenia.

Austria is also offering through this “MOD Initiative” to share our own lessons learned from Austria’s PfP membership with the new and future PfP members. Additionally, we try to support in the entire dimension of Security Sector Reform in South East Europe, putting a focus also on Defence Committees and Parliamentary Staffers. I shall not forget the Austrian Ministry of Interior Police Cooperation Program for South East Europe, absolutely indispensable for improving the situation regarding justice and home affairs in the region.

I would like to conclude my reflections with an invitation to make utmost use of this workshop for debating in depth the issue of “Approaching or Avoiding Co-operative Security”. The knowledge and expertise assembled here in this room will beyond any doubt make this a highly profitable endeavour.

In concluding, it is a privilege to officially open the 14th Workshop of the PfP Consortium Study Group on “Regional Stability in South East Europe”. Thank you for your attention.

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Part I

***Post-Conflict Security Arrangements
- the Role of the International
Community***

Chapter 1

The International Community and State Reconstruction in War-Torn Societies

*Robin Luckham*¹

There is some hubris in the idea that the international community (and in particular the major donors and international bodies) can assist the reconstruction of entire states and national societies after war and state collapse. Yet in recent years this is precisely what it has been attempting in country after country, including Bosnia, Kosovo, Sierra Leone, Afghanistan, the Democratic Republic of Congo (DRC), Liberia and (even more problematically) in Iraq.²

War and political violence in the developing world have been endemic since World War II. There has been a gradual long-term increase in the number of conflicts in progress at any one time, but largely because more conflicts have been started than have ended. Many of the most virulent conflicts - notably those in Afghanistan, Angola, Burma, Colombia, the DRC, Indonesia, Kashmir, Rwanda, Sri Lanka, and Sudan - have roots that extend back two to five decades. An immediate upsurge in conflicts after the end of the Cold War was followed by a decline starting in the mid-1990s (Fearon and Laitin 2003), reflecting the success of conflict resolution efforts, for instance in Central America.

¹ Senior Research Associate, Institute of Development Studies, University of Sussex, UK.

² Sometimes reconstruction has occurred under a UN umbrella, as with the UN Transitional Authority in Cambodia and subsequent UN post-conflict administrations in other countries. Sometimes the lead roles have been assumed by major alliance systems and regional organisations, like NATO, the Organisation for Security and Cooperation in Europe, and the European Union in the Balkans. Sometimes, as in Iraq, it has been 'coalitions of the willing', in particular the United States and other Western powers. Regional organisations like the Economic Community of West African States or Southern African Development Community in Southern and Central Africa have stepped in to support peacekeeping operations, peace negotiations, and sometimes national reconstruction, as in the DRC.

Even so, the tendency for conflicts to become self-perpetuating or to reignite over the long term underscores the priority of peace-building and reconstruction.

Even if the number of wars has not dramatically increased, their nature and impact has. 'New', 'post-modern' or 'network' wars have challenged political authority, governance, and the entire social fabric of conflict-torn states more directly than did earlier wars (Kaldor 1999; Kaldor and Luckham 2001; Duffield 2001). These wars have also been extremely destructive in terms of civilian casualties, the displacement of populations, the destruction of livelihoods, physical and social capital, and their negative impact on development (Nafziger and Auvinen 2002; Luckham, et al. 2001; Stewart in this volume).

All this is enough reason for the official development community to be seriously concerned. But it does not explain why that community, and notably bilateral donor agencies and international financial institutions, have shed previous inhibitions about interceding in conflicts and security issues. During the Cold War these issues were seen as too 'political' and risky for them to handle. World Bank reports eschewed any analysis of authoritarian rule or of conflict until the early 1990s, when the introduction of the concept of 'good governance' permitted the Bank and other development assistance agencies to address such issues through a seemingly neutral and technocratic discourse. The Bank's post-conflict unit, like the UK Department for International Development (DFID)'s Conflict and Humanitarian Affairs Department and similar units in other donor agencies, was established during the 1990s.

A gradual but decisive shift took place toward more interventionist theories and practices of development assistance: from simply funding development policies and programmes; to influencing aid recipient countries' policy frameworks under stabilisation and structural adjustment programmes; to directly transforming political and administrative institutions under the rubric of good governance, so as to ensure a supportive institutional framework for market-based development. From this it has been a fairly short and logical step to the idea that the development community could and should concern itself

with reconstructing governance in war-torn states and societies after conflict.³

The political stabilisation of the developing world is prioritised because of the fears of Western governments, international firms, and multilateral agencies that political turmoil and violent conflict threaten global security and the expansion of global markets. Humanitarian principles have been twisted to legitimise interventions that serve great power politics and corporate interests, as in Iraq. These interventions in turn generate what Chalmers Johnson (2000) terms ‘blowback’: anti-Western protests, including the emergence of armed networks such as Al-Qaeda, able to strike at targets in the West itself. The current preoccupations with the ‘war on terror’ and with weapons of mass destruction are the most obvious markers of such concerns.

The dramatic and horrifying events of 9/11 brought these issues to the centre of the international stage. Yet as Halliday (2002) and others have argued, the train of events following 9/11 simply accelerated changes already underway in the security policies and development agendas of the United States and other Western countries. Section 1 of this paper examines these policies and agendas, and their effects on the scale and nature of the major powers’ interventions in the developing world. Section 2 analyses some common causes of conflict and state failure, emphasizing that the particularity of causes, and legacies, means that there can be no ‘one-size fits all’ approach to peace-building and reconstruction. Section 3 looks at how dialogue with a wider range of stakeholders can be fostered, so as to ensure that the reconstruction of states and societies is inclusive and legitimate. Section 4 concludes by identifying some generic policy dilemmas of post-conflict reconstruction.⁴

³ Duffield (2001) argues powerfully that the ‘securitisation of development’ and the rise of a ‘new humanitarianism’ - the belief that the traumas and suffering associated with conflict are a global responsibility - constitute a new form of global hegemony and interventionism. Duffield argues that these trends have led increasingly to the uncritical imposition of Western liberal values, political institutions, and capitalist markets on a subordinated but diverse and multi-cultural developing world.

⁴ Useful discussions of state collapse and the role of the international community in putting states together again are Doornbos (2002), Ottaway (2002) and, with specific reference to

What Motivates International Intervention?

International involvement in the reconstruction of war-torn states is Janus-faced.⁵ It reflects not only a drive to achieve new forms of hegemony but also normative conceptions of an interdependent liberal global order and of the role of the United Nations in preventing violent conflict and peace-building (Annan 2002).

These conceptions can be traced back to many earlier initiatives, notably the Brandt Commission Report on international development, *North-South: a Programme for Survival*, and the Palme Commission Report on *Common Security: a Programme for Disarmament*, both published in the early 1980s, and indeed to the UN Charter itself. They have gradually introduced many valuable new elements into the theory and practice of international relations and of global development: greater recognition of the importance of international humanitarian law; the withdrawal of legitimacy from military and authoritarian regimes; support for democratisation; greater emphasis on human rights; the idea that state security should be based on human security; and greater international involvement in conflict resolution, peace-building, and post-conflict reconstruction.

A major misperception about this liberal and democratic world view - which critics like Duffield (2001) may have encouraged - is that it has simply been foisted on the world as part of the apparatus of international hegemony. To be sure, the democratic and developmental principles behind international humanitarianism have all too often been hijacked by Western leaders to lend respectability to their interventions. Yet they are nevertheless important and deserving of support in their own right. Moreover, they enjoy wider legitimacy in the international system and in developing countries themselves, where they have been taken forward through regional initiatives.

Afghanistan, Cramer and Goodhand (2002). All are published in an excellent issue of *Development and Change* on state collapse.

⁵ This argument is more fully spelt out in Luckham (2003).

The Brandt/Palme vision of global interdependence was the product of an alliance between European social democrats and Third World statespersons, and for a long time it was ignored or opposed by the major world powers. The notion of ‘human security’ was the product of a powerful critique of traditional state-centred thinking about security, and it became a central feature of the UNDP’s Human Development Reports in the early 1990s. Demands for democracy originally arose from struggles against military and authoritarian rule in the developing world, and were only later taken up by aid donors, many of which indeed had earlier lent support to dictatorships. Campaigns for human rights and international humanitarian law drew strength from campaigns against rights violations in countries like Pinochet’s Chile, apartheid South Africa, Nigeria, or Chile, as well as from international advocacy groups such as Amnesty International. Many of the most respected UN peacekeeping forces have been recruited from developing countries, including Ghana and Fiji. Even recent additions to the donor peace-building armoury, such as security sector reform, have emerged from the theory and practice of democratic transition in countries like South Africa, which have had much to teach the West itself about democratic civil-military relations. In Africa, initiatives for the promotion of humanitarian values include the African Charter of Human Rights and the African Union’s Peace and Security Council, together with the conflict-prevention and peacekeeping mechanisms of the African Union, the Economic Commission for West Africa, Southern African Development Community, and other regional and sub-regional bodies.

A less remarked on feature of the new interventionism is a certain ‘developmentalisation’ of security.⁶ National security planners, defence ministries, military staffs, staff colleges, and defence academies have begun to involve themselves in development issues, the theory and practice of peacekeeping, humanitarian law, human rights, human security, peace-building, and post-conflict reconstruction. To a large extent this is because they are having to undertake a much wider range

⁶ Recent events in Iraq, including the torture and humiliation of prisoners, might seem to suggest the contrary, and that crude *realpolitik* after all prevails in Western security establishments. Pentagon and White House policies have encouraged flagrant disregard for human rights and international human law, including the Geneva Convention.

of roles, including ‘out of area operations’, counter-terrorism, peace support operations, and security sector reform.

One of the most controversial aspects of international intervention has been the erosion of national sovereignty. Processes of globalisation already severely restrict the capacity of national governments to manage their economies and to deliver security unaided. The erosion of sovereignty opens the gates for interventions driven by the geopolitical interests of major powers, as well as by humanitarian concern for people who suffer state repression or conflict.

The view that the international community has the right, indeed the responsibility, to intervene to prevent gross human rights abuses or end conflicts raises the hackles of many governments in the South (though not necessarily of their citizens). But the force of such objections is diminished when sovereignty has already been dissipated by a government’s failure to fulfil its core responsibilities, including provision of basic physical security and protection of citizens’ rights. As the International Commission on Intervention and State Sovereignty insists, states that fail to deliver security to their citizens and massively violate their rights are not exercising their sovereign responsibility to protect (ICISS 2001). Hence state sovereignty needs to be supplemented by a more robust and genuinely equitable multilateralism, based on common norms and principles accepted by all the major international actors.

What has diminished the legitimacy of US and British intervention in Iraq, and made it so deeply offensive to most in the Middle East, has been the arrogant assumption that there is one law for the major powers and another for the developing world. A superpower that refused to sign up to or be bound by international agreements on global questions such as the International Criminal Court, or biological and chemical weapons, was already less likely to have its bona fides accepted when it intervened to restore democracy and prevent the proliferation of weapons of mass destruction in Iraq - even before its own aggressive peace-enforcement and disregard for human rights destroyed its remaining shreds of authority. There is now a real danger that the legitimacy of the United

Nations and of the entire peace-building agenda may be fatally compromised if it is seen as subservient to America's hegemonic agenda in the Middle East.

Yet the cooptation of the United Nations' and other international agencies' humanitarian, peace-building, human rights, and democratisation agendas is not a good enough reason to reject the agendas themselves. Whatever one's reservations about the hubris and blundering in Iraq, the paradoxes of donor-driven democratisation in Bosnia, or the biases and fragility of peace-building in Afghanistan, international intervention in violent conflicts is here to stay, simply because the problems it was designed to address are still with us. Fractured states, war-torn societies, the spread of insecurity within states and across boundaries, and the terrible problems they give rise to, are realities the international community simply cannot ignore.

Nor is it realistic to ignore the interests of the major international players, including the United States, the European Union, and the North Atlantic Treaty Organisation, or of regional powers including China, India, South Africa, or Nigeria. A recent empirical study of peace processes that have established a relatively durable end to violent conflict concludes that the active military engagement of major global or regional powers, or of the major alliance systems, as in Bosnia, Cambodia, Sierra Leone, or East Timor, has been an important ingredient in their success (Downs and Stedman 2002).

If humanitarian interventions are to be legitimate, and sustainable over the long term, they must be disentangled from the self-serving and sometimes grubby interests and policy agendas of the governments and agencies that undertake them. Even United Nations agencies and international humanitarian nongovernmental organisations are not exempt from the charge that their policies and programmes may be self-serving, or reinforce the very humanitarian disasters they are supposed to alleviate.⁷

⁷ On the failures of the international interventions in Somalia see Sahnoun (1994) and Clarke and Herbst (1997), and on those in Rwanda see Adelman and Suhrke (1996), Woodward (1997), Kuperman (2001), and Jones (2001).

One cannot of course ignore national interests in a world of nation states, any more than one can ignore the bureaucratic agendas of international organisations or the fund-raising priorities of international NGOs. But it is crucial to acknowledge the biases and the play of interests they introduce. Even if such biases cannot be wholly eliminated, they can at least be opened up to debate, challenge, and, hopefully, reform.

Evaluating the Humanitarian Agenda

In sum, one should interrogate the global humanitarian agenda at five levels:

First, as just suggested, there is a need for critical yet realistic discussion of the gaps between the manifest goals of military and other interventions (what they are supposed to achieve, such as resolving conflict or building democracy) and the latent or hidden agendas of those undertaking them, and of how policymakers can ensure those agendas do not get out of hand, as in Iraq.

Second, all forms of intervention need continual interrogation of their underlying moral and political premises. Given the accusations that they serve to advance a hegemonic vision, these premises cannot be taken for granted.⁸

Third, the principles of multilateralism require constant restatement and reassertion, as in *The Responsibility to Protect* (ICISS 2001). The issues are global in the first place. At least in principle, multilateral interventions are less likely than unilateral ones to serve special interests. And they are more likely to be regarded as legitimate, except where multilateralism is regarded as a mere flag of convenience for unilateral action, as seemingly in Iraq. In some situations, unilateral interventions may be legitimate, *faute de mieux*, like the UK's involvement in peace-building in Sierra Leone, but even in such cases

⁸ They are beyond the scope of this paper, but I would cite for instance the ongoing debates concerning the validity of universal human rights; Amartya Sen's rethinking of the links between development and freedom and of the concept of human security (Sen 1999); and Biku Parekh's cogent critique (1994, 1997) of the cultural particularity of liberal democracy as well as of humanitarian military intervention.

they must enjoy the proper consent of national stakeholders and be defensible on the basis of general principles.

Fourth, better understanding is required of the historical trajectories of conflicts, the factors that drive them, how they might reignite, and how this could be prevented. Not all conflicts are the same, as I argue below.

Fifth, rather than being imposed from outside, peace agreements, reconstruction plans, or constitutions need to emerge from continuous dialogue with and engagement of a broad range of national stakeholders: not just with the warring parties (though they must buy into the peace), but civilians too; not simply with political and economic elites, but with a wide range of civil society and grassroots groups. Such dialogue might seem an obvious requirement of peace-building, but peace-makers forge ahead surprisingly often without giving it a second thought.

Conflicts, State Failure, and Their Legacies

Most recent conflicts in the developing and post-communist worlds can be viewed as state- and nation-building in reverse (Kaldor and Luckham 2001, Luckham 2003), as well as development in reverse (Collier et al. 2003). They have unravelled political authority, interrupted normal governance, fractured national societies, and often problematised the state itself. ‘After conflict’ would then seem to imply a teleology of state- and nation-building: a sequence from pre-conflict to conflict to post-conflict; from relief and humanitarian aid during conflict to reconstruction and development aid after it; from collapsed or failed to functioning states; from ethnic violence to national reconciliation; from the rule of the gun to the settlement of conflicts through democratic processes.

Real life is far more complicated, however. First, most conflicts do not simply end. The political, social, and economic factors sustaining them often remain, and even the violence may continue in other forms, notably criminal. Many conflicts that were once considered ‘resolved’ have reignited again and again, as in Colombia, Sudan, or Liberia. Breakdowns in governance may antedate conflict, as in the DRC, or be

caused by it and continue after it has ‘ended’, leaving societies suspended in a state of semi-anarchy and insecurity, as in Somalia.

Second, the major premise of state reconstruction is that states have in some sense failed or collapsed.⁹ But in violent conflicts the roles of states vary immensely. In some, the problem may not be collapsed states, but regimes that have been exceptionally repressive or authoritarian - like the present government in Sudan, which has not only waged war directly against dissidents in the South but has also sponsored raiding and violence by armed militias in Darfur and in the South. In other cases, even democratically elected governments have aggravated conflicts by pursuing policies that result in the political, social, or economic exclusion of minorities or socially disadvantaged groups, such as Tamils in Sri Lanka or the urban and rural poor in Colombia. Some conflicts have spread not because of the failings of individual states alone but through an accumulation and interaction of violent conflicts across an entire region, such as the Great Lakes in Central Africa, or the Caucasus, subsuming states within wider regional or indeed global conflict complexes.

Third, violent conflict and state collapse leave baleful legacies that make peace difficult to build and states hard to reconstruct (Cliffe and Luckham 2000: 302-4; Luckham 2003: 21-5). These legacies include governance voids, or the disappearance of normal public administration in all or part of the national territory; the rule of ‘un-law’, including the breakdown of police and judicial systems, widespread human rights violations, and impunity for the perpetrators; the breakdown or absence of democratic accountability mechanisms; extreme political and social polarisation; ‘societies of fear’ (Koonings and Kruijt 1999), which normalise violence and human rights abuses; systematic redistribution of power, wealth, and status in favour of those who control the gun or can profit from war economies; and the disempowerment of minorities, women, refugees, and a wide range of other groups.

⁹ An indication of the conceptual and policy confusion surrounding this topic is the proliferation of terms: ‘collapsed states’, ‘failed states’, ‘problem states’, LICUS (lower-income countries under stress - the World Bank’s clumsy euphemism), ‘fractured states’, and so forth. The terms matter less than the fact that one is talking about a highly complex and historically variable reality, not adequately captured by any single term.

Despite these legacies, the starting point for reconstruction cannot and should not be a simple return to pre-war normality and the reconstitution of the state in its previous form. Not only were the latter's failings among the reasons for conflict, but war and its legacies create new political realities, which must be recognised and adjusted for in peace-building.

Fourth, reconstruction is more likely to be sustainable if it factors in the multiple layers of political authority above and below the state, and is not excessively preoccupied with rebuilding the state and central governance alone. When states start to fall apart during conflicts, other layers of political authority - both above the state at the regional and international levels, and below it in political and civil society - tend to emerge into the open. Even in the most severe and anarchic instances of state collapse, as in Somalia, the Congo, or Afghanistan, there is seldom a total governance void. Other bodies including mosques, churches, community-based organisations and NGOs, and remnants of local bureaucracy cut off from the centre may assume services previously delivered by the state. Security functions may be carried out by a variety of non-state actors, although this adds to the risks of human rights abuses, extortion, and violence. Markets may even thrive in war economies and create their own modes of economic regulation; in Somalia, according to Mubarak (1997), the dismantling of the Barre regime's corrupt and intrusive state management of the economy opened spaces for entrepreneurs in the midst of apparent anarchy.

Understanding the Legacies of Conflict

Any strategy for post-conflict peace-building and reconstruction should address a complex array of legacies from past and present conflicts. The distinctions made in table 0.1 are a first step in understanding these legacies, insofar as they help identify generic problems stemming from the different ways the state has been called into question. The table shows different ways the state can be called into question, cross-tabulated against the three forms of conflict most often stressed in recent causal analyses of conflicts: struggles over resources; contested social

identities, especially ethnic and religious identities; and major social inequalities.

Table 0.1: States called into question by violent conflicts

How the state is called into question

Struggles over:	‘Collapsed’	Authoritarian	Non-inclusive	Subsumed within wider conflicts
Resources	Sierra Leone	Angola	Colombia Indonesia	Iraq Democratic Republic of Congo
Identity	Somalia Bosnia	Sudan	Sri Lanka Kashmir	Afghanistan
Inequality	Liberia	El Salvador	Guatemala Philippines	Nicaragua

These contrasting situations are discussed below, but first several caveats are in order. The causes shown in table 0.1 are by no means the only ‘causes’ of violent conflict, and they often conflate the factors originating conflict with those sustaining it¹⁰, as well as conflating cause with effect.¹¹ Nor are they necessarily mutually exclusive: Frances Stewart, for example, uses the term ‘horizontal inequality’ to describe how social inequalities tend to crystallise around and reinforce regional, ethnic, or religious differences.

Further, in reality none of the states chosen as illustrations can be assigned to any single analytical category. For instance, although the DRC and Sierra Leone are shown in different cells, both faced state

¹⁰ See Cliffe and Luckham (2000), in which we distinguish between factors ‘producing’ and ‘reproducing’ conflicts. There is some evidence that resources - and more generally ‘greed’, or the expectation of economic gain - are a better predictor of the continuation of conflicts than of their origins.

¹¹ The political mobilisation and polarisation of ethnic and religious differences, in particular, can be either a cause or a consequence of conflict, or both at the same time.

collapse after the state had been undermined by protracted periods of authoritarian neo-patrimonial governance. And both have become enmeshed in wider regional conflict complexes involving multiple interventions by their neighbours. In Angola, Indonesia, and Sudan, conflicts over resources have sharpened and been intensified by identity conflicts. In all three countries, protracted authoritarian governance has excluded particular regions or ethnic groups from power and the benefits of development.¹² In El Salvador, Guatemala, and Colombia, conflicts arose from deep social exclusion, but they were complicated in Colombia's case by the emergence of a shadow economy around the drug trade and extortion from the oil companies.

Thus in each instance the conflicts are best understood not as the product of individual causes, or even as the outcome of particular patterns of governance and non-governance, but rather in terms of the varying historical trajectories that create and sustain political violence. Angola provides an especially salient example: a conflict now widely characterised as a 'resource war' began in the 1960s as a liberation struggle against the inequities of colonial rule; evolved into a contest for power between different elites rooted in the country's ideological, regional, and ethnic divisions; was sustained in the Cold War context by the interventions of the USSR, Cuba, the US, and apartheid South Africa; and finally turned into an increasingly cynical and brutal struggle to control the country's mineral wealth. The point is that the conflict itself was radically transformed over many years; and in turn itself redefined the entire political economy of the state (Hodges 2001).

State Collapse

The first of the cases shown in table 0.1 is state failure or collapse proper, where state administration has effectively ceased, most often during violent conflict but sometimes before conflict has broken out or after overt hostilities have ended. State collapse is the most extreme manifestation of wider global trends that have problematised many states

¹² Indonesia and potentially Angola are now engaged in democratic transition.

and undermined their capacity to manage national economies, to orchestrate development, to deliver services, and to provide security.¹³

State collapse has almost always involved the loss of the state's monopoly of legitimate violence, which is usually regarded as the key component of Weberian statehood. Somalia is the most obvious case, and indeed it is the only country to have lacked a recognised and minimally functioning state for a long period, now more than a decade. The state has fallen apart for shorter periods in Afghanistan, Bosnia, Congo (DRC), Haiti, Liberia, and Sierra Leone. As these cases suggest, state collapse is also perfectly possible where there is a juridical but non-functioning state, as well as where there is no internationally recognised political authority, as was the case in Somalia.

State collapse can precede as well as follow conflict. For many years before it actually 'collapsed', Mobutu's kleptocratic regime in Zaire, now DRC, enjoyed almost no effective authority in much the country; basic services, including sometimes security, were provided, if at all, by churches, NGOs, and other bodies; and there was in effect no national economy, but rather a number of regional economies, each more integrated with those of neighbouring states than with the remainder of the country (Lemarchand 2001). A similar situation has prevailed under the presidencies of the two Kabilas, even following the peace agreement and establishment of a government of national unity (except that the anarchy and violence have in the meantime become more entrenched and destructive, and have enmeshed the DRC's African neighbours).

Where the existing state was part of the problem, it might seem that its temporary disappearance could potentially clear the ground for reconstituting the state on a more inclusive and legitimate basis. In practice it is usually hard to re-establish a functioning state at all, let alone undertake comprehensive state reform. However, Somaliland provides an encouraging example of how a legitimate and reconstructed

¹³ Whether economic interdependence undermines the state or strengthens it is endlessly debated in the literature on globalisation. This questioning also sheds light on how, in the modern world, there exist multiple layers of political authority, both above the state at the regional and international levels, and below it in political and civil society.

public authority can emerge from protracted political violence. A new political order emerged from lengthy negotiations among warring clans, which were facilitated by intermediaries that had no significant international involvement, except that of the diaspora community (Farah and Lewis 1997; Ahmed and Green 1999; Hularas 2002). Somaliland's lack of international recognition and support has emerged as one of the main obstacles to its long-term reconstruction. The main lesson, if any, for countries like Afghanistan, Liberia, or Sierra Leone, where the international community has taken the lead in reconstructing the state, is the need to recognise and support domestically driven democratic processes. Indeed Liberia's contrasting re-descent into despotism and war after 1997 under former warlord President Charles Taylor well illustrates the dangers of international complacency about externally brokered peace negotiations, constitution-making, and elections.

Authoritarian States Opposed by Predatory Groups

Authoritarian states, contested by armed adversaries seeking to control the state and appropriate its financial and other benefits, have tended to generate somewhat different problems of post-conflict reconstruction from those deriving from state collapse. Authoritarian state elites have often shared responsibility for continued human rights violations with the rebels opposing them, as in Sudan or Angola. And they have tended to resist external pressures to negotiate peace or to concede reforms, except when brought to the negotiating table by some combination of severe economic crisis, costly military stalemate, or defeat. Nor have the predatory groups opposing them necessarily been any more likely to negotiate, when they have profited from the 'attack trade' and war economies.

A ruling elite is better able to resist external and domestic pressures for change if it controls substantial mineral resources or other independent sources of state revenue, such as oil in Angola and Burma and timber (and oil) in Cambodia. Therefore the key issue is accountable governance - especially regarding the control of natural resource

revenues - more than state reconstruction per se, although the latter too may be essential after protracted conflict.

Moreover, the end of the fighting does not necessarily create circumstances that empower the political and social forces that could insist on government accountability. In Cambodia, for example, Hun Sen's Cambodian People's Party manoeuvred to recapture the state and subvert democratic governance, following interim UN administration under UN Transitional Authority in Cambodia and a period of coalition government. In Angola, after the conclusion of peace with a demoralised and militarily weakened UNITA (Uniao Nacional para a Independencia Total de Angola), the MPLA (Movimento Popular de Libertacao de Mocambique) nomenclatura has remained in control of the country's oil revenues and the levers of state power, and has continued to resist international and domestic pressures for more accountability.

Mozambique provides a rather more encouraging example, of an internationally brokered peace that laid the basis for reconstituting a battered (but not collapsed) state, democratisation, and economic reconstruction. The key factors in this success were a peace settlement, which was not imposed but negotiated via international intermediaries and the UN; the fact that the incentives to continue fighting were less than in resource-rich countries such as Angola or the DRC; the FRELIMO government's genuine commitment to the reform process (despite losing its revolutionary zeal, it never became as autocratic or as corrupt as the MPLA regime in Angola); the way the armed opposition, RENAMO, despite its involvement in atrocities, acquired a real stake in the democratic process by becoming a political party; and the fact that economic reconstruction, though not without problems, laid the basis for economic growth and, to an extent, poverty alleviation.

Authoritarian States Challenged by Popular Revolts

Authoritarian or non-democratic regimes may be called into question because of their non-inclusive policies, through struggles to address major societal injustices or political, economic, or social exclusion. The

paradigmatic armed struggles of the colonial and Cold War eras were waged by nationalist or radical groups with a transformational political agenda. Though analyses of the ‘new wars’ highlight the predatory nature of rebellions against the state, by no means have all of these wars fitted such a stereotype. For example, the rebellion that brought the National Resistance Movement to power in Uganda in 1986, the campaigns ending the *derg*’s military despotism in Ethiopia and Eritrea, and the struggle against the apartheid state in South Africa and Namibia and that against Indonesian hegemony in East Timor, were all waged by armed groups with popular support and relatively well defined political agendas. Even where groups with well defined political goals, like the Sudan People’s Liberation Army (SPLA) in the Sudan, have been diverted in more predatory directions during protracted armed conflict itself, elements of that agenda may survive and influence their approach to peace-building and reconstruction.

It is notable that a number of these armed struggles were concluded by military victory and the victors’ assumption of power. Even where peace was negotiated after a military stalemate, as in South Africa, Namibia, and East Timor, it in practice amounted to a political victory for the liberation forces. Generally speaking, this political victory has endowed the victors with much greater popular legitimacy than most other post-conflict regimes. It has also committed them, at least in principle, to fundamental reforms aimed at addressing the social injustices that motivated their struggles. What has changed, however, since the end of the Cold War is that the socialist programmes of earlier liberation movements have been displaced by democracy and market-oriented economic reform programmes, reflecting a new realism both about the constraints on development in a globalised world and about the price to be paid for international donor support.

On the one hand the relative clarity of the winning groups about their development goals has clearly facilitated state and national reconstruction. It is striking that many of the apparent post-conflict ‘success stories’ have been managed by former revolutionaries. On the other hand their change in course away from socialisation in favour of market-oriented development has tended to generate distinctive policy

dilemmas. Most post-conflict programmes have featured the competing priorities of economic liberalisation and of social equity and poverty reduction, but the tension between these priorities has been especially acute where social equity was the principal demand of those taking up arms against the state. Another area of policy conflict has been the tension between the centralising, command-oriented tendencies of many liberation movements and the requirements of democratic politics, surfacing (in different ways) in countries like Eritrea, Ethiopia, Namibia, Rwanda, or Zimbabwe.

Wars of National Identity

Fourth are states whose national composition or territorial form has been challenged through wars of national identity, as in Bosnia, Kosovo, Sri Lanka, Rwanda, or Southern Sudan (where the SPLA has shifted back and forth between demands for partition and for power-sharing and regional autonomy within an undivided state). Such national struggles have often opposed social injustices as well, hence tending to share some of the same characteristics as other transformational struggles. But one should not forget that identity conflicts have often also been exacerbated by national majorities (or those speaking for them) reasserting their exclusive claims over the identity of the state - as have the Sinhales in Sri Lanka, the previous Amhara elite in Ethiopia, Serbs in ex-Yugoslavia, or, in a particularly extreme manner, the Rwandan Hutus during the 1994 genocide.

The central issues tend therefore to concern the future identity of the state more than just its reconstruction. Issues include whether and how to accommodate the demands of separatist groups, like Sri Lanka's Liberation Tigers of Tamil Eelam (LTTE); and how to make existing state institutions more inclusive through power-sharing, constitutional reforms, or more equitable distribution of the benefits of development. Even if the state is ultimately partitioned, the same issues tend to recur, sometimes in an aggravated form, since partition tends to create new national majorities, like the Croats or Kosovans in ex-Yugoslavia, or potentially Sri Lankan Tamils in Northern and Eastern Sri Lanka, many

of whom have no more commitment to inclusive politics than their former oppressors.

Conflicts at the Margins of the State

Conflicts waged at national peripheries may paralyse state administration in significant parts of the country. Examples include the festering conflicts in Kashmir and Punjab in India, in Northern Ireland, in Northern Uganda, in the Casamance region of Senegal, or the armed rebellions in Aceh and West Irian in Indonesia. These conflicts have often differed only in degree from the other struggles over the national identity of the state, just discussed above. But they do not usually challenge the existence of the state itself. Nor have they necessarily been the product of a non-democratic state. Indeed in all the examples just cited, the conflicts originated or were perpetuated because of the failure of elected governments to respond adequately to minority demands.

At the same time, national governments have tended to be better able to define these conflicts as purely 'domestic' insurgencies, thus deflecting international pressures to negotiate and postponing political and other reforms that might satisfy minority demands. This has meant there is a significant risk of complacency, with conflicts left to fester and eventually escalate, as did the LTTE insurgency in Sri Lanka in the 1970s and 1980s, or the rebellions in Northern Uganda from the mid-1980s until the present. Added to this has been the tendency of such disputes to be aggravated, as in Kashmir or Northern Uganda, by neighbouring governments' support for the rebels. Insofar as states have attempted to resolve the conflicts, the emphasis has been less on state reconstruction than on some combination of military counterinsurgency and political reform, to draw the sting from the rebellions by promising more inclusive forms of politics.

Regionalised Conflict

Some states have their authority undermined by the growth of regionalised conflict complexes. The DRC is an obvious example, whose conflicts have interlocked ever more tightly with those of its neighbours in the Great Lakes and Southern Africa. Other cases include the interlinked conflicts of the Mano River Union countries in West Africa (Liberia, Sierra Leone, Guinea, and, linked to them, Cote d'Ivoire); the conflicts engulfing ex-Yugoslavia and the Balkans (Woodward 2003); the complex links between the war in Afghanistan and the insecurities of its neighbours; and the links among the now-resolved conflicts in Central America, aggravated also by US interventions in the region. Not all countries caught up in such conflict complexes themselves have had collapsing states, or even conflicts, within their own boundaries. For example, among the DRC's neighbours, Angola, Burundi, Rwanda, and Uganda themselves have experienced recent civil wars, while Namibia, Zambia, and Zimbabwe have not.

In such cases, post-conflict reconstruction often has to be approached as a regional, not a purely national, endeavour. Where conflicts have become embedded in wider regional conflict formations - not to speak of global power politics - efforts to rebuild states and reform their governance can easily become hostage to conflicts ongoing in other states; to meddling by neighbouring governments and external powers; and to flows across national boundaries of weapons, conflict-goods, and military entrepreneurs. Thus regional approaches to peace-building, such as the Lusaka process in the DRC, the Stability Initiative in the Balkans, and the successful Contadora and Esquipela peace processes in Central America, have been indispensable prerequisites for state reconstruction.

Collapse Caused by External Intervention

Some states are undermined or collapse through external intervention, military invasion, or regime change. Examples include Afghanistan, Iraq, or previously (in certain respects) Cambodia or Nicaragua.

Afghanistan has had a long history of military interventions by global as well as regional powers, starting from the original Russian invasion, if not earlier, and continuing during and after the US-led military removal of the Taliban government, with many years of state disintegration and renewal¹⁴ in between. In Iraq the US-led coalition not merely removed Saddam Hussein's regime, but was also responsible for destroying a powerful if flawed state, notably when it dismantled the entire military, security, and Ba'ath political party apparatuses. The protracted crisis that ensued has been one of insecurity and even more of illegitimacy - initially of the Coalition Provisional Authority and, since June 2004, of the interim Iraqi government.

The fundamental priority in both Iraq and Afghanistan is not simply to reconstruct the state and its monopoly of legitimate violence. Even more it is to establish a legitimate public authority, sufficiently independent of the occupiers to enjoy public respect, and sufficiently inclusive to draw wide support from the diverse ethnic and religious communities of each country. The international community and in particular the US-led coalition is regarded more as part of the problem than of the solution. Hence the need is to find an appropriate exit strategy that does not aggravate the prevailing insecurity and creates a more legitimate multilateral framework for international assistance for reconstruction and state reform. Making the UN responsible for reconstruction is by no means a panacea, and could backfire if it is under-resourced or is seen as a proxy for continued domination by the United States and its Western partners. Democratisation and state reform too are necessary, but only likely to succeed if they are home-grown and based upon some recognition of the powerful political and social forces, including radical Islam, that have emerged from the wreckage of the state.

Implications for International Intervention

No doubt one could come up with more categories. But the basic point is that the ways in which states are challenged by conflict have important

¹⁴ Whatever one thinks of the Taliban, at least it re-established some semblance of state authority, albeit at great cost in terms of human life and forgone development.

implications for peace-building and state reconstruction and for the role of international actors. Broadly speaking, there is more scope for international intervention where structures of public authority have been swept away entirely, or when protracted stalemate between the warring parties has become so costly for both that it forces them to call in the international community. States that have remained relatively intact have been generally more wary of international involvement, often seeing it as a threat to their sovereignty - above all if they are major regional powers in their own right. Examples include India in Kashmir, China in Tibet, Israel in Palestine, or Indonesia in Aceh. In the case of collapsed states, it makes a lot of difference whether the state fell apart from within or was brought down by external intervention. The latter almost inevitably makes foreign powers and even international agencies de facto parties in the conflict, making it much harder for them to act as legitimate honest brokers with a credible claim to be able to resolve it.

State Building, Nation Building, Democracy, and Development

External support has been directed not only towards the reconstruction of the state but also increasingly towards its reform. The problem remains that reform tends to be conceived in terms dictated by the major donors and international agencies, prioritising the usual formula of liberal democracy, good governance, and economic liberalisation. Whilst elements of this formula are desirable in themselves, the entire package, and the manner it is promoted or imposed from the outside, tends to inhibit the fundamental rethinking that post-conflict states require about the nature and purposes of political authority.

Such rethinking should engage with four parallel but linked endeavours:

- *Rethinking and reconstituting the state itself*, to assure as far as possible legitimate public authority, a functioning state apparatus, and effective and accountable security and law and order institutions. Rebuilding administrative capacity, as well as the state's monopoly of military, security, and policing functions, is clearly vital. But re-establishing the *legitimacy* of state institutions is

equally crucial, where their authority has been undermined by despotic rule, state violence, and the violation of human rights.

- *Inclusive nation building*, so as to reconstitute national citizenship on a more inclusive basis, whilst also recognising and respecting religious, ethnic, gender, and other societal differences. How to do this, and whether to place the emphasis on universal rights or on power-sharing and the institutionalisation of cultural differences, is best left to national dialogue and debate.
- *Democratisation at all levels of public authority*, not merely in the formalistic sense of creating replicas of western liberal democratic institutions, but in the broader sense of the popular accountability of government and greater citizen voice at all levels of political authority. Such democratisation requires not only democratic institutions but also democratic politics (Luckham, Goetz, and Kaldor 2003).
- *Building a developmental state* with the capacity to ensure that external assistance matches national priorities, to build alternatives to the previous war economies, to deliver basic services to citizens, and in the longer run to facilitate sustainable growth and development. Whether this is best done by expanding free markets and limiting the role of the state should be treated as an empirical issue, to be decided on the basis of national circumstances, rather than as an overriding priority.

There has been a natural tendency to prioritise the first and to a certain extent the fourth of these endeavours: rebuilding the state, restoring its capacity to carry out public administration, and enabling it to deliver security and basic services and to manage development and a market economy. All these goals are of course crucial. But focussing on state and economic reconstruction by themselves is not enough, especially where existing states and ruling elites may have been part of the problem in the first place, or where they have been challenged in multi-ethnic societies by groups with their own different conceptions of the legitimacy of the state and the goals of politics. As argued above, multiple levels of political authority coexist with the state and may indeed eclipse it, especially during conflicts. It is important to recognise

these, build on them, and ensure they support state authority, not subvert it.

Nation building was one of the central concepts of decolonisation. It is even more relevant in the early 21st century, when conflicts have sharpened ethnic and other polarisation and undermined the fragile sense of citizenship in the ‘imagined communities’ we call nation states. The international community has tended to focus on power-sharing arrangements and the design of constitutional frameworks to give all major groups a stake in the political process and the economy, and to minimise the exclusion and marginalisation that lead groups to take up arms against the state (Harriss and Riley 1998; Ghai 1998; Luckham, Goetz, and Kaldor 2003). Constitution making is a hazardous endeavour. It is likely to run into opposition, as in Iraq, if it is too visibly orchestrated by the international community or occupying powers; if it is insufficiently inclusive; and if it does not address the political realities on the ground. Building confidence among divided communities and rebuilding the social capital of trust between religious persuasions, ethnic communities, or clans can be delicately encouraged from above, but in the final analysis is best left to be nurtured as much possible as from below.

Democratisation has been given a bad name by the democracy-promotion efforts of the Western powers and international agencies. Moreover, democracy is not the infallible solution to conflict that it is often supposed to be. In principle it poses an alternative to violence, by encouraging the resolution of disputes through the political process. But in practice democratic institutions have often failed to resolve conflicts and in some cases have even aggravated them (Stewart and O’Sullivan 1999; Luckham, Goetz, and Kaldor 2003).

Legitimacy is key to building peace, to reconstituting public authority, and to resolving disputes through the political process. Hence democracy and elections are necessarily built into virtually every peace agreement and post-conflict reconstruction programme. But it cannot be taken for granted that democracy will be sustainable, that it will support rather than get in the way of reconstruction, or that it will foster conflict resolution. Hence careful attention must be paid to:

- *Questions of process and sequence:* the timing and management of elections relative to the other elements of peace-building, including the restoration of security; the sequencing of constitution making and its inclusiveness; and ensuring that the democratisation process is locally driven and locally owned, rather than externally imposed (Bastian and Luckham 2003).
- *Making both the democratisation process and democratic institutions as inclusive as possible* for all groups in society and at all levels of political authority. Most post-conflict programmes at least pay lip service to the strengthening of civil society and to the need for political and administrative decentralisation. Putting these principles into practice is another matter, especially if there are a range of social forces and political groups (such as ethnic nationalist parties or religious extremists) whose commitment to peace-building or democratisation is questionable or hostile.
- *Close attention to the design of democratic institutions.* Even the best designed constitutional and institutional framework cannot guarantee sustainable democracy or resolve conflicts, though it can help. Conversely, though, it is clear that badly designed institutions can damage democracy, institutionalise social divisions, politicise ethnic and other identities, and engender violence (Luckham, Goetz, and Kaldor 2003).
- *Fostering democratic politics and a democratic political culture to bring life and sustainability to democratic institutions.* In the final analysis, democratic politics has to develop from below. It can be encouraged by donor or international NGO support for civil society groups, but equally such support can stifle local initiatives or fail to create dialogue with popularly based groups (such as ethnic nationalist or religious political parties) that have the capacity to break democracy as well as to make it.¹⁵

¹⁵ For an instructive account of how this happened in Bosnia, see Chandler (1999).

The Policy Dilemmas of International Involvement

Recent history is littered with examples of botched or politically controversial international interventions and failed or stalled national reconstruction.

Yet it is also possible to discern a halting and incomplete learning process, through which different actors in the international community have come to recognise their own limitations and failings and to seek norms of good or at least better practice.¹⁶ The best of these reports are detailed and unsparing in their critiques. Even so, their prescriptions tend to be pitched at a general level. They mostly do not address the hidden political and economic agendas of international, and especially military, interventions. They have too little useful to say about how to persuade major world powers and international bureaucrats in the North and national governments and conflict entrepreneurs in the South to alter their policies and practices. And they tend to disregard the various ways in which the goals of international actors may be mutually incoherent or may conflict with those of national stakeholders in post-conflict states themselves.

It is truly very difficult to devise broadly applicable models of good practice - to make appropriate choices between, for instance, early elections and establishing minimal security; between assuring armed groups some stake in the peace process and empowering civil and political society; between universal and more culturally specific

¹⁶ Recent examples include studies of the lessons of the international community's egregious failures in Somalia and Rwanda (on the former see Sahnoun (1994), Clarke and Herbst (1997); and on the latter Adelman and Suhrke (1996), Woodward (1997), Kuperman (2001), and Jones (2001)); the Brahimi Report to the UN on international peacekeeping (United Nations 2000) and other studies of the lessons of peace operations (CSDU 2003); the DAC/OECD Guidelines on helping prevent violent conflict (OECD 2001); a series of policy debates in the journal *Disasters* on the need for improved donor policy coordination and coherence in emergencies; a plethora of donor-supported methodologies for conflict assessments and 'conflict-sensitive' development assistance (DFID 2002a); assessment frameworks for good practice in security sector governance (DFID 2002b and Ball et al. 2003); and critiques of the US-led coalition's military intervention in Iraq, most notably by the United States' own Army War College (Record and Terrill 2004), which pulls very few punches in comparing it with the intervention in Vietnam.

conceptions of human rights; or between national reconciliation and post-conflict justice. To pretend otherwise is to show an arrogant disregard for the complexity of the problems and the real conflicts of principle that must be resolved to address them.

Models of good practice are even more difficult to apply than they are to create. Operationalising such models involves difficulties and contradictions in a context in which they are wilfully disregarded or subverted, both by major international players and by those who control violence in the developing world, whether to secure profit, gain political advantage, or pursue myopic political agendas. A case in point is the manner in which the American and British governments not only manipulated intelligence to justify military intervention in Iraq, but also ignored the advice of their own military and security establishments about the problems of post-conflict reconstruction. This advice was generally more realistic and based upon a better understanding of the realities on the ground than the policies implemented by the Coalition Political Authority. In the view of some US Army War College analysts, for example, the intervention in Iraq was a military victory but a strategic and political failure (Echeverria 2004: 13-14), in part because it disregarded their own relatively sophisticated analyses of the problems of post-conflict reconstruction published before the invasion (Crane and Terrill 2003).

Moreover, models of good practice invariably underestimate the contradictions of intervention. The international community has had to steer between the Scylla of intervening with too heavy a hand and the Charybdis of letting conflicts fester and failing to recognise and support locally based efforts to build peace. It has veered toward the first extreme in Bosnia, Kosovo, and even more so Iraq. Its failure to intervene in a timely or effective manner in Rwanda and Somalia and its woeful reluctance to recognise and support a home-grown process of peace-building, reconstruction, and democratisation from below in Somaliland have been at the other extreme.

Rather than attempting to derive policy prescriptions from general principles, it is more fruitful to capture the contested and contradictory

nature of conflict and of post-conflict reconstruction by identifying some generic policy dilemmas (Box 0.1).

Box 0.1: Some policy dilemmas of post-conflict reconstruction

International intervention: ending war and building peace?

- Multilateral action through the UN and regional institutions versus big-power unilateralism and ‘coalitions of the willing’.
- International humanitarian law and human rights versus operational effectiveness (‘playing to win’).
- Development and global justice versus global security concerns (e.g. the ‘war against terror’).
- Light footprints, sensitive to national contexts, versus ‘one size fits all’ blueprints.
- Sustainable peace versus easy exit strategies.

Reconstituting state and society

- Security first, versus popular consent and electoral legitimacy.
- A holistic, strategic approach, versus compartmentalisation of economic, security, and governance issues.
- State building from above versus building consensus (and civil society) from below.
- Shutting out ‘spoilers’ etc, versus opening political space for dialogue.
- Making deals with warlords, ethnic nationalists, religious extremists, versus empowering civil and political society.
- National reconciliation versus accountability for human rights abuses (the issue of impunity).

Constitutional design and political restructuring

- Externally sponsored versus domestically driven constitution making.
- Formal versus process-driven constitution making engaging political and civil society.
- Western liberal versus alternative models of democratic practice.
- Imported constitutional models versus institutions based on national culture and experience.

- Legal and human rights universalism versus alternative conceptions of rights and citizenship.
- Democratic institutions (e.g. design of electoral systems) versus democratic politics and consensus building.
- Power sharing among different groups versus common citizenship and equal rights.
- Power-sharing versus an effective developmental state.

Rebuilding state capacity to deliver development

- Administration by international transitional authorities versus priorities of national stakeholders.
- Humanitarian aid versus long-term development assistance.
- Strategic thinking about long-term goals versus operational priorities of restoring services and public administration.
- Policy coherence among donor agencies versus priorities of national stakeholders.
- Economic stabilisation and adjustment versus longer-term sustainable development.
- Reliance on NGOs to deliver services versus rebuilding state and local administrative capacity.

Security sector transformation

- Prioritisation of security versus building peace and consensus.
- A powerful international security presence versus rebuilding national military and security forces.
- Human security versus state and regime security.
- Prioritisation of police, justice, and law and order versus military security.
- Rebuilding existing military and security institutions versus starting from scratch.
- Rebuilding state security institutions versus recognizing local militias, vigilantes, and other non-state armed bodies.
- Treating disarmament, demobilisation, and reintegration as a technical process versus giving ex-combatants a political stake.
- Cuts in military and security spending versus investment in security and law and order.

- Transparency and democratic accountability versus secrecy and state security.

The characterisation of these dilemmas in Box 0.1 implicitly reflects the standpoint of international democratic Machiavellis¹⁷ (prototypical figures might be, say, Kofi Annan, Mohammed Sahnoun, Lakhdar Brahimi, or even Clare Short), who accept the broad case for international humanitarian intervention and for the reconstruction of post-conflict states on a more democratic, inclusive, and developmentally sound basis. Other actors, not least the tumultuous and variegated stakeholders in post-conflict countries themselves, might well pose the array of dilemmas differently, even though there would be some common elements. Nor should one forget that, tugging at one or other end of each set of policy choices, there tend to be powerful interests, whose concern is with how the principles can be moulded to support their own special case.

Hence each set of policy choices must be open to dialogue and revision. Sometimes clear tradeoffs have to be made between clashing principles or opposed political and social interests. At other times there may be more scope for conflict transformation: that is, for creative policy choices that seek ways around apparent dilemmas, as well as potential complementarities among seemingly opposed principles. Security policies built on the insight that even military security is best achieved globally through broad international consensus and nationally under legitimate and democratically accountable public authorities, rather than *raison d'état*, maximum force and state secrecy, are a pertinent illustration.

¹⁷ On democratic Machiavellianism, see Bastian and Luckham (2003).

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Negotiating Security in the Balkans

Plamen Pantev

The capacity of international negotiations in achieving security in South East Europe can be well illustrated by a statement in May 2000 by the then US Permanent Representative to NATO and later US Ambassador to Moscow, Alexander Vershbow: if Russia and NATO were together during the peace negotiations in Rambouillet, France, before the NATO air campaign, we could reach a political settlement and avoid use of force.¹ Often in the last few years the NATO Secretary General and the EU High Representative for Foreign and Security Policy have been underlining the significance of negotiating security in a multitude of situations, in which both institutions have been involved.²

Definitely, successful negotiations in the field of security are the alternative to military clashes. Negotiating security never stopped in the post-Cold War period in the Balkans, including during the very crisis in Kosovo in 1999. However, today we are facing an even more complicated situation, whose novelty requires new attitudes by those who are engaged with the continuing stabilization of the region – a task on which both the Union and the Alliance must not fail.

First, apart from the ‘unfinished business’ in the Western Balkans, bearing features of traditional power attitudes and requiring continued stabi-

¹ Alexander Vershbow, NATO-Russian Relations, US Department of State TV Interactive Dialogue Program, in: American Embassy Wireless Files, Sofia, May 11, 2000, p. 24.

² See for example: the presentation of Javier Solana at the Annual Conference of the EU ISS on 10 October 2006 in Paris: “For good reasons we Europeans see multilateralism as more than ‘just a method’. For us, it is a way of ensuring a sense of international order, of building trust, of combining effectiveness with legitimacy. It is the best manner to manage conflicts of interests and, more than that, prevent them from emerging in first place... Thus we should focus on forging new ‘bargains’ ...”, at: http://www.europa-eu-un.org/articles/fr/article_5069_fr.htm

lization effort by robust forces from the international community, a number of issues of lesser intensity in both the bilateral and multilateral relationships in the region call for a working negotiation agenda to avoid tensions and prevent deepening conflicting interests. This concerns property issues, water resources, contentious human rights issues from the past, etc.³ The process of stabilization does not start and does not end with the ‘hot potato’ of the Kosovo issue. A well-designed and structured system of negotiations would be needed, a kind of a ‘new generation’ of post-Yugoslav and ‘post-Kosovo’ topics from the stabilization realm to tackle the multitude of problems. A new and purposeful effort of ‘mapping’ these issues will be needed by both analysts and practitioners. Some of these problems could bear the potential of triggering older and more intensive conflicting attitudes.

Second, eight years after the end of the Kosovo crisis and four years after the Thessaloniki resolutions of the EU, the Balkan stability situation resembles more a ‘regional security community’ in its ripe period of the making. It bears the strong institutional mark, left by the enlarged NATO, an encompassing PfP family of Balkan nations, an enlarged European Union integration community with a dense network of relationships, preparing all non-EU Balkan countries for membership in the foreseeable future. All that means a completely new institutional and normative framework for seeking and finding answers to the ‘stability questions’.

There is a record of coping with such issues through negotiations in the NATO and EU context and the Balkan international political and security relationships should get prepared for such an approach. Furthermore, both NATO and the EU have never stopped utilizing the ‘negotiation approach’, but analysts have been generally treating this issue into the broader theoretic context of ‘dealing with conflicts’ in the Balkans. However, we are entering into a new stage of development in the Bal-

³ See for example: the Cham issue; the social insurance issues, stemming from displacement of persons in huge quantities after the end of the Ottoman empire till today; sharing water resources in all neighboring countries in the Balkans; raising the effectiveness of cooperation in fighting international criminality, etc.

kans where more business-like negotiations on a broad spectrum of interconnected ‘stability issues’ are becoming more and more actual and pressing – in the area of state-building, integration and societal and human security issues.

The negotiation analytic approach to security issues, including in the Balkans, has the general theoretic studies of international negotiations as well as the specific aspects of the latter in the specific area of security as a knowledge base. The conclusions about the analytic framework of negotiations in the field of security originate from these two cognitive sources.

The negotiation analysis on Balkan security issues may provide us with additional insights, compared to other analytical tools. In addition to these characteristics of the negotiation analysis, the latter should follow some other invariant requirements or specific standard filters, especially important for the security relations.

These elements of the analysis together with the standards, stemming from the cognitive model of security can provide us in the new stage of the evolving Balkan security situation with the means of more adequately assessing the details and peculiarities of the participating in the regional situation parties’ attitudes. We should never forget that in South East Europe we are faced with the huge task of stabilizing the Western Balkans, tackling with conflicting interests of various sorts, completing the process of state building, solving these issues from the conceptual perspectives of human and societal security while working for the integration of the whole region in the EU and NATO. This is a really challenging task for the Regional Stability in South East Europe Working Group too. However, with more concrete practical expected results too.

Cooperative Security – the Concept and its Application in South Eastern Europe

Heinz Vetschera

Introduction

The concept of “cooperative security” has been developed over the past decades. One definition from the early nineties sees it as “a strategic principle that seeks to accomplish its purposes through institutional consent rather than through threats of material or physical coercion”.¹ Another one would define that

the central purpose of cooperative security arrangements is to prevent war and to do so primarily by preventing the means for successful aggression from being assembled, thus also obviating the need for states so threatened to make their own counterpreparations. Cooperative security thus displaces the centerpiece of security planning from preparing to counter threats to preventing such threats from arising - from deterring aggression to making preparation for it more difficult. Cooperative security differs from the traditional idea of collective security as preventive medicine differs from acute care.²

The term is, however, not without problems. The first one concerns its semantics. It is hard to imagine how “security” would be either “cooperative”, or its opposite. What is obviously meant, deriving from the above definition, is not “security” as such but a specific security policy

¹ J.E. Nolan et. al., “*The Concept of Cooperative Security*”, in: J.E. Nolan (ed.), *Global Engagement, Cooperation and Security in the 21st Century*; Brookings, Washington, D.C., 1994, pp. 4-5.

² Ashton Carter/William Perry/John D. Steinbrunner, *A New Concept of Cooperative Security*; Brookings Institution, Washington D.C. 1992; p. 7. This definition coincides with the authors earlier distinction between “preventive” and “repressive” instruments of security policy; see H.Vetschera, “*International Law and International Security - The Case of Force Control*”, in: J. Delbrück (ed.), *German Yearbook of International Law*, vol. 24, Berlin, 1982. It will be the definition used within this paper.

strategy.³ In this context, the term would indicate a move from “traditional” security policy strategies based upon coercion and confrontation towards a strategy which attempts to find solution for security problems in cooperation even with potential enemies.

The second one concerns the novelty of the concept. In contrast to the way it has been frequently presented, it is not too new at all. It could be traced back practically throughout the history of diplomatic relations. It was first explicitly expressed in the development of the arms control concept in the early sixties of the 20th century by Schelling/Halperin, Brennan and Bull⁴ who emphasized the necessity to cooperate even with potential enemies in order to prevent the outbreak of wars. It has, however, gained increased popularity in the later stages of the East-West confrontation where it was frequently presented as “alternative” security policy, juxtaposed to deterrence, and after the end of the East-West divide finally emerged as a dominating principle of European security policy, enshrined in relevant documents in particular in the context of the Conference on (and later Organization for) Security and Cooperation in Europe (CSCE/OSCE).⁵

³ Therefore, within this paper we would prefer to use the conceptually more correct term “cooperative security (policy)” rather than the misleading term “cooperative security”.

⁴ “A nation’s military force, while opposing the military force of potentially hostile nations, is also bound to collaborate, implicitly if not explicitly, in avoiding the kinds of crises in which withdrawal is intolerable for both sides, in avoiding false alarms and mistaken intentions, and in providing reassurance that restraint on the part of the potential enemies would be matched by restraint on one’s own side” (emphasis H.V.); Thomas C. Schelling/Morton H. Halperin, *Strategy and Arms Control*, 1961; reprint 1985, McLean, VA, p. 1; The same approach has been taken by Donald G. Brennan, *Setting and Goals of Arms Control*, in: D. G. Brennan (ed.), *Arms Control, Disarmament and National Security*; G. Braziller, New York, 1961; and Hedley Bull, *The Control of the Arms Race*, London, 1961.

⁵ The CSCE/OSCE has been frequently characterized as an archetypal institution of cooperative security (policy), See for example “*Cooperative Security* is the best characterization of the CSCE as a security regime, both in terms of the role of reciprocity and the mode of decision-making”; Kari Möttölä, *Prospects for Cooperative Security in Europe: The Role of the CSCE*; in: Michael R. Lucas, *The CSCE in the 1990s: Constructing European Security and Cooperation*; Nomos, Baden/Baden, 1993, pp. 1-29 (28).

Ironically, at the same time when the concept of “cooperative security” became the mantra of European security policy, Europe experienced the fiercest breakout of violence since the end of World War II with the secession wars in former Yugoslavia. It became on the one hand a clear indicator for the limits of cooperative security strategies, while the post-war settlements, on the other hand, clearly indicated the role of cooperative security policy strategies not only to prevent armed conflicts, but also to re-establish security in post-war situations.

The following paper will thus

- present the substance of cooperative security policy strategies, including their relation to other, allegedly “more traditional”, security policy strategies;
- indicate how the various security policy strategies have been used in the context of Yugoslav secession wars and thereafter, and finally
- assess the application of cooperative other security and strategies in the sequence of the dissolution of former Yugoslavia, and the criteria for their success or failure.

The Concept of Cooperative Security (Policy)

Despite the above definition, the concept of “cooperative security” and its use appears rather fuzzy, in particular within the academic community.⁶ Definitions are – in particular in the American academic debate – mostly linked to the dispute between “realists” and “idealists”, although there are indications that the gap might shrink.⁷ In the same context, co-

⁶ In particular with the studies of Carter/Perry/Steinbrunner as well as the collective edition by J. Nolan, and the debate about the role of international institutions between Mearsheimer, Glaser, Keohane/ Martin, Kupchan/Kupchan and Ruggie in *International Security*, vol. 19, no. 3 spring 1995, and vol. 20, no. 1, summer 1995.

⁷ “Structural realism properly understood predicts that, under a wide range of conditions, adversaries can best achieve their security goals through cooperative policies, not competitive ones, and should, therefore, choose cooperation when these conditions prevail”; Charles L. Glaser, *Realists as Optimists: Cooperation as Self-Help*; in: *International Security*, Winter 1994/95; vol. 19, no. 3, pp. 50-90 (51).

operative security (policy) has been frequently seen as a question of institutions which are in the view of “realists” perceived as illusions.⁸

Despite the rather coherent definitions of “cooperative security” given at the beginning of this paper, there appear no clear indications about its characteristics, its substance or its limits both in conceptual and in practical terms.⁹ A particular weakness within this debate is the lack of any conceptual opposite to “cooperative security” which leads in many cases to a mix-up with traditional concepts, as for example collective security.¹⁰

The debate about chances and limits of “cooperative security” has thus mostly been guided by some unrealistic expectations about its capabilities. On the one hand, “idealistic”/“liberal” representatives tend to present “cooperative security” as a comprehensive alternative which could finally replace allegedly more “traditional” security policy approaches and make them obsolete. On the other hand, “realistic” representatives come – in reaction to such unrealistic claims – to the conclusion that “cooperative security” would be just an illusion as it could not live up to such overoptimistic expectations. There are only few authors who come to a balanced view,¹¹ but even they are frequently trapped in the lack of delineation to other concepts.

⁸ See John J. Mearsheimer, *The False Promise of International Institutions*; in: *International Security*, winter 1994/95; Vol. 19, no. 3, pp. 5-49.

⁹ In particular with respect to the role of non-cooperative instruments. See for example Möttölä, “The success of the CSCE in pursuing *deterrence* (*emphasis H.V.*) of war and conflict...”, *ibid*, p. 29; or Perry, “An integral part of any cooperative security regime must therefore be the capability to organize multinational forces to defeat aggression should it occur”; W. J. Perry, *Military Action: When to use It and How to Ensure Its Effectiveness*; in: J. Nolan (ed.), *Global Engagement*, pp. 235-241 (235). The terms “deterrence” or “defeat” would normally not be associated with “cooperative”, but rather with other strategies; see below.

¹⁰ As for example in Perrys view on “multinational forces to *defeat aggression* should it occur”; see above. Such statements would correspond to the concept of “collective” rather “cooperative” security.

¹¹ As for example C. L. Glaser, *ibid*, p. 50.

The lack of conceptual clarity thus leads to mistaken views and expectations. On the one hand, cooperation is presented as a general concept to overcome the anarchy of the international system¹² as perceived by the “realists”. On the other hand – and mainly in reaction to these overoptimistic views – “cooperative security” is viewed as insufficient by the mainstream of the “realists”.¹³ The contradictions are further aggravated by the presentation of “cooperative security” not only as an antithesis, but also implicitly as a preferable alternative to traditional security policy strategies.¹⁴

If, however, seen as complementary, rather than alternative, to traditional, “competitive”¹⁵ strategies, applied in accordance with the circumstances, it may also find its way into the “realist” school of international relations.¹⁶

Cooperative and non-cooperative security policies

“Cooperative security” has been frequently defined as differing from “traditional” security policy strategies, but little has been said about the difference in substance. The approach appears conceptually flawed, as “tradition” is not by definition an opposite term to “cooperation”. A more adequate term for the opposite would be “competitive” as used by Glaser.¹⁷ For the purpose of this paper we would prefer, however, the

¹² Examples at J. Mearsheimer, *ibid.*, pp. 38-39.

¹³ “Structural realists are pessimistic about the prospects for international cooperation; they believe that competition between the major powers in the international system is the normal state of affairs”; C. L. Glaser, *ibid.*, p. 50.

¹⁴ “Structural realism properly understood predicts that, under a wide range of conditions, adversaries can best achieve their security goals through cooperative policies, not competitive ones, and should, therefore, choose cooperation when these conditions prevail”; C. L. Glaser, *ibid.*

¹⁵ The term used by C. L. Glaser; *ibid.*, p. 51; it corresponds to a large degree to the term “confrontational” security policy as used by the author in earlier studies.

¹⁶ Cf. C. L. Glaser, *ibid.*, p. 50.

¹⁷ See above.

term “non-cooperative”. In this distinction, the allegedly “traditional” strategies would be mostly identified as “non-cooperative”.¹⁸

The Differences between non-cooperative and cooperative strategies

“Non-cooperative” strategies are primarily aimed at giving security “from” each other. In the view of game theory, they would have to be defined as a “zero-sum game”, where any gains could only be achieved at the expense of the other side, in particular when it comes to power politics. They perceive the other players as competitors and are thus justifiably described as “competitive”.

Within non-cooperative strategies, the most pristine one would be individual or collective self-defence.¹⁹ It can manifest itself either as “defence” in the original, narrow sense, or as deterrence. In the context of collective self-defence, its institutional framework would be alliances, aimed against a potential adversary outside the alliance which in most cases has already in advance been identified as threat.²⁰

Another manifestation of non-cooperative strategies is the concept of “collective security”, as developed within the institutional frameworks of the League of Nations or the United Nations.²¹ It is no longer aimed against a more or less identifiable potential adversary from outside the system, but against any potential aggressor within the system. Future aggression should be deterred by the threat of joint coercive actions against the would-be aggressor. It requires an adequate institutional

¹⁸ We should not ignore, however, that classical (and therefore “traditional”) means as for example diplomacy would also fall into the “cooperative” category”. They have, however, for a long time not been perceived as means of “security policy” by the security policy mainstream.

¹⁹ Cf. Art. 51 of the UN Charter.

²⁰ As for example the original purpose of NATO to deter a potential aggression by the Soviet Union and its allies.

²¹ Cf. Art. 1 of the UN Charter: “... *to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace*”.

framework with decision-making capabilities to decide about coercive measures against the aggressor.²²

Practice has shown, however, that such institutions are as a rule not limited to coercive measures only. They should also provide for the promotion of peaceful relations and peaceful settlement of disputes among their members, and thus contain some cooperative elements.²³

Truly cooperative strategies should contain no coercive elements at all. As it derives from the various descriptions, they should be characterized by finding solutions for security problems in cooperation even with potential competitors. They should not aim at deterrence but at preventing conflicts from emerging, or at least preventing political disputes to grow into armed conflicts.²⁴ Their instruments aim at improved predictability, the reduction of misunderstandings, and conflict prevention by negotiations and consultations. They are, in their essence, preventive.²⁵

In the context of game theory, cooperative strategies would be characterized as non-zero-sum games. The players could achieve higher gains (or reduce their losses significantly) by cooperating, rather than competing, with each other.²⁶

The concept presupposes, however, implicitly if not explicitly, that all players are truly interested in maintaining security for all, including the other players, and would thus refrain from attempts to increase their own security at the expense of the security of the other players. They would have to aim at security *with* each other, rather than *from* each other.

²² As for example the UN Security Council. Cf. UN charter, chapter V.

²³ Cf. Art. 1 of the UN Charter: "... and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace."

²⁴ See the above quotation from A. Carter/W. Perry/J. D. Steinbrunner, "... to prevent war and to do so primarily by preventing the means for successful aggression from being assembled"; Fn 2. Cf. also the role of arms control, Fn. 4.

²⁵ Cf. the comparison to preventive medicine by A. Carter/W. Perry/J. D. Steinbrunner, *ibid.*

²⁶ This is the essence of the so-called "prisoners' dilemma".

Cooperative security (policy) thus depends on the willingness by all to cooperate. If one player for whatever reasons would not be ready or willing to cooperate, cooperative security (policy) has little chances. These are its limits. If they are ignored, cooperative security (policy) might indeed quickly turn into wishful thinking or illusions.

The relation between non-cooperative and cooperative strategies

The question of the relationship between the two types of strategies is not only of academic interest but has also implications for their use in practice. It serves as a reference framework for the decision what strategies to use under what circumstances.

The point of departure would be the characteristics of the two types:

- Non-cooperative strategies are, in their essence, repressive,²⁷ based on deterrence, i.e. the threat with coercive or retaliatory measures in the case of aggression or the breach of peace.²⁸ Their contribution to conflict prevention is so to say an indirect one, based on the threat of losses the potential aggressor would have to suffer. To be credible, they require, at their ultimate stage, the readiness to fight a war about the issue at stake, either to defend against, or to coerce,²⁹ the other side. Non-cooperative strategies are most adequate for maintaining international peace and security in deterring intentional and calculated aggression. They are, however, inadequate to prevent the emerging of armed conflicts out of misinterpretation of activities, miscalculation, mistaken assessment of a situation, or similar causes.

²⁷ On the question of “repressive” and “preventive” instruments cf. H. Vetschera, *International Law and International Security: The Case of Force Control*; in: Jost Delbrück (Ed.), *German Yearbook of International Law*, vol. 24/1981; Berlin, 1982, pp. 144-165 (pp. 151-152).

²⁸ See Chapter VII of the UN Charter.

²⁹ As for example in executing a decision by the UN Security Council in the context of Collective Security.

- In contrast, cooperative security (policy) is by definition preventive³⁰ in a direct way, explicitly aiming at eliminating or at least reducing misunderstandings and misinterpretations.³¹ It presupposes the willingness to cooperate even between potential adversaries but also depends on the willingness of all to cooperate. It requires, at its ultimate stage, the readiness to give up some elements of the issues at stake, in order to achieve a compromise. It is thus inadequate to prevent calculated aggression, as any potential aggressor bound towards confrontation would lack the readiness to compromise.

Non-cooperative and cooperative security policies thus correspond to two contradictory situations which reflect two fundamentally different scenarios:

- Non-cooperative strategies are aimed against threats by an adversary ready for intentional and calculated aggression, who should be deterred or repelled;
- cooperative strategies are aimed against risks potentially developing out of a situation; their “adversaries” are so to say not the other players, but the coincidences and circumstances leading into unintended escalation.

Each of the two strategies appears thus adequate to cope with its corresponding scenario. However, the two strategies cannot cope with the basic scenario of the other strategy. They can cover only one part of the whole spectrum of threats and risks respectively, but not the other part. They are thus no “alternatives” as they cannot replace each other, but complementary to each other.

³⁰ Cf. the description that “*Cooperative security thus displaces the centerpiece of security planning from preparing to counter threats to preventing such threats from arising ... Cooperative security differs from the traditional idea of collective security as preventive medicine differs from acute care*” by Carter/ Perry/ Steinbrunner, see above.

³¹ For the military sphere see Schelling/Halperin, *ibid.* “... in the modern era, the purpose of military force is not simply to win wars, but to deter aggression, *while avoiding the kind of threat that may provoke desperate, preventive, or irrational military action on the part of other countries*”.

STRATEGY (to be used against)	ESCALATION FROM CRISIS	PLANNED AGGRESSION
	UNINTENDED	INTENDED
	WAR	
COOPERATIVE PREVENTIVE DIPLOMACY	ADEQUATE	NON-ADEQUATE
NON-COOPERATIVE “REPRESSIVE” DETERRENCE	NON-ADEQUATE	ADEQUATE

Table I

The Two Approaches

The relation between the two strategies is thus characterized by two main factors:

- On the one hand, their complementarity. They are mutually exclusive strategies, being either applicable, or non-applicable. None of them could cover the whole spectrum of threats and risks, but only a part of it;
- On the other hand, their place within escalation. Cooperative strategies will be adequate in an early stage of escalation, to prevent a further growing of a conflict. If, however, one of the parties chooses non-cooperation, the conflict would quickly escalate and induce the others to embark upon non-cooperative strategies (deterrence, defence or enforcement), too.

The corresponding sequence can be derived from the UN charter which clearly indicates the inherent correlation between cooperative (Chapter VI) and non-cooperative (Chapter VII) strategies on the ladder of escalation³².

³² Chapter VI is devoted to the “*pacific settlement of disputes*”, i.e. the cooperative approach (cf. the means as enumerated in Art 33 par. 1 – *negotiation, enquiry, media-*

The Application to South Eastern Europe

The development of the wars in former Yugoslavia and thereafter have seen the application of both non-cooperative and cooperative strategies. The following chapter will present the application of these strategies both by the conflicting parties on the ground and the international community³³ during the various stages of the conflicts and thereafter.

The first stage: the conflicts

The deteriorating social and economic situation in the then Socialist Federal Republic Yugoslavia (SFRY) since the beginning of the 1980s led to the growing of nationalisms in the various republics.³⁴ During the early stages, it appeared that the various actors on the ground would in principle adhere to cooperative strategies, emphasizing negotiations despite increasingly sharper rhetoric. The first indication for non-cooperative attitudes was the abolishing of Kosovo's autonomy by the

tion, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means). If it proves unsuccessful, the Charter authorizes the Security Council to act – first, still upon request of the parties to a dispute within the cooperative framework of Chapter VI (*recommendations to the parties with a view to a peaceful settlement of the dispute*; Art. 38), but in case of further escalation also to take coercive measures for the enforcement of international peace and security under Chapter VII, imposing non-military (*complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations*; Art. 41) and finally military (*action by air, sea, or land forces as may be necessary to maintain or restore international peace and security*; Art. 42) measures.

³³ The term “*international community/IC*” is problematic. It gives the impression of one single actor rather than a conglomerate of actors with often contradictory interests. Furthermore, this alleged “single actor” (in South Eastern Europe frequently referred to as “the international factor”) is all too often perceived as a powerful conspiracy against the respective interests, and blamed for all the wrong which has happened to the respective State or group. The joke goes that “IC” stands for “*international conspiracy*” rather than for “*international community*”.

³⁴ For the growing of the conflicts see: Misha Glenny, *The Fall of Yugoslavia*; New edition 1993; Penguin Books, London; Laura Silber/Allan Little, *The Death of Yugoslavia*, Penguin Books, London, 2nd revised edition 1996.

Serbian government, in breach of the SFRY's 1974 constitution, and the intensification of repression. An even stronger indication for non-cooperative strategies showing the willingness to use force was given in Slobodan Milosevic's speech on occasion of the 600th anniversary of the battle of Kosovo Polje.³⁵

The readiness for compromise declined further on all sides, with the last chance for a peaceful development missed with the non-acceptance by the Serbian side of a proposal for constitutional changes in 1990 towards a confederation rather than a federation. When Slovenia and Croatia finally declared independence in summer 1991, the political conflict turned into a military one, to be soon followed by war in Bosnia-Herzegovina from 1992 until 1995.

Parallel to these developments, the situation in Kosovo gradually deteriorated, yet remained still below the level of armed confrontation. In late 1992, the international community attempted to defuse growing tensions in Kosovo, Sandžak and Vojvodina by deploying the first CSCE field missions into these areas. Their mandate was a clearly cooperative one. While the Milan Panic government in Belgrade first accepted these Missions and was ready to cooperate, the Milošević-Šešelj coalition government emerging from the elections in December 1992 took a clearly non-cooperative stance and refused to extend the Memorandum of Understanding (MoU) with the missions, forcing them to leave the country by mid-1993.³⁶

³⁵ Cf. the analysis of the various "signals" before the outbreak of actual hostilities in H. Vetschera/Andrea Smutek-Riemer, *Early warning, the case of Yugoslavia*; conference paper, at the XVI World Congress of the International Political Science Association (IPSA), Berlin, 1994.

³⁶ It is a popular misinterpretation that this step would have been taken in retaliation for the FRY's being suspended from the CSCE. There is no such direct correlation, as the FRY had already been suspended in July 1992, some three months before the Missions were deployed. The only connection is the FRY's governments attempt to blackmail the CSCE to be (re-)admitted in exchange for extending the MoU.

The author was at that time desk office for the Missions at the CSCE Conflict Prevention Centre (CPC).

This did not exclude cooperative moves, however. Slovenia and the in practice already Serbian dominated rump Yugoslavia (later established as the “Federal Republic of Yugoslavia”/FRY) accepted a cease-fire soon after the outbreak of hostilities, and a compromise leading to the *de jure* divorce of Slovenia from Yugoslavia in early 1992. Also in early 1992, Croatia and rump-Yugoslavia accepted a cease-fire and its supervision by a UN peacekeeping force, the United Nations Protection Force (UNPROFOR). While the cease-fire and the subsequent deployment of UNPROFOR had been achieved under pressure by the international community, it proved nevertheless working, albeit with some mental reservations on the Croatian side which kept the option open for re-conquering the parts occupied by Serbian forces. Deploying a peacekeeping force with a mostly cooperative mandate thus proved adequate to the situation, as it was – for the time being – in principle accepted by all sides on the ground. The situation only changed when Croatia switched back to non-cooperative strategies with the respective offensives in 1995, re-conquering the parts occupied by Serbian forces.

In contrast, the situation in Bosnia-Herzegovina left little space for cooperative strategies, apart from some deals about humanitarian aid getting into beleaguered places like Sarajevo. Cease-fires were brokered and broken by the dozens. One particular case of failed cooperative measures were the “protected zones” under the auspices of the United Nations. Established under the assumption of a compromise about their status, they would have required the willingness by all sides to respect them. The Serbian side, however, lacked this willingness and overran two of them.

Correspondingly, the application of cooperative measures by the international community proved mostly unsuccessful. It presupposed the willingness to cooperate by the parties on the ground which did not exist, in particular on the Serbian side which saw itself on the winning road and therefore had no reason to cooperate. The most appalling example for the failed application of cooperative measures was the denial to UN-

PROFOR of a mandate adequate to the situation on the ground, which made them mostly helpless bystanders.³⁷

It is true that the UN Security Council also passed some resolutions on coercive measures, as for example the suspension of the then Federal Republic of Yugoslavia (FRY), by imposing an economic embargo against the FRY, or by the establishing of no-fly zones. The application of the latter was, however, mostly undercut by the attitude not to endanger the “cooperative” deployment of UNPROFOR by too effective enforcement measures.³⁸ Thus, the approach by the international community was mainly coined by the fiction that cooperative strategies would work, despite the obvious preference towards non-cooperative strategies by key players on the ground.

The further escalation in 1995 led to a change in strategy on all sides. In reaction to the massacre of Srebrenica and the increased shelling of Sarajevo, the international community switched towards non-cooperative strategies in bombing and shelling Serbian forces. At the same time, Croatia terminated her (cooperative) adherence to the cease-fire and overran the Serbian occupation forces. As a consequence, the Serbian side finally gave up its own non-cooperative strategies and accepted a cease-fire and serious peace negotiations, a clearly cooperative strategy.

The second stage: Dayton and beyond

The Dayton peace accords established a cooperative framework for the future relationship of the various former belligerents within Bosnia-Herzegovina and with the neighboring countries. The first most visible changes took place in the military sector, with an agreement on (military) confidence- and security-building measures (CSBM) in Bosnia-

³⁷ While UNPROFOR’s mandate was adequate to the tasks in Croatia, it proved untenable in its subsequent extension into Bosnia-Herzegovina while the war was going on. The taking of UN peacekeepers as hostages by Serbian forces in 1995 earned UNPROFOR the nickname that it would stand for “UNPROtected FOReigners”.

³⁸ As argued by then UN Undersecretary Akashi to the author, 1994.

Herzegovina (“Vienna Agreement”) and another agreement on sub-regional arms control, encompassing Bosnia-Herzegovina but also Croatia and the FRY (“Florence Agreement”).³⁹ Their implementation was in the first phase still characterized by uncertainties which gave the impression that the parties would still harbor mental reservations against too cooperative attitudes, and would keep the military, non-cooperative option open.⁴⁰ This changed in the course of 1996, in particular when Radovan Karadžić and Ratko Mladić disappeared from the political scene in the Republika Srpska in mid-1996, and from then onwards implementation became increasingly characterized by professional, cooperative attitudes on all sides.

The situation was less clear in the political field. There were some indications that the leaderships in Belgrade and Zagreb had not yet completely abandoned their expansionist attitudes, despite their pledges to the contrary in the Dayton Agreement. They still exerted quite some influence on their ethnic kin in Bosnia-Herzegovina to the detriment of the state of BiH. Also, the suspension of the FRY from membership in practically all international security organizations continued, thus preventing the emerging of “institutional consent” as characteristic for *co-operative security (policy)*.

The set-back: the Kosovo conflict

The situation in Kosovo had been contained in an uneasy balance of non-cooperation practically throughout most of the nineties. While the Serbian authorities had established a repressive regime, the Albanian majority offered civilian resistance, having gone underground and established a “parallel society”.

³⁹ The negotiations were mandated by Annex 1-B of the Dayton Agreement, Articles II and IV. They took place under a strict time limit and achieved the Vienna Agreement on 26 January 1996, and the Florence Agreement on 14 June 1996.

⁴⁰ Thus the conclusions by the first implementation assessment on the Vienna Agreement in May 1996, Department for Regional Stabilization, OSCE Mission to Bosnia-Herzegovina. The assessment was written by the author.

This changed with respect to their attitude after Dayton where the Albanians had felt “forgotten”, and in strategic terms when after the meltdown of Albania in summer 1997 huge amounts of weapons were smuggled into Kosovo. Ongoing repression by the Serbian authorities was now increasingly countered by Albanian armed resistance, growing into full-fledged guerilla war in the course of 1998. Again, the Serbian side embarked on non-cooperative strategies, with the partly implicit, partly explicit aim of “ethnically cleansing” Kosovo from its Albanian population. The situation became dramatic in mid-1998 when more than 400 000 Kosovars had been expelled and become either refugees, or internally displaced persons (IDPs).

The reactions on the side of the international community, in particular the West (i.e. the US and other NATO states) indicated that lessons had been learned in the application of the two approaches in security policy.

- In the first stage, the West embarked on a cooperative strategy to contain and end the conflict, leading to the Holbrooke-Milosevic agreement of October 1998 to end hostilities and have the cease-fire supervised by an unarmed, cooperative OSCE mission (Kosovo Verification Mission, KVM). The cease-fire remained, however, fragile and was increasingly broken as both sides (in particular, however, the Serbian side) had obviously not given up the military option.
- After several grave breaches, the international community attempted yet another cooperative approach in the Rambouillet/Paris negotiations in early 1999, to achieve a disengagement of forces and establish a peacekeeping force in Kosovo. While the Albanian side offered to accept the compromise proposal, the Serbian side refused any compromise. In reaction, the West switched towards non-cooperative strategies, too.
- As no Security Council resolution on coercive measures could be achieved, the Western States finally decided to act unilaterally and undertook a bombing campaign against the FRY. After several weeks of bombing, the FRY yielded to the Western demands and withdrew its forces from Kosovo.

- In reaction, the international community switched again back to cooperative strategies, establishing a UN administration in Kosovo and inserting a peacekeeping force, however with a “robust”, i.e. if necessary also non-cooperative, mandate.

The next phase: institutional cooperation re-established

Soon after the Kosovo conflict the situation changed both in Croatia and the FRY. In Croatia, the nationalistic phase came to an end with the death of President Tudjman, and the replacement of the nationalist HDZ government by a social democratic administration as a result of the elections held in 2000. In the FRY, the situation took an even more dramatic turn when the people stood up against an election fraud by the Milošević regime and toppled it in October 2000. Under the new democratic government, the FRY was again offered membership in international security policy institutions as for example the United Nations and the OSCE, and returned to the political stage. Thus, the FRY could finally participate in the “institutional consent” as postulated for “cooperative security”.

Another cooperative institutional framework of relevance is NATO’s Partnership for Peace (PfP) program. The various states of the Western Balkans joined at various stages, also indicating their involvement (or rather lack of) in the armed conflicts, with Albania and Slovenia⁴¹ in 1994, FYROM in 1995, Croatia in 2000, with the other successor States of the former SFRY lagging behind until they were invited by NATO at the 2006 Riga Summit.

Cooperative security (policy) was still occasionally challenged as for example by the outbreak of armed conflict within FYROM in 2001. However, it could be brought under control by international mediation before it could endanger the existence of the state or regional stability. Another challenge emerged with the declared wish of Montenegro to secede from the FRY. While these tendencies had been encouraged by

⁴¹ Slovenia achieved full membership in NATO in 2004.

the West during the Milošević years, they were seen less positive after the changes in Belgrade. The EU's High Representative for Foreign and Security Policy, Javier Solana, in 2003 brokered a moratorium of three years before a referendum on Montenegro's independence could be held. Again, cooperative approaches prevailed with both Serbia and Montenegro agreeing on, and adhering to, the envisaged procedures. When the expiry date of the moratorium approached in 2006 and Montenegro was – against all expectations by the West to the contrary – still bound to embark on independence, the spectre of yet another secession war loomed large despite the much lower level of emotions, compared to earlier secessions. Again, Cooperative security (policy) prevailed, when the EU brokered a specific procedure with a tailor-made threshold for the intended referendum. The compromise was accepted both by Serbia and Montenegro, the referendum was held in May 2006 and succeeded, with some question marks.

There remains, however the question of Kosovo where both the Serbian and the Albanian sides insist on their positions and leave little space for compromise. For the Albanian side, anything short of independence would be unacceptable. Similarly, for the Serbian side, a secession of Kosovo is equally unacceptable. Both sides increasingly appear to paint themselves into the corner. The question is whether they can, at the end, find a compromise at least in real life, even when a formally negotiated compromise might not be possible for domestic reasons, or if they chose to embark on non-cooperative strategies. We should not ignore that cooperative strategies require, at their ultimate stage, the readiness to give up some elements of the issues at stake, in order to achieve a compromise, and there are no visible signals in sight. On the other hand, non-cooperative strategies require, at their ultimate stage, the readiness to fight a war about the issue at stake, either to defend against, or to coerce. While it is yet unclear if the parties concerned would indeed carry on their non-cooperative attitudes to the extreme, we may notice increasingly belligerent rhetoric in particular from parts of the Belgrade political spectrum. Combined with the expressed lack of readiness to achieve a compromise, the situation increasingly reminds of the time when the conflicts started.

Conclusions for the role of cooperative security strategies in South Eastern Europe

The sequence of events in the dissolution of the former SFRY would allow for some conclusions about the role and possible application of cooperative – as well as non-cooperative – strategies, both for the parties on the ground, and for the international community.

One conclusion would be that the application of non-cooperative strategies as undertaken by the Serbian side proved mostly counterproductive for their strategic objectives:

- In the case of the secession of Slovenia they were undertaken more in symbolic terms, as a bluff to prevent secession. Slovenia called the bluff and Serbia had to leave it;
- In the case of Croatia, they were undertaken to establish Serbian rule in areas with a significant Serbian population, including their “ethnic cleansing”. While they were successful for a while, at the end the strategy led to defeat and the (partly forced) emigration of Serbs from Croatia;
- In Bosnia-Herzegovina they were partially successful, by creating the Republika Srpska (RS). However, the idea of a purely Serbian state within Bosnia-Herzegovina and the means of “ethnic cleansing” failed just when they appeared to succeed, by triggering Western intervention after the “most successful” acts of ethnic cleansing in Srebrenica. Western intervention turned the tide, and the idea of a “Serbian state” had to be given up in the Dayton Agreement. While the existence of the RS was thus accepted both by the other parties in BiH and the international community, it was so only as integral part of BiH and – despite its far-ranging autonomy – subordinated to the state of BiH, and open for all ethnic groups;
- In Kosovo, the idea of preventing an eventual secession of Albanians led to such wide repression that at the end, it triggered a Western response which will most probably end with the acceptance of Kosovo’s independence by key players as the United States and the European Union.

In short, the idea of establishing a “Greater Serbia” by non-cooperative strategies has mostly and drastically failed, Serbia being reduced (except for the Vojvodina) to its pre-Balkan Wars of 1912-1913.

The results appear more mixed in the case of the seceding states or entities:

- After the cooperative strategies for solving the dispute with the central government had failed, Slovenia embarked on a non-cooperative strategy by unilaterally declaring independence and engaging in armed conflict, and succeeded.
- Croatia went the same way but suffered defeat in the first round. It could compensate only when the strategic environment had changed but could then clearly defeat the Serbian occupation forces, and established, in conformity with the then prevailing nationalist ideology, a state with less Serbs than before.
- FYROM seceded successfully and peacefully, acting unilaterally but at the same time without too much confrontation vis-à-vis the Central state, or Serbia.
- In Bosnia-Herzegovina, the non-Serbian parties mostly engaged in cooperative approaches, declaring independence while attempting to keep the Serbian element on board. The approach failed due to the lack of will to cooperate on the Serbian side, leading to the most severe armed conflict in Europe since the end of World War II. As indicated above, the non-cooperative strategy of the Serbian side proved almost successful, would it not have been for their exceeding all borders of civilized behavior, and thus triggering Western intervention. Thus, in a mixture of cooperative (diplomatic means with *inter alia* the Dayton compromise) and non-cooperative (defence) strategies, Bosnia-Herzegovina achieved the strategic goal to survive as a state, albeit with far-ranging concessions to the Serbian side.
- In Kosovo, cooperative strategies were from the outset excluded by the non-cooperative strategies applied by the Serbian side from the late eighties onwards. The Albanian side remained non-violent but non-cooperative in the first years. Their strategies turned increasingly violent when frustration after Dayton had

grown, and the means for armed conflict had become available from 1997 onwards. As in the case of Croatia, they were first almost defeated, with a huge proportion of the Albanian population driven from their homes, and an almost successful campaign of “ethnic cleansing” by the Serbian side. However, it triggered – similar to the case of Bosnia-Herzegovina – a Western intervention which led to Serbian withdrawal from Kosovo and a *de facto* independence from Serbian rule. One decisive element in triggering this intervention was without doubt the Albanians, demonstrated willingness to accept a compromise at the Rambouillet/Paris negotiations, where the Serbian side had refused to accept a compromise.

For the international community, we might also see a mixed pattern, however with a distinctive “learning curve”. In the early phase, the international community almost exclusively embarked on cooperative strategies, with a few exceptions as for example the economic embargo against the FRY, and the imposition of the non-fly zones. It ignored the limits of cooperative strategies, depending on the willingness of all sides to accept compromises which was clearly not the case, in particular on the Serbian side. Thus, the international community allowed the agenda to be dictated by the party least inclined to compromise and cooperation, when it attempted to apply cooperative strategies in a situation where they were obviously inadequate.

It needed the most brutal excesses in Bosnia-Herzegovina after the fall of Srebrenica to make the international community switch from primarily cooperative strategies to non-cooperative strategies by intervening against the Serbian side. However, when the Serbian side had yielded, the time had again come for cooperative strategies, first with the Dayton Agreement and immediately afterwards with various cooperative Agreements in the military field, but subsequently also in other fields where the international community offered assistance to all sides. In Bosnia-Herzegovina, the Bonn Powers⁴² bestowed to the High Repre-

⁴² Introduced by the Peace Implementation Council Meeting held in Bonn on 9 and 10 December 1997 which significantly enhanced the High Representative’s authority by

sentative allowed for a flexible application both of cooperative and non-cooperative strategies, depending on the situation.

A similar pattern emerged in the context of the escalation in Kosovo. In the first instance, the international community applied cooperative strategies, beginning with the short-lived “long term missions” deployed by the CSCE in 1992-1993. The next such step was the Holbrooke-Milošević agreement, brokering a cease-fire and establishing a cease-fire verification mission in October 1998. When the fighting escalated nevertheless, the last such attempts were the Rambouillet/Paris negotiations. However, when these failed, too, the West immediately switched to non-cooperative strategies. These were credible as the West was willing to wage war, if necessary, when compromise was not accepted by the Serbian side.

The decisiveness demonstrated in 1999 stands in visible contrast to the wavering in the first phases of the conflict when necessary reactions were simply not taken (as for example after the shelling of Dubrovnik or the massacres in Vukovar).⁴³

entrusting him to impose solutions on the Parties, Paragraph XI.2 of the *Conclusions of the Peace Implementation Council Meeting held in Bonn on 9 and 10 December 1997*. They give him the competencies *inter alia* to take interim measures to take effect when parties are unable to reach agreement, which will remain in force until the Presidency or Council of Ministers has adopted a decision consistent with the Peace Agreement on the issue concerned, and to take any other measures to ensure implementation of the Peace Agreement throughout Bosnia and Herzegovina and its Entities, as well as the smooth running of the common institutions. Such measures may include actions against persons holding public office or officials who are absent from meetings without good cause or who are found by the High Representative to be in violation of legal commitments made under the Peace Agreement or the terms for its implementation.

⁴³ We should not ignore that in 1991 there would have been enough readiness even within the Yugoslav/Serbian general Staff to achieve a compromise with Croatia and the other republics bound to secede, with members warning against the dangers of possible Western intervention. The lack of adequate Western reaction led to these voices of caution and compromise being marginalized, while it strengthened those on the political and military levels who preferred non-cooperative strategies.

Timely and limited coercive reaction might thus have been more conducive to achieve a compromise and prevent further escalation, than the alleged preference for coopera-

To sum up, the application of the various cooperative and non-cooperative security strategies in the context of the Yugoslav wars and their aftermath allows the following conclusions:

- The almost exclusive reliance on non-cooperative strategies as applied primarily by the Serbian side has visibly failed. In the attempt to solve all perceived problems by non-cooperation, at the expense of all other parties, Serbia is now weaker than ever during the past century – economically, militarily, and politically. Serbia could have gained economically by ensuring ongoing cooperation with the other republics of the former SFRY, in particular Slovenia. Militarily, Serbia would have avoided the Western bombing campaign with all the losses of human life and economic infrastructure. Politically, she could have remained a respected member of the international community, rather than becoming a pariah state for several years which is not yet trusted completely by its former adversaries, be it in the region or in the West, but also by previously potential allies as for example Macedonia or Montenegro. Finally, Serbia could have gained adequate protection of minority rights for Serbs living outside Serbia if properly negotiated, rather than having to shelter them as refugees from Croatia, Bosnia-Herzegovina, or Kosovo.
- Unfortunately, some developments within Serbia in the context of the ongoing dispute over Kosovo give the impression that the lessons might not yet have been understood completely. An uncompromising stance in the question of the future status of Kosovo, as well as belligerent and unrepentant rhetoric by major political parties, might give rise to doubts about the readiness for cooperation and compromise.
- On the other hand, the almost exclusive reliance by the international community on cooperative security strategies during the early phases has also proven inadequate. It allowed the most aggressive parties in the various conflicts to gain undue advantages, as the strategies were not adequate to the concrete situation. The international community, and in particular the West, adjusted

tive strategies which turned counter-productive under the given circumstances and constellations

their strategies slowly and in many cases belatedly to the respective situations, at least during the wars in Croatia and Bosnia-Herzegovina.

It appears, however, that the West had already learnt its lessons when it was then during the Rambouillet/Paris negotiations faced with the dilemma what to do when one side would demonstrate readiness for a compromise, but the other would refuse. It was resolute enough to fight, as *ultima ratio*, a war when cooperative strategies had failed.

The main question for success or failure of a particular strategy (cooperative or non-cooperative) has thus not to be seen in the essence of the respective strategy, but whether it has been applied in accordance with the situation, or not. This is true for the Serbian side's frequent missing of opportunities for cooperative approaches. It is also true for the West's missing of the necessities to timely switch towards non-cooperative strategies, as it is ultimately true for the adequate Western responses in the escalation of the Kosovo conflict.

Chapter 4

Lost Opportunities and Unlearned Lessons – the Continuing Legacy of Bosnia

Kurt W. Bassuener

Introduction

The international intervention in Bosnia following the 1995 Dayton Peace Accords was among the first in a wave of such missions following the Cold War that were often derided, mostly from the right, in the United States as “nation building.” Many of the personnel who worked in Bosnia, be they soldiers, administrators, police, trainers or aid and development professionals, were involved in subsequent high-profile missions: Kosovo, East Timor, Afghanistan, and now Iraq. While these missions have major differences amongst them (particularly the nature of the interventions, as well as the mandate and composition of forces involved), the question of providing for public security and ensuring it into the future with local actors was a major factor in all of them. Yet, of these, perhaps the only one that can be termed a success would be East Timor. Kosovo, Afghanistan, and Iraq still experience serious public security problems, Iraq’s being most severe.

Bosnia should have provided lessons on how to create a secure public environment to allow a sustainable peaceful order to take root. Or rather, it should have provided vivid examples of how not to further those goals. Those lessons do not appear to be recognized, much less learned and applied. This is especially true of the United States, which played a prominent role in all but one (East Timor) of the missions listed above, and has been by far the dominant player in Afghanistan and Iraq. In each case, deficient public security in all its aspects, including minority communities’ safety, has been a serious damper on post-

conflict stabilization and self-sustaining democratic development. The international community failed to seize a window of opportunity in all the above cases. This does not necessarily doom efforts to establish viable local public security, but certainly makes them more difficult and costly. Bosnia itself seems to be moving consistently forward of late due to an understanding of the current situation and of past failures.

The case of Bosnia, even after a belated international intervention in the war, is a cautionary tale of missed opportunities. Public security is a primary responsibility of governance, and therefore an inherently political question. The fact that this vital function remained in very dubious hands was not addressed directly until years after Dayton, and the consequences of that delay continue to be felt.

Military and civilian planners both should familiarize themselves with the Bosnia experience to grasp the centrality of establishing public security as a *sine qua non* of establishing a legitimate and stable postwar order. Without it, there can be no mission success. Gradualism, while expedient, rarely pays. A willingness to tackle public security head-on in the early phases of an international mission, combined with clear-headed planning on how to domesticate it sustainably, provides the most assured “exit strategy.”

The Case of Bosnia

The War in Bosnia

The war in Bosnia and Herzegovina (hereafter “Bosnia” for brevity’s sake) began in April 1992 and went on until the signing of the Dayton Peace Accords in November 1995. In those three-and-a-half years, and estimated 200,000 people were killed, and hundreds of thousands more were expelled from their homes or emigrated. It was by far the bloodiest of the five wars fought within the territory of what was once Yugoslavia over the course of a decade.¹ The antagonists were the Bosnian

¹ These were: Slovenia (1991), Croatia (1991-1995), Bosnia (1992-1995), Kosovo (1998-1999), and Macedonia (2001)

government, which was internationally recognized at the beginning of the war; the Bosnian Serb “Republika Srpska,” which was militarily integrated with rump Yugoslavia (Serbia-Montenegro); and Bosnian Croat forces which were heavily integrated with Croatia. Both the neighboring states had designs on territory within Bosnia and Herzegovina, and worked with their co-ethnics to seize it. During these wars, the term “ethnic cleansing,” or forced expulsion and/or killing of other ethnic populations entered the English lexicon. Importantly, both regular and irregular forces, including Interior Ministry police forces (including from neighboring Serbia and Croatia) conducted ethnic cleansing campaigns and combat operations. This particularly included Interior Ministry “special police,” who were often better equipped and trained than the armies. These forces were instrumental in clearing undesired populations by means of terror or extermination. While the United Nations Protection Force (UNPROFOR) was present in Bosnia through the war, it provided little in the way of public security, hampered by its mandate and a lack of international political will to confront the Bosnian Serbs, who were by any measure the primary - though not only - offenders.

Dayton and IFOR

The Dayton Accords, signed in November 1995 after weeks of “proximity talks” at Wright-Patterson Air Force Base in Dayton, Ohio, brought open hostilities in Bosnia to a formal end. The signatories, which included Croatia and Serbia for their co-ethnics in Bosnia, agreed to a weak Bosnian state composed of two “entities:” the Federation of Bosnia and Herzegovina (which already technically existed from the previous year) and the “Republika Srpska.” These entities were ethnically derived, and held most of the powers that would normally accrue to a state: defense, taxation, and justice. The Federation was further divided into cantons, which led to four layers of governance for residents of the Federation: state, entity, canton, and municipality. The RS only had three. Policing was to be handled at the canton level in the Federation, and at the entity level in the RS.

In essence, the wartime nationalist parties (with some greater competition within the Bosniak community) were party to designing a political system that would protect their wartime gains and their own grip on power. However, the Accords contained passages committing the signatories to allow refugee return and arrest and hand-over to the International Criminal Tribunal for the former Yugoslavia (ICTY) indicted war criminals.

Part of the Dayton deal was that an international Implementation Force (IFOR) fielded by NATO was to guarantee separation of forces and the cantonment of weapons to preclude a resumption of hostilities. The Bosniak and Bosnian Croat communities generally welcomed the force, while the Bosnian Serb community generally saw it as an occupier. The force, with 60,000 troops (20,000 American) was allowed to deal with other public security issues such as assisting in refugee return and arresting war crimes suspects, but the Pentagon ensured that it did not have to pursue these tasks. This was a failure on the part of President Clinton to assert control over the U.S. military. In the mission's first few days, a challenge occurred when Bosnian Serb political leaders pressed Bosnian Serb residents to evacuate Grbavica, a Serb-inhabited neighborhood in Sarajevo that was to fall under Federation control. The IFOR Commander, Admiral Leighton Smith, met scenes of forced removal and wanton vandalism with apparent indifference. In the following months, reports of indicted Bosnian Serb political leader Radovan Karadzic driving through U.S. Army checkpoints leaked out. IFOR did its strictly military mandate well. But the strict constructionist approach adopted at U.S. military insistence did little to promote public security for individual Bosnians.

Dayton also created *ad hoc* bodies to assess implementation and progress. The Peace Implementation Council (PIC) is the supreme international supervisory body on Bosnia's Dayton Implementation, and consists of some 55 governments and international organizations, including the United Nations and the World Bank. The international High Representative, who was charged with coordinating the international civilian component of Dayton implementation on the ground through his office (OHR), reports to the PIC. The Organization

for Security and Cooperation in Europe (OSCE) was engaged in organizing elections, and later took a serious role in the promotion of democracy and human rights.

Yet despite the considerable international commitment of resources and personnel, very little ground was gained in the initial post-Dayton years. Not surprisingly, both Belgrade and Zagreb continued their pernicious involvement in Bosnia, violating the terms of the Dayton Accords regularly in various ways, most notoriously by sheltering war crimes indictees. Political power structures built on or supported by black marketeering and other criminal activity during the war maintained and usually expanded their assets postwar. It is fair to speak of a political-criminal nexus in each of the three communities, and often more than one. The international community's desire for a quick win or "deliverable" early after intervention led to a push for elections in 1996. Given a far from a level playing field, a short time lag since the end of the war, and the ethnification of the franchise through the design of governing structures, the 1996 elections served to grant a further veneer of legitimacy to the wartime political players and to cement them in power. These political forces used this time to further their personal economic interests and make it more difficult for Bosnia to become a functioning state.

The international community sent mixed signals in Bosnia, despite the massive commitment of troops and civilian personnel. The unrealistic one-year time frame initially articulated by President Clinton for domestic political purposes signaled a lack of commitment to Bosnia's recovery. The disposition of international forces toward the fundamental public security issues of secure minority refugee return and arrest of war crimes indictees also signaled irresolution. There was no apparent strategic approach to the international engagement in Bosnia, and the local political actors took note and drew their conclusions accordingly. A political fear of casualties, particularly with American forces, led to repeated threats (and incidents) of public disorder by nationalists should indictees be arrested, mosques be rebuilt, refugees allowed to return. This tactic was repeated regularly, and went essentially unchallenged for years, leaving the initiative to the adversaries of progress. International

engagement in Bosnia may have been pervasive, but it also appeared hollow and rudderless.

In 1996, despite the 1994 Washington Agreement that created the Federation (and incidentally was the first international agreement in Bosnia that recognized rights vested in peoples rather than citizens), there remained three armies, three separate intelligence services, and three interior ministries – the main body charged with promoting public security. The Dayton Bosnian state didn't have any of these capacities – they were vested in the entities.

Post-Dayton Public Security

Bosnian security structures, especially those under the control of the Bosnian Serb and Bosnian Croat political leaderships, had little or no incentive to promote the tougher aspects of public security or perception thereof – it ran contrary to their interests, and would essentially undo the ethnic cleansing they had driven. All three of the main nationalist parties – the Bosnian Serb Serbian Democratic Party, the Bosnian Croat branch of the Croatian Democratic Union, and the Bosniak Party of Democratic Action – all had vested political capital in maintaining “kept populations” of internally displaced persons and refugees who depended on them for housing, income support, etc. These persons often lived in the homes of previous residents who had been “cleansed,” and were kept reliant on the patronage of these parties. Furthermore, the return of refugees could make them homeless again with no guarantee that they would be able to go back to their home. That is, if it still existed or if it would be safe to return to an area where they were a minority. A number of efforts to promote minority refugee return in the first few years after the war ended in failure, and violence against returnees was not uncommon. Intimidation was the norm.

Integral to this problem was the fact that the police that had been working during the war, including in “ethnic cleansing,” killings, rape and other violations of human rights, were likely to remain on duty. The International Police Task Force (IPTF), a UN-run body charged with

police training (but without executive powers), certified police in both entities. However, the local police forces were not seen by a critical mass of refugees and IDPs who expressed an interest in returning to their homes to have been sufficiently weeded of likely war criminals. Even if these persons were removed from the police force, they usually remained in the community as a menacing, and often influential, presence. For a number of years after Dayton, minority refugee returns were very low, and remained on the outskirts of towns rather than in them. Demographically, returnees were more likely to be old, returning to live their final years in their homes. Very few returnees came with young children or with expectations of finding work.

The impediments to credible locally provided public security were fundamentally political, not technical. There was no doubt also a need to build institutions, provide appropriate law-enforcement training, etc. But to attempt to move on those fronts with the political actors and incentive structure unchanged was a recipe for stagnation.

Ownership of What, Exactly?

In 1998, well before Bosnia's institutions showed any hope of being able to handle the tasks normally expected of government, the international community began to employ the term "ownership" to indicate that Bosnia's institutions should take responsibility for these functions. This included the onus of public security, including the arrest of war crimes indictees and protection of returnees.

However, the term "ownership" begs the questions *of what?* and *by whom?* The nature of the Bosnian forces charged with maintaining public security, and the masters they served, had no interest in hastening their own demise by scattering their constituency. Their basic platform was fear of the other ethnic communities and promising protection to their own, so maintaining that as a central concern was critical.

The Dayton formula, taken rigidly, stood in the way of having its most fundamental aspects implemented, by providing insurance for the

political and criminal powers that benefited most from the war. This approach allowed them to retain and even expand their influence.

“Bonn Powers” and War Crimes Arrests

By the end of the second full year of international post-Dayton engagement in Bosnia, the international community seemed to be slowly sobering to the immensity of the task that remained, and the inadequacy of the tools to address it. At the December 1997 meeting of the Peace Implementation Council, the High Representative was given new powers to strengthen his hand in dealing with the Bosnian power centers. Soon termed the “Bonn powers,” the PIC gave the High Representative paramount authority to not only oversee implementation of Dayton’s provisions, but also to interpret what these meant. In essence, the international community now had an “elastic clause” allowing it more flexibility to push needed reforms forward. Not initially employed to a great extent, their application grew over time to be an essential trump card.

Another event earlier in 1997 also had an important impact on public security in Bosnia. In July 1997, British paratroopers attempted to arrest two Bosnian Serb wartime officials for war crimes. One, Milan Kovacevic, was successfully arrested. The other, Simo Drljaca, foolishly drew a weapon and was gunned-down by the paras. This was the first forcible arrest of a war crimes indictee in Bosnia, launching a trend that forced remaining indictees into hiding. Another innovation, the sealed indictment, was developed by the International Criminal Tribunal for the former Yugoslavia (ICTY) to preclude indictees from preparing to violently resist impending arrest or flee. Since then, an increasing number of indictees have been captured or have surrendered for trial.

Despite the innovations discussed above, Bosnia remained essentially stagnant for years following Dayton. Provision of public security remained the preserve of police forces that had been essentially unreformed since the end of the war. The political masters of these

forces saw little or no incentive to promote a climate of public security for minorities, would-be returnees, or even “their own” populations, given the centrality of fear to maintaining their grip on authority. With the exception of the Bosniak SDA (which saw a unitary state as one in which they would hold sway), the nationalist parties were against conveying powers to the state, where they would exercise less control.

In 2000, democratic transitions took place first in Croatia and then in Serbia. While neither completely overturned the wartime order, this change provided more leverage to the international community to curtail these countries’ engagement in Bosnia. However, President Vojislav Kostunica of Serbia was an avowed nationalist, and gave a shot in the arm to Bosnian Serb nationalists who had begun to show signs of resignation to remaining in Bosnia (albeit with rigid guarantees that maintained *de facto*). Both countries remain under international pressure for their suspected harboring of war crimes indictees.

Minority returns did not begin occurring in significant volume until 2000. Not coincidentally, this was after indicted war criminals had begun to get arrested, and obstructionist public officials were dismissed with greater frequency. It is worthy of note that minority returns to northern Bosnia, in the RS, rose heavily in the British sector, where more war crimes indictees were forcibly arrested and where the troops took a more proactive and informal approach to their duties. This was despite the fact that some of the most chilling atrocities occurred in the area during the war, particularly around Prijedor, where the infamous Omarska, Trnopolje, and Keraterm detention camps were situated. Neither the American nor the French sectors earned such a reputation.

In 2001, a long-planned public event to mark the launch of the reconstruction of the famed Ferhadija mosque in Banja Luka, deliberately demolished during the war, was disrupted by violence unchecked by RS police or SFOR. The mob violence, clearly instigated and abetted by RS officials, was clearly intended to convey the message that minority returnees to the RS would be unsafe, and that the results of ethnic cleansing were irreversible.

The Problem is Political

Political structures are the key for Bosnia's ability to develop a functioning state under democratic governance and rule of law, factors essential to the mainstream European aspirations of the population. Bosnia's governing system and electoral structures ensured that the nationalist parties who prosecuted the war and their patronage networks remained dominant, hindering most progress. A lack of security for persons from one ethnicity in the territory controlled by another was central to maintaining these parties in power. The deeply politicized public security structures were involved in not only wartime activities but also continued organized crime. In essence, the forces that were charged with providing public security were seen by large swathes of the population as threatening their personal security. Bosnia's electoral system and convoluted governing structures gave little incentive to national reconciliation, reform, reconstruction, or professionalism. Instead, the system, with its many layers and overlapping competencies, facilitated graft. Politics was (and remains) a for-profit enterprise in Bosnia. Without fundamental political and structural changes, Bosnia would remain a dysfunctional ward of an increasingly fatigued international community.

Leveraging the International Factor

While the two High Representatives who had use of the Bonn powers, Spaniard Carlos Westendorp and Austrian Wolfgang Petritsch, used them increasingly to deal with obstructionist officials or those implicated in crimes, as well as to advance progress by decree, there seemed little strategy in their approach.

The attacks on September 11, 2001 in the United States created a renewed interest in Bosnia on the part of the Bush Administration, which had entered office vocally disdainful of "nation-building" in general and American engagement in the Balkans in particular. The fear of Islamist terrorist operations emanating or supported from Bosnia bolstered Washington's commitment to maintain a foothold force presence in

Bosnia, despite the emerging likelihood of the European Union succeeding SFOR with its own mission. This presence was deemed essential for national security reasons, and was also designed to assist EUFOR in operations to apprehend indicted war criminals.

With the replacement of Mr. Petritsch planned for mid-2002 and the likely arrival of Lord Paddy Ashdown, a British politician and former Royal Marine who earned a reputation for being forward-leaning on the Balkans, the Democratization Policy Institute (DPI) published *An Agenda for Bosnia's Next High Representative*.² The authors of the *Agenda* reverse-engineered from the goal of Bosnian candidacy for the EU, and then assessed what changes had to be made in Bosnia to make this a viable prospect. The *Agenda* then proposed ways that the High Representative could pursue these objectives within his powers. Central to our approach was the concept that Bosnia would not develop the ability to self-reform until certain major impediments were eliminated or sidelined. Simply put, some problems were just too great for Bosnians to overcome under the existing system. It was important to discern which issues, including those of public security, could be addressed by a combined approach with Bosnians and internationals, and which had to be confronted, at least initially, by international actors alone. Overall, the *Agenda* proposed a framework of increased cooperation and consultation, while recognizing that the internationals had to do some things themselves before a handoff of “ownership” could be made responsibly.

In the realm of public security, DPI had four direct recommendations, and one overarching one that would influence the entire political dynamic in Bosnia. While these are three years old, they remain relevant to a great extent. Each will be addressed in turn below. Most of the other recommendations would have had an indirect public security benefit, such as a judicial reappointment process, legal review and reform, and customs revenue redirection to state coffers. All the DPI recommendations were aimed at helping create of foster political and

² *An Agenda for Bosnia's Next High Representative*; Democratization Policy Institute, Washington, 2002. Available at DPI's archived cite: www.anonime.com/dpinstitute

administrative structures capable of self-propelled reform and achieving the European aspirations of Bosnia's population.

The Bosnian electoral system built-in advantages for the nationalist parties that prosecuted the war and maintained patronage networks involved in organized crime and terrorism. Candidates can seek office by appealing only to their own ethnic group, making it politically advantageous to stoke nationalist fears. The resulting dearth of political moderates led to the need for OHR to remove public officials, apply pressure to cobble-together moderate coalitions, and impose legislation. Polls by the National Democratic Institute and others showed that citizens of all ethnicities did not have national or ethnic issues foremost in their priorities; the most salient concerns were economic. An electoral system that forced politicians to look beyond their own ethnic base for votes would force them to campaign on cross-cutting issues addressing voters' aspirations and needs. DPI recommended that the High Representative convene a group of Bosnian experts with some international advisors that to design new laws that would: conform to the spirit of the Dayton Accords, the Constitutional Court's ruling on Constituent peoples, force politicians to seek votes from outside their ethnicity and, if possible, simplify balloting. The High Representative could then introduce these as legislation at the relevant levels of Bosnian government, with the reserved right to impose them. Given the politicization of public security structures in Bosnia and governance in general, changes in this area would have an enormous impact on the provision of public security.

More directly pertinent to public security was the proposal to establish an internationally staffed Organized Crime Task Force. The rationale for creating such a force was that the persistence of wartime leaders, excessive layers of Bosnian government with little or no accountability, and impotent policing and judicial institutions left the country "paralyzed" by parallel power structures and riddled with organized crime.³ While not all politicians are corrupt, organized crime's influence made reform difficult, for too many politicians found the

³ Ibid, p. 5.

system profitable. In addition, the country became susceptible for use as a transit stop, or even base of operations, for foreign terrorists. Radical militants with connections to the SDA and other Bosnian organizations dating to the war endangered long-term stability, and threaten Western targets in the country and beyond. Furthermore, parallel power structures wield major influence in the daily lives of many Bosnians, particularly in the RS and those Federation cantons dominated by the SDA and HDZ.

The proposed OCTF would be an international joint venture of the High Representative, the SFOR Commander, and NATO and EU governments, mandated to target parallel power structures involving terrorists, organized crime bosses, and war criminals, clearing the way for Bosnia to achieve self-sustaining peace and democracy. As even the most honest Bosnian officials are intimidated by the task of confronting organized crime and terrorists, and corruption is endemic in governing institutions, the recommendation was that the OCTF be directed exclusively by internationals initially, with greater local involvement as it achieves successes. As time progressed, Bosnians were to take an increasing role in the OCTF, with the goal of handing it over eventually to Bosnian state control. Even at this stage, the integration of EU and NATO personnel would be helpful, as a way station to the country's Euro-Atlantic integration. Prosecutions would fall under a special chamber of the Court of BiH. The full proposal is available at www.anonime.com/dpinstitute.

Two other public security recommendations were to press forward on the unification of the armed forces and intelligence services. Bosnia's militaries at the time, while being reduced, were still consuming a far greater proportion of the country's resources than any conceivable external threat could warrant, especially considering continuing NATO occupation. The intelligence services were more pernicious, with their lack of transparency, connections to neighboring states, Bosnian political actors, and criminal and terror networks. The unification and vetting of both forces would reduce threats to Bosnian reform and European integration while also reducing expenditure.

The Agenda also proposed the bolstering of the nascent State Border Service (SBS), which was at the time just extending its reach to all Bosnia's border crossings. Not only had the SBS quickly developed a solid reputation for effectiveness and professionalism in the short time it had been operational, but it also had helped reduce illicit cross-border trade and increase customs revenues, despite swimming upstream against the entities' legendarily corrupt customs services. Greater control of the borders since the SBS' inception has helped ameliorate Bosnia's image as the open back door of Europe for illegal immigration, a security threat brought into more stark relief after the September 11 attacks.

Finally, the *Agenda* proposed continued support for accelerating minority refugee return, and removing structural impediments to this process by working with neighboring governments to adopt a common simplified return process. Integral to this was enforcement of existing property laws, including holding public officials accountable for holding illegally acquired property by dismissing them without opportunity for reappointment.

The Brcko Model

Heavily influential in DPI's thinking was the example of the Brcko District in northeastern Bosnia. Brcko was the site of some of the earliest and most brutal "ethnic cleansing" of the war, and was strategically located at a point that would sever the RS in two if awarded to the Federation at Dayton. When Dayton was signed, Brcko was essentially left out for binding arbitration. In the meantime, the Administrator of the District was to be an American with even more power in his realm than the High Representative had in his, without the two-year wait for the Bonn Powers. Brcko was essentially a protectorate within a protectorate. The Administrator used this power to establish a local legislature, multiethnic police force, and create a functioning judiciary. Eventually in early 1999, the arbitration panel finalized Brcko's status as being part of the state of Bosnia and Herzegovina, but not subject to either entity. As a result of this good governance and its

strategic location, Brcko has become the most prosperous municipality in Bosnia. Admittedly, running a district is less daunting than a whole country. But one still wonders what sort of results might have been achieved if the initial High Representatives the authority and vision of the first Administrator did in Brcko.

Making Up for Lost Time: the Mission Implementation Plan

Despite the lost time, the international community in Bosnia now shows a more proactive and strategic approach than it had in the past, finally confronting some of the most fundamental problems standing in the way of Bosnia's ability to progress on its own.

Perhaps the best overall reflection of this new approach was the adoption of a Mission Implementation Plan (MIP) in January 2003. To quote the High Representative himself, "the purpose of the MIP is to set out clearly the core tasks which remain for me and my Office, and to provide us with a means of evaluating our progress."⁴ In the 2004 review quoted, Ashdown states that "(s)ome of the key goals in the MIP have been accomplished during 2003; and significant progress was made on others. The achievements of the last year include:

- Restructuring the judiciary and adopting new criminal codes;
- Establishing a State Court capable of dealing with complex and high-profile cases;
- Launching fundamental reform of (Bosnia's) indirect tax system;
- Endowing the Council of Ministers with a permanent premier and new ministries;
- Providing (Bosnia) with a new defense structure based on civilian, state-level command and control and creating a common defense ministry; and
- Registering the near-total completion of Property Law implementation and the transfer of responsibility for refugee return to domestic governments."⁵

⁴ OHR Mission Implementation Plan 2004 (February 2004); available at www.ohr.int

⁵ Ibid.

Ashdown states the “overriding objective for the OHR remains the same in 2004 as it was in 2003: To ensure that Bosnia and Herzegovina is a peaceful, viable state on course to European integration.”⁶ In light of progress made in 2003, the MIP articulated four rather than six core tasks:

- Entrenching the rule of law;
- Reforming the economy;
- Strengthening the capacity of (Bosnia’s) governing institutions, especially at the State level;
- Embedding defense and intelligence sector reforms so as to facilitate (Bosnian) integration into Euro-Atlantic structures.⁷

These core tasks remain in the recently released 2005 iteration of the MIP.⁸ The MIP goes on to list a number of programs under each core task, including which international actors are responsible for them, with a defined transition point for the program to be considered completed or ready to be handed-off to a lead Bosnian body to complete. As Ashdown states in the introduction to the 2004 MIP, “the speed of (Bosnia’s) progress toward transition – and towards a reconfigured international presence that can relinquish its powers – will be determined not by rigid timelines, but by an ongoing assessment of the situation on the ground. Are the habits of stalemate and obstruction being replaced by a dynamic of compromise and reform? Is peace enduring? Has the rule of law been made secure? Is the state functional and viable? Is (Bosnia) on track for European integration? Only when we are satisfied that sufficient progress has been made in these respects will we be able to declare our mission fulfilled. It follows from this that the more energetically our (Bosnian) partners implement reform – and the more (Bosnia) becomes a normal transition country – the sooner OHR will be able to hand over to a more traditional international support structure. Our clear aim is to achieve that objective at the earliest opportunity: we

⁶ Ibid.

⁷ Ibid.

⁸ http://www.ohr.int/print/?content_id=34144

do not want to prolong the role of OHR a day longer than is strictly necessary.”⁹

Central to the “entrenching of the rule of law” is ensuring security for citizens and justice for those who had been victimized. One of the main drags on Bosnia’s forward movement has been the continued impunity of war crimes indictees and the lack of effort expended by the Bosnian Serb entity’s authorities to apprehend them. Bosnia’s failure to be invited into NATO’s Partnership for Peace Program in 2004 was directly attributed to this problem, resulting in the High Representative’s dismissal of a number of senior officials in the RS. Already, the implementation of the Constitutional Court’s decision that all of Bosnia’s three “constituent peoples” – Serbs, Croats, and Bosniaks – were constituent throughout the territory of the entire state, and that entity constitutions had to be amended to reflect this, has altered Bosnia’s political landscape significantly, given the number of returnees.

The 2005 MIP, with its self-assessment of progress was just published in March. The new high court of Bosnia, the Court of Bosnia and Herzegovina, has inaugurated new special chambers to adjudicate war crimes cases that are either handed down by the ICTY, or have never been pursued, and to address organized crime and corruption. Each will be endowed with both Bosnian and international judges, and international prosecutors will be involved in the Prosecutor’s Office of Bosnia and Herzegovina. Bosnians will soon see other Bosnians tried for crimes committed in their country during the war against their fellow citizens. There is also an effort to build a Bosnian Judicial Police service. Police reform is a major hurdle to clear in the effort to attain a Stabilization and Association Agreement with the EU, and a public information campaign to create ground-up demand for this has just been started by OHR.¹⁰ The intelligence services, a source of much mischief, have now been merged into a single service. There is now a state-level Defense Ministry, and civilian command and control of the armed forces. A new effort to coordinate among Sarajevo, Belgrade, and

⁹ 2004 MIP.

¹⁰ See OHR’s April 1, 2005 Press Briefing http://www.ohr.int/ohr-dept/preso/pressb/default.asp?content_id=34414

Zagreb on refugee return – completion of Annex VII of the Dayton Agreement – has been initiated as well. These are major innovations and milestones for postwar progress, reflecting an effort to foment progressive partnership, not merely a cop-out handoff of “ownership” of an inherently dysfunctional system.

Exogenous Factors: an Improved Neighborhood Yields Better Public Security

Of course, external factors have assisted in promoting progress in Bosnia. So long as its two large neighbors, Serbia and Croatia, harbored territorial ambitions on its territory and influenced or controlled actors within the Bosnia, stabilization was always delicate. Democratic transitions in these countries in 2000 helped reduce the threat-level, both real and perceived, of future warfare in the country.

Even after the ouster of Milosevic in 2000, elements of the elected government, most notably President Kostunica, voiced discontent with Bosnia’s statehood and protected numerous indicted war criminals. His ties to the military and Orthodox Church both acted as drags on Serbia’s efforts to reform. The breakthrough of democracy was not converted into an outright victory for democracy due to the lack of will to capitalize on electoral success with thoroughgoing reform of state institutions, including the security services and the judiciary. The assassination of Prime Minister Zoran Djindjic in early 2003 brought home the depth of the threat posed by the still dominant criminal-political nexus, but the following crackdown (Operation Sabre) did not effectively bring the problem under control. This was illustrated by the involvement of state institutions in trafficking sophisticated arms and air defense techniques to Iraq, Libya, and other pariah states in the Yugoimport/Orao scandal that was discovered in autumn 2002.

Croatia’s transition was less problematic in many ways than Serbia’s; Tudjman’s death not only cleared the way for a competitive election but also removed the problem of having to decide what to do with a man who would likely be indicted for war crimes by the ICTY. Unlike his

counterpart Kostunica next door, Croatia's President Stipe Mesic publicly disavowed any designs on Bosnia, much to the chagrin of Bosnian and (especially) Herzegovinian Croats. However, the legacy of the 1991-1995 wars in Croatia and Bosnia continued to have a negative impact on Croatia. The public outcry over the sentence meted-out to General Tihomir Blaskic spooked the fragile coalition government led by Socialist Ivica Racan, and cooperation with the ICTY became more fraught. The spectre of an indictee at large – Gen. Ante Gotovina – recently torpedoed Croatia's scheduled talks on EU accession. Even more detrimental to Bosnia's progress was the lack of forward movement on allowing Croatian Serbs to return to their homes, which would in turn allow other Bosnian citizens to return to homes in the RS. County-level obstruction was the main obstacle, but the national government did not make a concerted effort to overcome it. All told, the transitions in the neighboring countries were necessary, but not sufficient, conditions for Bosnia's progress since.

Strategy and Will are Key

Serious end-state planning, strategic tasking, and vision of international actors on the ground, particularly the High Representative, have been the decisive factors in Bosnia's recent progress. While external factors like the governmental changes in Zagreb and then Belgrade certainly had an influence, the pivotal factor in breaking the inertia in Bosnia was the decision that the status quo was untenable, and could only be changed by catalytic intervention from the OHR, with appropriate international backing. Had this determination been made at the outset, or at least sooner, a different dynamic would probably have developed, due to the incentives local actors would face and the assumptions they would draw. In 1996, local "spoilers," including senior political leaders, rightly determined there were few incentives to cooperate with the international community or implement unpalatable segments of the Dayton Accords. By 2004, there were ample incentives to do so and serious consequences for recalcitrance. In an ironic and amusing turn, many of the most vociferous opponents of the Dayton Agreement, particularly among the Bosnian Serbs, have now become "Dayton fundamentalists," taking a

very strict-constructionist legalistic view of the document to prevent encroachment on their influence and interests.

Bosnia's Future

Bosnia's future is by no means assured at this stage. Still too many of the country's youth determine that they should seek their fortunes abroad, taking with them their ideas and skills, as well as hope. There has been some noteworthy progress in reversing this brain drain, and many in the international community, including the High Representative, see this as a fundamental index of success or failure in the overall effort to assist Bosnia.

Furthermore, there is an understandable skepticism toward new initiatives on the part of many, if not most, Bosnians. Undergoing a series of frequent elections has left many concluding that politics does not provide an avenue to improve their condition. The unwieldy non-nationalist bloc that came to power in 2000 with high aspirations disappointed many of its initial voters (who tended to be younger), allowing nationalists to return to power by default, not by strength of their programs. Many in the now-opposition seemed to blame the incoming High Representative for their electoral fortunes, initiating an acrimony that has not yet been dispelled. Having been under international protectorate for almost a decade, many feel like guinea pigs in experiments that keep changing with the rotation of personnel. At this stage of international involvement, the standard of proof is higher than it would have been earlier for the same initiatives. This is not insurmountable – many if not most of the new institutions, such as the SBS or the planned special panel on organized crime, are popular with Bosnians. But the construction of a cohesive ground-up constituency for the full package of reforms is not what many had hoped.

Perhaps the most troubling issue remaining to secure public security in Bosnia in the long term is the country's electoral structure. Refugee return, arrest of war crimes indictees, dismissal of obstructionist officials from all three main communities, and establishment of new state

institutions (including public security organs) have changed the demographic and political landscape of Bosnia for the better. But there will only be international supervision and intervention for so long; ultimately the “ownership” question will return. Until Bosnia’s electoral system forces political actors to build platform and issue-based constituencies, rather than ethnic ones, will the progress made be ensured and self-sustaining.

Lessons Not Learned

No two situations are identical, and simplistic analogies can lead to false conclusions. Yet few situations are *sui generis*. Most intervention scenarios are variations on a theme, and there are dynamics that are consistent, humans being human. The Bosnia experience therefore should have provided some guideposts for future missions, particularly to militaries such as the American, which had little experience in such operations (at least since the Second World War).¹¹ However, there is little evidence this occurred, judging from the conduct of subsequent missions.

1) You never get a second chance to make a first impression.

A post-conflict mission, as with peacekeeping or peace enforcement, generates a mixture of great expectations and trepidation on the part of the local population. Will they maintain order? Will conditions improve while they are here? Can they confront and face-down the former belligerents? How tough are they? There is precious little time to make a strong impression, but it is imperative to do so. Critical to accomplishing this is a willingness to confront challengers and “spoilers” immediately and without hesitation. Failing to do so ensures expanding threats to public security further down the line. Furthermore, attention to the basic need of the population for security is usually appreciated and pays dividends later. Ignoring this need spells peril for a mission.

¹¹ For a fascinating discussion of the U.S. military’s oft-forgotten past experience in what are now termed “stability operations,” read Max Boot’s *The Savage Wars of Peace* (2002).

Ray Jennings of the US Institute of Peace published a paper soon after the invasion of Iraq titled *The Road Ahead: Lessons in Nation Building from Germany, Japan, and Afghanistan for Postwar Iraq*, in which he concluded that an intervening power essentially has a narrow window in which to make clear to the local public, including political and security actors, that it is in control.¹² Once this time has elapsed, the local powers-that-be and the general population will have taken the measure of the intervening force and drawn conclusions. The mission will trade on the capital it earns in this period for the mission thereafter, allowing it to accomplish more, or saddling it with a deficit in respect it will have to expend greater effort to dispel. Failing to seize the opportunity available at the beginning of a mission reduces the likelihood for successfully achieving sustainable peace.

IFOR arrived in Bosnia in late 1995 with 60,000 troops – three reinforced heavy divisions. This show of overwhelming force gave the international community enormous leverage. The communities of Bosnia were exhausted by war. The Bosniak community in particular was inclined to see the NATO mission, and the American troops especially, in a favorable light. The Bosnian Serbs, while not at all happy with the occupation, realized that Dayton probably saved the RS from total collapse, and were quiescent. At this stage, there would have been little resistance to more aggressive measures to ensure public security, particularly by arresting indictees and helping ensure safety for those desiring to return to their homes. The intervening force in essence makes the rules, and has to be seen to do so.

However, the unwillingness of the American military (and many other contingents) to take-on a public security role at the outset left public security in the hands of those who prosecuted the war. Preventing effective international policing role – civilian police might need to be bailed-out, risking casualties – maintained this status quo. President Clinton declared that the U.S. would withdraw in a year. IFOR showed a hands-off approach to the forced evacuation and burning of Grbavica in 1995 and a laissez-faire attitude toward indicted war criminals. The

¹² The report is available on the USIP website at the following link: <http://www.usip.org/pubs/peaceworks/pwks49.html>

casualty aversion of the U.S. military (or, more accurately, the political leadership and senior officers) was legendary. These factors led the actors who gained the most from the war conclude that they could wait-out the international community, and threaten unrest when they feared for their interests. They perceived no pressure or incentive to give any ground, especially on providing public security to Bosnian citizens (of whatever ethnicity) who they fought to expel in the first place. The wartime power elites began to assess their situations and consolidate their control over their respective fiefdoms, including their economic interests.

No large-scale hostilities broke out in Bosnia after Dayton. Bosnia has made a great deal of progress since the war, particularly in the past three or four years. But this progress comes not because of, but despite the initial posture of the intervening forces and their mandate. A great deal of time and money were squandered, and the criminal power elites are that much more entrenched, rich, and powerful as a result. Bosnian ability to promote public security from within was also stunted by the unwillingness to address the fundamental political and structural issues following the war. For years, particularly in the RS, no logical partnership could exist between international and Bosnian actors on ensuring public security. A “dead zone” between the responsibility exercised by the international forces (primarily external security) and domestic forces (charged with providing public security, but at best not proactive) allowed space for the nationalist political-criminal nexus to flourish. This left most ordinary Bosnians with little confidence in either set of actors and a growing sense of fatalism and political apathy that that further impedes the country’s recovery.

There are other lamentable consequences of these largely wasted years. Bosnia suffers severely from brain drain, losing its best and brightest, particularly its youth. Many would-be returnees have now permanently settled abroad, taking foreign citizenship and depriving their country of their human capital, because they determined they would not be secure should they return. Life goes on. It is Bosnia’s loss, and at least in part due to the weak mission assigned after Dayton and maintained for years after.

Furthermore, perception of initial success is important in donor and troop contributing countries as well. It is never a good idea to project overconfidence and delude voters that a commitment abroad will lead to rapid and sustainable success; the fact that it takes effort should be underscored. But the ability to achieve early and durable victories raises the credibility of the exercise, maintaining the public support that will be needed to see it through. This, of course, requires planning of what issues to target at the outset.

2) *Goals and strategies to achieve them are indispensable.*

It may have been understandable in the immediate aftermath of the war that the Dayton model was not yet seen as unworkable without regular interpretation and intervention. But by the time the Bonn powers were adopted in December 1997, the same month Clinton announced U.S. troops would remain in Bosnia as long as they were needed, the policy of muddling along without goal-oriented planning was no longer tenable. Soon after, the mantra of “ownership” began to be heard from the international actors, but it was unclear what was actually being offered, other than a handoff of what was viewed as an insoluble problem and abdication of responsibility for addressing it. This was effectively a shift from naïveté into cynicism when the “evolutionary” model didn’t gain ground.

The lack of a coherent political-military strategy to help Bosnia develop to the stage at which it would not need international life support was among the most crippling failures of the international community post-Dayton. Any such strategy must have the flexibility to adapt to unforeseen circumstances, both advantageous and negative. But the basics should have been obvious. What sort of institutions would be needed to make a truly democratic Bosnia viable? What were the impediments to public security – the necessary precondition for political and economic stability and development? How could these obstacles be overcome? Had such simple questions been pondered and honestly answered, the folly of muddling through would have become readily apparent, and a strategy would have to emerge to address, *inter alia*, the

threat posed to public security and stability by the wartime power brokers. While increasingly effective use of the Bonn powers and forward movement had accelerated under Petritsch, clear-headed strategic thinking only became apparent with the arrival of the current High Representative. The disposition of national capitals is critical. Paradoxically, the author concludes that the reduced visibility of Bosnia and the concentration of governments on other issues has actually helped accelerate progress in Bosnia by giving a strong High Representative more leeway.

Considered goals and detailed implementation strategies to attain them are crucial to establishing sustainable public security mechanisms. Benchmarks denoting advancement toward these goals, not merely incremental progress over previous failures, are integral to this.

3) *Visible commitment is essential.*

The massive show of force brought by the 60,000 troops of IFOR should have provided a great deal of leverage to help transform the situation on the ground and remove or neutralize threats to public security. This potential was unrealized, in large part because the local actors who stood to lose from such a development determined (rightly) that the political will to confront them was lacking.

Potential “spoilers” who had no interest in a successful stabilization and democratic development in Bosnia didn’t have to wait long to determine that the initial commitment to ensuring some of the harder aspects of the Dayton Accords – namely refugee return and accountability for war crimes indictees – was soft. The declaration of President Clinton that U.S. troops would be in Bosnia for only a year may have been politically expedient at home, but it had a profoundly detrimental impact on the ground. It took two years to arrive at a pledge that the mission would go on as long as necessary. Had that been arrived at sooner, this alone would have changed the calculations of those in positions to menace public security. Even after the declaration that there was no set end-date for the mission, American politicians continued to discuss an “exit

strategy,” including such potentially disastrous shortcuts as formal partition of the country. This hardly bolstered perception of resolve.

In addition to the duration, the *depth* of international commitment to ensuring public security in Bosnia was also placed in doubt early in the mission by a *laissez faire* response to intimidation and arson in Grbavica and the impunity of war crimes indictees. Bosnian Serb wartime leader Radovan Karadzic’s driving through U.S. Army checkpoints unhindered most vividly illustrated the latter. The eventual wave of forcible arrests changed this perception somewhat, but this came years later. Still, the most wanted indictees, Karadzic and former Bosnian Serb Army commander Ratko Mladic, remain at large.

4) *Underlying problems don’t magically disappear – they have to be confronted.*

The Dayton Accords can provide a framework for progress in Bosnia, when interpreted with larger long-term goals in mind. The ultimate goal should be that Bosnia’s political institutions develop to the stage where Dayton can be transcended, and that governmental institutions can be designed for a country Bosnia’s size and configuration. These just happen to be the hurdles Bosnia has to clear to achieve an EU Stabilization and Association Agreement.

For all too long, the international community appeared to operate on the premise that given time, Bosnia would simply evolve out of its problems. Perhaps, had there been no clock ticking in terms of international and donor commitment, this might have been a tenable strategy – though by no means assured of success. But this soft touch combined with early signals of attention deficit disorder created disincentives for change and evolution, and incentives for obstinacy.

Bosnia’s problems, including those in the public security sphere, are at their fundament political ones, requiring political remedies. Confronting the centers of power in each ethnic community is essential to creating a democratic center of power at the national level, which in turn is a

prerequisite for Bosnia's entry into the Euro-Atlantic mainstream. This would have been seen clearly had there been an effort to plan beyond the immediate term. Instead, wishful thinking prevailed. Sidestepping the problems posed by the concentration of power in the hands of nationalist political parties and organized crime only aggravated them.

These problems included the persistence on intimidating wartime figures in security structures, including local police, bureaucratic resistance to facilitating refugee return, and rampant corruption. The impunity of indicted war criminals for years after their indictment did not bolster accountability or the credibility of international forces. At a time when local security structures were essentially unreconstructed, the mantra that it was the responsibility of local bodies to apprehend these suspects, while technically true, was also cynical and ultimately counterproductive.

5) *Personnel retention and institutional memory are vital.*

Public security in Bosnia involves aspects of politics and criminality that have to be learned on the ground. Expertise in what constitute the major threats, from whence they derive their support, how politically connected they are, is essential to developing plausible strategies and tactics to address them. Even in developed countries at peace, it can take years to develop a solid case against organized crime networks. A committed cadre of human capital to plan and execute public security strategies is essential.

However, as with most international missions, personnel are rotated in cycles far too short to allow this accumulation of knowledge and contacts. The local actors who pose threats to public security already have the built-in advantage of living in their own country. But the international community prevents its own ability to catch-up, and has been known to repeat its mistakes.

In the DPI proposal for the OCTF, we insisted that international personnel be detailed for a minimum of two years to allow for the

necessary development of in-theater experience. This view is widely shared by many analysts and rule-of-law professionals, who see the current staffing norms as self-defeating. To accomplish this, personnel need sufficient financial incentive, and greater flexibility from the government agencies in their home countries. All too often, missions such as the one in Bosnia are viewed as an extracurricular activity by parts of the governments that back them, preventing organizations like OHR and the OSCE from retaining their most experienced and knowledgeable personnel. This trend reduces not only the effectiveness and efficiency of international efforts, but also their credibility in the eyes of Bosnians.

6) *Identify and develop a local constituency.*

For years, the international effort in Bosnia seemed to work at a level that didn't interact a great deal with the average Bosnian. The High Representatives and many of their staff, as well as a great number of the international personnel, lived in a rarified world. For example, the previous High Representative would travel in a diplomatic car with Austrian flags, even though he was the most powerful executive in Bosnia and *not* representing Austria.

Most Bosnians express frustrations with the inefficiency and corruption of their institutions. There is no lack of support for the idea of reform, and surprising commonality on aspirations. All communities express concern about their economic future and whether their children will see fit to remain. Tapping into this constituency is essential to promoting a self-sustaining democratic Bosnia under rule of law. In so doing, Bosnian political actors could be squeezed between their own voters and a High Representative that has the power to impose in the case of their recalcitrance. This observation was one DPI made throughout its *Agenda*, aiming to involve the general population in designing and directing the reform effort. This strategy would have the added benefit of bringing new leaders to the fore, which is clearly necessary in Bosnia's sclerotic parties, which have little in the way of internal democracy or accountability.

The current international High Representative has made clear that his goal is to help Bosnia develop the institutions to eventually be a viable applicant to the European Union. This is particularly useful, as it is a popular goal among Bosnians and the EU supplies many democracy and reform benchmarks.

Bosnia is lucky in that it has the EU so nearby as a visible magnet for reform and hope for the future; many other countries emerging from war do not. But the bottom line that there must be a local constituency to move forward and achieve success is universal. The mistake in Bosnia was that for too long the international community sought a constituency among Bosnian politicians, who by-and-large had no interest in changing the status quo, regardless of what might be best for their people.

7) ***Building professional state-level institutions is critical to ensured stability.***

In Bosnia, the state was designed to be incredibly weak, with no source of revenue independent of the entities at least one of which wished it to remain weak.

Properly exploited, this vacuum actually could have provided an opportunity to build new state institutions from scratch, without having to rely on co-opting personnel beholden to the dominant power elites. The few state institutions that did function, such as the Constitutional Court, were generally far more professional than the governing institutions at the entity level or below. Over time, there has been a more concerted effort to develop state institutions in Bosnia, along with dedicated revenue streams to keep them afloat. The State Border Service and Court of Bosnia and Herzegovina, with its special chambers discussed above, are further examples of this trend.

Manifestations Beyond Bosnia

In other situations, public security has fallen through the cracks due to lack of forward thinking combined with insufficient international political will. In many cases, the consequences have been more dire than those in Bosnia.

Kosovo

In Kosovo, there was little willingness for NATO's Kosovo Force (KFOR) to undertake maintenance of public security upon its arrival, which allowed the KLA to effectively fill that vacuum. A lack of accountability of KLA figures for postwar violence against minorities also had a detrimental effect on the society as a whole, and helped entrench organized crime.

KFOR was challenged at the outset of the mission when some returning Kosovo Albanian refugees and IDPs looted some abandoned Serb villages, claiming many of the contents were stolen. While this could have been true, allowing this sort of activity sent a signal that it would be tolerated, and that essentially there were no rules. Far worse was the wave of killings of Serbs and Roma in Kosovo following the arrival of KFOR. Again, initially there was little done to investigate or protect. Mitrovica became a divided city at the outset of the mission, and was allowed to remain so.

The division of labor was somewhat different from that in Bosnia – there was to be an international civilian policing mission under the UN, but it was not operational for a long time after the KFOR mission began, and remained under strength for much longer. KFOR did not take this problem on. Some high-profile attacks, such as a murder and rape at Devic monastery in June 2001, were undoubtedly linked to the KLA, but no charges followed. A climate of impunity developed as a result, one that is proving very difficult to supplant, and stymies the development of democratic politics and rule of law.

Kosovo also suffers from its indeterminate status. Few honest observers believe that continuing to muddle through is tenable. By failing to address the status question, or even seriously consider it, the international community foreswore the best opportunity to foster a political culture that demands accountability and respects rule of law. The best way to institutionalize these values would have been to nod to reality and state clearly and early that Serbian forces would not return, and that independence was an option (but not guaranteed). This should have been coupled with a willingness to maintain security for Kosovo's minorities at the outset, and articulating that this, as well as security for the territory's neighbors, would be litmus tests for Kosovo's hopes for independence. The hope that this problem, more intractable than those seen in Bosnia, could be avoided indefinitely has reduced options and detrimentally affected public security for all Kosovo's residents by further entrenching violent elites who see no gain in reform or political compromise. Creating "facts on the ground" has had a perverse logic given the lack of incentives (and disincentives) on offer. The reduction in Kosovo's indigenous Serb population may well be irreversible after the events of March 17, 2004. All this is a result of lack of serious planning and lack of will to confront Kosovo's threats to public security.

Domestic public security structures are a mixed bag. The Kosovo Police Service (KPS) was recruited and trained from scratch, including Kosovo's variety of ethnicities, and had a fairly decent reputation for professionalism. The Kosovo Protection Corps (KPC), designed to be a repository for the KLA, saw itself as an army-in-waiting, and was never really dissuaded from this pretension. Furthermore, its members were implicated in being involved in fomenting insurgencies in Macedonia and Serbia's neighboring Presevo Valley. Members were also suspected of attacks on minorities. Rarely were there consequences for members, and never for the institution. A serious long-term plan for Kosovo would have confronted Kosovo Albanians with the reality that the existing KPC stood in the way of the goal of Kosovo's independence.

With the indictment of Kosovo's Prime Minister, former KLA commander Ramush Haradinaj, by the ICTY and recent statements by

Serbian President Boris Tadic that Serbia would not give up Kosovo, the region's future remains in doubt.

Afghanistan

In Afghanistan, the exaltation of a “light footprint” for American and other Coalition forces, and a subordination of public security and the building of legitimacy for the provisional government to the perceived exigencies of warfighting has left a very shaky foundation for that country's institutional and democratic evolution.

The Bush Administration's pursuit of a “light footprint” in Afghanistan, reflecting the Defense Department efforts to reform the military, and its decision to begin diverting attention and personnel to the impending war with Iraq, meant there were always too few international troops to provide for public security. There was no credible attempt to promote public security beyond the confines of Coalition bases and Kabul early in the mission. Subsequent Provincial Reconstruction Teams (PRTs) scattered throughout the country – bases of platoon-to-company level units together with international civilian officials and Afghan government officials – explicitly eschew this as a goal (though it was hoped it would have this effect). There were hopes that the International Security Assistance Force would be expanded beyond the confines of Kabul to the major towns, patrolling the few major roads connecting them, but the forces to achieve this were never forthcoming. Furthermore, an irrational division between that Coalition forces and ISAF has been maintained, forgoing a potential force multiplier. As a result, Afghans outside the capital have to rely on warlords for their public security, except in infrequent cases where the Afghan police and Afghan National Army (ANA) are sufficiently developed to handle these tasks.

The results of this “light footprint” approach are readily apparent “a continuing public security vacuum in much of the country, the continued strong influence of warlords and their impunity for past crimes, and an explosion in the production of opium poppies. While presidential

elections in late 2004 were largely peaceful, parliamentary elections have been postponed, and international commitment appears to be waning.

Liberia

Liberia is a case where even a “light footprint” of professional western forces could have had a major positive impact. The launch of the UN Mission in Liberia could have been preceded by the deployment of the full U.S. Marine Expeditionary force waiting offshore in summer 2003. Such a force could have intimidated all local combatants and secured the major towns in the country until the handoff to the UN mission in Liberia (UNMIL) later in 2003. The Liberian population, including many combatants, was prepared to welcome such a force. And while there might have been some resistance on the part of warlord-cum-President Charles Taylor’s forces, the outcome would have been a foregone conclusion. The British landing in Freetown, Sierra Leone, in 2000, throwing back the RUF rebel advance on the city, made a distinct impression region-wide, and saved the UN Mission in Sierra Leone (UNAMSIL) from humiliation and failure. Washington’s failure to commit more to such a relatively inexpensive endeavor to begin the rehabilitation of a country it had abandoned over a decade before was a lost opportunity to prove that President Bush’s trip to Africa weeks before was about more than domestic political maneuvering. While Liberia is on the mend now, it seems clear that the effort would be well advanced had it been launched on a more solid foundation of public security.

Iraq

In Iraq, the evident lack of planning and preparation for postwar public security has had a strong detrimental impact on the effort to build a durable, stable democratic post-Baath order, and cost many lives: Coalition, Iraqi, and others. More than in Bosnia, Kosovo, or even Afghanistan, the mandate and disposition of Coalition forces in Iraq, in

their unwillingness to contend with public security for the Iraqi population, has adversely affected the stated goal of constructing a viable democratic postwar order.

As in Afghanistan, a premium was placed on fighting light, and rosy assumptions were made about securing the postwar order. Most infamous was the testimony before the Senate by Deputy Secretary of Defense Paul Wolfowitz that the estimate that 200,000-300,000 would be needed to occupy Iraq, made by Army Chief of Staff General Eric Shinseki, was “way off the mark.” Compounding these errors of judgment in planning was the idea that the Iraqi police forces would simply wait for orders from their new masters. The U.S.-led Coalition failed to harness the organization and manpower of the defeated Iraqi Army, even if only to muster them, disarm them, and employ them in some fashion consistent with the needs for public order and reconstruction. The official reasons given for this error – that the army had already disbanded itself, and was anyway riddled with Baathists, do not withstand serious scrutiny. By the time that attempts were made to reach-out to unemployed members of the disbanded army, most were disgruntled, and some no doubt had joined the ranks of the insurgency.

The Coalition’s posture showed a laissez-faire attitude to public security during the wave of looting that went on immediately upon defeat of the Saddam Hussein regime. This was brought into most vivid relief by the unpreparedness of American forces to secure the National Museum and National Library. Numerous public assets were destroyed, costing untold sums to repair – if repairs have been made to date. Through such inaction, the Coalition sent a signal that such criminal activity was not its concern – a signal that has since come back to haunt these forces. For in addition to the general looting that went on, armories were systematically looted, and weapons and munitions not seized have since been directed at Coalition forces.

It is too early to say whether Iraq will emerge from its current crisis into becoming a prosperous, peaceful democracy. If it does, however, it will be because the errors made in devising the mission for Coalition forces have been surmounted.

Conclusion

The case of Bosnia shows the consequences of failure to plan on the basis of a goal and devising a political-military strategy to achieve it. For years, this left the international community and Bosnians who wished to build a functioning democratic state with no fixed point around which to coordinate and collaborate, or way to measure their progress. The failure to grapple with this necessity stemmed initially probably more from wishful thinking that success could be had on the cheap than outright cynicism. As the mission wore on, it became clear that cynicism – or at the very least insufficient will – in major capitals played an important role in retarding Bosnia's progress. There were insufficient domestic political constituencies demanding accelerated progress in Bosnia once the war had been swept from the front page by Dayton. Avoiding crisis, rather than securing progress, became the political imperative on the part of the intervening governments. Because of this, public security in the country remained tenuous and entirely dependent on external inputs; hardly a sustainable solution. The advantage conferred by entering the country in force in December 1995 was not leveraged into making fundamental improvements to public security, nor was there planning for viable domestic policing capability. While the situation was quiet, there was little or no freedom of movement, and impunity for indicted war criminals. The country was *de facto* partitioned, with international acceptance on the ground.

Some progress was visible even before the Bonn Powers were adopted, like the early and successful separation of forces and the forcible arrest of indicted war crimes suspects in 1997. Others, like dismissal of obstructionist public officials, became more prevalent under High Representative Petritsch. The Constitutional Court of Bosnia and Herzegovina was the first state-level body to play a serious positive role with its decision on constituent peoples in 2000. But this remained unimplemented for an excessive amount of time, despite the threats of High Representative Petritsch.

By the early years of the current decade, the international community became more seriously engaged in promoting transformation of the

Bosnian situation, including public security. The most fundamental change was the appointment of a High Representative with a solid vision and a strategic approach, willing to use his powers to leverage change in Bosnia, both by building support for reform among the general population and by coercive pressure on Bosnian officials at all levels. Integral to this approach is the need for solid backing by the donor community. The Ashdown team's strategy has yielded impressive results thus far, with more in store, despite some bumps and unfortunate conflict with Bosnians who profess to share the same goals along the way. This progress would not be possible were there no Bosnians with whom to partner in the construction of these new institutions and norms.

The Bosnia experience provides a useful model through which to view the development of local public security mechanisms, in large part because this process remained stunted so long for political reasons, and has only moved forward appreciably in the latter half of the international community's post-Dayton engagement there. Recognition of this reality underscores the centrality of political factors and incentives in creating public security in a post-conflict scenario.

Interveners need to recognize that they must seize control and responsibility for the full spectrum of public security at the outset of their mission. While this fact is daunting, unless there are credible non-military policing mechanisms at the intervention stage,¹³ there is simply a vacuum that only the military can fill. It is self-defeating not to approach the issue in this fashion, as the problems ignored now must be confronted later, only with a poorer correlation of forces. This was the case in Bosnia, and has repeated itself in subsequent missions.

The most fundamental lesson that must be drawn from the Bosnia experience is that basing a mission on the hope that factors will coalesce into conditions favorable to success is costly, and potentially disastrous, folly. Public security, essential to progress on any front, can be best domesticated when international actors assume effective responsibility

¹³ Such a civilian post-conflict force has been proposed by Robert Perito of the U.S. Institute of Peace in his recent book, *Where is the Lone Ranger When We Need Him? America's Search for a Postconflict Stability Force*. <http://www.usip.org/pubs/catalog/loneranger.html>

for it early on, and then build on that foundation to develop viable and sustainable local bodies to whom responsibility can be safely handed. This is the precise reverse of the first iteration of the term “ownership” in Bosnia, when wartime criminal-political networks remained unchallenged. It may sound paradoxical, but deep international commitment, with the requisite strategy and will, allow for faster domestication of responsibility for public security.

Facing the Challenges of the Kosovo Status Process – The Albanian Perspective

Lulzim Peci

Introduction

The presentation of Mr. Ahtisaari's proposal to the UNSC on March 26th, 2007 represents a turning point for Kosovo. This proposal leads Kosovo towards gaining formal traits of statehood, in addition to practical ones that it already entails. Subsequent support of the proposal by the USA, British Government, NATO and the EU, have boosted the prospect for international recognition of this statehood. The approval of the proposal by the Kosovo Assembly has made this document binding for Kosovo in the future.

However, Ahtisaari's proposal has encountered opposition by some members of the UN Security Council, with Russia as the most vocal opponent. The opposition to the proposal brings the conceptual question whether any changes are possible to Ahtisaari's plan before it is adopted by the UNSC. It can reasonably be assumed that the provisions of this settlement are more or less the outcome that Kosovo will end up with, or will slide back into chaos. The aim of this paper is to identify and briefly discuss key scenarios of the Kosovo Status Process and possible implications for Kosovo, the region, euro-atlantic and Russian relations.

Key Scenarios of the Kosovo Status Process

Actually, one may identify three main scenarios that may determine the future of the status process:

- Support by the UNSC to Ahtisaari's proposal and phasing out of the UNMIK Mission;

- Resolve of the US and EU to impose the independence and the Ahtisaari's proposal without UNSC Resolution;
- Eliminating Ahtisaari's proposal as a status settlement

1. Support by the UNSC to Ahtisaari's proposal and phasing out of the UNMIK Mission

The approval of Ahtisaari's proposal by the UNSC in the coming weeks will create the necessary political security that will move Kosovo and the region from "*controlled stability*" to "*sustainable stability*". The overall security will be ensured by KFOR presence that provides sufficient external and internal deterrence and security in Kosovo. In this case UNMIK will have a smooth phasing out from Kosovo and the transition to the ICO will be handled as jointly planned by UNMIK, EUPT and PISG.

Despite Serbia's initial opposition and possible problems in the North of Kosovo, the international recognition of Kosovo's independence will require of both Prishtina and Belgrade a mature reaction in facing their mutual and internal challenges. The implementation of the settlement in "good faith" would create also the basis for good-neighbourly relations and strengthened cooperation between Prishtina and Belgrade. Eventual improvement of bilateral relations may help diffusing of the tensions in the North of Kosovo and Preshevo Valley and integration of respective minority communities in both countries. No significant problem risks derailing the process in the near future.

Kosovo as a new state can also behave in the region as a trusted and credible partner. The best way for achieving this aim for Kosovo, is becoming a part and active member of already established regional cooperation initiatives, which can be used also as a platform for diffusing tensions and increasing cooperation with Serbia. After the settlement, Kosovo will fulfill most political and military conditions to for Partnership for Peace (PfP) membership. Membership of Kosovo in PfP and Euro-Atlantic Partnership Council (EAPC) will familiarize initially both countries with the consultative mechanisms to address their security

concerns in a multilateral security environment and can help confidence building and cooperation between them.

2. US and EU decision to impose the independence and the Ahtisaari proposal without UNSC Resolution

In this case the independence of Kosovo will come into existence with the recognition by the USA and key European countries, in similar manner with the independence of other republics of Former Yugoslavia. This solution will move Kosovo and the region from initial “*controlled instability*” to “*sustainable stability*”.

But, comparing with the countries that emerged from Former Yugoslavia, Kosovo will get independence with around 20000 NATO soldiers in the ground in a peace-enforcement capacity. In this case a feasible option for ensuring stability and security in Kosovo and the region is extending an invitation by Prishtina to NATO and EU to re-establish their presence to implement the settlement. The phasing out of the UNMIK can be managed by vetoing the funds and presence of UN in Kosovo by any of the permanent five members of the UNSC, most likely the United States, France, or the United Kingdom. The legal mandate for the presence of ICO, ESDP Mission and NATO will be provided by the invitation of Prishtina to these institutions to operate in Kosovo within the mandate of Ahtisaari’s proposal.

This solution will increase the tensions between Prishtina and Belgrade, Belgrade and the region and Belgrade and NATO/EU. But, Kosovo’s independence can be reversed neither by Serbia nor by Russia.

In the medium term Serbia has to make a strategic choice: to pave the way towards integration in EU and NATO or to remain isolated as a state and a society from the West. If isolation will be the case, then one can expect increasing Serbian radicalism in the North of Kosovo, Albanian radicalism in Kosovo and Preshevo Valley that can be manifested in cross-border insurgency. Under such circumstances, the main challenge for Prishtina authorities and the international presence in Kosovo

will be isolating possible disturbances in the North from the rest of Kosovo and discouraging extremism in the Preshevo Valley. Nevertheless, immediate recognition of Kosovo's independence by neighbouring countries may further discourage Albanian extremism, but also the Serbian one as a hopeless option in a medium term.

This solution may bring temporary tensions between the West and Russia more or less in the same lines as it happened during and in the aftermath NATO intervention over Yugoslavia. Also, due to Russian and Serbian opposition, Kosovo is unlikely to get membership in UN, OSCE and/or Council of Europe.

Nevertheless, this disadvantage can be compensated by a fast membership of Kosovo in PfP and starting negotiations for Stabilization and Association Agreement. Kosovo can move towards integration in NATO and EU with an isolated North of Kosovo, in similar terms with Cyprus. But, in the long run Serbia will not find any benefit from its extremist policies and will have to change the political direction towards normalizing relations with Kosovo and the West as well.

3. Elimination Ahtisaari's proposal as a Status Settlement

Elimination of Ahtisaari's proposal is the current policy option of both Serbia and Russia. This scenario may be feasible if the US and EU have not a sufficient resolve to impose and guarantee the independence of Kosovo and Ahtisaari's proposal. In this case, Kosovo and the region may move easily from "*controlled Instability*" to "*uncontrolled chaos*".

Nevertheless, in legal terms, Resolution 1244 will remain in power, but on the ground it will hardly have any practical meaning. Kosovo might be faced with the total loss of legitimacy of the international presence and Kosovo government, thus bringing it to the edge of state failure. Extremist/terrorist organizations like the Albanian National Army and Serbian paramilitary will benefit from the situation. Kosovo and the region at a certain level will face set backs toward prosperity and Euro-

Atlantic integration and may easily be faced with a situation similar to Palestine or Iraq.

In addition, the US, EU and NATO will lose credibility in their global involvement in the face of a new Russia that is trying to reassert its power in international affairs by weakening the influence of Washington and taking advantage of Europe's current foreign and security policy weakness.

This situation can contribute to the perpetuation of global chaos and encouraging violence and terrorism as a means for gaining political aims. In this case the main losers will be the democratic forces in Kosovo and the region, European Union, NATO and ultimately the United States of America.

Conclusion

Kosovo and the international community are at a crossroads. Taking or failing to take decisions in the coming weeks will determine not only the future of Kosovo and the region, but also the future character of the US-EU-Russia relations as well as support for international peace enforcement interventions.

Supporting of Ahtisaari's package by the UNSC or resolve of US, NATO and EU to impose the proposed Status Settlement for Kosovo are key for ensuring stability and security in the region, Europe and wider. If this is not the case, then the phase of unpredictability and bloodshed in the region may reappear that will seriously harm prospects for ensuring long term stability and security of the region and its integration in Euro-Atlantic institutions. In addition, it may also easily discredit the credibility of international interventions conducted by US, NATO and EU and encourage violence and terrorism as means for obtaining political goals.

Facing the Challenges of the Kosovo Status Process – The Serb Perspective

Dušan Janjić

Status issue and State-building Processes: The Case of Kosovo

The status issue is key to the Kosovo crisis and its resolution is one of the important elements of stabilization. The state-building process is a part of peace stabilization but it does not have to be necessarily so. In the case of Kosovo, this was not the proclaimed goal of the NATO intervention against Serbia. However the presence of the international peace keeping mission (UNMIK) *de facto* separated Kosovo from Serbia. Since the beginning of Michael Steiner's term of office as the Head of the UN Mission to Kosovo, the mission was officially under the mantra "standards before the status", and exclusively oriented towards building Kosovo as an independent and autonomous country, or the "separation of Kosovo from Serbia", as the Serbs and Serbia see it.

Until 2005, the EU and USA were avoiding to openly raise the question of the Kosovo status despite the fact that Kosovo is still not an efficient and sustainable political system. At the beginning of summer 2007, the Kosovo status was open whereas the disputes regarding this particular issue engaged not only Serbs and Albanians, Belgrade and Pristina but also the international community. In addition to this, diplomatic disagreements between Moscow and Washington were reminiscent of the unpleasant memories of the Cold War. However, it seems that everyone agrees on the following: Kosovo is a synonym for political, social and security risks.

Kosovo is an ethnically divided and conflicted society. Even after eight years of international administration, there is no obvious progress in

achieving the main UNMIK task – also one of important measures of success of any peace mission: reconciliation between the sides in conflict.

Albanians see Serbs as the “main obstacle to unification” of Albanians from Kosovo and Albanians from South Serbia (Preshevo Valley), Macedonia and Albania. Serbs see Albanians as the “usurpers of Kosovo” – usurpers of the Serbian historic fatherland, “the cradle” of Serbian religious, national and social identity. The level of inter-ethnic distrust is very high, and the fear of new violence by the Albanian majority, as in late summer 1999 or March 2004, is a part of everyday routine of the Serbian community. The following data justifies the reasons for fear: approximately 10 000 out of the total 250 000 of expelled Serbs, Roma, Bosniacs, Jews and other managed to return to their homes. The sole fact that many Serbs live in enclaves protected from Albanian violence by KFOR whose retreat would allow for complete cleansing of Kosovo from Serbs is self-explanatory.

This is why security has such supremacy over politics, political life and actions of the Serbs in Kosovo. Serbian politicians in Kosovo have different opinions about whether the Serbs should take part in the work of the temporary government institutions of Kosovo. Their opinions reflect their position in Kosovo reality or in other words, they depend on whether they live in enclaves, or in North Kosovo as well as who are their “partners” in Belgrade. Serbs in south and central Kosovo have the mentality of “besieged people” and are highly interested in the political life of Belgrade and Kosovo, while also being dependant on KFOR and UNMIK support. Serbs from North Kosovo live isolated from Kosovo institutions and are almost completely self-organized and highly dependent on Belgrade.

In reality, sometimes Belgrade dictates Serbs from North Kosovo what to do and how to do so and sometimes, particularly after the violence in March 2004 almost for all important events, Serbian political leaders send their dictate to Belgrade especially to the closest circle of people around President Kostunica.

As a matter of fact, the relationship between Kosovo Serbs and Kosovo institutions is extremely complicated and characterized by wide distance between them. For this reason all assumptions that Belgrade is holding Serbs as hostages is inaccurate. However this is not the reason not to send all the bills to Belgrade. Therefore the Albanians and UNMIK are trying to avoid any responsibility for failure in the integration of Serbs. This releases the Serbian leaders from responsibility for their own actions which many of them use appropriately to strengthen their influence and personal wealth. However, in the long run, this is extremely dangerous for the Serbian community. Leaders are seen by the Serbs as “immature for autonomous and accountable action”, and make themselves a subject of politics and “trade” with “bosses from Belgrade”. This thesis is extremely dangerous for authorities in Belgrade too, especially for Kostunica, because it brings him to the centre of international pressure and finally makes him responsible for all positive and especially for negative outcomes of the politics that pertain to Kosovo. There is no rational explanation as to why Belgrade and Kostunica come to terms with this. It must be that they are drawn more to immediate power and “patriotism” than to mid- and long-term political destiny or judgment of history. This judgment, based on recent circumstances, cannot be far from “national treason” and “losers”. We had similar experience and it’s called: “defense of the Serb Republic of Yugoslavia and SCG”, or in other words “hard line stand towards Montenegrin independence”. Naturally, Kosovo is much deeper in minds and souls of Serbs than Montenegro hence the much more passionate reaction!

It is clear that the most important means of strengthening the influence of Serbs in Kosovo would be their independence from Pristina as well as Belgrade and increased responsibilities at least within the Serbian community in Kosovo.

In recent months Serbs from Kosovo have received contradictory and unclear messages from Belgrade. Certain representatives of the authorities there are in favour of dividing Kosovo and concentrating Serbs in “Serbian areas” while others claim that there will be no division and that Serbs should not leave their homes. This confusion is raising the level of uncertainty and fears amongst Serbs and it could turn into uncontrolled

action (for instance mass movement of the people or further confrontation with the Albanians and representatives of the international community).

In brief, it could be concluded that Kosovo society is divided with no or very little communication between Albanian majority and Serbian minority. This division for the most part stems from the feeling of insecurity. This is creating a vicious circle: insecurity is growing due to the conflict between communities whereas the feeling of insecurity of the ethnic communities is increasing the risk to stability and security. One of important factors of this security risk is a deep and passionate schism: Serbs, and Serbia claim that the province is part of its territory and is asking for the full observance of the Resolution UN SC 1244 according to which UN SC has a final say in regard to the status. The Albanian leaders, however, do not give up their request for Kosovo independence and are using their position to compete for the sympathy of voters. Simultaneously, the UN and the EU are not ready to make a final decision as to whether Kosovo should become independent or preserve some form of linkage with Serbia. This unwillingness of the UN and EU reflects the internal political relationships between member countries and their fears from the “Kosovo virus”. For instance, Spain is afraid that the regional authorities of Catalonia could be encouraged to secede if Kosovo gains independence. Or, in Slovakia there are many who are afraid that Kosovo independence might inspire Hungarian minority to separate. Romania and Moldavia are afraid that Russia could use the potential precedent of Kosovo independence, i.e., recognition of rights of minority to self-determination, to encourage the secession of Podnjestar, and so on. The second reason is the doubt that Kosovo institutions are able to contribute to stability. There are also some doubts that the independence will resolve key problems of Kosovo such as high unemployment, poverty, crime, etc. In addition, there is awareness that once accepted “conditional independence” or “independence under international supervision in the initial period” gives no chance for going back to some different solution.

The key issue is not how the Serbs from Belgrade will react but what will be the direction taken by the Albanian population and in what way

they will express their determination, or, how strong is the extremism of the Albanian majority. Although there are those who, like Brussels bureaucrat Stephen Lane and his superiors Solana and Rehn, believe that the behaviour of Kosovo Albanians depends on the solution to the Kosovo issue, this is not true. Even if Kosovo independence is recognized right away, even if EU accession is guaranteed, as Lane suggests, nothing would be achieved until the following factors are alleviated:

- Extreme underdevelopment, poverty and low degree of education of the Kosovo population;
- other conflicts in the region, especially those which are including Albanians (Macedonia, Serbia) and Serbs (Serbia, Bosnia and Herzegovina) and marginalization of extremist policies and groups and in particular those that are surviving because NATO is tolerating and using them to manage the crisis in the Western Balkans, not only the one in Kosovo but also those in Macedonia and South central Serbia. There is no doubt that from the security point of view Albanian extremists who have as their goal ethnic cleansing of Kosovo from Serbs are a special problem. They are often supporting the idea of uniting “Albanian countries” by means of violence whenever necessary and useful. Muslim fundamentalists and extremists are particularly active in some communities (for example South Mitrovica, Đakovica, Peć and Prizren). With all this in mind, the strengthening of Muslim fundamentalism is becoming one of the important challenges for Western Balkans and Kosovo. The power of extremists in Kosovo is enormous because, amongst other things, they have their representatives in Kosovo authorities.
- Underdeveloped security institutions such as the Kosovo police forces (KPS), Kosovo protection forces (KZK) and KFOR. These institutions as they are today cannot be the guarantee for security but a source of risk.

The KPS capabilities have visible gaps. It is not able to assume the role and responsibilities which are today in the scope of work of the international police. In addition to the surveillance foreseen by Ahtisaary’s plan, the prolonged stay of the international police and inclusion of

Serbs in the security system should be a solution. However, all this will not yield positive effects if KPS keeps its central organization. KPS needs to be reformed and become a multi-ethnic police-security force composed of local (multi-ethnic and mono-ethnic units depending on the population of the local community in their jurisdiction) police. Above all, the KPS needs to be put under democratic civilian control in order to provide participation of the representatives of the national minorities in its work.

The KZK emerged from the process of the alleged demilitarization of the KLA. According to the law, the KZK has a civilian protection function. However, Albanians see it as a “pending military”. This hiatus between mandates and the KZS capacities and expected mission represent a high security risk. Despite the fact that NATO disarmed the KLA it didn’t show the intention to demilitarize Kosovo nor is it realistic to expect to do so in the future. It seems like NATO wants to create a military formation from Kosovo Albanians to serve as a counter element to Serbia in the security balance. This naturally opens up a question of what kind of strategic expectations NATO and the USA have from Serbia but also what direction Serbian authorities will take in terms of concentration of their defense and security forces. Although Serbia has become part of the Partnership for Peace and its leaders want to be included in NATO, there isn’t much trust in Serbia. It is not very likely that this is because Serbia failed to arrest General Ratko Mladić; instead it is more likely that Serbia is accused for being too open to Russian influence. Until problems between Serbia and NATO are resolved the solution should be sought in the KZK reform.

The KZK reform implies separating the elements of civil protection and those units that can be useful in combating organized crime and terrorism. Such units don’t necessarily have to have the status of regular army. They could be governed by the Ministry of Interior. This should not interfere with the process of their joining UN peace keeping forces or cooperation with NATO in the “global war against terrorism” and other projects. The reform should address the problem of tens of thousands “war veterans” from Kosovo Albanians and Serbs in Kosovo and Serbia who represent a security risk. Therefore, it is beyond any doubt that an

adequate solution to this problem would strengthen security in Kosovo, Serbia and the whole region.

It is also important to note that the Serbian community has not accepted the KZK. For Serbs the KZK is an army who “earns a living” or “KLA terrorists” Lack of belief that the “terrorists” really underwent a transformation laid the ground for lack of trust between Serbs and the KPS. However, it is important that Serbs still believe that it is possible to “disband” the KZK and KPS, which would really mean the beginning or mutual trust between Albanian and Serbs. This request is officially supported by Belgrade which likes to present it as a request for “complete Kosovo demilitarization”. In reality, it is not very likely that this request will be accommodated until Serbs and Serbia stop exchanging accusations and Kosovo Albanians are no longer considered to be “secular Muslims who like America”. This is, naturally, quite a banal statement but the fact that Serbian leadership is refusing to face this problem and offer concrete projects pertaining to the cooperation with NATO and in particular military technical cooperation with USA is even more strange and bad for the interests of Serbs and Serbia. Nevertheless, Belgrade will have to do so sooner or later because NATO will stay in Kosovo for a long time. KFOR is already the only factor of security with the support of the Serbian, Albanian and other communities in Kosovo. KFOR is the only guarantor of security in Kosovo. Hence, it is of vital importance for security in Kosovo and the region.

Challenges of the Kosovo Status Process – the Serb and Serbia’s Perspective

The Decision adopted by UN SC on October 24, 2005 to initiate the “Kosovo status process” has marked the beginning of a new phase in the Balkans. Hope for strengthening the peace that existed at the beginning of this process was spoiled by fears of nationalistic extremism and violence against minorities.

The process in which the future Kosovo status will be defined includes two components:

a) Talks about the future status which were lead in Vienna, conducted by Martti Ahtisaari in concerted efforts with UNOSEK and his deputy, Austrian Albert Rohan and assistant Frank Wiesner.

Right after the negotiations on the future Kosovo status in March 10, 2007 and Ahtisaari's decision to send "so far the best proposal", as he himself described it, to the UN, activities aimed at finding a solution to the Kosovo status and addressing the problems caused by the Vienna negotiations were intensified.

However, it is already clear that Ahtisaari's mission did not make the Kosovo status definition process any easier. Instead he made it more difficult. Ahtisaari himself is responsible for things turning out that way, because at the beginning of the negotiations, in the heat of the moment of optimism he avoided any help that was offered and tried to "apply" a prejudicial solution – "conditional independence". He was the one who created this "take it or leave it" situation. However, failure happened for a very simple reason: Belgrade and Pristina did not show any intention to step out of the process. The breaking point occurred in April 2006 when Ahtisaari was compelled to turn to the Contact Group for help in regard to the Kosovo decentralization process. He was often criticized that he didn't recognize the fact that Serbia is an independent and democratic state and that he was separately dealing with the status and territory of Kosovo and that of Serbia. Ahtisaari's response was that he didn't want to regulate the status of Serbia but to address the problem of Kosovo. Be that as it may, Ahtisaari has missed the opportunity to define the Kosovo future status as a future relationship between Kosovo and Serbia. This is why the Vienna talks can be described as "missed chance" for peace stabilization.

It is most likely that, due to its good and bad sides, Ahtisaari's *Final Comprehensive Proposal for the Kosovo Status Settlement* and especially due to solutions presented in amendments will be accepted by the international community as a "base line" for continuation of the Kosovo

status process. Naturally, the Contact Group should first come to an agreement about this, and in order for this agreement to be achieved its framework was temporarily left behind and the UN SC was called for help.

For the time being it looks like Ahtisaari's *Final Comprehensive Proposal* will not be entirely accepted at the end of this phase of the process. Conflict between Euro-Atlantic proposals and Russian proposals is likely, but a Russian veto to the American-European proposal is not so likely, although not impossible. Most probably this issue will, in the end, finish with the agreement of powers, which the Serbs and Albanians, will have to follow.

b) In addition to these talks, the future Kosovo status process is also made of a series of diplomatic, political and public information activities by Belgrade, Pristine, UNMIK, the EU, the USA, Russia, i.e., the Contact Group for the Balkans as well as the UN SC. These activities are aimed at finding a new UN SC resolution which will define the future Kosovo status and give to the EU and Kosovo institutions a mandate to enable implementation of the status.

The need to adopt a new resolution is reinforced by the fact that no party in the process is satisfied with UNMIK's performance. Also, it is the general belief that the current *status quo* is bad and that a unilateral solution would only deepen the crisis. In facing this challenge, EU countries, compared with USA and Russia, have one more problem. It is about the fact that their bureaucrats, soldiers and budgets are significantly engaged in UNMIK and KFOR.

The Serbs in Kosovo have a "strange dynamic" that could get out of hand and turn into self-defense or mass movements. This dynamic is based on the following elements: Firstly, the negative experience of the 1999 IDPs and refugees and, secondly, Albanian extremist violence in March 2004. The memory of the first experience is still very alive and keeps coming back with frequently heard claims:

- The first claim: If the Kosovo independence issue is prolonged too much it will cause Albanian violence. This stand is supported

by the Albanian politicians, media and many international officials. Serbs in Kosovo paid particular attention to such statements by Richard Holbrooke, Olli Rehn and Javier Solana. However, talks about violence are kindled by the sole Serbian community and Serbian media.

- The second claim that has frequently been heard pertains to the “division of Kosovo according to ethnic criteria”. Close associates of President Tadić (his advisor Dušan Bataković, who is in favour of separate entities, Vuk Jeremić, who talks about the “Irish model”, former Minister of Foreign Affairs and Stability Pact Official Goran Svilanović, former head of the Coordination Center for Kosovo and Metohija Nebojša Čović, academic Dobrica Ćosić and others) are first to promote such “solutions”. They are supported by many foreign journalists, experts, diplomats and politicians who are speculating whether the division is “sufficient compensations”.

It is interesting to note the behaviour of the circle around Prime Minister Kostunica. His associates are publicly rejecting any idea of division. Thus, his advisor Aleksandar Simić argued against such an idea mentioned by Svilanović in a recent TV debate. The same was done by Samardžić who, in some of his previous materials promoted the idea of having separate entities. Marko Jakšić and Milan Ivanović, the leaders of the SNV for North Kosovo are doing the same thing. However, in reality they are getting ready for the division. SNV has already prepared a Declaration of Independence of the Community of Serbian Bodies and Municipalities in case of Kosovo independence and currently are “boycotting” cooperation with representatives of the UNMIK administration and Kosovo institutions. Different moves on the field caused growing suspense amongst many Serbs in central Kosovo and the North part of Mitrovica which is growing into fear from being late and fear from uncertainties of potential future refugee life. This is evident, and the best example to prove it is the way Serbs in Kosovo reacted to the news that around 100 citizens, Serbs from central Kosovo, exhumed remains of their deceased family members and buried them in central Serbia.

One of the problems is that “Serbian leaders”, both “hard” and “soft liners”, do not enjoy the trust and support of citizens. They act as the extended arms” of Belgrade but it is very difficult to understand what actually the policies of some of the power centers are. Hence the local Serbian politicians are rightfully asking from the members of the Belgrade negotiation team to explain to them what was accepted or rejected. Also, Tadić and Kostunica have been asked to publicly and clearly state whether they support the idea that Serbs should stay in Kosovo or leave it in a mass movement.

The fact that Serbia is a “weak state”, which allowed its government to negotiate as “technical government” in the recent months of negotiations; few influential leaders from Belgrade have ever dared to express an opinion different to that of the general commitment of defending Kosovo. Almost all political parties are trying to have “their own Serbs in Kosovo”. The financing of the Serb political parties in Kosovo is not transparent. Somewhat better organized groups, such as the Serbian National Council, may for the most part act independently and even dictate to Belgrade. Long term isolation of the Serbian leaders in Kosovo and refusal to cooperate with Kosovo institutions, including their “boycott” of UNMIK, are factors that have visibly influenced the political views of the Serbian politicians in Serbia. Namely, they do not have trust or any esteem for the representatives of UNMIK and KFOR which are considered by many as occupiers”, “fascistic promoters”, “corrupt bureaucrats”, etc. In any case, the Serbian community has a lot to lose as a result of the fact that it is not capable to maintain normal communication with the representatives of the international administration.

Facing these factors authorities in Belgrade should already act in two areas. Firstly, the existing negotiation team should, within its mandate, continue and intensify diplomatic activities in the UN SC, General Assembly of the UN, parliamentary assemblies of the Council of Europe, OEBS and NATO and European Parliament. The basic goal of these activities could be slowing down the adoption of a UN SC resolution until a better arrangement than that of Ahtisaari’s *Comprehensive Proposal* is found. This could be achieved if Annexes of the *Comprehensive Proposal* would be complemented with standards which were proposed

in the report by Kai Eide to the UN SC and in the findings of the UN SC mission which visited Kosovo and Metohija and Belgrade. Together with these addenda Ahtisaari's proposal could be defined as a set of good guidelines for the future mandate of the international civilian presence in Kosovo. In order to secure the sustainability of the future status it would be important to define the channels of cooperation between Belgrade and internationals at the very beginning of the mission, preferably by UN SC resolution.

However, in order to achieve these goals Belgrade would have to change its current "hard line" politics and tough "political-diplomatic" conflicts with Ahtisaari and try to represent itself as a potential constructive partner in Kosovo crisis management. In any case, it should disprove the comments uttered about its politics and how it is blocking the solution and deepening the crisis, making escalation of violence easier and prolonging instability of Western Balkans. In order to do so Belgrade should come up with a plan B. It should be a proactive and realistic policy that tries to link the "future status" of Kosovo with Europe and Serbia. Strategically speaking, this means that the following five to eight years of the future status Belgrade should use to strengthen the position of the Serbian community in Kosovo and in particular to strengthen municipal authorities in North Kosovo, to deal with property and economic issues by supporting joint projects of Kosovo and Serbia. Amongst other things this would mean accepting to talk about Kosovo independence as one of the options and leaving its verification for after Serbia's accession to EU, as well as leaving the door open for the option of joint and peaceful agreement on the correction of the border line once a new UN SC resolution is adopted and new EU mandate defined. All of the above activities must be undertaken by the Government of the Republic of Serbia and the National Security Council.

A Serbian National Council as Serbian self-governing body should be elected as soon as possible and in cooperation with the Serbs in Kosovo as well as temporarily displaced persons who are now in central Serbia. In order to make sure that international image and negotiation position of Belgrade are improved it is of utmost importance for the Serbian authorities to do the following:

- Firstly, to reactivate “technical dialog”, initiated in 2003 between Serbia and Kosovo, which gave no results to date. To this end Belgrade would have to be constructive as opposed to its current mood. Namely, in recent years Belgrade was preoccupied with efforts to prevent Kosovo independence, mostly by obstructing and slowing down the process of finding solutions. For example Belgrade could propose the change of license plates: Kosovo motor vehicles license plates would lose letters KS and current Kosovo plates, with Latin alphabet, would, like “European plates“ or those in Israel or Bosnia and Herzegovina, be introduced in central Serbia. Also, Belgrade could offer to address issues related to travel and personal documents by using the Finnish-Aland Islands Model. This means that Kosovo would have its own emblem, coat of arms and flag, as well as its own documents however the column “citizenship” would read: “regional domicile“ as it is stated now in the existing UNMIK documents or Aland Islands documents, etc.
- Secondly, there should be a “side communication channel” for communication with Pristina. It would be comprised of public figures acceptable to both sides and whose mandate would be approved by both Belgrade and Pristina. It would be useful if the Contact Group and the EU could support such a channel. Lack of such type of contact between the Serbs and Albanians, Pristina and Belgrade would put additional weight to finding solutions acceptable to both sides.

Naturally, one should note that the Serbian approach to the Kosovo status process is burdened with the following factors:

- Negative appraisal of UNMIK’s performance and the truly difficult situation in Kosovo. Widespread practice of social and economic discrimination against Serbs in Kosovo can serve to prove this. Thus, while under international jurisdiction, large numbers of Serbs were compelled to leave their positions in public enterprises (eight thousand workers had to leave public enterprises only in the power supply field); around 300 000 of housing units (houses, apartments, offices, land, etc) owned by Serbs were confiscated.

- The heavy burden inherited from Milosevic's regime reflects in the following: poor international image of Serbs and Serbia, including strong anti-Serb stereotypes especially present in certain EU countries and the USA; the fact that a majority of the current political leaders in Serbia perpetuate an understanding of politics where everything is allowed in attempt to keep and strengthen power; strong ethno-nationalism and traditionalism; strong presence of a mythological mindset particularly notable in Serbian narrative art where Kosovo is "the cradle of Serbian religion, nation and state". According to this, Kosovo is far more than just a territory.

For Serbs and Serbia, Albanians from Kosovo are a national minority which originally came from Albania. That's why they do not have the right to self-determination and forming the second "Albanian state". Official Belgrade's rationale refers to recommendations of Banditer's Commissions for Former Yugoslavia which were against the right of Kosovo to become an independent state like other former republics of Yugoslavia. Legal grounds for such recommendation were found in the Helsinki Final Act which guarantees the sovereignty, territorial integrity and inviolability of Serbian borders. Also, this document guarantees the right to self-determination and possibility to change border lines by peaceful agreement. Hence the Serbs' idea about the potential division of territory, i.e., creating a border line with Albanians.

Whether Serbia will leave the losing side or not depends on its ability to give up incompetent officials who call the reality "defeatism" and lead politics based on ethno-nationalistic myths and narratives. Unfortunately, the new government does not give much hope because, basically, it continues the Kosovo politics which has been used since 2004. This is evident from the way the April public hearing of the UN SC were presented to the Serbian and Kosovo public. This was a "Belgrade negotiation team victory". Prime Minister Koštunica, who announced from the UN headquarters that "Ahtisaari's plan failed" was leading this effort. This only means that the Serbian public will not be getting full information on the process as usual and that current Belgrade policies for Kosovo will not change. In addition to this, it is not very likely that Belgrade

will use the forthcoming consultations with the UN SC to productively improve its position. That all powerful political parties in Serbia agree not to accept Kosovo independence leaves no doubt. In addition, there is not much of a political agreement to develop a comprehensive national strategy on Kosovo which would present a series of exit strategies or so-called reserve plans.

Undoubtedly, Kostunica and Tadić had, up until now, much more capacity grounded in the state and society and especially in the international cooperation arena than they actually managed to use. It is not excluded that the new government will, although comprised of the same parties, activate more of its resources than it used to. However, a factor that makes thing even more difficult is the lack of full awareness of Belgrade that Ahtisaari's proposal is still on the table.

The Kosovo Status – Key to Balkan Stability

John Erath

In approaching the Kosovo status process, the United States has been guided by three basic interests. First, any settlement must increase stability in the Southeast European region. Second, the Kosovo status process should encourage the growth and development of democratic institutions. Finally, it should advance the Balkan region along the path toward full integrations with Euro-Atlantic institutions. Those paying attention to the three goals I have outlined here will notice that the word “independence” has not yet appeared. While the United States supports the idea that Kosovo should be independent, we have only expressed such support in the context of achieving the larger goals of stability, democracy and Euro-Atlantic integration.

In discussing the U.S. approach to regional stability in Southeast Europe and to Kosovo’s status, it is important to keep in mind that these are issues of common interest to both the U.S. and its European allies. We all have significant investments in peace in the Balkans and much to lose should another round of conflicts occur. Similarly, it is clear to leaders on both sides of the Atlantic that the status quo in Kosovo is unsustainable; no one is interested in a permanent protectorate. After more than seven years of political limbo, the people of Kosovo, and Serbia, deserve greater clarity about their future.

While the current focus is strongly on Kosovo’s future, it would be well to remember that Kosovo’s pivotal moment occurred in the past – the 1999 NATO decision to use force to halt the humanitarian disaster caused by the Milošević regime. This led to the end of Serbian control over Kosovo, replaced by UNMIK administration. UN Security Council resolution 1244 mandated an “interim” UN administration but left ambiguous what Kosovo’s future status would be. This was a necessary

decision at the time as there was no prospect for agreement on Kosovo's status and, for the time, the ambiguity allowed for the end of the conflict.

This ambiguity continued to be useful for several years as UNMIK was able to encourage the growth of the institutions of self-government and NATO could consolidate a safe and secure environment. It became clear, however, that this situation could not be prolonged indefinitely. In 2005, Norwegian UN Representative Ambassador Kai Eide concluded that further progress on implementing UN standards would not be possible until Kosovo's status was settled. Although all Contact Group members understood that there was no prospect for agreement between the parties, the status process began as Eide had recommended. UN Special Envoy Ahtisaari conducted the process in accordance with the Contact Group's Guiding Principles which maintained that there should be no return to the pre 1999 situation and that no party should be allowed to prevent the process from being completed. Not surprisingly, given U.S. membership, the Contact Group Principles aimed for a situation that would improve prospects for stability and democracy and facilitate Euro-Atlantic integration.

When Ahtisaari submitted his Comprehensive Plan in March of this year, headlines around the world reported that it was a plan for Kosovo independence, even though the word "independence" does not appear in the proposal. Indeed, the focus on this word is unfortunate as it has diminished attention on several important issues. The key provisions of the settlement plan are those that provide for effective democratic government, minority rights, security, and international supervision. There are significant challenges to implementing the settlement that will require considerable efforts both from Kosovo's people and the International Community. Despite these difficulties, however, we believe that Ahtisaari's proposal provides the best way forward.

We believe a new UN Security Council Resolution would provide the cleanest means of putting the Ahtisaari plan into effect. UNSCR 1244's ambiguity has been useful in the past, but it does not help with a clear outcome. 1244's provisions, including UN authority over Kosovo, are tied to an "interim period" that is not further defined. While it could be

argued that the Eide report and the start of the status process marked the end of the interim period, this is not definite. A new resolution, replacing 1244 would mark an undoubted end of UN administration in favor of self-rule. The new resolution will not, however, make Kosovo independent. Decisions about recognition of sovereignty are national ones, and it would set a negative precedent for the UN to take on the role determining questions of sovereignty.

So much for describing the current situation. I'm sure everyone here is more interested in what is the U.S. view of the next steps. How do we proceed from here? Implementing the Ahtisaari plan will not be easy, but there are a number of existing tools under existing Euro-Atlantic security structures that can be useful. The Partnership for Peace has had extraordinary success in such areas as developing security sector cooperation and democratic control of armed forces and has provided aspiring NATO members with important tools for their membership preparations. The Riga Summit decision to allow three more Balkan countries to participate in PfP was a clear signal that the security situation in South-east Europe is becoming more normal. (Bosnia, Montenegro, Serbia).

The vision for regional security was articulated by Ministers at the 2001 Budapest Ministerial in the SEECAP Declaration: "History has taught us that we can best enhance stability by acting together, and in coordination with NATO and the wider Euro-Atlantic community of democracies."

The important idea from this document was that security should be a shared responsibility. As all peoples of the region are affected by security risks, all must be involved in the security structures that manage these risks. Just as we cannot have a stable Southeast Europe without resolving Kosovo's status, we similarly cannot leave Serbia behind as the region progresses. Serbia has to have a European future along with its neighbors in the region.

Finally, I want to note that the U.S. Government understands the importance of its role in the Balkans region. We plan to participate in KFOR until its mission is completed. We will also contribute to the future International Civilian Office and provide bilateral assistance as appropriate

in cooperation with our European Allies. With increased stability from a clear future status for Kosovo, the development of democratic institutions as prescribed by the Ahtisaari Plan and a clear road to Euro-Atlantic integration provided by NATO's vision of cooperative security and future EU membership, we can take the most important steps that will allow the Balkans region to take its place as part of what President Bush has described as "Europe whole and free."

Bosnia-Herzegovina – Chances for Regional Cooperation under Difficult Internal Conditions

Denisa Saraljić-Maglić

Background

Bosnia and Herzegovina is currently facing an overall institutional and political impasse. It is repeatedly claimed that BiH is generally stable, which may be an accurate portrayal of the picture from an outside perspective. However, from an insider's point of view, there is a growing belief that the political situation resembles that of the immediate aftermath of the war.

However, the society, and politicians in particular, find it hard to come to grips with the fact that there will not be any more robust international interventions or high profile conferences which will overcome this impasse.

Domestic political forces who count on such options are not only maintaining the *status quo*, but also making the overall political tensions even higher. They rely on nationalism, which continues to be a dominant force and a major factor impeding the introduction and consolidation of democracy, provoking scepticism over the success of the state-building process in BiH. This dilemma becomes ever more striking considering the fact that the international community has poured over five billion dollars in BiH 'state-building' since the war. And yet, it proves not to have been enough to make BiH a functional state capable of assuming full ownership of its political processes.

On the other hand, the international community, and the EU in particular have shown a growing interest for developments in the rest of the region, which has significantly diverted their interest and focus away from BiH. This lack of interest is unproductive and exacerbated by the position of

some EU representatives in BiH, who believe that they should let the political situation deteriorate until the system collapses. The rationale behind this is that local political leaders would take more initiative and ownership under that pressure.

From the perspective of wider regional implications of this situation, it needs to be stressed that regional influences are not a one-way street, and in as much as the final Kosovo status and political situation in Serbia may generate some influence on BiH, so could an internally unstable and dysfunctional BiH have the potential to become a problem for the region as a whole. Therefore, the international community should become concerned whether its 'state-building investment' in BiH is an irreversible process, and whether going back to square one could contribute to serious instability of the region.

Virtual State-building = Virtual Statehood

BiH today is suffering from an acute case of virtual statehood. A dangerous delusion continues to affect local as well as international officials who refuse, for various reasons, to understand or acknowledge that the establishment and functioning of the Dayton governance structure has been and continues to be dependent on international intervention.

Political tensions within the country and a destabilising regional environment in particular have extended the Office of the High Representative of the UN's (OHR) mandate, and political division in the country, though mostly rhetorical, seems to be dangerously high. In this environment of institutional and political uncertainty, it is easy to divert attention from the nitty gritty of day-to-day governance with polemic debates and counter debates. The signature of the Stabilisation and Association Agreement with the EU is no longer so close, and the EU Special Representative waits to assume a more prominent, though as yet undefined role.

On top of such demoralizing political conditions, BiH and its population also remain hostage to a cumbersome governance structure, in which numerous levels of government, wielding both legislative and executive powers and served by thousands of civil servants, operate largely in isolation from each other. The system is cumbersome, inefficient, expensive, and constrained by constitutional provisions designed to prevent common government at state level rather than to enable it. An attempt made in April 2006 to modify the BiH constitutional framework was aimed at addressing some of these deficiencies. Unfortunately, this attempt not only failed, but also exposed some of the inherent weaknesses in the existing system, including the fact that many people in BiH do not identify with the state and have not yet come to terms with the Dayton version of statehood – for reasons more unitarian or separatist in nature.

Politicians from both entities ignore and undermine the present state. Federation politicians tend to view it as a temporary system, hardly worthy of their attention that will be ditched sooner or later in favour of a ‘normal’ unitary European state, with sub-units organised on ‘functional’ lines. Their counterparts in the Republika Srpska (RS) view the current state as a minor obstacle to their autonomist ambitions.

In practice, this process of gradual, step-by-step state-building has had the advantage of allowing the state to acquire some ‘normal’ functions of statehood without requiring the politically impossible, i.e. explicit constitutional change. However, the trade-off for this has been that the already weak Dayton structures are now the shaky foundations on top of which a range of state institutions perilously sit. The weakest of these state institutions are those that share competencies with the entities. Most are the result of political compromise and are built around a complex system of overlapping and unclear divisions of responsibility and authority that allows state, entity and other institutions to coexist and overlap without any clear hierarchy. The system of state governance barely functions with strong international pressure and is in danger of paralysis without it. This virtual state cannot fulfil BiH’s present international obligations let alone future commitments to the EU and NATO.

As a result, a virtual state yields virtual politics, and has a virtual statehood.

EU Integration

Although significant political conditions are yet to be fulfilled, the technical round of negotiations for signing the Stabilisation and Association Agreement (SAA) is complete. However, even if BiH were to meet outstanding political conditions and sign the SAA today, the country would still face a number of challenges and difficulties that arise from the nature and substance of the Agreement.

BiH's constitutional set-up and dysfunctional cooperative governance system mean that obligations from the SAA will be very difficult to implement. There is a real danger that BiH could thus lag behind its neighbours in the process of EU integration and that the country's overall development will be harmed, not only because of a lack of political will, but also because the country is not prepared in terms of organizational capacity for the obligations and opportunities that come with EU integration.

Bosnia and Herzegovina is thus not prepared to take further steps towards EU integration. Numerous EC projects have provided policy, technical and capacity-building assistance to BiH institutions, and the more successful of them have pushed at the limits of institutional inventiveness in order to find a way around the constraints of the country's dysfunctional constitutional set up. However, what have been created at state-level is mostly framework laws and 'coordinating' state institutions that cannot enforce state-level policy.

Conclusion and Recommendations

- The current dysfunctional system, dependent on international intervention, can be made more operational and autonomous, but only if

there is agreement in BiH that a secure, minimally autonomous and credible state-level is a reasonable and desirable common goal. Local political leaders, with the support of the international community, need to agree on a minimum package of constitutional, legal and political measures required to give the BiH state basic levels of autonomy and credibility prior to the closure of OHR.

- Such proposals need to be able to work within the constraints of the current territorial division of BiH and need not necessarily require redrawing entity borders, or even the transfer of whole new sectors to the state. Rather they should focus on measures that must be taken to deepen current reforms to the point where the state has the *actual* authority and resources to implement its obligations, as any other central state in a decentralised system.
- BiH must at least have the authority to legislate and implement its modest list of competencies and to lead the process of EU integration with credibility. Otherwise the system has little chance of working without international interference.
- Bosnia and Herzegovina's road towards the EU has no viable alternative, yet it remains a highly politicized issue. The fulfilment of this goal, which is supported by most BiH citizens, is dependent on the functioning of highly cooperative governance mechanisms, which do not function. Thus, in the absence of specific institutional remedies, the country's road to Europe is likely to provoke huge political, structural, sociological and economic problems, which may have larger regional implications.
- Given the current political situation, the incentive for change will not come from political leaders, particularly having in mind their failed attempt to adopted changes to the Constitution in April 2006.
- OHR has lost much of its credibility, and trying to restore it during the remaining 13 months of its mandate will be a mammoth task.
- Given the impetus to sign the SAA and BiH alleged aspiration to integrate, the EU appears as the natural and only choice that may drive a more substantive effort to make BiH a more functional state. However, given the fact that their attention has recently been di-

verted by the independence of Montenegro, Kosovo final status, and election results in Serbia, the EU's very lenient and unobtrusive approach to the political situation in BiH has become more visible.

- Thus the EU political leverage has also lost momentum. To the BiH public and politicians, the EU no longer appears as a political force that has potential to yield pressure and produce a breakthrough in this institutional impasse. By accepting half solutions in meeting the SAA requirements, and giving unnecessary concessions to parties which otherwise obstruct EU integrations, the EU has sent a message that it agrees with this virtual system that exists only on paper and does not work.
- Therefore, the starting point should be a change of attitude in the EC and EU. They must become aware of the severity of the situation, and understand that the state-building process has reached its peak within the limits of the existing constitutional structure. What we face at best is an infinite political and economic *status quo*.
- The EC should show more concern from the point of view of the SAA implementation. If implemented fully and properly, the SAA could become the most powerful state-building mechanism. But the necessary precondition for this is that the state becomes more operable, manageable and able to implement the SAA in the first place.
- Without the prospect of the SAA and with an endless political *status quo*, the question that arises more and more among BiH citizens and media, whether how long this situation can last and what can follow from it. There is a growing and justified fear that such weak and institutionally unstable BiH is more vulnerable to potential risks from an unstable region. But if we take the argument from the beginning of this paper, that regional dynamics work both ways, then the question that needs to be asked is not only what regional instability can do to BiH, but also what BiH can do to an existing regional instability.

A Crisis of Democracy in Southeast Europe

Matthew Rhodes¹

For those who are counting, 2007 marks the third successive “year of decision” in Southeast Europe. The previous two did bring breakthroughs on some key issues. Separation for Serbia and Montenegro, admission of both as well as Bosnia-Herzegovina to the Partnership for Peace, clear support for early NATO membership for Albania, Croatia, and Macedonia, and approval of full EU membership for Romania and Bulgaria all come to mind.

However, a broadly perceived “crisis of democracy” threatens realization of the promise of those steps as well as resolution of still-outstanding issues. Prominent analysts and officials warn of political “danger” in and around the region.² Reversing these trends as quickly as possible is vital.

Two countervailing points should be conceded upfront. First, regional specialists have an innate bias toward bad news. The worse things are in a given set of countries, the more interesting and important work on them becomes. More attention, resources, and employment prospects follow. Second, the very nature of democracy makes problems or even crises difficult to distinguish from normal, healthy operation. Free-wheeling competition among groups and ideas can appear hopeless and chaotic even within so-called “mature” democracies. This is even more the case for “transition” states further burdened with fundamental issues of state-building.

These factors offer some comfort against the most dire predictions but are no grounds for complacency. The pervasive pessimism concerning

¹ The views expressed are solely those of the author.

² Larrabee, F. Stephen. “Danger and Opportunity in Eastern Europe.” *Foreign Affairs* 85:6, Nov./Dec. 2006, pp.117-132.

the state of democracy reflects the current controversies' unusual intensity. Going far beyond simple policy differences, by word and deed central actors such as heads of state, heads of government, and leaders of top political parties challenge the very legitimacy of their opponents and the constitutional order itself. The unusual coincidence of such "extraordinary politics" in so many countries at once presents a second source of worry. Where many stable democracies surround one or two states in turmoil, they serve as buffers against the escalation and spread of instability. Where parallel crises afflict an entire region, the problems of separate countries exacerbate one another.

A brief survey illustrates these points. Starting to the north, developments in each of the Visegrad countries have compromised their roles as models and promoters for democratic progress further east and south. In Poland, prominent former dissident Adam Michnik charges twins President Lech and Prime Minister Jaroslaw Kaczynski and as "a systematic effort ... to undermine ... democratic institutions" through such action as bribing individual MPs in fall 2006 to retain their Truth and Justice Party's hold on power after its prior coalition collapsed and by subsequently enacting a dramatic expansion (later ruled unconstitutional) of the country's lustration laws to hundreds of thousands professional posts.³ Slovakia's May 2006 elections produced a governing coalition with both the chauvinistic Slovak National Party, whose leader Jan Slota speaks of driving tanks into Budapest, and the party of former Prime Minister Vladimir Meciar, whose authoritarian rule in the 1990s included kidnapping of the President's son by the secret police. Meanwhile, the perfect 50-50 split for right and left parties after its June 2006 vote deprived the Czech Republic of government with parliamentary mandate for over seven months. In Hungary that fall, Prime Minister Ferenc Gyurcsany's admission his Socialist Party had lied "morning, noon, and night" about the state of the economy in its own spring reelection campaign sparked the largest mass demonstrations since 1989. Violent clashes erupted between protesters and police as the Fidesz opposition demanded the government's resignation.

³ Michnik, Adam. "The Polish Witch-Hunt," *New York Review of Books*, 28 June 2007, p.25.

Elsewhere in the broader neighborhood, the renewed standoff this spring between Ukrainian President Viktor Yukaschenko and Prime Minister Yanukovich over the former's decree dissolving parliament left the country's democracy "gasping for air."⁴ The two leaders' clash included disputed control over Interior Ministry forces and dismissals of members of the Constitutional Court on charges of corruption. Romania has witnessed analogous efforts by Prime Minister Tariceanu and the opposition Socialist party in parliament to suspend President Basescu on grounds of political misuse of the secret services. A constitutional court ruling had held such a step technically permissible but lacking sufficient substantive justification, and Basescu himself accused his opponents of seeking to derail his anti-corruption initiatives. In neighboring Bulgaria, corruption scandals have forced the resignation of both the Justice and Economics Ministers. In Turkey, the governing Islamist Welfare Party has called for switching to direct presidential election after public warnings by military leaders, absenteeism by secular parties, and constitutional court pronouncements forced the withdrawal from parliament of the successive candidacies of Prime Minister Recep Tayyip Erdogan and Foreign Minister Abdullah Gul.

Within the Western Balkans, developments in each of the NATO Membership Action Plan (or "Adriatic Three") countries have also raised concerns. Perhaps least seriously, one observer viewed the death of former Croatian Prime Minister and Social Democratic Party leader Ivica Račan in May 2007 as removing a key restraint against other politicians' "instincts to radicalize."⁵ Regarding Macedonia, in February 2007 NATO Secretary General Jaap Hoop de Scheffer noted the "lack of dialogue" exemplified by the largest ethnic Albanian party's extended boycott of parliament in protest for its exclusion from the new governing coalition "diminished" the country's role in Euroatlantic integration.⁶ Meanwhile in Albania, opposition accusations of planned government fraud forced the delay of local elections into February 2007 and have

⁴ Myers, Steven Lee. "Memo from Kiev; Stalled by Conflict, Ukraine's Democracy Gasps for Air," *New York Times*, 1 June 2007.

⁵ Croatia: Fueling or Dampening the Rising Balkan Conflict? *Stratfor*, 30 Apr. 2007.

⁶ *RFE/RL Newswire* 15 Feb. 2007.

been followed by deadlock over parliament's selection of a successor to President Moisiu.

A perceived crisis in democratic state-building has also afflicted the PFP "New 3" countries. In Bosnia-Herzegovina, one prominent Western ambassador regrets the "deterioration" of political life over the past year. Parliamentary elections last September yielded an alignment of forces unable to produce a central government for over four months. The same parties remain deeply divided over a revival of efforts to amend the Dayton constitutional structures. Police reform, a precondition for further progress toward a Stabilization and Association Agreement with the European Union, is similarly stalled. The leading ethnic Serb politician, Milorad Dodik, threatens a referendum for independence in the Republika Srpska. The leading Bosniak, Haris Silajdžić, calls for abolishing the RS as an illegitimate, "genocidal entity." Contrary to prior hopes that the Office of High Representative and its associated "Bonn powers" could be wound down this year, they have instead been entrusted to a new, more activist occupant. Regarding Montenegro, a recent report criticizes irregularities and exclusiveness in the country's constitution drafting process for generating "new divisions" in society.⁷ An earlier study had condemned Serbia's October 2006 referendum on its new constitution; suppression of critical viewpoints in the media, a suspicious vote count, and ineffective mechanisms of checks and balances were collectively deemed to have pushed democracy "backwards." Follow-up analysis judged the five month delay in formation of a government after the December 2006 elections as well as Radical party leader Tomislav Nikolić's talk of declaring a state of emergency during his brief stint as speaker of parliament as further evidence of weaknesses.⁸

Meanwhile definitive UN Security Council action on former Finnish President Ahtisaari's proposals for "supervised independence" for Kos-

⁷ Djurkovic, Misa. "Montenegro: Headed for New Divisions?". Conflict Studies Research Center, Balkans Series 07/11, March 2007.

⁸ "Serbia's New Constitution: Democracy Going Backwards," International Crisis Group Report, October 2006; and "Serbia's New Government: Turning from Europe," International Crisis Group Report, May 2007.

ovo has slipped past a series of projected deadlines. Tension and uncertainty surrounding this issue also hold back progress elsewhere.

Given all these challenges, it is tempting simply to wait for more favorable “decisive” years in the future. However, important reasons argue for action to reverse the tide of pessimism before the end of 2007. First, NATO’s upcoming “enlargement” summit, scheduled for April 2008 in Bucharest, presents one key deadline for judging the progress of the “A-3” and “New-3” states since Riga. Second, the European Union will be making “safeguard” assessments of its newest two members, Bulgaria and Romania, as well as revisiting the controversial issues of institutional reform needed for enlargement beyond the Nice Treaty cap of 27 members. Third, the United States, whose recently reenergized engagement in Southeast Europe remains a necessary complement to EU activities,⁹ is quickly entering a period of both escalating debate over its strategy in Iraq and of an extended presidential campaign and transition that may again divert its attention from the region.

At a minimum, continued negative trends mean further lost time in achieving stability, prosperity, and full integration. In terms of NATO and EU membership, this could mean another three to five years before the alignment of regional conditions and external interest provides another opportunity to advance toward admission. Slovakia’s exclusion from NATO’s 1999 Višegrad enlargement but subsequent inclusion in the 2004 “Big Bang” presents a kind of precedent. However, delays could certainly extend much longer and reach fifteen, twenty, or even more years.

A much worse case would see indefinite delay accompanied by a broader crisis of the Euroatlantic project. A combination of factors such as a reemergence of armed violence, a perceived failure of the pull of integration and international engagement, and concentrated efforts by a

⁹ Rhodes, Matthew. “The U.S. Role in Southeast Europe: In and After the Peace Plans,” in *International Peace Plans for the Balkans – A Success?*, Study Group on Regional Stability in Southeast Europe of the Partnership for Peace Consortium, 2006, pp.113-124.

hostile Russia to play a countervailing role in the region, and simultaneous reversals for democratic state-building elsewhere could generate turmoil and divisions within NATO and the EU over how best to proceed. At the extreme, a loss of trust, confidence, and prestige could trigger those institutions' dissolution or decline as pillars of stability in the region and beyond.

Despite the mounting bad news, such dramatic scenarios remain neither predestined nor even most likely. Unfortunately, they appear more plausible now than a year or two ago. Preventing further erosion of the region's outlook will require rapid, principled moves that simultaneously resolve crises today and bolster the foundations for democracy in the future. If dire warnings supply the necessary sense of urgency and focus, they will have rendered a valuable service far beyond advancing their authors' careers.

PART III:

NEW DYNAMICS THROUGH STRUCTURAL CHANGES AND PROGRESS IN THE INTE- GRATION PROCESSES

From Stability Pact to the Regional Co-operation Council

Franz-Lothar Altmann

The Stability Pact for Southeast Europe was called into existence in 1999 as a German initiative aiming to support the reconstruction of political and civil structures as well as to provide aid for the recovery of the economies in the region and to reduce the distrust between the ethnicities within the respective countries as well as between the countries in Southeast Europe themselves. It was meant as the first comprehensive conflict-prevention strategy of the international community, aimed at strengthening the efforts of the countries of Southeast Europe in fostering peace, democracy, respect for human rights, economic prosperity and security. The concept was supplemented by the perspective of later inclusion into the European process of integration in order to facilitate the difficult political, economic and social adjustment. From the very beginning the pact has made clear that regional co-operation represents an indispensable component and a precondition for the much-desired integration into EU and EU-Atlantic structures.

Regional co-operation is a necessity in South Eastern Europe in itself – many issues as for example fighting organised crime, intensifying trade or strengthening disaster preparedness and prevention, can only be addressed on a regional basis. Foreign investors will not be interested in investing into a country with a market of only 2 million consumers, but a market of 55 million consumers, which is currently being established with the amendment and enlargement of CEFTA, also makes investments in SEE much more attractive. Furthermore International Financial Institutions (IFI) are taking a regional approach to their programming, in addition to their individual country programmes.

Secondly, regional co-operation is both a prerequisite and a tool for the European and Euro-Atlantic integration of SEE. Namely, it is one of the

criteria of EU and NATO membership, as the two organisations want to take in only those countries that show maturity in relations with their neighbours – regardless of how painful memories of recent events might be. It is understandable that both organisations cannot be interested in offering membership to countries that import unresolved disputes or even serious conflicts with their neighbours.

However, regional co-operation should not be mistaken for a substitute for EU and Euro-Atlantic integration. Since regional co-operation is the basis the EU itself is built upon, it is also a condition for the further integration of South Eastern Europe into the EU. Regional co-operation should thus be seen as an important preparation for future EU and NATO membership.

There is no doubt that today the region is much more mature in many respects than eight years ago. Many projects and initiatives of the Stability Pact have been completed, companies are taking full advantage of regional free trade with the result of intra-regional trade doubling over the past few years. There is now a common approach to addressing difficult issues such as the fight against organised crime and corruption. Best practices in the area of migration are being exchanged. The Energy Community Treaty is creating a regional electricity market consistent with EU standards. Four countries have formed the Sava River Commission to manage the economic and environmental issues of this important basin. There exists in fact ever closer co-operation among the local authorities along the borders of SEE countries which are today being protected almost exclusively by police and not military units any more. Therefore it is time that the region can – and must – take greater ownership of its own affairs.

Bearing this in mind, a transformation and streamlining process was launched in 2005 with the final aim of having a new framework for regional co-operation in South Eastern Europe in place by 2008. In order to have an impartial assessment of the contributions of the Stability Pact so far and to receive various proposals on how the future regional co-operation framework should look, a Senior Review Group (SRG) was established by the Special Coordinator for the Stability Pact, Erhard

Busek, in close co-ordination with Enlargement Commissioner Olli Rehn.¹ At that time it was also clear that the Stability Pact – which anyhow was foreseen to remain active only for a limited period from the very beginning – should terminate its activities in a foreseeable time. Some of the major donors indicated clearly that they would end their engagement completely if not a feasible new format for a subsequent institution would be found that entailed a much more pronounced ownership content of the region itself in particular.

The final report of the SRG outlined certain preconditions for a sustainable regional co-operation framework in SEE which have to be kept in mind: a strong involvement of both the South East European countries and the EU; full political commitment by the countries of the region; and involvement of the non-EU donor community during the transition process towards regional ownership. It must be stressed that during the preparation of the Final Report the EU Commission provided the Senior Review Group with substantial support insofar as it not only advised the SRG with practical recommendations but in particular with making clear that the Commission's engagement will remain strong also under the new framework. This was important for the accompanying talks with representatives from non-EU donor countries like the USA, Switzerland or Norway, because the SRG could thus refer to the EU's promise of further commitment.

Following a wide consultation process with countries of South Eastern Europe in 2005 and 2006, the Stability Pact's highest decision-making body – the Regional Table in Belgrade – took in May 2006 far reaching decisions on the transformation of the Stability Pact into a more regionally-owned, streamlined and effective regional co-operation framework in South Eastern Europe. The main task of such a framework is to be a facilitator of regional co-operation and support the European and Euro-

¹ The Senior Review Group comprised Ambassador Alpo Rusi of Finland as the Chairman, former Deputy Special Co-ordinator in 1999-2000, Goran Svilanović, former Foreign Minister of Serbia and Montenegro, Vladimir Drobnyak, Chief EU-Negotiator for Croatia, and Franz-Lothar Altmann of the German Institute for International and Security Affairs (SWP).

Atlantic integration, while ensuring continued involvement of the donor community, thus preserving the legacy of the Pact.

A number of options were analysed when discussing the future framework for co-operation, ranging from a fully-fledged regional organisation to a more decentralised network of tailor-made sectoral co-operation arrangements.

While none of the existing frameworks for co-operation in SEE can at present stage adequately meet all the principles and address all the tasks mentioned above in their current set-up, their ability to adapt to these challenges was assessed. Considering their geographical scope and political aims, the Southeast European Co-operation Process (SEEC) as well as the EU-Western Balkans Forum were of particular interest in this context and were extensively discussed in the course of the consultation process. While it is always preferable to work with existing institutions and adapt them to changing environments, institutional restraints have to be kept in mind. Based on the current needs and required tasks careful consideration thus also had to be given to establishing a new co-operation framework, such as a Regional Co-operation Council (RCC). Finally, a more “substance-oriented” approach was considered focusing on tailor-made sectoral arrangements to address current needs.

In the course of the consultations, the EU has shown reluctance to enhance the EU-Western Balkans forum in order to enable it to meet the above principles and tasks to make this option feasible. Furthermore, the “substance-oriented” approach of tailor-made sectoral arrangements without a political forum to provide overall guidance has been dismissed as not ambitious enough by most interlocutors. Therefore the range of feasible options for a future regional framework for co-operation was reduced in the consultations, and in the very end the SRG recommended the SEEC as the only possible framework partner for the RCC. The SEEC is the principle political forum established by the region itself bringing together most of the countries of the SP target region. The fact that the countries of the region regularly come together on the highest political level shows the importance the countries themselves place in this forum.

After careful consideration the SRG thus recommended the establishment of a Regional Co-operation Council (RCC), which at a later stage can develop into the operational component of a reformed SEECP. Establishment of such a Regional Co-operation Council will be based on a phased evolution of the current Stability Pact structure into a more focused and streamlined regional set-up, increasingly owned politically, personnel-wise and financially by the countries of the region. It should be able to support the whole region on its path towards EU integration, with the option of providing a framework for co-operation even after all or most countries are EU members.

Based on decisions taken by the Stability Pact Regional Table in Belgrade (May 2006) and Bucharest (November 2006), the Summit of the South East European Co-operation Process (SEECP) and the Regional Table in Zagreb (May 2007) thus jointly decided to transform the Stability Pact for SEE into a Regional Co-operation Council (RCC). The final meeting of the Regional Table of the Stability Pact shall take place back-to-back with the first meeting of the RCC no later than February 2008.

The tasks of the RCC are defined as follows: to sustain focused regional co-operation in SEE through a regionally-owned and -led framework; to provide political guidance to and receive substantive input from relevant task forces and initiatives active in specific thematic areas of regional co-operation; to promote European and Euro-Atlantic integration; and to provide guidance to the Secretariat of the RCC and its Secretary General.

The RCC should provide the SEECP with operational capacities through its Secretariat and task forces as well as act as a forum for the continued involvement of those members of the international donor community engaged in SEE.

The membership of the RCC consists of the participating states of the SEECP,² the United Nations Interim Administration Mission in Kosovo

² Albania, Bosnia & Herzegovina, Bulgaria, Croatia, Hellenic Republic, FYR Macedonia, Moldova, Montenegro, Romania, Serbia, Turkey.

(UNMIK) on behalf of Kosovo in accordance with United Nations Security Council Resolution 1244, the European Union, represented by the Troika, consisting of the EU Presidency, the European Commission and the Council Secretariat, as well as those donor countries, international organisations and international financial institutions *actively and substantially engaged* in support of regional co-operation in SEE. Requests for membership of the RCC require the consent of the existing members.³ The host of the secretariat will be Sarajevo, and as first Secretary General Mr. Hido Bisčević, currently State Secretary at the Ministry of Foreign Affairs and European Integration of Croatia, was appointed. The RCC Secretariat will establish a Liaison Office in Brussels with European and Euro-Atlantic institutions, providing support to the SEECF. Altogether the Secretariat will have some 30 staff members.

It was agreed that the streamlined Regional Co-operation Council (RCC) and its Secretariat should focus its activities on six areas which the countries of the region have already identified as those where regional co-operation will be beneficial to all. These areas are:

- Economic and social development;
- Infrastructure;
- Justice and Home Affairs;
- Security Co-operation;
- Building Human Capital.

Parliamentary Co-operation is an overarching theme that is linked with each of the above five areas.

The financing scheme of the new RCC and its Secretariat was determined after the regional governments had agreed on their financial contribution to the future RCC Secretariat which will be a cost-share of € 1 million, the agreed annual contribution by the region to the RCC Secretariat. The European Commission and bilateral donors have now started to work together on their contributions and have agreed to establish a Donors' Working Group to this effect. The Group will work to-

³ Statute of the Regional Co-operation Council (RCC) <http://www.stabilitypact.org/rt/ZAGREBAnnextoConclusionsRCC.pdf>

wards defining the size of contribution by individual donors (bringing the total needed for the daily operation of the Regional Co-operation Council Secretariat to € 2.5-3 million) and at developing a mechanism that will allow donors to pool their funds in support of the Regional Co-operation Council.

The formal hand-over from the Stability Pact to the RCC will take place in February 2008.

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Regional Co-operation in South East Europe post-Riga: Capacity and Coherence for Change

Amadeo Watkins

No single state or international organisation can tackle the very many challenges facing SE Europe today. Consequently, regional and international cooperation, as a fundamental part of the ongoing integration processes, is indispensable to addressing these challenges. Most regional initiatives, including the NATO SE European Initiative was launched with this in mind. However, to date this cooperation has been slow, with very limited positive output for the region concerned. While NATO's Riga summit in 2006 formally established a new working environment for the region, this paper will suggest improving regional cooperation may not be as straightforward as some imagine.¹

Post-Riga: a possible new horizon

After much unfortunate speculation and debate, in November 2006 NATO reluctantly agreed to accept Serbia, Bosnia & Herzegovina and Montenegro into the Partnership for Peace (PfP) programme.² There is no doubt that for the countries concerned this formal move was a watershed decision which, although several years late, should positively impact the whole Euro-Atlantic process. For the first time it brings together all the Western Balkans states under a common security umbrella geared towards eventual Euro-Atlantic integration.

¹ Although the question of this paper implies regional cooperation under the auspices of NATO integration, the EU framework is an indispensable part of the process and must be taken into account.

² Considering little fundamental change in the region (with regards conditionality) since the Istanbul Summit, the Riga decision (which was rightly imposed by the US) can be seen as recognition of previous failed policy.

This common security umbrella is important for a variety of reasons, most directly with regard to the ongoing Kosovo status process which will continue to remain a key issue for regional security and stability until Belgrade and Pristina reach a compromise solution. On the domestic front it should strengthen ‘democratic’ values and help promote a brighter future as opposed to the depressing recent past. In terms of regional cooperation, the Riga decision has formally added new possibilities to regional cooperation. However, the success of all these will require an appropriate interplay between domestic forces at all levels, something that has to date not been the case.

There has certainly been an increase in the number of regional activities among all SE European states over the past 5 or so years, which has undeniably helped overcome the basic hurdles to cooperation and open up some new avenues. Most of these meetings took place under the auspices of regional incentives, which are certainly not lacking in number. Most regional initiatives were promoted by international actors, especially the United States, and a few have been set up by the region itself, such as the SEE Cooperation Process (SEECF). These indigenous initiatives have become more important over the years as the region attempts to move away from post-conflict transformation into closer Euro-Atlantic integration, where local ownership should take over from international assistance. However, for this shift to be ‘recognised’ – as it needs to be at this present time - it is important to distinguish between an increased level of regional meetings and an increased level of regional cooperation, as the latter presumes a greater output, which has been lacking to date. Furthermore, the countries of the region need to be less focussed on military-security issues, which only highlight their self-perceived positions of vulnerability.

This paper will argue that over the short to medium term this much needed substantive shift in attitudes will not take place, primarily because the most important legacies from the past have not been addressed.³ To quote the Serbian ‘Strategic Defence Review: “*relations*

³ ICTY conditionality must not be neglected or put aside and is best applied within the EU process.

*among the former Yugoslav countries are burdened with the lack of trust, the slow resolution of the refugee return issue and compensation for their property, as well as slow confirmation of responsibility for war crimes and unresolved territorial and other disputes”.*⁴ The burden of responsibility for such a shift clearly rests on the shoulders of the political elites, especially among the larger countries within the region, which should have a higher level of capacity to activate and support the above processes. It is important to note that capacity relates not only to the institutions’ ability to complete a certain course of desired action, but also to the political elite’s capacity to allow the action to take place under all circumstances, especially with regard to legislative (judicial) matters.

Domestically Politicised Obstacles

Obstacles preventing the advancement of regional cooperation from the domestic aspect are complex. At one side of the spectrum lie the negative legacies from the past, while on the other lies the desire towards closer Euro-Atlantic integration. Considering the political pathology, it is the political elites at the highest level that are the executors, and as such they are responsible for any progress or lack of progress made. In other words, if there is will – often meaning interest – to advance reform there is the possibility to address the capacity issue, and even the most stubborn resistance becomes negligible. This argument is clearly demonstrated by the ‘wave’ phenomenon, which is characterised not by a continuous stream of gradual ‘reform’ measures supporting declared policy objectives, but rather by the sudden occurrence of ‘measures’ at politically opportune moments in time.

Croatia has made important advancements in several respects during the past year or so and even though these are still marginal and are still led TOP-down (NATO & EU) the country is now genuinely one step ahead of the rest of its neighbours further south. As such there are signs that it is trying to advance its regional position, albeit in the ‘shadow’ of Slovenia. The main driver however, is recognition of the value regional

⁴ <http://www.mod.gov.yu>

cooperation can add to its Euro-Atlantic bid. In policy terms, for Croatia it means balancing between playing the 'regional actor' and 'regional leader' role. While these two options seem similar, they are in fact distinct, especially when viewed from the other side of the fence. Many thought the Croatian leap would influence the rest of the Western Balkan region. However, this has largely not happened for a number of reasons, all of which are internal in nature.

Furthermore, in terms of perceptions the country is still very much divided between its geographical location on the one side and its historical, cultural and religious linkages to Central Europe on the other, not to mention economic development which clearly differentiates it from its southern neighbours. This discourse, whilst being strongest amongst the public at large, is also present among the political elites. While understanding and accepting the regional cooperation argument, especially in terms of Euro-Atlantic integration, there is pressure towards an active European orientation, which in turn limits regional policies even in the sphere of economic activity.⁵

Serbia also continues to be consumed with internal problems, politically unstable and thus in several key factors the least advanced in the region. Kosovo remains a major problem, as do several other aspects of security sector reform. Recent internal political events in Serbia following elections in January 2007 show the depth of the problem and the depth of division within the country. In policy terms Serbia has most to gain from increased regional cooperation, but the political problems are set to remain at least for one more electoral term. Reform will continue, most optimistically at a pace just slightly faster than to date, resting mostly on the Kosovo status issue. Furthermore, regional cooperation plays a special part in Serbian politics and society at large, which are still characterised by a lack of realism.⁶ In its most extreme form is noticeable by a sense of Serbia's 'leadership' role within the region, inherent from the past. However, while this is possible in some practical aspects simply as

⁵ An example would be Croatia's participation in the Central European Initiative (CEI). See <http://www.mfa.hr>

⁶ <http://www.mfa.gov.yu>

a matter of potential, because of the past turbulent history it will be difficult in the short term for neighbours to accept Serbia in such a role.

At a strategic level, competition between these two regional players, while logical, is unlikely in the short term, primarily as Croatia looks westwards and Serbia has its hands tied by the complex set of factors noted above. Moreover, although bilateral trade between these two countries has reached almost 500 million Euros per annum, there are still open issues to be resolved, notably the issue of missing persons. It remains to be seen how the recently signed CEFTA agreement helps advance this issue. For example, Croatia was especially anxious in case the EU was abandoning its “individual approach” to countries in the region in favour of a regional “package”.

It can be argued that all this has created almost a sense of ‘desperation’ with the smaller countries trying to pick up and take advantage of the leadership vacuum but not having sufficient power or the capacity to make the strategic pull themselves. An example is the initiative launched by Bosnia & Herzegovina in 2006, SEESTAFF II, aimed at an exchange of junior ministry personnel, which is no doubt a very useful and constructive initiative. However, this initiative will need support from other major players if it is to gain any real momentum.

Coherence at the international level?

For all these reasons, there is no doubt that for changes to occur more quickly than natural momentum might allow NATO (and the EU) will have to make a more pro-active effort to advance reform processes in the Western Balkans. This effort will have to be carefully balanced and directed. While capacity building should continue where lacking with the state institutions across the region, especially with regards to creating strategic management capacity, primary effort should be directed towards the political leaderships who have mostly failed to deliver on pol-

icy.⁷ In the context of this paper, the NATO DRG initiative in Serbia is a very useful move, while the PfP programme should increase efforts to include more self-generated regional activities, perhaps within the A3+3 framework.

Although not desirable in itself, the presence of international actors in the region will remain important in the short to medium term, supporting the above mentioned TOP-down change process. However, this presence has not been without problems and has failed to implement the very ‘lessons learned’ policy which it preaches to the region. One of the major weaknesses is the lack of policy cohesion and consistency towards the region. To make matters worse, the whole Euro-Atlantic process has been politicised just as the last enlargement was. The end result is a negative ‘qualitative’ impact on the current domestic reform programme in several countries. For example, within the A3 block there is an obvious disparity in approaches to reform between Croatia on the one side and Macedonia and Albania on the other, as the former was given a clear hint of NATO membership in 2008-09.⁸ Serbia has also learnt the lesson that survival of the ‘democratic’ block is more important than anything else on the political-reform horizon.⁹

Furthermore, the international presence must change into ‘partnership’ mode, especially in terms of methodology, if the region itself is to accept Euro-Atlantic structures and values as attractive, something which is a major problem in many SE European countries. As the former NATO Secretary General Lord Robertson clearly said: “*The region must be given a perspective of re-joining the European mainstream.*”¹⁰ This perspective must include the prospect of this ‘different’ approach, which

⁷ In the majority of cases, emphasis is on improving capacity, not re-inventing it. In most countries, it is in fact the Ministries of Defence that are leading reform efforts, including Croatia and Serbia.

⁸ No doubt, elections in Croatia this winter will in also freeze the reform process for at least 6 months.

⁹ It is interesting how there is a divergence in thinking on behalf of the international community regarding Euro-Atlantic integration and the Kosovo status issue.

¹⁰ <http://www.nato.int/seei/home.htm>

should on the one side by a true partnership while on the other firm on conditionality.

In terms of advancing regional cooperation, while the various international actors have been the primary drivers in setting up initiatives (especially the United States), the lack of in-depth sustainable engagement has resulted in a lack of capacity within the target organisations, which have simply been too weak to advance the desired effects, especially when objectives have been broad, numerous and even at times conflicting.

There is no doubt that all these factors, if left un-checked, will provide negative long-term problems and instability. However, there is scope for tackling these issues given a more pro-active approach from the international community, which should in policy terms focus more on the political elites, as suggested above. The 'politicised' nature of the entire process, while negative, should at least aid the international community, while the local elites should pay particular attention towards improving domestic capacity levels, especially changing value-judgements. An example of the dangers of persisting with current styles of engagement is Montenegro, where the conventional premise that small size and limited requirement would mean easily managed reform is proving exactly the opposite of the truth.

Conclusion

Although increased cooperation based on local ownership is fundamental to long-term security and prosperity in the region, this paper has argued that ultimately it will be international community that will decide on the tempo and depth of its realisation. Thus, any hope of advancing regional cooperation in the short term has limited potential, especially if one understands that regional cooperation should not be conducted simply for the sake of being able to demonstrate activity.

Processes related to Euro-Atlantic integration need to be less politicised and more coherent in their application at both the domestic level and among the international community if quality is of the essence. Otherwise any benchmarking exercise is futile, and may even be counterproductive in terms of public relations.

A more coherent and consistent EU-NATO strategy, based on positive experiences in the Balkans to date, would greatly aid the overall process of integration and thus regional cooperation. After all, this region is still a post-conflict region with strong historical legacies, and this experience is a fundamental factor differentiating it from Central and Eastern Europe.

Efforts by countries which sit within the EU-NATO and regional framework, such as Slovenia, Hungary, Rumania and Greece could play a more proactive role with this process, although in terms of *realpolitik* continued support by members such as US, UK, Norway and Germany will be vital. The local ownership concept must not be interpreted as the withdrawal of the international community's interest from SE Europe, but rather a change in focus and methodology.

The logic of regional cooperation is simple. Economically it allows for economies of scale and the acquisition of capabilities that would otherwise not be possible, especially relevant in terms of force interoperability. Politically, cooperation is the ultimate confidence and security building process, as it requires and builds trust and transparency among governments and individuals. There is no doubt that both are directly related. Although ultimately healthy economic development is an absolute pre-requisite to ensure the long-term stability of SE Europe, without 'healthy' and politically mature political elite, little will move forward.

Ultimately, the future of regional cooperation must be local ownership. It is reinforced by an often neglected reason – especially at a policy level: the current and growing security threat, which falls in the domain of serious cross-border crime, affecting not only regional but also European economies and societies. Successful and in-depth security sector reform will be fundamental to achieving this. The Stability Pact's Re-

gional Co-operation Council is a move in the right direction, but it will have to move quickly if the rocky start in 2007 is not to colour the whole process. However, as this paper has made clear, in the short-term this is not likely to happen unless there is radical shift in policy, both within the region and beyond.

Complementarity or Competition? – EU and NATO Enlargement Processes and their Effects on Regional Co-operation

Sandro Knezović

Introduction

Regional cooperation in Southeast Europe has been a well known and thoroughly discussed and continuously improved process with no shortage of action for the past six years. Consequently, international relations between countries of the region have advanced through various cooperation schemes. Having in mind the fact that SEE was a scene of major conflicts not so long ago, success regarding not only the stabilization of the region but a comprehensive cooperation, implies an immense progress not to be underestimated.

Today, Southeast Europe seems as an emerging region in transition, from which economic news come followed by increasing co-operation. By the end of 2006, various achievements regarding regional cooperation have been undertaken, accentuated by the signing of the new CEFTA, which will establish a free trade zone in the region. Also, the European Energy Community, creating a legal framework for a regionally integrated energy market for electricity and natural gas network as well as its integration into the EU market, has been created. The European Common Aviation Area, that will become the framework for the extension of the Single European Sky in the region, was signed, and fighting organised crime, introducing integrated border management, facing environmental challenges also have a regional dimension.

Still, a number of problems and questions remain present, such as social problems, delayed integration and violent political conflicts that followed the dissolution of former Yugoslavia, etc. The issues mentioned

above have been aggravated by outstanding constitutional and political issues in some countries of the region that need to be resolved for uncertainty amplifies existing problems rather than creates a favourable climate for the resolution. To make things even worse, the process of EU integration seems to have been plagued with “absorption” and “integration capacity” as well as “enlargement fatigue” thus making citizens of the countries in the region question whether the membership perspective promised to them is a credible one.

Having in mind that co-operation is the way to overcome the discrepancies among nations of the region, and also maintaining it as an integral part of the preparation for EU membership, the EU made regional co-operation a prerequisite for progress towards the accession. EU membership perspective has been the main stimulus for regional co-operation so far, and it will remain for the future as well.

NATO and South East Europe after the Riga Summit

It is important to underline that, owing to improvements on the ground and consolidation of the EU in the field of CFSP/ESDP and to NATO’s focus having shifted to fight against terrorism after the 9/11, the EU has taken over in BiH. Hopefully, the same scenario will follow in the Kosovo soon.

So, the most important thing is that this region is becoming more and more a security provider (through participation of the forces from some countries in peace-keeping missions) instead of being security consumer. So there is a good reason to believe it is more appropriate to discuss the NATO-SEE policy in terms of its enlargement than in terms of the presence of its forces in the region. Therefore, it is important to mention the process of restructuring of NATO and its Open Doors policy, because we have finally reached the stage when it is more than relevant for the region, especially for some countries, to discuss about NATO in that way.

Moreover, we can see some concrete initiatives that are taken in order to help the NATO membership bid of the countries from the region, such as the Adriatic Charter, signed between the US, Albania, Croatia and Macedonia, that reflects the US support for the efforts of those countries and acknowledges the success of reforms conducted by them. Apart from this, some countries from the region are participating in some advanced programmes of assistance for NATO membership, such as the Membership Action Plan (MAP). All of these countries are still under the PfP umbrella.

So definitely, there is proof that the countries from the region, some faster and some slower, are moving towards the NATO membership and that there is a significant difference since now and ten years ago. Despite the fact that the recent NATO Summit in Riga was not an enlargement summit, it has given some clear signs that NATO plans to continue its “Open Door policy”, encouraging all aspirant countries, especially for those part of the Adriatic Charter, to continue with the reform process on their way to the full-fledged membership.

When speaking about the EU and NATO accession in a comparative manner, it seems obvious and broadly accepted that most of the countries first join NATO and then the EU owing to set of different reasons. This was a praxis that followed the countries of EU’s 5th enlargement, and according to the message from Riga, this praxis will continue with the countries of the Adriatic Charter.

On the other hand, different interpretations of inter-connectivity between the two processes have emerged. If we just turn a little bit to the recent past and recall the example of Bulgaria and Romania, this issue becomes much clearer. The accession of the two countries to the EU was postponed owing to problems in the reform process, so the 5th EU enlargement included 10 instead of 12 countries as planned.

On the other hand, Bulgaria and Romania were admitted to NATO together with countries that joined the EU in the 5th enlargement. Significant interpretations argued that this was done to amortize the negative effects of an unsuccessful EU integration process. There were also some

interpretations that supposed it to be a form of supplementation for EU membership, having in mind that the countries were under-prepared and, despite obligations taken by the EU side, not expected to join for some time. *Au contraire*, events from January 2007 have proved all these theories wrong. Although there are still some comments suggesting that happened because EU could not disregard its obligations, the fact is that it happened and Bulgaria and Romania are now full-fledged members.

The same discourse develops with countries of the Adriatic Charter and one may conclude that it seems reasonable to expect that the outcome will be the same. Of course, we must not forget the crucial difference between two groups – the first one managed to fit into the Nice EU 27 administrative framework. However, we should not disregard that there is a number of interpretations questioning the broadly advocated argument that it is legally difficult to imagine further enlargement of the EU without an agreement on new EU's administrative framework, but this topic requires another paper of this size and it is better not to insist on details here. So, one may conclude that it is legitimate to argue that the EU has to develop its administrative, decision-making framework, i.e. enlargement capacity, but this fact should not be an obstacle for the implementation of the commitments made in Thessaloniki 2003, and this will be elaborated further in the text.

Regarding the importance of NATO and the US in the region, it is more than obvious that it should never be underestimated. It is a fact that foreign policy focus of the US has shifted to fight against terrorism after 9/11 and that the EU is taking over in the region while building its ESDP policy and identity (ALTHEA, future mission in Kosovo, etc.). But, on the other hand it is also a fact that the memory about its unsuccessful role in the early 1990s and relatively successful one from the US and NATO is still present. Also, however it is not popular to say it, but the ESDP is still merely a project. There are number of cases that show how ESDP is really developing well, but we should not underestimate the fact that when it is up to “big issues”, US global domination is still visible.

Countries from the region are devoted to democratic values of Euro-Atlantic Community and we can agree, at least to certain extent, that the

EU and NATO can be regarded as the two sides of the same coin. The only question that seems to be raised frequently in the region is how when you toss this coin, especially when speaking about hard security and enlargement in Southeast Europe, it always falls on the NATO side?!

The EU and the Region

As mentioned above, one of the crucial preconditions for the EU accession of countries from the region is regional co-operation. Having in mind the character of the region, the evident lack of regional self-identification and the fact that the region has been formed from outside, it is no wonder that the main stimulus for regional co-operation is EU integration rather than regional co-operation itself.

After all, we can all agree that the regional co-operation does not end in itself. It is a preparatory stage for the more complicated arena of co-operation which is the EU.¹ Also, it is important to underline that even EU integration is not an end in itself – a country does not join the EU just for the sake of it – there are numerous responsibilities as well as benefits of becoming a member of EU – especially when we speak about countries of limited size and capability like the ones within the region.

Making the regional co-operation compulsory for the region, the EU approached the region much differently compared to the relation between the EU and the Central European countries to whom co-operation was merely recommended and encouraged, and there are understandable reasons for this. On the other hand, the EU committed itself at the Zagreb Summit to guarantee EU membership for the countries from the region once they meet all criteria, and this was clearly reinforced at the Thessaloniki Summit in 2003.

¹ It is very illustrating to recall the statement of Croatian Chief Negotiator with the EU arguing in favour of regional co-operation but warning that the market itself should be left to determine which co-operation pays of and which does not.

Several recent attempts by the EU to reinforce this obligation were deemed insufficient in the region – the European perspective was not perceived, at least for some countries, to be as clear as the one offered at the Thessaloniki Summit and it was questioned whether the benefits it offered were adequate to meet the challenges awaiting the region in the forthcoming period. So, apart from the already known problem of lack of initiative in the region for improvement of the reform processes, there is a question regarding the credibility of the EU membership promise, at least from the regional point of view. If we put aside the declarative stance, it seems that the political will from the EU side to act in this direction is obviously declining.

After the referenda on the EU constitution in France and Netherlands it became popular to talk about ‘enlargement fatigue’. Although only 3% of the French who voted against the constitution claimed they did it because they oppose to further enlargement, it somehow triggered a discussion about enlargement, which exposed a widespread scepticism about accepting any future members. By calling for a slowdown or even a permanent stop of the enlargement some EU member state officials gave the impression of trying to avoid the discussion about issues closer to home that really contributed to the failure of referenda, such as high unemployment, inefficient welfare systems, etc.

Voices opposing further enlargement were regularly in the focus of the media, creating the impression in the region that the EU accession perspective is really in jeopardy, especially after some alternative ideas, such as ‘strategic or privileged partnership’ became an issue of debate. Although one may conclude that these proposals were mainly directed to Turkey, this was not usually explicitly stressed, and it triggered uncertainty in the region. So it was reasonable to conclude that the issue of ‘enlargement fatigue’ or ‘absorption capacity’ became a reality and that the EU would be less willing to compromise on the enlargement issue in the forthcoming period, while trying to wrap-up its administrative construction beyond the Nice 27 framework.

The EU, on the other hand, being aware of the importance of the membership promise, but also of the discourse in the member states, is trying

to find a creative way of confirming the European perspective for the countries in the region, without committing itself in terms of concrete actions and dates which means introducing a number of 'intermediary' steps that create an impression of movement and progress. The best example for this is awarding a candidate status to Macedonia without setting a clear date for the start of negotiations.

However, there seems to be an undeniable fact that credibility of EU membership promise has declined from the perspective of some countries in the region, despite the attempts of EU officials to declaratively support the idea. And for EU conditionality to work, credibility is essential. If there is a lack of credibility from the EU side, especially bearing in mind the recent debate over 'enlargement fatigue', its insistence on regional co-operation can be regarded as a tool of postponing membership, or even as an alternative to one. This seems to be especially alarming for the frontrunners in the EU integration process, for which regional co-operation of that kind could trap them in an undesirable framework. So, apart from the fact that there is no EU integration without regional co-operation, it is also difficult to imagine any functional regional co-operation without a clear perspective for EU integration. Of course, we must not forget the fact that the EU is in a position to set conditions, but still it is important to have this in mind, otherwise we will be in the undesirable situation that can be illustrated with the following banter: *We are pretending that we are co-operating and they are pretending to be serious about our integration perspective.*

On the other hand, there seems to be a tendency, especially visible in texts of the authors from the countries that are lagging behind in democratisation and reform, to purposely misunderstand the nature of the EU integration process and argue that the different pace of reform processes and EU and NATO accession caused by 'own merits' principle is producing fragmentation of the region. They argue that the region is constantly a subject to fracture as certain countries progress faster towards the EU and NATO and that the heterogeneity of national transition processes and level of bilateral relations with the EU, creates asymmetries and tensions that threaten regional cohesion. Of course, they have forgotten to mention the positive implications of the issue, such as positive

spill-over effect, a proof to the EU and to the region that SAA really works, the fact that advanced countries are doing many things to help those who are not, as well as the essential fact that accession to the EU, unlike regional stabilisation, is an individual exercise.

Conclusion

It can hardly be disputed that considerable progress has been made within the region, and that it is now on the path towards the EU and NATO full-fledged membership and associated with major EU policies. The EU, whose membership all of the countries aspire and whose conditionality hence they follow, undoubtedly deserves lots of credit for this positive development. Basic stabilisation has been achieved, giving way to development and EU integration process. Some countries are more advanced and some are less, and reveals the crucial difference between the process of stabilisation of the region and its integration in the EU. While stabilisation required a regional context, integration is essentially a bilateral exercise.

On the other hand, the further a country progresses towards the EU, the less penalised it feels by its regional ties and feels more ready to devote attention to engagement in the region as a matter of self-interest and as a good example to show to the EU that it can significantly contribute to its overall goal of regional stabilisation – Croatia is the best example for this.

The lesson for the EU is rather clear – its regional approach will continue to deliver the expected results if the EU itself shows that it remains serious about the EU membership perspective of the countries from the region. So, to stress it again – for conditionality to work, credibility is crucial. This is the best way to avoid different interpretations about regional co-operation being a tool for postponing or even as an alternative to full membership.

In a situation like this, especially for those who have serious doubts about the further enlargement of the EU, NATO membership can look like a 'solid Solomon's solution'. Since the author of this text is definitely not one of those, the final argument would be that this should not be regarded as any form of competition between the two processes and surely not complementarity, but just one step ahead on the path towards the membership in the Euro-Atlantic community.

Of course, having said that, it is important to warn that time is running out irreversibly and that additional efforts within the region are needed to achieve these goals.

PART IV:

**THE HUMAN SECURITY DIMENSION OF CO-
OPERATIVE SECURITY**

Justice – a Precondition for Co-operation?

Sonja Biserko

Serbia must take a realistic stance

Serbia has finally put together a new government after three months of hard bargaining about its composition. But the truth is that the agreement on the DP-DPS coalition had been reached well ahead of the 21 January elections. It had been hammered out by an informal circle led by Dobrica Ćosić, the circle which had also certified both Koštunica and Tadić. The new government exactly mirrors the state in which Serbia is. A week ahead of the government formation the gist of the Serbian political landscape was laid bare. The scare-mongering attempts of Vojislav Koštunica, manifested in his choice of the Radical Party Deputy President Tomislav Nikolic – Radical Party leader Vojislav Seselj awaits trial in the Hague – for the parliament speaker, in fact, failed. The Nikolić-Tadić-Koštunica threesome, who stage-managed that conspiratorial election of Nikolić's, has since lost a lot of public support. Tomislav Nikolić's easy resignation and quick approval of the new government indicated that an earlier deal had been struck. But it is obvious that memberships of all the three parties were not aware of that deal, for the parliamentary debate was obviously genuine and not stage-managed, judging by the nature, scope and viciousness of the insults which all the three parties threw at each other.

Due to the foregoing, Boris Tadić faced a major intra-party discussion, for part of his party's top echelons was against continuation of cohabitation with the DPS and deals with the Radical Party. An ultimately easy formation of government also indicated that so much shilly-shallying in the previous three months had not been necessary. The party which stands most to gain from such a development is the coalition led by the Liberal Democratic Party President Chedomir Jovanovic. That party has raised some issues which to date had not been tackled in the Serb Par-

liament. In those terms the Serb parliament acquired a new quality and that party undermined the parliamentary unity on all key issues, namely, Kosovo, co-operation with the Hague Tribunal, regional relations, steady and firm pro-EU orientation.

What is at play now? As usual the Serb political class “excelled” in calculating how to handle Kosovo at the moment of the debate on its future status and in how to avoid faster accession to European membership. In May 2006 EU-Serb negotiations were suspended due to the non-arrest of Ratko Mladić. Co-operation with the Hague Tribunal is one of the key conditions for opening up EU prospects for Serbia. The Kostunica-led government and other Serb strategists used that suspension to launch a thesis that Serbia should not become an EU member. That strategy is based on allegations that by 2015 or later, when Serbia is most likely to become an EU member, the Union itself shall have fallen apart. The thesis of an uncertain EU future is book-ended by a thesis of Serbia as a neutral country, with some reliance on Russia. Russia considerably assisted in the profiling of that thesis, when it suddenly took a pro-active stance on the Kosovo issue. However, it is clear that the former engagement was due to Russia’s wish to affirm its role of big power in international relations.

An economically strengthened and politically consolidated Russia has recently recovered part of its geo-strategic importance. Its internal development and notably its use of its gas and oil reserves as tools of foreign policy gave rise to suspicions as to the real nature of Putin’s regime. On the other hand Russia is increasingly seen as an ally by the Serb political elite. But at play are other interests too. Large numbers of “successful” Serb businessmen have strong links with the Russian tycoons and most of them have made their base in Moscow. They are in fact the ones favoring and even covertly advocating stronger ties between Serbia and Russia, the West having allegedly “failed to truly help Zoran Djindjić,” “Serbia is not competitive”, etc.

Advocacy of stronger ties with Russia is also closely related to the Kosovo issue, and Russia’s role in the UN Security Council. Belgrade hopes to delay the resolution of Kosovo status through Russia, and thus attain

its true goal, the division of Kosovo. That division has been advocated for the past 30 years as the only option for Belgrade. Hence the following strategy of Belgrade in Kosovo over the past 8 years: prevention of integration of Serbs into Kosovo institutions, demonization of Albanians and undermining of international efforts. Belgrade was by and large successful in that goal. The EU and US-backed Ahtisaari plan also contains some elements of division, for it promotes excessive decentralization. On the other hand, it is obvious that Belgrade is interested only in the territory, and not in the fate of Serbs and Albanians. However this division does not cover cultural and religious heritage of medieval Serbia, so often invoked by Belgrade in its Kosovo arguments, or in its vocal adherence to the so-called historical principle. Belgrade is interested only in mines, above all in Trepcha, forests and property which during Milosevic regime was transferred to Serbia. The latter was the main cause of the obstructed process of privatization in Kosovo.

The gist of Serbia's problem is its inability to accept reality, not only in Kosovo but also the one from the past, namely that its 90's war and the failed state-expansion campaign. However, that project has not been routed, in view of Serbia's continuing aspirations towards Bosnia, Montenegro and part of Kosovo. Those illusions are just illusions, but as long as new generations are fed on such ideas, Serbia shall remain a deeply frustrated country, unable to become outward-looking. Hence the urgency in resolving the Kosovo issue. In other words, an urgent resolution of that issue is not important only because of Albanians and Serbs, but also because such a development would wind up or rather wrap up the process of disintegration of Yugoslavia and the issue of state borders in the region.

Stubborn adherence to the 19th century ideas in the past 30 years, has quite naturally separated Serbia from European processes and dominance of the Euro-Atlantic political idea. Therefore major efforts are needed to get Serbia back on the EU track. In the past 7 years the EU tried to keep Serbia on that course and was the principal motivator of the European option in Serbia. The assassination of Zoran Djindjić was for Serbia tantamount to a loss of an authentic pro-European reformer. In this context it is also noteworthy that Serbia's membership in CEFTA

and PFP resulted rather from the international community's decision to make Serbia stay the European course, than from Serb political resolve to join the two organizations.

Due to the election results Serbia found itself at a junction: either to effect a total break with the Milošević legacy or to definitely cement its current position which has kept it blocked for a decade. Objectively there is a potential for Serbia's final opting for transition and Europe, but the former requires massive mobilization of citizens. On the other hand the destructive potential of conservative camp is also important. That large camp harbours war criminals, still protects the criminal policy of Slobodan Milosevic and renders help and protection to all Serb war criminals and profiteers. Added to that, parts of army, police and intelligence services still impact the creation of reality in Serbia. They are a principal hurdle on the pathway to constituting a normal political scene in the country. Koštunica is the measure of strength of that camp, which is currently weakened, but still able to wreak havoc and anarchy. That camp uses the issues of Kosovo and the Hague Tribunal as nationalism-generating tools. They propagate nationalism as the only ideology, all the while using it to thwart changes and kick-off of the internal political and public dialogue on responsibility for the 90's war policy.

Having in mind all limitations of its society and political elite, Serbia demonstrated its maximum potential. Therefore it is difficult to expect from Serbia a well thought-out Europe-looking policy and responsibility, especially the one related to war and war crimes. Xenophobic nationalism and denial create a powerful concoction which enables society to escape into a mythological reality. The Serbian anti-European stand is deeply rooted and EU conditionality may not be sufficient to make Serbia take a U-turn and embrace a more liberal line. Therefore, new approaches and time, which shall spawn new generations, are needed for Serbia to face up to the reality and legacy of the Milošević era.

Regional Efforts Regarding Refugee Return

Dragana Klincov

Introduction

This presentation aims at giving an insight into regional efforts concerning the return of refugees and persons displaced during the conflicts in former Yugoslavia, from the perspective of the OSCE Mission to BiH. It is necessary to stress this, as the international organizations which are monitoring the regional processes of return sometimes do not have unified views over the concerns that are raised.

This presentation mainly refers to refugees in Croatia, BiH, Serbia, and Montenegro. These former Yugoslav republics endured considerable displacement of the population between 1991 and 1995. The migration of people from Kosovo, at a later stage though also very significant, will not be the subject of this presentation, nor the regional processes related to that issue. This is mainly because of the specific causes of their displacement as well as the still unresolved status of Kosovo.

Background

Allow first some overall figures, important for the issue of displacement, with one remark: the OSCE Mission to BiH is mainly using statistics provided by the UNHCR and, to some extent, the official state statistics.

The Situation in BiH

As the consequence of the most recent war, BiH registered over two million refugees and internally displaced persons (IDPs). Today, the official statistics show that over one million persons returned to their

pre-war places of residence in BiH. In addition to its own citizens suffering from displacement, BiH hosted some 25,000-30,000 refugees from Croatia and a few thousands from Kosovo. Currently, there are approximately 9,000 refugees from Croatia and about 500 from Kosovo still residing in BiH.

How did Bosnia and Herzegovina create conditions for the return?

The IDPs needed to have a place to return to in Bosnia and Herzegovina. BiH was the first state to introduce the principle of ‘unconditional right to return’, through the Property Law Implementation Plant (PLIP), a scheme including the repossession of property, access to personal documents, citizenship, etc. These principles are also grounded in the Annex VII of the General Framework Agreement for Peace – the Dayton Agreement and reads as follows:

All refugees and displaced persons have the right freely to return to their homes of origin. They shall have the right to have restored to them property of which they were deprived in the course of hostilities since 1991 and to be compensated for any property that cannot be restored to them ... The Parties¹ confirm that they will accept the return of such persons who have left their territory, including those who have been accorded temporary protection by third countries.

Approximately 212,000 claims for repossession of occupied property, including socially-owned apartments, were submitted and processed. The decisions have now been implemented in about 98% of cases, where 94% are positive decisions. Unfortunately, the war in BiH has radically changed the situation in the housing sector, where about 452,000 housing units (a bit less than half of the BiH housing stock) were completely or partly destroyed. The process of reconstruction is still far from complete, with about 35-40% of all properties still in need of reconstruction. This is mainly due to lack of funds rather than access to rights or discrimination.

¹ The Parties, as noted in the Dayton Agreement preamble, are the Republic of Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia.

The Situation in Croatia

During the 1991-1995 conflict, between 300,000 and 350,000 ethnic Serbs left Croatia, whilst approximately 220,000 ethnic Croats were internally displaced from, at that time, Serb-controlled areas. The latest official statistics say that almost all displaced Croats have returned to their pre-war domiciles, whereas some 123,000 Serb refugees have been registered as returnees. The OSCE Mission to Croatia estimates that out of these, 35-40 % are unsustainable returns, mainly due to “persistent difficulties in access to housing, acquired rights and employment”.²

Currently Croatia is bringing to a close the process of repossession of about 19,000 private properties – belonging mainly to ethnic Serbs – that were occupied with or without state approval. The reconstruction of destroyed properties is ongoing. The situation in that regard has improved significantly for minority beneficiaries over the recent years. However, unlike BiH, Croatia unfortunately did not create an adequate solution for the repossession of occupancy/tenancy rights (OTR), a form of ownership that was very common in the former socialist state. The current estimate is that more than 30,000 families have lost the occupancy rights to their pre-war homes.

The Situation in Serbia

Serbia is the biggest refugee receiving state of all former Yugoslav republics, with more than 300,000 refugees residing in its territory after 1995. The number of refugees there is still over 100,000 at the moment, which presents a big burden to the country, financial as well as humanitarian.

What has been the key problem with regard to the regional co-operation in the area of refugee returns? Generally, it boils down to a different approach to the IDPs and refugees in each of the neighbouring states.

² The OSCE Mission to Croatia: 2006 Review: Report on Croatia’s progress in meeting international commitments since 2001, 09 June 2006.

Whilst BiH focused mainly on promoting unconditional return of pre-war residents to their places of origin, the Croatian authorities silently gave priority to the local integration of the IDPs and Croat refugees from BiH throughout the Croatian territory.

The Start of the Regional Co-operation

The regional co-operation first started among international organisations involved in refugee assistance programmes and human rights monitoring in 2001. The UNCHR, the OSCE and the EC representatives in BiH, Croatia and (then) Serbia and Montenegro realised that if common standards were not applied and if there were no regional co-ordination, the problems of the remaining refugees and DPs will grow. Numerous meetings and consultations in an attempt to analyse the situation in BiH, Croatia and Serbia and Montenegro took place. A proposal emerged outlining a unified solution for all countries concerned. However, it soon became apparent that not much could be achieved without the consent and active support of the leaderships of these countries. The first trilateral³ efforts to promote regional dialogue on returns took place in 2003. The three OSCE Missions, the UNHCR and the EC, which considered the resolution of the displacement problem as a precondition for sustainable stability in the region, continued the consultations, though increasingly aiming at transferring the ownership of the process of refugee return to the domestic authorities.

The final result of this negotiation process was the signing of the Sarajevo Declaration on 31 January 2005, which marked the political agreement of the governments of BiH, Croatia and Serbia and Montenegro to remove all remaining obstacles to the return of refugees and to ensure a just and durable solution to the refugee and DPs with the assistance of the international community and within a set deadline – December 2006.

³ At that time Serbia and Montenegro was one state.

The Implementation of the Sarajevo Declaration

The three governments committed themselves to draft – within three months after signing the Sarajevo Declaration – individual, country-specific plans of action (‘road maps’), which were to be merged into a Joint Implementation Matrix by April 2005. Unfortunately, there has been hardly any progress in complying with these deadlines. Although a task force with representatives of the three governments and the international community (the OSCE, the UNHCR and the EC) has been established to ensure a more effective implementation of the Sarajevo Declaration, the only progress made at its inaugural meeting on 7 April 2005 in Belgrade referred to the agreement on the structure of the Joint Operational Matrix⁴ and the appointment of the BiH delegation as the co-ordinator.

To balance the need for local ownership and a more active role of the international community in support to the process, the OSCE, the UNCHR and the EC agreed at the meeting held on 26 April 2005 in Zagreb that each country’s delegation should compile a list of tasks to be presented to the respective host governments and included in each Road Map. These lists of tasks as well as comments to the preliminary drafts of Road Maps were subsequently presented to the three governments. However, whereas the BiH government incorporated almost all tasks and comments as suggested by the international community, the government of Croatia failed to address the major issues.

The different approach in the realisation of the right to repossession for OTR holders has resulted in substantial discrepancies in the situation of refugees and IDPs. While the repossession was possible in BiH and temporary occupants were evicted from occupied apartments, it was not possible to repossess homes in Croatia. It is still not. Obtaining personal documents or citizenship for pre-war BiH citizens is relatively easy, while in Croatia it is complicated bureaucratic process. At the same time, the problem of funding the very basic subsistence of refugees in

⁴ The Joint Operational Matrix consists of two parts: (1) statistics and exchange of data and (2) Country Road Maps.

Serbia is growing. These are just examples of numerous problems refugees in this geographic area are facing.

Conclusion

Although all three or rather – with the separation of Serbia and Montenegro –four governments still declare to be committed to the regional resolution of the problem, the process is currently stalled due to a number of obstacles. There is, on the one hand, the lack of readiness of Croatia to resolve two major issues, i.e. the recognition of documents obtained in Serb-controlled areas, which causes difficulties in the realisation of pension rights, and the repossession for former OTR holders.

The Government of Croatia is also bounded by the short-term obligations presented in the SAA Agreement, and one of these obligations concerns the issue of validation of documents. Although the Government of Croatia stated in November 2006 that the issue is on the way to be resolved, there is no visible result so far.

On the other hand, the other governments insist that these key problems should be resolved in order to realise fully the principles contained in the Sarajevo Declaration. In addition, concerns have been raised regarding the lack of designated financial means for the implementation of BiH, Serbia and Montenegro Road Maps. The BiH and Serbian delegations have included budgetary means allocated for the return process into the documents.

To date we can say that the process is close to its end, but it has not ended yet. At the moment, the four governments have to show political good will and begin to implement in practice what they agreed upon in the Sarajevo Declaration. The international organisations that are involved in the process will continue to monitor and support it, but its future is clearly in the hands of the interested four states.

Finally, it is necessary to mention that this process is not the only regional initiative among the Western Balkans States. There are other important initiatives with the emphasis on regional ownership. One of them is the 'Igman Initiative', whose mission is to promote and facilitate local and regional dialogue in the fields of politics, economy and culture; to promote confidence-building and the advocacy of democratic values; to monitor and apply positive pressure on the governments to normalise their relations as a matter of urgency. It gathers more than 140 NGOs from BiH, Croatia, Serbia and Montenegro. The OSCE Mission to Bosnia and Herzegovina is monitoring the work of this initiative and regularly participating in the events organised within this framework. There are other examples, too.

We believe that it is only through strengthening regional co-operation among these countries, driven by true political will to arrive at a consensus on many unresolved problems that will bring lasting stability and allow progress in each of the concerned states in Southeast Europe.

Looking Ahead: Interethnic, Cultural and Economic Challenges

Nina Dobrković

The status of Kosovo is one of the most pressing issues of both European as well as international politics. Interethnic relations in this region have had a troubled history ever since the territory became part of Serbia in 1912. Nowadays it has by far outgrown the initial ethnic aspect and has become an issue of principle, of international law, of fairness and justice in international relations. As such, it will be a test for the capabilities of the contemporary international actors to deal with conflicts and to solve them adequately, i.e. in a way which will not open perspectives for future conflicts.

The issue of Kosovo and its political status is motivating political speech filled with big words, noble aims, or high principles – and this applies to both the Serb and Albanian side in this dispute. Kosovo Albanians insist exclusively upon acquiring independence, and declare they could not agree to anything less than that. Serbia's officials mainly deny this, and will agree under no circumstances with any solution which would imply the secession of Kosovo. Both principles – the right to self-determination on the one hand, and the principle of territorial integrity on the other, are legitimate and are recognized in international law.

So, can a sustainable solution to this dispute be found? The assessment depends to a great extent on the aim itself, since it shapes very much the perspective from which we view the problems in question. Are we, in this context, oriented more toward the human aspect or to state-building? Are we going to enhance stability with what we define as a solution? Democracy does not seem to provide for automatic solutions. The task is to find a political framework which will make possible future economic development and overall stability.

The factual situation in Kosovo is that for years now it has not been an integral part of Serbia – its political system, its legal system, its educational system were all separated from official Serbia. Inadequate policies of Serbia's (Yugoslavia's) official authorities in this province since it became a part of Serbia led to deep mistrust and dissatisfaction. Kosovo's independence may be unjust from the Serbian standpoint, but it seems like the only possible solution for generations of Albanians. It might not be fair, but otherwise it would be the result of bad politics. In this regard, it is the perceptions that count produce consequences, even if they are wrong or irrational from some other point of view.

In the context of political declarations of the most important international actors independence seems to be a rather realistic option. Some of them even see it as the only one that can preserve stability in the region – the main argument being that if independence would not be granted, there would be a risk of violence in view of expectations of reactions on part of the Kosovo Albanians. This, in itself, is not a very rational answer in this regard, particularly in view of international military presence in Kosovo.

All aspects considered, it is rather probable that the decision on Kosovo will not be final, but that it will give a wide margin for interpretation and activity. If, as many presume, Kosovo will get some sort of independence, what will this independence actually look like? Most probably, it will not be explicit for a number of predominantly political reasons:

- in order to cover at least a little the legal mess implied by such a solution, in view of the lack of clear answers to certain aspects of the problem;
- to avoid a possible crisis in Serbian society, which is not an unconceivable situation particularly in regard to the strong resistance on the part of Serbia's institutions and the entire political climate in the country with regard to this issue.

It would be good to define the solution in such a way as to enable everybody to get something and not lose everything. Each side should have something which could be presented as at least some gain, or to have a face-saving exit.

The main aim is to achieve security, not only in Kosovo itself, but also in the immediate and regional surrounding. One should have in mind only that nowadays security is not a merely military or political matter. It comprises many other aspects as well – economic, health, environmental, cultural, and certainly the issue of treatment of national minorities. And all of them make their contribution to the overall stability and security, as well as quality of life.

It will be in any case a test for the international community. It should show that it can deal with potentially threatening situations, that it can resolve conflicts by peaceful means. After all, the international community has its share of responsibility in what was going on up to now. And judged by the results achieved, the end result (i.e. the situation that we have today) does not speak very much of the powers of this international community. It is interesting to remember some of the findings in the report of Kai Eide: this report says that in Kosovo the international community is assessed rather badly since the Kosovo Albanians see it as standing in the way of their political goals, and the Serbs see it as incapable of securing the return of so few after returning so many after the bombing campaign.

What are the consequences of such a solution for Serbia? What to do with Serbia, a country which in such a situation would be in a very difficult political situation and probably facing the danger of a new rise of nationalist forces? Serbia cannot make trade-offs, neither public nor official, nor can it agree to the solutions which affect her territorial integrity. However, Serbia must be compensated in some way in order to remove the inevitable bitterness within the population. In the overall geographic and political position of the country this is important and should not be ignored or neglected for that matter. It is a completely different aspect that a unilateral separation of Kosovo written down in an international document would probably – after the initial period – define more precisely Serbia's future and position, leaving her without this territory, but also without the economic, political and other troublesome aspects which Kosovo implies.

And there is a strategic context to this as well. The Balkans has once again become a stake in the relations between Russia and what we use to call the Western world. The West seems to have held the keys for quite some time (the bombing campaign, the subsequent organization of life in Kosovo through UNMIK and KFOR). It has the main say in the political process particularly since Russia has in a way self-withdrawn from Kosovo. But the situation actually sends a message – regardless of how strong you are, you cannot accomplish just everything. The U.S.A. is the superpower of the day, it is a strong nuclear power, it can destroy the world, but it cannot impose a solution to Iraq nor catch Bin Laden.

And, what if Kosovo gets its independence? What will we be facing in this new situation? One thing should be clear: ethnic purity, as well as separation from Serbia, will not solve the outstanding issues of the devastated land. Kosovo has always been known for its economic backwardness and in the meantime it has not become much more developed. Figures speak of 60% unemployment, and 42% of those unemployed are under 19 years old.

There is no field without challenges, and no field will be solved automatically once independence is there. Anyway, to resolve these problems it will be necessary to have concentrated international support. There is tremendous work to be done, as illustrated very well in the report of Werner Wendt, Head of the OSCE Mission in Pristina. The highest ranking priority is the development of the economic sphere and solving the problem of unemployment; simultaneously, there is the task of building state institutions, to provide for minority participation, freedom of movement (particularly for ethnic minorities), to have respect for human rights, for gender equality (54% of girls attend secondary school), to solve problems pertaining to education, like the interpretation of history, similar to some other former Yugoslav republics and first of all Bosnia-Herzegovina.

How do we settle ethnic problems at all? In the territory of the SFRY we had two almost opposite models: a complete ethnic mix (“leopard skin”) in Bosnia-Herzegovina, which led to war, and complete separation in Kosovo, which did not work. When shall we ever learn? – learn to live

together, and work together, and to realize that doing things together for the benefit of all has proven to be one of the best ways to achieve general improvement?

Here there is again the point of the strategic context – the Balkans will remain a zone of influence of the main actors involved in the solution of the Kosovo issue today: Russia (due to emotional and historical ties with some parts of the region), the US (which is militarily present in Kosovo, and which in some parts of the Balkans has been a symbol, a beacon of liberty), and the EU (as the present magnet motivating countries in the region to undertake various reforms, and as the future roof for the entire region).

PART V:

EXECUTIVE SUMMARY

Executive Summary

Frederic Labarre

The workshop started with general considerations about cooperative security. The panel animated by Drs. Sandole, Plantev and Vetschera elicited a number of important concepts for the sustainment of successful post-conflict developments in the Balkans. The panellists submitted these concepts to different levels of examination.

Dr. Sandole, for example, continued to emphasize reconstruction, implemented by way of multi-track investment initiatives, such as a regional fund for conflict transformation. Clearly, the appearance of meaningful change and improvements in the daily lives of Balkan residents goes hand-in-hand with the local ownership of stabilisation efforts. Dr. Sandole would like to see these efforts integrate local talents so as to give meaningful activities to people, which would help them focus on the improvement of their personal lives, and not be seduced by the promises of extremists.

Dr. Pantev attached greater importance on a recalibration of approaches also within a multinational framework, but along an agenda based on the resolution of technical issues. According to Dr. Pantev, these issues can be resolved using tradition bargaining methods (linkages, exchanges, trade-offs, compromises, etc.) or creative problem-solving, by developing solutions as if actors' identities were removed from the problem.

Dr. Vetschera reminds us that concepts need to be clarified. "There is a difference", he says, "between cooperative security and non-cooperative security, the first being security with each other, whereas the latter is security from each other." Creative problem solving, as proposed by Dr. Sandole and Dr. Pantev, for example, will work if the benefits of different groups cooperating outweigh those of working in isolation. Confidence and security building measures and disarmament since the Dayton

Peace Accords were signed in 1995, coupled with changes in leadership in the region, have led to a reduction of threat perception and greater influence of trade interdependence. As participation in Euro-Atlantic institutions seems to be the preferred way ahead, links between regional good-behaviour and integration must be made manifest at all levels.

The first panellist were mutually complementary insofar as emphasis on negotiated solutions within a multinational framework must lead to a policy of cooperative security leading to integration (as defined by membership into Euro-Atlantic institutions) and this, despite the manifestations of “compromise fatigue” in the region.

We could argue that cooperative security successes hinged on the perfection of certain approaches and concepts, such as attention to technical issues. If we compare with the post-conflict developments in the wake of the Second World War, we notice that the road to reconciliation went from agreement on concrete, tangible, “bread and butter” issues, such as sharing interest first on coal and steel, and later on nuclear energy. Just recently, what has now become the EU is grappling with the possibilities of a common defence and foreign policy, an overarching constitution, and has already achieved, in large part, success with a common currency. That some of these issues remain controversial to this day should not blind us to the fact that giant integrative leaps have been made since WWII, to the benefit of all. In the Balkans, the process seems to be working in reverse, from macro-political decisions (disarmament) and now, sharing interests in more mundane issues, such as disaster relief, energy security, border management, transport issues, etc.

Because of this, and despite a “nationalistic rollback” (which is perhaps more symptomatic of a shift to the political right worldwide rather than pure regional chauvinism), we may be permitted to ask whether any political entity should be allowed Westphalian sovereignty over any piece of geography. If a policy of cooperative security is supposed to lead to Euro-Atlantic membership, the traditional notion of control of territory starts to lose its meaning, because loyalties will need to be redirected from the nation towards the larger community. The consequence is greater security, leaving only residual sovereignty to the newly consti-

tuted political authorities. Clearly, this has consequences for the future status of Kosovo.

The implications for state-building processes are therefore clear. Jolyon Naegele reported that despite systematic difficulties made by Belgrade, UNMIK had steadily devolved a certain number of jurisdictions and responsibilities to Kosovo. The new problem is the emergence of the Russian variable in the equation. The status of Kosovo, and with it the prospects of cooperative security between great powers, could be frustrated by the persistent linkage by Russia of topics unrelated to the security situation in Kosovo.

It seems clear that the resolution of the question of Kosovo cannot take place in isolation, and this is why Mr. Peci submitted three potential scenarios. One would be the progressive phasing-out of UNMIK which would suggest a relative stabilisation of relations between Belgrade and Pristina. Another would involve a unilateral declaration of independence and the last one would be the outright rejection of the Ahtisaari proposal of supervised sovereignty. To Mr. Peci, independence risks Serbian intervention, buttressed by a bold and confident Russia. This would be the worst scenario, according to him, worst than the “palestinization” of Kosovo that the rejection of the Ahtisaari proposal would entail.

Dušan Janjić agrees with the latter assessment, which would automatically mean a “freezing” of the conflict by Serbia, aiming at gaining time, perhaps consolidating its position vis-à-vis Kosovo the way that Russia has consolidated its own towards Chechnya. This scenario would be particularly potent if the EU and the United States proved unable or unwilling to resist pressures in that direction.

Presently, the geo-strategic situation would seem to indicate that a responsible position would be to support the Ahtisaari proposal in view of Europe’s strategic dependence on Russian gas exports, and on the EU-US commitment to a non-nuclear Iran, which also requires Russian cooperation. This is why the assessment made of the U.S. position by Mr. John Erath of the State Department, seems one of pragmatism; the United States wants violence in the region to stop. This, however,

doesn't indicate that the United States prefers negative peace (absence of violence) to positive peace (active cooperation). On the contrary, according to Mr. Erath, independence is perhaps not the most important objective. This would seem to confirm the conclusions of the first panel which presses a policy of integration against cooperative security. Negative peace would be the ironic starting point of state-building efforts which would lead to Euro-Atlantic integration.

However, Denisa Sarajlić-Maglić and Matthew Rhodes noted some caveats. Not only is regional stability hostage to a clarification of the status of Kosovo, but the recovery of Bosnia-Herzegovina seems to be stalemated. EU members show only limited interest in direct investment in the region, and all sides raise obstacles to day-to-day cooperation. This situation is compounded by dysfunctional institutional centres, a somewhat discredited Office of the High Representative of the UN and a lack of legal measures enabling BiH to ameliorate internal conditions autonomously. For Matthew Rhodes, this is consistent with a general "crisis of confidence" in democratic state-building that can be observed in the greater region, even in countries, like Hungary, that have had otherwise successful transitions.

Elites and society in the region grasp with great difficulty the consequences of international agencies' withdrawal, but furthermore there is even greater incomprehension of the fact that democratic decision-making is "messy, untidy, and chaotic" by its very definition. Also according to Dr. Rhodes, the tendency by non-resident experts to exaggerate the security risks should not blind us to the fact that the inelegance of the democratic process is a matter of routine.

Against this background of guarded and tentative optimism, Franz-Lothar Altmann announced the recent creation of a Regional Cooperation Council (RCC) replacing the Stability Pact for South East Europe. Designed to sustain the achievements of the latter and support recovery with a view to joining Euro-Atlantic institutions, this initiative is the direct heir to the Western European experience of functional integration.

This initiative was not only necessary, it was logical. As has been argued above, the process of post-conflict stabilisation in the Balkans has been undertaken in reverse from the normal “EU process”. This is not a pejorative statement; what has been done so far has been done with the best intentions and with the tools at hand. The RCC pursues the same goals as the ever-integrating EU; using a professional bureaucracy recruited and partly funded from the region, it will coordinate the intake and distribution of UN, EU, U.S. and non-EU aid packages. It can be safely assumed that this will beg for a greater proportion of hirings (from the dozen or so individuals today) so that the RCC as the first indigenous multinational institution, will be able to dilute national loyalties into a successful clearing house for international aid. For this to happen, the RCC initiative *must therefore be successful if it is to survive*. The RCC represents a vastly different dynamic from the last 15 years, one that is pregnant with potential, because the focus will be on technical and human needs, social and home affairs, and the development of human capital and parliamentary cooperation.

Amadeo Watkins and Sandro Knezovic have confirmed this optimistic understanding of the situation by stressing that American pressure at the NATO Riga Summit of November 2006 that all the countries of the region should be under the same security umbrella (hence the extension of PfP privileges to Serbia, Albania and Bosnia-Herzegovina). This gives commonality of direction and to the notion that regional cooperation, either through the RCC, PfP, or other agencies, was a training ground for EU and/or NATO membership. The progressive drawing-down of forces in the region would seem to indicate that integration is a foregone conclusion. Dr. Watkins has noted, however, that the domestic capacity for absorbing this sea change is weak. The lack of transparency, leadership and the slow rate of reform of domestic intelligence and policing is an obstacle to the permutation of their role as agent of the state to protector of the citizenry.

This is why the fourth and last panel, animated by Sonja Biserko, Dragana Klincov and Nina Dobrković reiterated that the human rights and human security situation in the region is dependent on the wars that preceded. Justice continues to be hijacked for political purposes. Despite the

fact that refugee returns have proceeded apace, there is no indication at the moment that the Serbian society is ready to take stock of its responsibility for the troubles in the Balkans. Mrs. Dobrković confirms that people are not ready to even accept certain rights for a multitude of reasons. As we have heard from representatives of BiH and Albania, the promotion of civil society building continues to hamper state-building, as the former process continues to be done through donors' agenda.

The fourth panel has cast a potent light between state rights and human rights. At the base of this debate, is the persistently overlooked fact that all states have once been created under conditions that raised doubts on their very legitimacy. This legitimacy had to be buttressed and protected by enlisting the citizens in its defence (against other states, but also against factionalism). The citizen is therefore a subject of the state, rather than an object. Human rights do not have a voice, and cannot be called "inherent" in such conditions. We see now that the Balkans' problem is perhaps not only one of competing ethnic groups, but of an immature conception of the citizen. Recent international politics developments suggest that this complex is far from being exclusive to South East Europe. We can presume that Russian interior policy, Ukrainian political stalemate and Bielorussian autocracy is a feature of this complex.

This 14th workshop has shown astonishing consistency in terms of agenda setting: most panellist and participants concur that economic freedom, access to contested areas, be they markets or territories, can be reconciled by the manifest interest in Euro-Atlantic institutional participation, generated by cooperative security policies. We can optimistic thanks to the creation of the RCC, but in terms of human security and state-building, understanding of the difficulties is hampered by confusion of concepts and agendas.

We confuse concepts when we forget the origins of "human security". For example, we have heard pronouncements as to the "responsibility to protect" and the "responsibility to prevent" during our discussions. Human security, deliberations have shown, remains elusive if we take it as an ideal goal. It is elusive because elite agenda *does not* correspond to human security. We neglect this because humanitarian responders, great

powers and generally well-intentioned actors understand state-building as a goal that will generate benefits as in their own experience on the one hand, and as the inherent responsibility of the state on the other. But for the elite, there is no need for state-building, for what is a state? A state – “stato” in the Machiavellian parlance – is a type of relation between ruler and ruled.

There are two types of states; social-contract type states, and Weberian type states. In the first instance, social-contract states are generally minimalist, meaning they intervene less in constituents’ private pursuits. They demand less than they supply to the constituency. For many countries, nearly all of the Euro-Atlantic region, this is the norm. This is what is called a civil society.

In the other instance, however, the Weberian state is the only holder of the means of legitimate violence. The central authority constantly demands obedience and service from the constituents (using propaganda, police action, nationalistic manipulation, etc.). The state *uses* its citizens. They provide their services to the state for its security (at the detriment of their own, would write Barry Buzan). This is not a civil society; it is a militant society.

Therefore the challenge that remains is one of leadership and society transformation from militant to civil. Civil society is unfortunately not a goal that exists outside human experience; it has to be achieved. Created, not discovered. All states were at one time militant societies. The doubtful legitimacy of a political construction such as a state demanded this service from its inhabitants.

But this has changed as mentalities, technology, and security concerns have changed, and time passed. Up until now, much effort has focused on transmitting knowledge of the processes – the “how” (democratic, electoral, legal, judicial, etc.). Too little time was spent on the “why”. Elites and citizens in the Balkans should develop the confidence that these processes do not mean the end of their states, that the provision of human rights, while they may lead to the defeat of a president or prime minister, will not mean the obliteration of the presidency or parliament.

The quality of the panellists and presentations coming from citizens of the region shows that changes in state and individual perceptions are possible, that a civil conception of the state can exist in the mind as the individual participates to a militant society proves this.

If we asked Serbs, Bosnians, or Kosovar Albanians whether a clarification of Kosovo independence (or alternatively, preservation of territorial integrity) is more important than gainful employment, universal health-care, and quality education, perhaps awareness could be permitted to arise as to the responsibility of rulers to guarantee human security rather than regime survival.