



## **Study Group Information**

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# **Post-Conflict Rehabilitation**

**Lessons from South East Europe and Strategic  
Consequences for the Euro-Atlantic Community**

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# Table of Contents

<b>I. Introduction: Conceptual and Terminology Issues of Post-Conflict Rehabilitation (Plamen Pantev) .....</b>	<b>5</b>
<b>II. Post-Conflict Rehabilitation in the New International System... 25</b>	
1. The United Nations and NATO: Comparing and Contrasting Styles and Capabilities in the Conduct of Peace Support Operations (William Durch) .....	23
2. Human Rights as a Fundamental Standard of Post-Conflict Rehabilitation (Jean-Jacques de Dardel) .....	49
3. EU and OSCE Approaches to Post-Conflict Rehabilitation (Ferenc Gazdag) .....	62
4. Cultural Issues of Post-Conflict Rehabilitation (Egdunas Racius) ..	85
5. The Role of Civil Society, Media and Education in Post-Conflict Rehabilitation Activities (Sandro Knezovic) .....	98
<b>III. Recurrent Issues of Post-Conflict Rehabilitation and Lessons to Be Learned .....</b>	<b>111</b>
6. Lessons on Post-War Rehabilitation in South East Europe and by South East Europeans (Plamen Pantev) .....	111
7. Security Sector Governance Issues in Post-Conflict Societies: Concept, Tasks, Experience in South East Europe (Plamen Pantev and Vesselin Petkov).....	128
8. Economic Aspects of Post-Conflict Rehabilitation in the Western Balkans (Mladen Stanicic) .....	153
9. Specific Issues of Post-Conflict Rehabilitation.....	166
9.a. The Case of Bosnia and Herzegovina (Nedžad Hadzimosic) ...	166
9.b. The Progress of the ‘Ohrid Process’ in Macedonia (Petar Atanasov).....	179
9.c. Post Conflict Rehabilitation in Moldova (Nicolae Popescu) ....	194
10. Nation-Building in the Western Balkans: Some Additional Lessons and the Role of the EU (Predrag Jurekovic).....	210
<b>IV. Conclusions: the ‘Must’ of Euro-Atlantic Solidarity on Post-Conflict Rehabilitation (Plamen Pantev) .....</b>	<b>225</b>
<b>List of Abbreviations.....</b>	<b>229</b>
<b>Authors.....</b>	<b>233</b>

## List of Abbreviations

AP	Action Plan
BiH	Bosnia and Herzegovina
CARDS	Community Assistance for Reconstruction, Development and Stabilization
CE	Council of Europe
CEE	Central and Eastern Europe(an)
CFSP	European Union's Common Foreign and Security Policy
CIO	Chairman-in-Office
CIVPOL	Civilian Police
CSCE	Conference on Security and Cooperation European
CSIS	Center for Strategic and International Studies
CSO	Civil Society Organization(s)
C <sup>3</sup>	Command, Communication and Control
DCAF	Democratic Control of the Armed Forces
DDR	Disarmament, Demobilization and Reintegration
DPA	Democratic Party of Albanians
DPPA	Dayton-Paris Peace Accords
DUI	Democratic Union for Integration
ECHR	European Court for Human Rights
ENP	European Union Neighborhood Policy
EU	European Union
EUPM	European Union Police Mission
EUSR	European Union Special Representative
FATF	Financial Action Task Force on Money Laundering
FBiH	Federation of Bosnia and Herzegovina
FRY	Federative Republic of Yugoslavia
FYROM	Former Yugoslav Republic of Macedonia
GCSP	Geneva Center for Security Policy
GDP	Gross Domestic Product
HR	High Representative
IC	International Community
ICITAP	International Criminal Investigative Training Assistance Program
ICTY	International Criminal Tribunal for Former Yugoslavia

INTERREG	Initiative of Cross-Border Cooperation
ISA (OSA)	Intelligence and Security Agency
JCC	Joint Control Commission, Moldova
KFOR	Kosovo Force
KLA	Kosovo Liberation Army
KPC	Kosovo Protection Corps
KPS	Kosovo Police Service
MCIA	Marine Corps Intelligence Activity
MEDA	Euro-Mediterranean Partnership
MOD	Ministry of Defense
MOI	Ministry of Interior
MONUC	Mission of the UN in the DR of Congo
MP	Member of Parliament
NATO	North Atlantic Treaty Organization
NGO	Non-Governmental Organization
NLA	National Liberation Army
NRF	NATO Response Force
NTM-I	NATO Training Mission for Iraq
ODIHR	Office for Democratic Institutions and Human Rights
OHR	Office of the High Representative
OMS	Office of Mission Support
OSCE	Organization on Security and Cooperation European
PCR	Post-Conflict Rehabilitation
PHARE	Pologne-Hongrie Assistance de Reconstruction Économique
PIC	Peace Implementation Council
PRT	Provincial Reconstruction Teams
RS	Republika Srpska
SAA	Stabilization and Association Agreement
SACEUR	Supreme Allied Commander Europe
SAIS	School of Advanced International Studies
SALW	Small Arms and Light Weapons
SAP	Stabilization and Association Process
SECI	South East European Cooperative Initiative (US-driven)
SFOR	Stabilization Forces
SIPA	State Investigation and Protection Agency
SSR	Security Sector Reform

SRSG	Special Representative of the Secretary General
TACIS	Launched by the EC in 1991, the TACIS Program provides grant-financed technical assistance to 12 countries of Eastern Europe and Central Asia (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Russia, Tajikistan, Turkmenistan, Ukraine and Uzbekistan), and mainly aims at enhancing the transition process in these countries. (Mongolia was also covered by the TACIS program from 1991 to 2003, but is now covered by the ALA program)
TAIEX	Technical Assistance Information Exchange Office
TRC	Truth and Reconciliation Commission
TPIU	Trafficking Prevention and Investigation Unit
UN	United Nations
UNDP	United Nations Development Program
UNDPKO	United Nations Department of Peacekeeping Operations
UNHCR	United Nations High Commissioner for Refugees
UNIP	United Nations International Police
UNMIK	United Nations Mission in Kosovo
UNODCCP	United Nations Office for Drug Control and Crime Prevention
UNSC	United Nations Security Council
UNSCR	United Nations Security Council Resolutions
USIP	United States Institute for Peace
WB	Western Balkans

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# **I. Introduction: Conceptual and Terminology Issues of Post-Conflict Rehabilitation**

Plamen Pantev

## **The Transformation of the International System and Its Consequences for the International Legal Order and Management of Conflicts**

The purposeful efforts to explain and define the changes of the Cold War system of international relations continue for a second decade. Certain referent studies<sup>1</sup> stimulate the thinking on these topics, including in the post-9/11 period. Understanding better the transformation of the international system would provide us with a better view on the changes in its regulative sub-system, including the international legal component of the latter.

On this background it would become easier not just to reflect the peculiarities of the conflict landscape and map the variety of conflicts in the post-Cold War world but also to sense in an encompassing way the needs and problems of their management, regulation and solution. *These are prerequisites to draw in a comprehensive way the picture of the post-conflict rehabilitation philosophy, logic and details of the activity – already practiced and consistently studied.*

The transformation from a bipolar to a yet undefined structure of the *international system* has an interim outcome at the highest structural levels of global power-centers' relationships the tendency to a unilateral American military domination and counter-efforts of other powers to mould a multilateral configuration of the world-power relations. It is of key importance to further characterize the tendency of shaping a multi-

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<sup>1</sup> Armand Clesse, Richard Cooper, Yoshikazu Sakamoto (eds.), *The International System After the Collapse of the East-West Order*, Martinus Nijhoff Publishers, Dordrecht, Boston, London, 1994; Joseph S. Nye, *The Paradox of American Power: Why the World's Only Superpower Can't Go It Alone*, Oxford University Press, 2002, etc.

polar global international system: the efforts in this direction are on the declaratory political level and have not jumped into new power-balance and the respective to it institutional build-up.

The popular interpretation of the one-polar world concept is a world, in which the single pole of power and influence is comprised just by the United States. In fact the USA, NATO and EU comprise the single pole of world power and influence – a notion that has not yet been clearly realized by the political leaders of these institutions' member states.

The very level of knowledge about the structure of the present international system confuses to a great extent the intellectual efforts of politicians and analysts from the two sides of the Atlantic on these issues. While visions of a one-polar, multi-polar and an idealistic Wilsonian international systems are trying to provide the explanatory paradigm and variables of the present world, from our perspective, we all blind ourselves to the fact that two powerful and real tendencies are in conflict in recent years: a) the tendency of the policy of most of the states in the world, including all countries in Europe to be part or at least – well adapted to the US-led one-polar (in military terms) world, and, b) the tendency of politically pressing the non-existing case of multi-polarity.

Both tendencies, however, have not been yet discussed from the point of view of their democratic governance efficiency. Such a discussion would have very significant repercussions on the contents of the political and legal regulative systems of the international relations, including the international legal system.

The *regional outcome* of these processes in the post-Cold War period has been the re-definition of the globally important knots of conflicting situations, interests and states. The quick fading away of the Cold War historic, socio-economic, political, and with huge nuclear arms contents bipolar conflict did not produce only positive effects. A variety of long suppressed by the Cold War polarization conflicts – inter-state, intra-state, ethnic, tribal, religious, territorial, diplomatic, for disputed resources, etc. filled quickly the global conflict vacuum. The major by-products of these contradicting tendencies and factors in the last fifteen

years have been crises and wars throughout the globe. These conflicts created new and various pressures and tensions. They certainly provided a new, post-Cold War dynamism of the international system, to which in many cases the system as a whole and the individual actors were not always prepared to adapt quickly and react effectively.

How did the *international regulative system* or the world's capacity for self-governance, including its *international legal sub-system*, react to the evolving changes? Unfortunately an ineffective international legal system from the period of the Cold War was not approached with fresh views and activity by the leading states of the world, including by those represented in the UN Security Council as permanent members. The lack of vision and will to reflect the international system's transformation shifts, the new regulative (governance) needs and translate them into appropriate international legal norms did not influence positively the already stumbling international legal system and its respective responsible institutions of global significance and activity. In the face of the erupting regional and local conflicts one after the other the leading powers of the UN Security Council preferred to deal with their own narrowly interpreted national interests and leave aside the expectations of the rest of the UN member-states and the very responsibilities they bear according to the UN Charter to lead the world through the troubled waters of instabilities and conflicts in a cooperative manner and with agreed effective legal tools.

The international legal expert community sent the signal to the politically responsible factors in the first half of the 1990s in an effort to stimulate a needed political activism. Such a proactive attitude was necessary for the process of re-thinking, re-writing or drafting new international legal agreements, required to place the changing world into the stable regulative network of a modern international law. These appeals were listened, but not heard. What followed was a series of international legal violations by dictators like Slobodan Milosevic and Saddam Hussein, who cynically hid these acts behind claims of other countries' disrespect to international law. The humanitarian law and human rights law violations by both of them, the record of violating tens of UN Security Council Resolutions – this is the sad record of international law ef-

fectiveness throughout the 1990s that dramatically exacerbated the global security situation.

However, the potential of international law, despite obvious deficiencies in its formulation and implementation, is huge, it has been a product of decades and centuries of human, social and state experience. The *regulative potential of management and dealing with conflicts* and their consequences does not originate in the post-Cold War period, but much earlier. Furthermore, the efforts of conceptualizing the post-conflict rehabilitation activity do not start with this study, but have their antecedents.

### **Post-Conflict Rehabilitation – Antecedents, Problem Areas and Efforts of Theoretic Definition of the Subject**

On the eve of the First World War the then international community adopted in 1907 the Hague Convention. Together with the earlier adopted international legal norms on the behavior of states in times of war it assigned some responsibility to the occupying powers that exert an effective authority over the occupied territories. The very fact of the military success – no matter if the war has been justified or not, accepted positively by the occupied people or not, triggers the automatic burden of responsibility to do something meaningful for the post-conflict rehabilitation of the occupied country/countries.

Anyway, the issue of post-conflict reconstruction, or peace building, or nation building has not entered comprehensively the international law regulation. One of the reasons is, probably that the very activity and term of ‘post-conflict rehabilitation’ have not been precisely defined and its content is still uncertain.

The purposeful efforts since mid-1990s of the Cluster of Competence *Rehabilitation of war-torn societies* – a project of the Swiss Interdepartmental Co-ordination Committee for Partnership for Peace and coordinated by Jean F. Freymond, Director of the Centre for Applied Studies in International Negotiations (CASIN) in Geneva, has added significant theoretic and practical insights into the subject. Within the context of this project studies have been carried as to what is the nature of modern

conflict, what are the prerequisites and follow-ups of humanitarian intervention, etc. and why a special focus is needed on the issues of transition and the integration of the new relief agenda with conflict resolution, respect of human rights, robust military intervention – concerning the protection of civilian victims and with contributions to longer-term development<sup>2</sup>.

A special mention deserves some accents in this project that attract additional research interest. First, the need of conditionality in supporting the recovery from civil and other wars – both for the recipients of the support and for those who carry it out, is perceived in the context of the absence of strategic consistency in planning for rehabilitation, a kind of manifestation of the lack of vision in the international system for dealing with collapsed states and regeneration of communities. Second, the concept of relief-development continuum as a transition from overt war to a condition of non-belligerence has a special meaning for the humanitarian dimension of rehabilitation. Third, rehabilitation as the transformation of societies has a special meaning for the participation/accountability framework and the social engineering limitations, if the required change is not to destabilize further the already war-shattered state.

The detailed study of special cases in the Balkans and elsewhere by the *Rehabilitation of war-torn societies* project provide solid ground for verification and for further testing of the lessons learnt from the post-conflict rehabilitation experience<sup>3</sup>. Bosnia and Herzegovina and Kosovo are these particular special cases.

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<sup>2</sup> Michael Pugh, Post-Conflict Rehabilitation: the Humanitarian Dimension, 3d ISF, Zurich, Kongresshaus 19-21 October 1998, CASIN, Plymouth, October 1998; Marcus Cox, Strategic Approaches to International Intervention in Bosnia and Herzegovina, 3d ISF, Zurich, Kongresshaus 19-21 October 1998, CASIN, Sarajevo, October 1998. The research efforts continued in the period of the 4<sup>th</sup> (in Geneva), 5<sup>th</sup> (in Zurich) and in another format – during the 6<sup>th</sup> ISF in Montreux.

<sup>3</sup> Cluster of Competence on the Rehabilitation of War Torn Societies, in: Ulrich Lehner and Fred Tanner /With the assistance of Patrick Lehmann, Coping with the New Security Challenges of Europe, Proceedings of the 4th ISF, Studies in Contemporary History and Security Policy, Peter Lang, Bern, Berlin ..., 2001, p. 112-117.

In the case of Bosnia and Herzegovina Marcus Cox examines the three phases of the international mission in this country: first, the phase that focused on military stabilization and reconstruction, and characterized by the direct work of the international factors with the local structures, neglecting often the existing constitutional order; second, the phase of the concentration of power in the hands of the High Representative and turning Bosnia and Herzegovina into a quasi-protectorate, and, third, the phase, developing till now – of purposeful state-building. The special merit of this study is in the elaboration of knowledge about the transition from a protectorate to a sustainable state. These lessons would be definitely important and applicable to other cases in the world.

The study on Kosovo proves how difficult this case of post-conflict rehabilitation is, especially in stimulating the people to start dealing with their own problems. The study marks a needed level of realization of the complexity of these and many other facts that propped up with time and leading to the demands of implementing certain standards before providing the province with a higher level of autonomy for management and political life.

For long these and other Balkan countries will continue to serve as referent cases of post-conflict rehabilitation activities in the present international system.

Various other organizations and states have been trying to clarify separate details or broader aspects of the post-conflict rehabilitation activities. In 2003 the Carnegie Endowment completed a study on the US experience of ‘nation building’. It is interesting to notice that the United States has succeeded only in four cases of nation building experience out of 16 since 1900, according to the findings of the Endowment.

The US Stanley Foundation is focusing its efforts for years to study the post-conflict rebuilding puzzle. A lot could be traced on the Foundation’s website ([www.stanleyfoundation.org](http://www.stanleyfoundation.org)) and in other of its publications.



The President of the Foundation, Richard Stanley writes: “post-conflict reconstruction is a daunting challenge. Too often a post-conflict period simply nurtures the seeds of the next conflict”<sup>4</sup>. That is why restoring civil order and administration after a conflict is vital for the total success of an involvement in a conflict. The real issue is how to realize that a glorious battle might be won only after maintaining a long-term commitment to reconstruction, find an optimum combination of international and local actors and generally – implement the CSIS/Association of the US Army Post-Conflict Framework, a matrix of all potential tasks involved in a post-conflict effort<sup>5</sup>.

A substantive contribution to peacekeeping and peace building activities was the drafting and adoption of the ‘Brahimi Report’<sup>6</sup>. Its main contributions are the precise definitions of UN peace operations’ three main contributions: conflict prevention and peacemaking, peacekeeping, and peace building. All these principles have a link to the post-conflict rehabilitation activity though peace building seems to be closest. It is true that peace building includes reintegration of former combatants into civilian society, strengthening of the rule of law, improving the respect for human rights, providing technical assistance for democratic development and promoting conflict resolution and reconciliation techniques.

In 2004 the United States Institute of Peace ([www.usip.org](http://www.usip.org)) undertook a series of studies in the context of post-conflict rehabilitation without necessarily generalizing the topic under this title. Notwithstanding, the studies have a very significant implication on understanding the broader subject of post-conflict rehabilitation. The study on the rule of law component when building civilian capacity for US stability operations<sup>7</sup> examines the requirements for the US government to develop a civilian ca-

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<sup>4</sup> Richard H. Stanley, Opening Remarks, Who Rebuilds After Conflict?, Report, The Stanley Foundation, 38<sup>th</sup> Conference on the United Nations of the Next Decade, June 15-20, 2003, Cameron House, Loch Lomond, Scotland, p. 5.

<sup>5</sup> See Appendix to the Report of the Stanley Foundation Carmel Conference at: <http://reports.stanleyfoundation.org>

<sup>6</sup> ‘The Brahimi Report’, UN Source: A/55/305-S/2000/809.

<sup>7</sup> Building Civilian Capacity for U.S. Stability Operations: The Rule of Law Component, USIP, Special Report 118, April 2004.

capacity to deploy police, judges, and corrections officials to peace and stability operations with the aim of establishing public order in the aftermath of an international military intervention. It has been proved by experience that the success of all other activities hinges on getting this job done. However, military combat units are not trained and equipped for riot control and law enforcement functions. Dealing with the various details of providing the full spectrum of rule of law functions – from intelligence to incarceration, would lead according to the USIP Special Report to preventing a public security gap and to facilitating the provision of relief and reconstruction assistance. This would accelerate the process of transition to stable governance in the post-conflict society.

These issues constitute a very substantive part of the broader problem of security sector reform in post-conflict societies. That is why the deepening of the understanding of the details of law enforcement activities after the end of the military stage of a conflict is so important in structuring a broader general knowledge on the subject of post-conflict rehabilitation.

In a similar way the USIP study on the fight for stability, reconstruction and legitimacy in the particular case of post-conflict Iraq<sup>8</sup> matters also for the purpose of post-conflict rehabilitation theory building. Focusing on the issue of building the Iraqi special tribunal, learning from the experiences in international criminal justice adds another major feature to the subject of post-conflict rehabilitation: how to try members of former totalitarian and dictatorial regimes for serious violations of national and international law<sup>9</sup>. A major issue of the post-conflict rehabilitation is how to attract the donor community and lighten up the local civil society for rebuilding the war-stricken country. USIP has addressed this issue too<sup>10</sup>.

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<sup>8</sup> Faleh A. Jaber, Postconflict Iraq: A Race for Stability, Reconstruction and Legitimacy, USIP Special Report 120, May 2004.

<sup>9</sup> Building the Iraqi Special Tribunal: Lessons from Experiences in International Criminal Justice, USIP Special Report 122, June 2004.

<sup>10</sup> Donor Activities and Civil Society Potential in Iraq, USIP Special Report 124, July 2004.

The post-war reconstruction of Iraq today is considered the third biggest effort after Europe and Japan in 1945. That is why studying in details the experience of South East Europe, which was also big in proportions and very contemporary, would continue to matter for the years to come not only for Iraq, but for other countries in the broader Middle East and elsewhere. There are research efforts to approach the subject and find out general points of reference to a more purposeful policy in this area in Japan too – a country, involved hugely as a donor and participant in many post-conflict situations, including the Balkans and Iraq<sup>11</sup>.

The Geneva Center for Security Policy carries out a series of seminars on peacekeeping since 2002. The study of EU participation in peace operations has already become a research focus<sup>12</sup> of this prestigious institution too. The study of three EU peace operations – the EU Police Mission (EUPM) in Bosnia and Herzegovina, the military operation with resort to NATO assets ‘Concordia’ in Macedonia and the military operation without resort to NATO assets ‘Artemis’ in the DR Congo have been the focus of a special conference in September 2003 at the GCSP and provide insights that help the further orientation into the theoretic complexities of the subject, especially on issues as legitimacy/mandate and objectives of the peace operation, capabilities, relations with other actors, etc.

A very topical contribution to the subject of post-conflict rehabilitation has been made by the ‘Security and Peace’ journal in the beginning of 2004. The changing role of the military peacekeepers in post-conflict peace building operations, the new ‘mandating realities’ of peace building operations and their link to the UN and many other issues of the field of post-conflict rehabilitation have been tackled in a very competent fashion by the authors of this journal<sup>13</sup>.

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<sup>11</sup> Self-Defense Forces to assist in reconstruction: The main party of the Self-Defense Forces has been dispatched to give assistance to the people of Iraq, in: *Asia-Pacific Perspectives, Japan+*, April 2004, Volume 1, Number 12, p. 28-29.

<sup>12</sup> The EU and Peace Operations, Proceedings of a Workshop held at the GCSP, Rapporteurs: Thierry Tardy and Erik Windmar, GCSP, Geneva, 22-23 September 2003.

<sup>13</sup> Anthony W. Anderson, Enhancing the role of military peacekeepers in post-conflict peacebuilding: Revising the center of gravity; Hans-Georg Ehrhart/Albrecht Schnabel,

A fundamental contribution to the theory of security sector reform in post-conflict societies is the DCAF study ‘Reform and Reconstruction of the Security Sector’<sup>14</sup>. Though the terminology of post-conflict reconstruction, adopted by the authors of this research, would not cover the broad spectrum of issues on whose background the security sector reform (SSR) should be tested in post-conflict societies, the logic and approach of the researchers point to significant clues to better understanding the meaning of post-conflict rehabilitation via the priority question of SSR. That is why this book significantly adds to the theoretic construction of the post-conflict rehabilitation activity and its broad social meaning for managing the societal transformation.

In the present study we build on this research. *Our aim is to clarify that post-conflict rehabilitation bears a huge conflict prevention potential that needs to be utilized in a timely manner. Furthermore, in trying to find out the right contents of the term ‘post-conflict rehabilitation’ (PCR) we have been running into facts that prove the overlapping of various PCR issues as well as PCR with conflict prevention, peacemaking, peacekeeping and, virtually with all potential phases of the development of a conflict.* Anyway, the Brahimi Report, the USIP studies, the quoted DCAF book and all commented other sources have a value of their own as well as seriously contribute to the clarification of the phenomenon of blurring between pre-conflict, conflict and post-conflict phases of stabilization operations<sup>15</sup> to which post-conflict rehabilitation is strongly logically linked. *Our endeavor, studying the Balkan experience – in and out of the region, is to prove the broader social instrumental significance of post-conflict rehabilitation – for dealing with the consequences of the conflict or disaster situation and for driving forward in*

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Changing international relations and the role of the military in post-conflict peacebuilding operations; NATO, EU, and ad hoc coalition-led peace support operations: The end of UN peacekeeping or pragmatic subcontracting?, and, Ho-Won Jeong, Expanding peacekeeping functions for peace operations, in: Sicherheit und Frieden (Security and Peace), 1, 2004, Nomos, p. 1-24.

<sup>14</sup> Alan Bryden, Heiner Hänggi (Eds.), Reform and Reconstruction of the Security Sector, Lit Verlag, Münster, 2004.

<sup>15</sup> Strategic Trends: The Military Dimension, Joint Doctrine and Concepts Centre, Ministry of Defence Shrivenham, Swindon SN6 8RF, UK, March 2003, p. 8-16 – 8-18.

*a planned way the processes of social change. Depending on the level of involvement and investment in post-conflict rehabilitation activities the end social results would be different.* Here we elaborate further on these last points.

## **The Concept of Post-Conflict Rehabilitation and Its Practical Meaning**

All efforts to define better the conceptual prerequisites of post-conflict rehabilitation and their practical meaning are derived from the analysis of the transforming international system, the modifications of its regulative sub-system, and the respective analysis of the conflict management and conflict resolution tools.

The post-conflict rehabilitation problematic faces two ‘realities’. The *first one* reflects the ‘unfinished’ transformation of the structure of the international relations system, the persisting fluidity of that structure despite the fixed for the mid-to-longer term features of one-pole in the military-political field, three-four poles of power in the area of economy, and multi-polarity in trans-national political relationships<sup>16</sup>. The *second ‘reality’* is the new need to deal on a as expedient basis as possible with the various conflicts, their consequences and the human- *and/or nature-caused disastrous situations*, requiring restoration and putting the future developments on the track of self-sustainability.

Why such needs? Because the global economy and global reach of human beings today provide higher opportunities for profits and development for all, and any obstacle, even if its overcoming would require crises and temporary suffering, could be overcome through well-targeted effort and resources, including military. In the case of huge natural disasters the consequences follow objectively, without necessarily having the impact of a purposeful human activity and necessitate rehabilitation tools. For this reason the post-conflict/post-disaster rehabilitation has been considered more and more as an inherent component of the conflict

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<sup>16</sup> Joseph S. Nye, *The Paradox of American Power: Why the World’s Only Superpower Can’t Go It Alone*, Op. cit.

management concept and application model from a military point of view<sup>17</sup> as well as from the point of view of a new global human attitude<sup>18</sup>.

From that perspective the task of post-conflict rehabilitation seems very ambitious, on one side, and on the other – not well fit to the objective regulative capacity of the present international system and its structural relationships. So, if we seek ways of improving the state-of-art of post-conflict rehabilitation capacity, it seems from that higher level of abstraction and analysis that the potential sources for achieving it are three: a) the further evolution of the international relations system's structure, especially of the global centers of power; b) the general emancipation of the regulative system, especially the international legal one, and, c) the perfection of the very post-conflict (and post-disaster) instrument, its contents, various areas of targeting the 'healing' effort, governance mechanism, etc.

In this study we have in mind and consider the various aspects of influence of the first two sources on post-conflict rehabilitation – authorization or issuing the mandate; the very definition of the details of the post-conflict rehabilitation mission – both of its peacekeeping and peacebuilding aspects; the regional context of the execution of the post-conflict rehabilitation activities, and the capabilities/resources for such activities<sup>19</sup>. However, the major focus would be on the narrower term of 'post-conflict rehabilitation' and its adequate interpretation. This is needed for a more effective practical application of the rich toolbox of post-conflict rehabilitation in real situations.

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<sup>17</sup> Strategic Trends: The Military Dimension, Joint Doctrine and Concepts Centre, Ministry of Defence Shrivenham, Swindon SN6 8RF, UK, March 2003, p. 8-16 – 8-18.

<sup>18</sup> The reaction of the United Nations and all states of the world to the tragic consequences of the tsunami disaster in the end of 2004 in the Indian Ocean is one of the strongest arguments though in many other occasions the same needs have also been existent and similar activities have been demonstrated.

<sup>19</sup> Plamen Pantev, *Assessing the Balkans Peacekeeping Experience: Lessons for Afghanistan, Iraq and Beyond*, Presentation to the 'Future of Peace Operations sponsored Transatlantic Dialogue on European Capacities for Peace Operations Roundtable, 13 May 2003', Henry L. Stimson Center, Washington, D. C., at: [www.stimson.org/Projects/Events](http://www.stimson.org/Projects/Events)).

The Cluster of Competence *Rehabilitation of war-torn societies* Project from the mid-1990s added significant theoretic and practical insights into the subject. Within the context of this project the various studies that have been carried out showed what was the nature of modern conflict, what were the prerequisites and follow-ups of humanitarian intervention, etc. and why a special focus was needed on the issues of transition and the integration of the new relief agenda with conflict resolution, respect of human rights, robust military intervention – concerning the protection of civilian victims and with contributions to longer-term development<sup>20</sup>.

In 1999 P. Terrence Hopmann used the term ‘post-conflict rehabilitation’ in a doctrinal context while discussing the question of post-conflict security building<sup>21</sup>. A very important aspect of the state of the areas and people that have suffered has attracted Hopmann’s attention to choose the term ‘rehabilitation’ as the explanatory one for the activity that deals with healing the problems – “economic and social distress, ... zones where violence has created severe social needs”<sup>22</sup>. According to him assistance is provided through post-conflict rehabilitation to “help relieve the conditions that breed conflict and make reconciliation difficult to realize”<sup>23</sup>. Later on in his analysis ‘peacekeeping’, ‘peace building’ and ‘post-conflict security building’ have been used as separate terms with their own meaning, not linked with each other.

In 1998 the UN Secretary General described the nature and the necessity of post-conflict peace-building activities<sup>24</sup>: these are actions, undertaken at the end of a conflict to consolidate peace and prevent a recurrence of

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<sup>20</sup> Michael Pugh, *Post-Conflict Rehabilitation: the Humanitarian Dimension*, Op. cit.; Marcus Cox, *Strategic Approaches to International Intervention in Bosnia and Herzegovina*, Op. cit. As already mentioned the research efforts continued in the period of the 4<sup>th</sup> (in Geneva), 5<sup>th</sup> (in Zurich) and in another format – during the 6<sup>th</sup> ISF in Montreux, 4-6 October 2004.

<sup>21</sup> P. Terrence Hopmann, *Building Security in Post-Cold War Eurasia*. The OSCE and U.S. Foreign Policy, USIP, *Peaceworks* No. 31, September 1999, p. 35.

<sup>22</sup> Ibid.

<sup>23</sup> Ibid.

<sup>24</sup> Koffi Annan, UN Documents/1998/UN Secretary General, ‘The Causes of Conflict and the Promotion of Durable Peace and Sustainable Development in Africa’.

armed confrontations. The consolidation of peace in the aftermath of conflict requires more than purely diplomatic and military action, and that an integrated peace-building effort is needed to address the various factors which have caused or are threatening a conflict. The peace-building effort may involve the creation or strengthening of national institutions, monitoring elections, promoting human rights, providing for reintegration and rehabilitation programs, as well as creating conditions for resumed development. Peace building does not replace ongoing humanitarian and development activities in countries emerging from crises. Its aims are to build on, add to, or reorient such activities in ways that are designed to reduce the risk of a resumption of conflict and contribute to creating conditions most conducive to reconciliation, reconstruction and recovery. In post-conflict societies reconciliation should be encouraged; respect for human rights must be demonstrated; political inclusiveness must be fostered and national unity – promoted; safe, smooth and early repatriation and resettlement of refugees and displaced persons must be ensured; ex-combatants must be reintegrated into society; the availability of small arms should be curtailed, and domestic and international resources for economic recovery and reconstruction must be mobilized. Each of these tasks is linked to every other and success will require a concerted and coordinated effort on all fronts. The authors of the Report of the International Commission on Intervention and State Sovereignty ‘The Responsibility To Protect’ of December 2001 point to the main issues that confront policy makers in exercising the responsibility to rebuild in the three most immediate crucial areas: security, justice and economic development<sup>25</sup>.

In 2000 the UN Brahimi Report<sup>26</sup> defined peace operations as entailing three principal activities: conflict prevention and peacemaking; peace-keeping; and peace building.

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<sup>25</sup> The Responsibility to Protect, Report of the International Commission on Intervention and State Sovereignty, International Development Research Centre, Ministry of Foreign Affairs, Canada, December 2001, p. 40-43.

<sup>26</sup> ‘The Brahimi Report’, UN Source: A/55/305-S/2000/809, paras 10-14.



*Conflict prevention* addresses long-term structural sources of conflict in order to build a solid foundation for peace. Where these foundations are crumbling, conflict prevention attempts to reinforce them, usually in the form of diplomatic initiative. Such preventive action is a low-profile activity. When successful, it may even go unnoticed.

*Peacemaking* addresses conflicts in progress, attempting to halt them through diplomacy and mediation. Peacemakers may be representatives of governments, groups of states, regional organizations or the UN. They may also be unofficial and NGO representatives. As the practice and theory of mediation have shown peacemaking may even be the work of prominent personalities, working independently and respected by the disputing parties.

*Peacekeeping* is an activity that is almost 60 years old. Initially it has been a traditional military model of observing ceasefires and force separations after inter-state wars. Later on it became a complex activity with many elements – military and civilian, interacting to guarantee peace in the aftermath of civil or other wars.

*Peace building* is a term of more recent origin that the Brahimi Report defines as “activities undertaken on the far side of conflict to reassemble the foundations of peace and provide the tools for building on those foundations something that is more than just the absence of war”<sup>27</sup>. Thus, peace building includes but is not limited to reintegrating former combatants into civilian society. It includes also strengthening the rule of law through training and re-structuring of local police, and judicial and penal reform; improving respect for human rights through the monitoring, education and investigation of past and existing abuses; providing technical assistance for democratic development, including electoral assistance and support for free media; and promoting conflict resolution and reconciliation techniques.

The Brahimi Report and the years after its implementation showed that the complexity of peacekeeping and peace building operations was ris-

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<sup>27</sup> Ibid.

ing, that there was a growing need of merging peacekeeping and peace building activities. If the civilians who build the peace by creating the conditions for a stable and self-sustaining peace were not protected by the peacekeepers, the latter would hardly achieve alone the conditions that would enable them to return back home.

The thinking of the Brahimi Report and the period after issuing it showed that a complex rehabilitation of the conflict-stricken territories and people required a coordinated effort of keeping the peace while building it. The ideas of tackling both these aspects of rehabilitating the post-conflict situations continued to evolve, especially after the topic of post-conflict security building and the security sector reform it entailed became central to these activities. William Douglas from SAIS of Johns Hopkins University drew the attention to the fact that hiring private armed units to do the peacekeeping would be a normal issue, because it would be moral to do more peacekeeping that would stop more bloodshed<sup>28</sup>. At a Conference on 20 November 2003, organized by the School of Advanced International Studies and the International Peace Operations Association William Douglas said that some people have qualms about the morality of using private armed units for peacekeeping because they make an analogy to the concept of ‘mercenaries’. However, these concerns were misplaced because soldiers in national armies were paid to kill people too. The morality of engaging in military operations depended not on whether the troops were paid, but on the morality of the mission. In the evolution of international affairs, said Douglas, peacekeeping was changing in part because there were fewer Western militaries becoming involved in it. So the challenge according to him was to grapple with the transformation from using national armies and their supply services to private companies that could furnish troops and firepower as well as food, laundry, supply, transportation and communication services to peacekeeping operations<sup>29</sup>.

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<sup>28</sup> EUR522, 11/28/2003, Contracting for Peace is Rational Approach, Says Scholar (SAIS’s W. Douglas says mission not method determines morality, By Jim Fisher-Thompson, Washington File Staff Writer, US Department of State, at: <http://usinfo.state.gov>

<sup>29</sup> Ibid.

No doubt, these ideas add specific new features to the evolving encompassing concept of post-conflict rehabilitation as the aim of this complex activity is to bring life back to normalcy, to provide a self-sustaining peace and development capacity and adequate local contribution. Society building would be more effective if private and other civilian subjects were closer involved in the societal interactions of the conflict (disaster) – stricken nations.

The complex combination of peacekeeping and peace building activities as developed by the Brahimi Report and its critical follow-up contributions by the Henry L. Stimson Center's studies<sup>30</sup> provided the major content of the encompassing concept of post-conflict rehabilitation. Anthony W. Anderson<sup>31</sup> added more details to the peacekeeping-peace building interface as well as another major focus in the post-conflict rehabilitation concept – how the fight on terrorism would be reflected on the activities of rehabilitating a nation in the aftermath of a conflict. He rightly observes that the international war against terrorism adds an urgent security dimension to post-conflict peace building. The vulnerability of post-conflict states to organized crime, terrorism, and other highly dangerous security threats is greater than of developed nations. "International defenses in these security areas must be universal as non-state terrorist actors will exploit any gaps which are allowed to persist, such as by harboring in weak states"<sup>32</sup>, wrote Anderson. The call for urgency in the security sector reform efforts in light of the anti-terrorist campaign, acknowledges Anderson, could complicate the task of peace building. There are significant implications for peacekeeping too.

But this is the very heart of the issue of post-conflict rehabilitation: the immensity and complexity of the task of effectively rehabilitating a war or disaster stricken society requires an encompassing engagement and commitment by the international community to help solve the issues until a state of self-sustaining functioning and management of the respec-

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<sup>30</sup> See in more details: [www.stimson.org](http://www.stimson.org) (Projects).

<sup>31</sup> Anthony W. Anderson, Enhancing the role of military peacekeepers in post-conflict peacebuilding: Revisiting the center of gravity, in: *Sicherheit und Frieden (Security and Peace)*, 1, 2004, Nomos, p. 1-7.

<sup>32</sup> Anthony W. Anderson, Op. cit, p. 2.

tive state are reached. Here also is hidden the big dilemma – should ambitious tasks be taken and work to implement them started as the chances of short – or even mid-term success seem bleak? There are cases, according to some researchers, that simply require downsizing the maximal aims and tasks and give up the fast attainment of full-fledged democracy building-up<sup>33</sup>. At the same time in conflict-stricken societies with retarded economic, social, political, technological and infrastructure modernization one would not find more appropriate instruments of ‘democratic society modeling’ than those, belonging to post-conflict rehabilitation. The challenge of the dilemma is for the developed societies of the world, for their readiness to accept a permanent, long-term engagement with the realization of such an instrument of social progress. And the calculation of the pros and cons of such an embarking, including the financial and burden-sharing aspects, are crucial for the future relations among the leading developed states of the world. The experience of Iraq shows that diverging attitudes even in the face of assertive and impudent terrorist activity dominate the landscape and post-conflict rehabilitation activity cannot be effectively implemented.

This study, undertaken by the Institute for Security and International Studies (ISIS), Sofia in cooperation with the Bureau for Security Policy of the Austrian Ministry of Defense and the Center for International Security Policy of the Swiss Ministry of Foreign Affairs focuses on several key questions of the post-conflict rehabilitation problematic in the new international system: the role of the United Nations and NATO, of the EU and OSCE in carrying out this activity; the role of human rights as a guiding standard in PCR activities as well as the impact of cultural issues, the maturity of the civil society, the media and education in post-conflict rehabilitating efforts. Then the focus is turned to the recurrent issues of post-conflict rehabilitation in South East Europe and by South East Europeans elsewhere in the world and the lessons to be learnt. Special accent is placed on the security sector governance issues in post-conflict societies of South East Europe, on economic aspects of PCR,

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<sup>33</sup> Marina Ottaway, ‘Promoting Democracy after Conflict: The Difficult Choices’, *International Studies Perspectives* (2003) 4, 314-322.

nation-building in the Western Balkans and on four particular cases – Bosnia and Herzegovina, Kosovo, Macedonia and Moldova.

A major motive of launching the study and formulating certain conclusions is the trans-Atlantic meaning and reading of the post-conflict rehabilitation activity now and in the years to come. Unless a working trans-Atlantic formula on how to work together in dealing with conflicts and post-conflict rehabilitation problems is found the effectiveness of the democratic governance and end the expansion of the free and democratic world would be largely diminished. The knowledge of the phenomenon, its antecedents and practical requirements would constitute a needed step in the right direction, which is the modest ambition of this book.

## **II. Post-Conflict Rehabilitation in the New International System**

### **1. The United Nations and NATO: Comparing and Contrasting Styles and Capabilities in the Conduct of Peace Support Operations**

William Durch

#### **Introduction**

For several years, research and field practice have been converging on consensus that, without appropriate provision of security—for local belligerents who are set to disarm, for the public of the host country whose peace is being restored, and for the international civilians who work to restore it—international efforts to rehabilitate war-torn countries will be futile wastes of resources. Several regional organizations are building up their capacity to provide such security but there are at present just two international organizations that can recruit, manage, and sustain peace-keeping forces in the more volatile of post-war settings: the United Nations (UN) and the North Atlantic Treaty Organization (NATO). The UN has been in the peacekeeping business for more than half a century, although most of its experience during the Cold War involved so-called ‘traditional’ operations whose job was to monitor conflicted borders and/or negotiated zones of separation between hostile military forces. Cold War NATO, on the other hand, was a collective defense alliance focused on keeping the Soviet Union out of Western Europe. Deterrence and preparations for major combat were its major preoccupations, over all of which hung the threat of nuclear war.

Many organizational priorities and relationships have changed since the Cold War ended, and the pace of change seems only to be accelerating. The UN first began to undertake complex peace operations on a regular basis in the early 1990s. Nearly all UN operations begun since 1999 function under so-called ‘Chapter VII mandates,’ which permit more ro-

bust use of force by UN troops than was formerly the case.<sup>34</sup> NATO no longer faces a conventional military threat but has expanded its membership to 26 states, including all of the European members of the Warsaw Pact whose forces it used to face down. The alliance has been reorienting itself, meanwhile, to be a robust provider of post-conflict security and stability.

This chapter compares and contrasts the approaches and the abilities of the UN and NATO as post-conflict security providers. It does so in two passes. The first is a brief point-by-point comparison of the two organizations' origins, purposes, definitions of 'the enemy', politics, and capabilities for post-conflict peace building, during and after the Cold War. The second is a more focused look at the two institutions' capabilities and experience in using military forces to promote post-conflict security. The final section looks toward the roles that each may play in this field in years to come.

### **A Point-by-Point Comparison**

The UN grew out of the World War Two alliance against the Axis Powers, designed to be a global collective security organization that would deter future wars and its initial enemy was interstate aggression.

NATO grew out of the failure of the UN to perform as initially designed, owing to the Soviet Union's status as a veto-wielding permanent member of the UN Security Council, the body that would have to vote to condemn aggression and orchestrate an international response. NATO was designed to assure the collective defense of Western Europe in part by codifying the commitment of the United States to that defense. Unlike the UN, therefore, NATO was very specifically territorially based and territorially oriented. Like the UN, it was designed to deter

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<sup>34</sup> Complex operations integrate many civilian components and usually military forces under a single, civilian-led structure of authority, generally to implement a peace agreement negotiated by the host country's formerly belligerent parties, either with or without international mediation. Chapter VII of the UN Charter authorizes the Security Council to deal forcefully with threats to or breaches of international peace and security.

and resist aggression, but only from a very specific source: the Soviet Union and later – from the other forces of the Warsaw Pact.

The evolved purpose of the UN includes support for human rights, national sovereignty, and self-determination—objectives that are in constant tension. As an organization of sovereign members, it has championed de-colonization, but as an organization increasingly made up of former colonies or pieces of defunct empires (such as the states, that emerged from the 1991 dissolution of the Soviet Union), the UN has had difficulty coping with subsidiary self-determination—once independent, the leaders of newly independent states tend to resist the independence or autonomy bids of their own sub-national groups.

The evolved purpose of NATO is to promote military stability and political development in and around Europe and points east. It has done so primarily by bringing new members into the alliance. It is not clear that it has many more options to exercise along that track.

The evolved enemies engaged by the UN are bad governance and political instability, disease, poverty, fear, oppression (notwithstanding the poor governing habits of several dozen of its member states), organized crime, and terrorism. The recent report of the Secretary-General's High Level Panel on Threats, Challenges and Change defined terrorism without making exceptions for political objectives.

NATO's evolved enemies include global terrorist organizations, fundamentalist tyranny, and aggressive hyper-nationalism. The role of main ideological threat, that used to be played by communist totalitarianism is now played mostly by radical Islamism that targets Western ideals, institutions, and allies, but other notions of radical nationalist superiority backed by coercive force (the erstwhile project for a Greater Serbia, for example), qualify as well.

During the Cold War, the enemy (from the West's perspective) was inside the UN's tent, with first one and then two vetoes on the Security Council. For NATO, the enemy was just across the inner-German border, but it was also watching within. The principal Cold War internal se-



curity problem for NATO, in other words, was espionage. In the later Cold War years, violent domestic terrorist groups like the Red Brigades and Bader-Meinhoff Gang required urgent internal security attention from various NATO member states but were not a focus of NATO per se.

In the post-Cold War order, the most dangerous enemy is outside the UN's tent. UN Security Council Resolution 1373 (2001) called for UN member states to take measures to counter terrorist action and to report on their progress to the rest of the membership. Potential terrorists (several members of the 9/11 hijacker teams, for example) have lived and worked inside NATO's tent, however, and the very fabric of the open societies that comprise that tent made it possible. Since people, not tanks, are the basic means of delivering the new threats, border security, internal security, intelligence and surveillance have become the prerequisites of defense but they also have the potential to weaken the fabric of the open societies they are intended to defend, the same openness that Europe and America are trying to inculcate in places like Afghanistan and Iraq.

UN actions are subject to global cross-pressures from rich, poor, and in-between states, but the Security Council has global legitimacy, regardless of the current debate about its size and makeup. It authorizes not just UN-led peace operations but those led by others, including NATO, peacekeeping in Kosovo and Afghanistan, as well as the coalition occupation and reconstruction of Iraq. NATO, as it takes in new members, has increasing regional legitimacy and benefits from the regional awakening and energy directed toward the post-Cold War process of consolidating democratic governance and military cooperation. It does not necessarily have much legitimacy, however, operating outside its own territorial sphere unless it functions with a UN mandate, nor would some of its members, old and new, participate in such operations without UN authorization.

The UN is capable of deploying much more than military forces. For its complex operations it routinely recruits and deploys election specialists, human rights investigators, civilian police and other criminal justice per-

sonnel, either to monitor and reform local criminal justice systems or, more rarely, to administer them. NATO is not multi-functional in this way, nor does it do governance.

The United Nations can set up and manage an integrated mission post-conflict rehabilitation but cannot create the initial stability needed to implement such a mission. NATO can in principle create stability in small, unstable situations, or follow US initiatives to that end in larger places, but it cannot provide an integrated approach to peace building. For that it must rely on other institutions. The UN is one of them.

## **The United Nations**

The United States cannot and does not give its full attention to every crisis in the world, whether the need is for peacekeepers or for other assistance. The world's other powers, individually, have even more limited resources than Washington, and regional organizations outside Europe have as yet little operational capacity and even fewer financial resources. So, short of writing off millions of people in the poorest and worst governed parts of the world, governments pool their resources in the United Nations and its operating agencies<sup>35</sup>.

The UN is more than the Security Council or the General Assembly, especially in post-conflict settings. It is also a loosely structured, increasingly well-coordinated system of agencies that protect refugees, distribute emergency food, immunize children, promote human rights, and organize peacekeepers as well as political and electoral advisers for states in distress or in transition from war to peace. UN humanitarian agencies such as the High Commissioner for Refugees (UNHCR) or the World Food Program have standing mandates to help in humanitarian emergencies. With the acquiescence of governing authorities and a sufficiently permissive security environment, they can act quickly during a crisis. Several have emergency procedures designed to dispatch small rapid re-

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<sup>35</sup> The first 3 paragraphs of this section are drawn from William J. Durch, 'Picking Up the Peaces: The UN's Evolving Post-conflict Roles', The Washington Quarterly 26, no. 4 (Autumn 2003), 195-197.

sponse teams on 24 hours notice. More than 90 percent of UN humanitarian agencies' funding takes the form of voluntary contributions from governments, however, so while these agencies have the authority to act quickly, they may only have the immediate reserves to act briefly unless donors send money quickly.

UN political and security entities, on the other hand, cannot act without Security Council authorization, in the form of a mission mandate, in the case of the UN Department of Peacekeeping Operations (DPKO). Development entities like the World Bank or UN Development Program will not move into a post-conflict setting without some signal (such as a statement by the President of the Council) that gives them political cover to engage. Their funding, on the other hand, comes largely from the 'assessed' contributions of member states, which those states are obligated to pay under the terms of their membership in the UN.

A now half-century-old collection of international organizations, the UN system has had ample opportunity to accumulate many barnacles on its ship of states, a hard-to-maneuver lash-up of barges, warships, fishing trawlers, and pirate skiffs. Lacking the sovereign authority of a nation state to manage its own spending and to trim functions that have grown obsolete, the UN has trouble losing weight, although many governments have the same problem. Given the way the UN system is constituted, there is no disinterested, authoritative party able to generate member state support for the institutional reform proposals made periodically at the initiative of the Secretary General. Thus, a major consolidation of Secretariat bureaus proposed by Secretary General Boutros-Ghali in 1993 was blocked by the General Assembly, while many reforms proposed in 1997 by incoming Secretary General Kofi Annan, accepted in principle by member states, were frustrated in practice by the same states' reluctance to relinquish micro-management of UN structures and operating budgets.

In March 2000, as the UN faced yet another crisis of confidence in its ability to manage complex peace operations, Annan commissioned the Panel on United Nations Peace Operations, chaired by UN Undersecretary-General Lakhdar Brahimi. The Brahimi Panel, although tasked to

assess and make recommendations on the full range of UN conflict-related activities, from conflict prevention through post-conflict peace building, chose to focus its limited time and resources on peacekeeping operations invited in to implement peace accords. Its report, released in August 2000, emphasized measures needed to create an effective international security presence. The Panel was writing as UN peacekeepers had begun once again to deploy in large numbers into sub-Saharan Africa. Condemning countries that treated UN operations like military soup kitchens – as places where ill-equipped troops could find uniforms, food, housing, and UN reimbursements – the Panel stressed states' responsibility to contribute well-equipped, well-trained, and well-disciplined troops to UN operations. The Panel also stressed the need to increase the ability of UN Headquarters – primarily but not only DPKO – to plan, recruit for, deploy and manage complex operations. It also emphasized the UN's need to have much greater ability to process analytically all of the open-source information about current and potential conflicts and crises that flowed through the organization daily but tended to settle in its quietest pools, unnoticed<sup>36</sup>.

Nearly five years since the release of the Brahimi Report, DPKO has roughly doubled in size, to the point where it would be able to manage well and in timely fashion most of the tasks assigned to it by the Security Council during the mission surge of June-October 1999. The same is true of its partner offices in the Department of Management, which submit its budgets, recruit its Headquarters staff, and sign the procurement contracts for most of the non-military goods and services that the Organization sends to the field. The Strategic Deployment Stocks (SDS) at the UN Logistics Base in Brindisi, Italy, set up in 2003 to support the deployment of one complex operation of 10,000 persons each year, exceed what was recommended in this area in the Brahimi Report<sup>37</sup>.

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<sup>36</sup> United Nations, Report of the Panel on United Nations Peace Operations, A/55/305-S/2000/809, 21 August 2000.

<sup>37</sup> See William J. Durch et al., The Brahimi Report and the Future of Peace Operations (Washington, DC: The Henry L. Stimson Center, 2003).

Altogether, DPKO now has about 600 people to plan and manage all aspects of its operations. A majority of them work in the Office of Mission Support (OMS), which recruits civilian mission personnel and arranges for transport, other logistics, and communications support for both military and civilian elements of operations. In the last five years OMS has nearly doubled in size. In the same period, the DPKO Military Division has more than doubled in size but still consists of just 64 officers and 20 support staff, of whom perhaps 20 officers plan the military components of UN peace operations. Similarly, the Civilian Police Division in DPKO has tripled in size since 2000 but still consists of just 20 officers and 5 support staff to recruit, test, and manage the deployment and rotation of more than 6,000 civilian police<sup>38</sup>.

DPKO has even less planning capacity for the civilian substance of its missions other than criminal justice. While OMS is good at providing logistics support, transport, and communications – the things needed to enable a mission – DPKO has no civilian planning office. This helps to explain the recommendation in the December 2004 High Level Panel Report for a new Peace Building Commission and ‘peace support office’ in the UN Secretariat.

As DPKO has grown, so has the demand for complex new UN peace operations in unstable and dangerous places. History and the Security Council conspired to generate the equivalent of five major new operations between July 2003 and July 2004. The Council:

- Doubled the size of the mission in the Democratic Republic of Congo (MONUC) to 10,800 troops, with the new troops mandated to subdue the marauding militias of the country's far north-east Ituri District, then increased it by a further 5,900 troops and

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<sup>38</sup> United Nations, Proposed Budget for the Support Account for Peacekeeping Operations for the Period 1 July 2005 to 30 June 2006, Report of the Secretary-General, A/59730, 8 March 2005, and United Nations, Proposed Budget for the Support Account for Peacekeeping Operations for the Period 1 July 2005 to 30 June 2006, Report of the Advisory Committee on Administrative and Budgetary Question, A/59/784, UN, 18 April 2005.

police to cope with unrest in the provinces bordering Rwanda and Burundi;

- Established a new, very large (15,000-troop) operation in Liberia, which had been looted to its foundations by eight years of civil war and six years of subsequent theft of public assets by warlord-president Charles Taylor;
- Gave the UN responsibility for peacekeeping in Burundi, in a handoff from a financially-strapped African Union mission;
- Directed DPKO to take over peacekeeping in Cote d'Ivoire from the Economic Community of West African States, to absorb some of its troops, and to triple the size of the mission overall;
- Gave the UN responsibility for peacekeeping in a rapidly-decaying Haiti, taking a handoff from a temporary, US-led force; and
- Authorized the deployment of 10,000 troops and 700 police for the UN Mission in Sudan, to implement the peace accord designed to end two decades of bloodshed in the southern part of that country.

Thus, between July 2003 and July 2004, UN deployments of uniformed personnel (troops in units, military observers, and civilian police) grew by 57 percent. Between July 2004 and July 2005, the total will have increased again by one third<sup>39</sup>. These are not sustainable rates of increase and DPKO, since the latter half of 2004, has been pleading with the Council and member states not to send any more business its way<sup>40</sup>.

As of 30 April 2005, there were 18 UN peace operations in the field with 66,500 troops, military observers, and civilian police; 4,500 international civilian personnel; and 8,500 'national' staff (locally-hired civilians).

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<sup>39</sup> UN DPKO, 'Monthly Summary of Contributors of Military and Civilian Police Personnel', online at [www.un.org/Depts/dpko/dpko/contributors/](http://www.un.org/Depts/dpko/dpko/contributors/). Accessed May 30, 2005.

<sup>40</sup> See, for example, United Nations, Implementation of the Recommendations of the Special Committee on Peacekeeping Operations, Report of the Secretary-General, A/59/608, UN, 15 December 2004, para. 4.

Full deployment of the UN Mission in Sudan would bring the mid-2005 totals to roughly 76,000 troops and police, and 13,000 civilians<sup>41</sup>.

For these and all the other recent operations in dangerous and unstable places, most of the troops have been contributed by South Asian and African states. Among developed states, only Ireland and Sweden presently contribute combat units to any of the post-civil war UN operations in sub-Saharan Africa. Civilian contractors have long since made up some of the difference in transport and logistics support; DPKO has well over 100 standing 'systems contracts' for support of its operations, not least for rapid supply of the ubiquitous 4-wheel-drive vehicles that are the majority of its mission motor pool.

The UN has enjoyed a notable degree of success in some of its recent operations. East Timor (Timor Leste) now has its own government, to which authority was returned in May 2002 after just under two years of UN civil administration. The follow-on UN support mission closed its doors, in turn, three years later. Its operation in Sierra Leone recovered from a near-disastrous start, with critical short-term assistance from British paratroopers and sustained British training and advice to the Sierra Leone army, but also following key changes in the UN operation's military leadership and troop contingents. MONUC, in the DRC, began as a protected observer mission overseeing separation of forces in a land as large as Western Europe but has evolved into a much more complex operation directly involved in the maintenance of public security in the country's volatile northeast and eastern provinces, bordering Uganda, Rwanda, and Burundi. MONUC's Ituri Brigade, composed primarily of troops from Pakistan, Bangladesh, and Nepal, has been credited with taking a more forceful approach toward containing and disarming that region's violent tribal militias<sup>42</sup>. Members of the temporary French-led coalition force that the Ituri Brigade replaced in August-September 2003 were favorably impressed by the training and professionalism of the UN

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<sup>41</sup> United Nations Department of Peacekeeping Operations, 'Background Note', DPKO Website at: <http://www.un.org/depts/dpko/dpko/bnote.htm>, 30 April 2005.

<sup>42</sup> Marc Lacey, 'UN Forces Using Tougher Tactics to Secure Peace', New York Times, 23 May 2005, A1.

forces that were to replace them, in fairly stark contrast to hand-off experiences in other operations ten years prior<sup>43</sup>. Regrettably, Ituri has also been the locus for some of the worst instances of sexual exploitation and abuse by peacekeepers that have surfaced in recent years.

Disciplinary problems typically peak as demand for peace operations peaks. At the last operational peak, in the early- to mid-1990s, operations in Bosnia, for example, were beset by the shady dealings of some troop contingents. Later, in Kosovo, where the UN Interim Administration Mission (UNMIK) is responsible for enforcing the law, business establishments involved with human trafficking – and hence, organized crime – began to grow right along with the international military and civilian presence. Eventually UNMIK created a Trafficking Prevention and Investigation Unit (TPIU) that drew up a ‘off limits list’ for international personnel that included 200 establishments by January 2004. According to the TPIU, both UNMIK police and NATO Kosovo Force (KFOR) personnel were industry clients as late as 2003. Amnesty International reported that members of one KFOR contingent (since withdrawn) from a major, non-NATO power were repeatedly alleged to have been involved in trafficking and the use of trafficked women, with no evidence of disciplinary action. Another major power contingent repatriated five of its soldiers in 2003 on suspicion of involvement in trafficking and a third told Amnesty that it was ‘taking measures’ to address what Amnesty called ‘credible allegations about the use of trafficked women’ at this contingent’s principal bases<sup>44</sup>.

The UN itself has typically dealt with issues of sexual misconduct quietly and bilaterally, especially regarding military personnel, since its member states retain exclusive authority to discipline their own troops. By the summer of 2004, however, quiet wasn’t cutting it.

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<sup>43</sup> Interview, European Union Council Secretariat, Brussels, May 2005.

<sup>44</sup> Amnesty International, ‘Protecting the Human Rights of Women and Girls Trafficked for Forced Prostitution in Kosovo’, Amnesty Website at: <http://web.amnesty.org/library/Index/ENGEUR700102004>, 6 May 2004, ch. 6.



The first New York-based investigative team to visit MONUC, from the UN's Office of Internal Oversight Services, spent the summer confirming allegations initially documented by the operation's personnel conduct officer<sup>45</sup>. The second outside team, led by Jordan's permanent representative to the United Nations, Prince Zeid Ra'ad Zeid al Hussein, visited the mission area in October 2004. Upon his return, Zeid was appointed the Secretary-General's special adviser on sexual exploitation and abuse, to work with troop contributing countries on compliance with UN conduct rules. His report, issued in late March 2005, offered detailed recommendations on how to apply UN rules against exploitation and abuse more effectively, on how to deter future violations, and on how to more effectively investigate and punish violations that do occur<sup>46</sup>.

Part of the UN's problem lies in poorly-trained and poorly-led troops but also in the fact that its forces' operating environments present serious moral hazards, not only in the Congo but in a dozen other desolate places around Africa and, potentially, around the globe. No other major organization presently deploys forces – overwhelmingly young and male – in such close and continuing proximity to large numbers of displaced persons – disproportionately female and youth. Displaced persons seek out that proximity for greater security from local violence but, unless properly managed and monitored, proximity increases opportunities for abuse. The Zeid Report suggested practical, functional solutions such as more secure perimeter fencing, military police units drawn from countries not providing other military units to an operation, closer supervision of off-duty personnel, and better provision for those troops' recreation. Better, universal training of all personnel in expected standards of conduct for members of a UN peace operation, and contingent commanders who take seriously the risk and reality of sexual exploitation and abuse, would also help stem the problem<sup>47</sup>.

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<sup>45</sup> Jane Rasmussen, 'MONUC: Sexual Exploitation and Abuse, End of Assignment Report', DPKO Best Practices Unit Website at: <http://www.un.org/Depts/dpko/lessons/>, 25 February 2005, 2.

<sup>46</sup> United Nations, A Comprehensive Strategy to Eliminate Future Sexual Exploitation and Abuse in United Nations Peacekeeping Operations, A/59/710, United Nations, 24 March 2005, paras. 15-22, 32-35, 41.

<sup>47</sup> Ibid.

UN management could have done more, much sooner, both in setting out a policy governing exploitation and abuse and in seeing to it that the policy was carried out. The UN's limited ability to enforce such policies with respect to troops and police, seconded from governments, means that member states who are serious about the conduct of peace operations and about the reputations of the people they send to those operations need to get serious and stay serious about training and discipline.

## NATO

America's partners in the North Atlantic Alliance have been casting about for a decade looking for a threat and a mission sufficiently beefy to replace the territorial threat embodied by the massed tank armies of the Soviet Union, and to justify its heavy management, planning, and collaborative structures. Although NATO policy, planning, and command and control structures have slimmed down somewhat since the Soviet Union's demise, substantial elements remain. They have had fewer forces to manage, however, as the military muscles of most western European members of NATO have atrophied over the past 10-15 years. The same low military spending that limits EU efforts to rebuild or restructure European defense also limits NATO. Eight separate strands of defense 'transformation' attempt to boost and/or rationalize European countries' defense production and collaboration, but whether budgets will expand to match the demands of transformation remains to be seen. The Alliance has nearly doubled its membership in the past decade, reaching 26 members in March 2004. At its recent summit in Istanbul NATO affirmed that 'the door to membership remains open'<sup>48</sup>.

Since December 1995, NATO has been involved in significant peace-keeping operations, starting with 60,000 troops to implement the military elements of the Dayton Accord in Bosnia-Herzegovina, followed by deployment of nearly 50,000 troops in Kosovo by September 1999. Since August 2003, NATO has been running the International Security Assistance Force (ISAF) in Afghanistan. A training program for the

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<sup>48</sup> NATO, Istanbul Summit Reader's Guide (Brussels: North Atlantic Treaty Organization, October 2004), 19.

Iraqi army began in late 2004, and a rapid-reaction capability, the NATO Response Force, reached initial operational capability at about the same time, offering a reminder that contemporary NATO is not just about peacekeeping.

### *NATO in Bosnia: IFOR and SFOR*

NATO's Implementation Force (IFOR) was a twelve-month operation, consistent with US President Bill Clinton's promise to his domestic constituency that this would be the case. Following Clinton's re-election in November 1996, IFOR did indeed come to an end, but many of its forces segued into the follow-on Stabilization Force (SFOR). Through mid-1997, IFOR/SFOR stuck to a strict and narrow interpretation of its mandate, separating the respective forces of Republika Srpska and the Muslim-Croat Bosnian Federation, cantoning heavy weapons, patrolling the internal Zone of Separation, and otherwise functioning as a very heavily-armed but cautious and traditional-type peacekeeping operation. That posture, combined with a lack of effective and apolitical police presence – either local or international – allowed Serb authorities and their local muscle to drive the ethnic Serb population out of Federation-held parts of Sarajevo, Bosnia's capital city, as IFOR first deployed. This was not the best way to start a major new peace operation and reflected not only NATO conservatism, but also the disaggregated and relatively weak posture of the international civilian side of peace implementation. Dayton gave elections work to the Organization for Security and Cooperation in Europe (OSCE), police monitoring and training (but not law enforcement) to the UN, population returns to the UNHCR, and political oversight to something called the Office of the High Representative (OHR), which reported to a Dayton creation called the Peace Implementation Council (PIC)<sup>49</sup>.

Eight months after Bill Clinton was re-elected and two months after Tony Blair took office as UK Prime Minister, Gen. Wesley Clark as-

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<sup>49</sup> Republic of Bosnia and Herzegovina, Republic of Croatia, and Federal Republic of Yugoslavia, 'The General Framework Agreement for Peace in Bosnia and Herzegovina', [http://www.ohr.int/dpa/default.asp?content\\_id=379](http://www.ohr.int/dpa/default.asp?content_id=379), 14 December 1995, Annexes 1B thru 11.

sumed command of NATO and the Alliance's view of its mandate in Bosnia became a little more expansive. SFOR began to search for and seize 'persons indicted for war crimes'; to take action in support of OHR, such as seizing violence-inciting Serb broadcast facilities and providing a secure environment for elections. Dayton implementation authority remained lopsided, however, in terms of the relative powers accorded to the military and the civilian implementers. That imbalance was also redressed somewhat in 1997, when the PIC gave OHR broad new powers. These did not immediately alter the internal balance of power between nationalist and moderate factions in any of the three main confessional communities and organized crime maintained its grip on the Bosnian economy. The military situation was sufficiently stable, however, that NATO could progressively reduce its forces from the initial 60,000 troops in late 1995 to about 20,000 troops five years later and to just 8,000 by mid-2004. In December of that year, NATO ended its major military presence in Bosnia, turning over peacekeeping duties to a 7,000-strong European Union force. NATO maintains a headquarters unit of about 150 personnel in Sarajevo, however, focused on 'defense reform in the country, counter-terrorism, apprehending war-crimes suspects, and intelligence gathering'<sup>50</sup>.

If armies prepare for the last war, they also deploy for it. The heavy mechanized presence of IFOR reflected prevailing NATO operational philosophy as well as its political-military history and traditional foes. The divisions that deployed into Bosnia in late 1995 were left over from the 40-year standoff in central Europe. The forces that they came in to contain and disarm – primarily Bosnian Serb – had been built on that model but had nowhere near their implied fighting power, inasmuch as command and control were relatively primitive and air power essentially non-existent by comparison with what NATO could bring to bear. NATO could have used this overwhelming superiority as cover for immediate Special Forces action to apprehend 'persons indicted for war crimes' and the Bosnia Serb leadership in particular. It could have an-

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<sup>50</sup> Plamen Pantev, et al., 'Balkan Regional Profile: The Security Situation and the Region-Building Evolution of Southeastern Europe, No. 68', ISIS Website at: [http://cms.isn.ch/public/docs/doc\\_10513\\_259\\_en.pdf](http://cms.isn.ch/public/docs/doc_10513_259_en.pdf), December 2004.

anticipated the need for early and capable policing, determined, that neither the UN's mandate, nor its track record argued that it would or could do an effective job of maintaining initial public order. Therefore it could have rounded up substantial numbers of military police to deploy in key contested areas: Sarajevo, Mostar, and Brcko, in particular. Had it maintained public order and aggressively rounded up war criminals, backed by the firepower of its main force elements, extremist elements on all sides might have been stymied at an early date. This evidence of the international community's determination to enforce Dayton might have given moderate local politicians the courage to create responsible government in Bosnia within a single, common border at a much earlier date and at much lower international resource investment.

### *NATO in Kosovo: KFOR*

In Kosovo, NATO reprised its role as principal security provider after long-simmering tensions exploded into violence: a guerilla war by Kosovo Albanian militants against Serb authorities, a Serb backlash apparently designed to drive out the 90 percent ethnic-Albanian population in Kosovo, and a 78-day NATO bombing campaign against Serbia to make it cease and desist. The air campaign proved as unsettling to America's NATO allies as it was damaging to Serb infrastructure. The allies saw in action what they had known for some time: that European NATO was, for the most part, far behind the United States in its ability to suppress air defenses and deliver precision-guided weaponry from the air; that it lacked the ability to communicate securely and effectively with ground forces; and that if its forces could not be moved by road or rail to an area of operations, they could not be moved.

Although NATO used force against Serbia without prior authorization from the UN Security Council (a Russian veto having been anticipated), it turned back to the UN to authorize the deployment in Kosovo of NATO peacekeepers and to provide a temporary government for Kosovo – while leaving it, nominally, a province of Serbia and Montenegro. In mid-2005, all international security- and governance-related activities in Kosovo still function under Security Council Resolution 1244, which, unlike the mandates for most UN peace operations, has no expiration

date, an approach that allows the veto to halt any effort to shut the operation down.

As in Bosnia, NATO forces in Kosovo stand apart from the rest of the international effort. Unlike Bosnia, they coordinate with a more integrated hierarchy of civilian institutions. The United Nations lead UNMIK, a collaborative effort with OSCE and the European Union. The Special Representative of the Secretary General (SRSG) holds ultimate executive and legislative authority. UNMIK police enforce the law and carry arms. Several states have contributed special police (gendarmerie) units with heavier arms, equipment, and crowd control training.

NATO forces peaked in September 1999. By February 2004, the numbers of troops had declined to about 18,600. The following month, however, coordinated violence erupted against the relatively few Serbs still remaining in Kosovo, and against their property. KFOR and UNMIK police did a relatively poor job of handling the disturbances, testament both to the reluctance of military forces to get involved in ‘policing’ tasks, and to the fact that even having modern militaries from developed democratic states – which would include most of the contingents in KFOR – will not guarantee good performance in the face of a poorly-anticipated threat or disdain for the measures required to meet it<sup>51</sup>.

#### *NATO in Afghanistan: ISAF*

Although begun as UN-authorized coalition of the willing, ISAF always derived most of its troops from NATO members. Having the Alliance as its planning and support backstop gives the operation more solid grounding as well as access to standing political-military deliberative bodies other than the UN Security Council. Having NATO at the helm has facilitated ISAF’s progressive – if still cautious – expansion outside the capital, Kabul. Such expansion was opposed by Washington for the first year of US operations in Afghanistan, on grounds that peacekeepers de-

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<sup>51</sup> Ben Lovelock, ‘Securing a Viable Peace: Defeating Militant Extremists – Fourth Generation Peace Implementation’, in Jock Covey, Michael Dziedzic, and Leonard R. Hawley, eds., The Quest for Viable Peace (Washington: US Institute of Peace, 2005), 147.

ployed in the provinces could be a liability to US forces, presenting targets for the Taliban or local warlords and perhaps generating requirements for rescue operations. Washington's comfort level with NATO management had risen by early 2005 to such an extent that there were discussions about the greater 'synergy' between ISAF and the US-led Operation Enduring Freedom<sup>52</sup>.

NATO branched out from Kabul in 2004, adding troops to enhance security during the October 2004 presidential election and establishing or assuming control of Provincial Reconstruction Teams (PRTs) – civil-military elements varying in size from 50 to 500 personnel – in key cities in the northeast, north, and central parts of Afghanistan where the Taliban and al Qaeda have been least active. These are, however, areas where opium poppy production has been increasingly taking hold<sup>53</sup>. In 'stage two of its expansion, NATO established a PRT in the western city of Herat (easier to do after the ouster in late September 2004 of Herat's longtime strongman, Ismail Khan) and two other northwestern towns<sup>54</sup>. Stage three was to set up a PRT in the key southern city of Kandahar, while stage four would involve taking over PRTs run by the US coalition in the volatile southeast and east, bordering Pakistan.

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<sup>52</sup> NATO, 'Press Conference by NATO Secretary General, Jaap De Hoop Scheffer Following the Informal Meeting of Defence Ministers, Nice, France', NATO Website at: <http://www.nato.int/docu/speech/2005/s050210e.htm>, 10 February 2005.

<sup>53</sup> Suppressed during the final year of Taliban rule, poppy production has ballooned since the ouster of the Taliban in late 2001. According to survey data from the UN Office on Drugs and Crime, production of opium gum in Afghanistan soared to 3,400 tons in 2002, 3,600 tons in 2003, and 4,200 tons in 2004, accounting for 87 percent of world production. Over 500,000 Afghan families participate in growing poppy, and cultivation has been spreading rapidly despite desultory government efforts to prevent it. Poppy is a very productive and drought-resistant weed and Afghan family farmers turn to it for want of other revenue-producing crops. UN Office on Drugs and Crime and the Counter Narcotics Directorate Government of Afghanistan, Afghanistan Opium Survey 2004 (Vienna, Austria: UN Office on Drugs and Crime, November 2004), fact sheet.

<sup>54</sup> Amin Tarzi, 'Analysis: Karzai Turns Warlord Into Potential Ally', Radio Free Europe/Radio Liberty Website at: <http://www.rferl.org/featuresarticle/2005/01/6fa72a58-e856-4818-827d-ab4cdb698710.html>, 19 January 2005.

In an unusual first for NATO, the military alliance has appointed a Senior Civilian Representative to the Afghan government. He ‘carries forward political-military aspects of the Alliance’s assistance’, and ‘works closely with ISAF, the United Nations, and other coordinating bodies’. Functioning much like a personal envoy of the UN Secretary General or, for that matter, a national diplomat, the civilian rep gives the North Atlantic Council direct eyes and ears in Kabul. His appointment symbolizes NATO’s recognition that its military role in Afghanistan has primarily political objectives. Indeed, ‘NATO’s aim is to assist in the emergence of a secure and stable Afghanistan, with a broad-based, gender-sensitive, multi-ethnic and fully representative government, integrated into the international community and cooperating with its neighbors’<sup>55</sup>.

*NATO in Iraq: Diminished Forces, New Training Commitment*

As of mid-March 2005, NATO members other than the United States deployed roughly 15,500 troops in Iraq; of these, about 8,800 were British. Numbers were down from the previous summer, however, and would decrease further through 2005. The Netherlands withdrew its 1,400 troops in early 2005, Hungary pulled out 300 troops in December 2004 and Spain left shortly after the Madrid train bombings of March 2004 and a subsequent change of government. Italy announced in March 2005 that it would begin to withdraw its 3,000 troops in September. Poland, lead nation of the Multinational Division Central-South Iraq, reduced its forces by one-third, to 1,700, in February 2005 and planned further reductions in the summer<sup>56</sup>. Some of these cuts doubtless reflected the difficulty – military and political – faced by these nations in maintaining their ground commitments beyond one rotation in Iraq for each unit designated for deployment. Some cuts may also have reflected the added stress and risk of the intensified insurgency, which grew throughout 2004. Attacks appeared to ease off after national elections in January 2005, while elected assembly members worked to form a new government, but escalated once again in April and May, targeting in particular Iraqis working for or with the new government.

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<sup>55</sup> NATO, *Istanbul Reader's Guide*, 10.

<sup>56</sup> Global Security.org, ‘Non-US Forces in Iraq – 15 March 2005.’



At the Istanbul Summit in mid-2004, NATO ministers agreed to a request from the interim government of Iraq for military training assistance. An interim NATO mission with 50 to 60 personnel was deployed by August and mission personnel cycled rapidly through Iraq on two to three month assignments while groundwork was laid for a larger, 300-person NATO Training Mission for Iraq (NTM-I). That was approved by the North Atlantic Council on November 17, 2004, and activated by the military commander of NATO (SACEUR) on December 16th<sup>57</sup>. NTM-I was to be kept from overlapping or conflicting with the Coalition's Security Transition Command by Lt. Gen. David Petraeus, who commands both.

### *NATO Response Force*

As a signal, perhaps, that NATO will remain ready to do more than peace support operations, it has been standing up the NATO Response Force (NRF). Declared to have reached initial operational capability with 17,000 affiliated personnel in October 2004, the NRF is anticipated to grow to 24,000 by the time it reaches planned full operational capability in October 2006. The NRF is intended to be able to deploy on five days' notice with the ability to sustain itself for 30 days<sup>58</sup>. National forces committed to the NRF train for six months and then remain on-call for another six months before rotating out to other duties.

Although NATO brochures state that the NRF will comprise over 20,000 'troops', this is a multi-branch force that is planned to include an aircraft carrier battle group, amphibious task group, naval surface action group, and an air component 'capable of 200 combat sorties a day'. A typical US-style carrier battle group might deploy 5,000 sailors, plus 2,500 personnel associated with its air wing and its 70 aircraft. A US Marine Amphibious Ready Group, with typical naval escorts, has about 2,800 sailors and 3,200 Marines. A Surface Action Group may consist of two missile destroyers and a frigate, embarking altogether about 950 sailors<sup>59</sup>.

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<sup>57</sup> NATO, 'NATO's Assistance to Iraq', online at: <http://www.nato.int/issues/iraq-assistance/index.html>, 22 February 2005.

<sup>58</sup> NATO, *Istanbul Reader's Guide*, 57.

<sup>59</sup> Global Security.org, 'US Navy', online at: <http://www.globalsecurity.org/military/agency/navy/index.html>.

Added up, the floating portion of the NRF is thus likely to comprise around 8,700 naval personnel and 3,200 combat troops (Marines), or about half of the projected total force. This will work fine if NATO needs to project force within about 3-400 nautical miles of the ocean littoral, which is the general ground attack and fighter escort radius of the US Navy's principal fighter/bomber, the F/A-18, and of its heaviest-lift helicopter, the CH-53E<sup>60</sup>. Deeper inland (say, Darfur, Sudan), things become more problematic as all aircraft would require in-flight refueling.

The land forces component of the NRF is to be a brigade-sized force, perhaps interchangeable with the EU's 1,500-soldier 'battle groups' (which will likely be drawn from comparable countries or country coalitions; there is only so much equipment and so many troops to go around). The brigade is intended as a first-in, first-out force, to be replaced by follow-on NATO forces kept at less-high rates of readiness.

Rapid deployment of those NRF troops not aboard the Amphibious Ready Group, and deep inland deployment of those elements as well, will require strategic airlift. European members of NATO have little strategic airlift on hand. The UK has leased four US C-17 heavy cargo aircraft pending the deployment of the Airbus A400M medium air-lifter in 2009-2012<sup>61</sup>. A German-led NATO airlift consortium of 15 nations, meanwhile, has plans to charter six Russian/Ukrainian An-124-100 'Ruslan' heavy air-lifters. The United Nations makes extensive use of commercial charters of these and other ex-Soviet heavy cargo aircraft to carry its peacekeepers and their equipment around the world, and aid agencies use them for responses to far-flung disasters like the December

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<sup>60</sup> Global Security.org, 'F/A-18 Hornet', online at:

<http://www.globalsecurity.org/military/systems/aircraft/f-18-specs.htm>.

<sup>61</sup> Each A400M will have double the lift capability of a C-130 Hercules, the mainstay military cargo aircraft in European NATO and European Union military inventories today. With a maximum cargo capacity of 37 metric tonnes, the new aircraft will not be able to carry a main battle tank but it will be able to transport a pair of wheeled, light armored vehicles or up to 116 paratroopers. It is designed to be capable of quick (2-3 hour) reconfiguration as a probe-and-drogue tanker for air refueling operations vital to forward-based fighter-bomber operations. Airbus Military, 'A400M: Technical Specifications', Airbus Website at: <http://www.airbusmilitary.com/specifications.html>, 2005.

26, 2004 Indian Ocean tsunami. The use of Russian aircraft by the NATO alliance potentially to ferry troops to a crisis within spitting distance of Russia's borders is, depending on one's perspective, either deeply ironic or symbolic not only of the evaporation of East-West differences but of the power (and utility) of defense-related commercial outsourcing.

NATO sealift is in a comparable state of dependency. The post-Istanbul 'reader's guide' to the Summit noted that NATO sealift commitments consisted (as of December 2003) of 'assured access to three ships, one or two Danish ships, and the residual capacity of four British ships'<sup>62</sup>. The US military, through the Military Sealift Command, has access, by contrast, to eight active roll-on/roll-off (RO/RO) fast cargo ships; 36 maritime pre-positioning ships; 35 ships of the Naval Fleet Auxiliary Force; and 78 ships in the Ready Reserve Force, including 31 RO/RO technically able to be activated in one to three weeks<sup>63</sup>. While European NATO may be able to move its NRF land component by sea, reinforcing it in a timely fashion would be extremely difficult without use of American sealift.

The question of the availability of follow-on forces should the NRF (or the battle groups) be deployed is a very real one, especially if the initial deployment is an 'opposed entry', for example, against a campaign of genocide or ethnic cleansing. NATO's current plans are to reach a point where 40 percent of its member states' forces are deployable (vs. an estimated 10-15 percent, on average, today), and eight percent can be sustained in the field on a continuing basis. (Thus 24 percent would be committed to the deployment cycle at any one time; a continuing deployment equal to eight percent in the field, drawn from a 40-percent-deployable force, would allow troops just back from the field to sit out more than one rotation before being redeployed.)

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<sup>62</sup> NATO, *Istanbul Reader's Guide*, 51.

<sup>63</sup> IISS, *The Military Balance, 2004-2005* (Oxford: Oxford University Press, 2004), p. 26. Also Federation of American Scientists, 'US Ready Reserve Force', FAS Website at: <http://www.fas.org/man/dod-101/sys/ship/rrf.htm>., October 1998.

### *NATO's Operational Overhead*

NATO operates with the overhead of modern national military forces plus the overhead of a half-century of accumulated Alliance bureaucracy and working methods. With more members, a less-focused threat, budget problems, technology gaps, and a need to consolidate defense production, at least within Europe, NATO is likely to find its decision-making processes ever more time-consuming, which is fine if the objective is to keep international staff and diplomats busy, but not fine if the objective is to rapidly transform the Alliance's procedures, capabilities, and operations to be more agile and adaptable to a fairly unpredictable threat picture.

The politics and coalition building on which European politicians appear to thrive could be increasingly frustrating for a get-it-done superpower. NATO decision processes can be very time-consuming, especially when consensus is required, although, as Paul Gallis notes in his study of these processes, what NATO means by consensus is not unanimity but closer to consent-by-acquiescence (the 'silence procedure') in which a formal vote is not taken; rather, states objecting to a decision must, in effect, cast a veto by means of a letter to the Secretary General of NATO<sup>64</sup>. Although much is made of the five vetoes on the UN Security Council, the North Atlantic Council has, in effect, 26 vetoes.

### **Observations and Conclusion**

NATO and the United Nations have already worked side by side in several contemporary peace operations. NATO has provided and managed the military components in post-Dayton Bosnia and in Kosovo, cooperating closely with the civilian peace operation in the latter case. That cooperation proved less than perfect, however, during the orchestrated ethnic riots of March 2004. In Afghanistan, NATO ISAF operates in coordination with both US-led Operation Enduring Freedom and the UN Assistance Mission in Afghanistan, which has a mandate to coordinate political and technical assistance to the Afghan government as well as UN

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<sup>64</sup> Paul Gallis, NATO's Decision-Making Procedure (Washington: Congressional Research Service, 5 May 2003), 2–3.

agency operations in that country. In each of the three cases just noted, NATO forces operate with UN Security Council authorization, that is, with a United Nations mandate, which gives NATO its maximum potential political legitimacy when operating beyond its immediate geographic neighborhood. In principle, NATO could provide military forces for inclusion in a civilian-led, integrated UN peace operation, although it is not clear that NATO decision makers would wish to so subordinate their forces to UN decision making, even if NATO countries were presently more in the habit of contributing troop contingents to UN operations bilaterally. NATO could usefully provide more oblique assistance to UN operations by offering intelligence assets (space, ground, or airborne), should build more effective, day-to-day links between its planning staffs and UN DPKO's small Military Planning Service. Finally, NATO might take a look at the UN's system of reimbursements for troop contributors and for compensating wear and tear on contingent-owned equipment. Most operational costs for participation in NATO peacekeeping ventures are borne by troop contributing states unless they negotiate bilateral support arrangements with third parties (as did the United States and Turkey for Turkey's first turn at leading ISAF in 2002). Many of NATO's newer members, in particular, are still building and transitioning their economies and a system that would routinely compensate them for active participation in peacekeeping, paid for from a fund to which all NATO members would contribute on a sliding scale based on national wealth, could boost their participation levels in peace operations as well as their rate of operational integration into NATO itself.

## **2. Human Rights as a Fundamental Standard of Post-Conflict Rehabilitation**

Jean-Jacques de Dardel

Raising children can be quite a philosophical experience for open-minded parents. Ethics and morals, standard setting, firmness and leniency, attitudes and purpose, all matters related to personal and social behavior are constantly questioned. Hence, they must be reappraised and explained according to changing or everlasting standards, and taught according to an instinctive or educated common sense in tune with modern times. And so it was at the end of World War II in the Hague, today one of the world's better known centers of law and justice, where my parents were on diplomatic assignment. As they mingled outside of the foreign community with couples trying to rebuild their lives and their country, sometimes literally out of the rubble, they came to be aware of an intimate difficulty many a Dutch family was facing. Throughout the war years, when they had had to face ruthless occupation and Nazi retribution, parents had taught their children to lie and when possible to cheat and steal food and ration tickets. Now that the war was over, those parents faced a new quandary: how were they to get their children back on the right moral track? How could they bring about a change of instincts and make the young understand that the change in environment also meant a change of paradigm?

### **Conflicts and Their Aftermath**

The same dilemma, to be sure, applies to all post-conflict societies and their attitudes towards obedience to rules, respect of the law and of human rights. However short open conflicts have come to be in modern times, they are invariably the result of long mounting tensions in oppressive political frameworks that tend to lead to behavioral patterns of egoism and deceit. As simmering resentments are brought to the boiling point, the open violence of ensuing war brings out the worst of human nature. And as the old and recent Balkan wars proved yet again, the longer the conflict lasts, the more crimes and inhumanity don the apparel of normalcy.

Inevitably, the conflict will have caused devastation, sorrow and grief, as well as new forms of anger and calls for revenge. Where emotions will not have been numbed by the sheer weight of the drama – as may be the case in the aftermath of open genocide, such as in Cambodia and Rwanda – they will have come to be exacerbated by feelings of hate, that do not readily subside when the guns are silenced. Be that as it may, the end of open hostilities is usually accompanied by a new balance of power between opposing forces, ranging from outright obliteration of one warring party to a new status quo, however unstable, where opposing forces and communities must establish a new *modus vivendi*, by themselves or through international administrators and under the guard of foreign military and police units.

In most cases, the end of open conflict would not mean the end of violence, as a continually troubled and unsafe environment would slow down the drive towards reconstruction, rehabilitation and normalization. Corruption and the spread of organized crime is facilitated by weak state structures and an abundance of unemployed, of former warlords and strong men. This usually gives rise to the spread of alternative providers of security, i.e. private security companies of all kinds, many of which attract shady characters whose activities go largely unchecked.

That is when new points of reference, social frameworks, and behaviors are called for. At ground level, individual priorities change, as do the medium and long-term perspectives of the whole social body. In the upper echelons, community and political leaders establish new objectives and develop a different outlook on the future. The new tasks at hand range from tending to the sick and fending off epidemic dangers, caring for and feeding the surviving and the displaced, to physical reconstruction of housing and of critical infrastructures, as well as jump-starting the economy. Short term objectives such as receiving humanitarian and economic assistance from abroad, as well as definitively disbanding and disarming the defeated forces and the paramilitary are paralleled by longer term goals such as setting up new local authorities and institutions, police forces and community services, resuming education, and the like.

## Human Rights As Legal Obligations

But among these pressing priorities, there is one heralded objective which only seldom benefits from sustained and overall attention: that of the upholding of human rights within a stabilized and reinforced legal and judicial system, not to mention a reinvigorated moral framework. Almost invariably, lip service will be paid in the public discourse to this endeavor, but just as commonly, the level of commitment of the decision-makers and officials remains lacking. On the one hand, a widespread feeling holds that contrition and remorse for past misdeeds is superfluous in the face of what has been suffered at the hands of the enemy. This, in turn, distracts from confronting the issue of assessing and prosecuting past criminal behaviors. More often than not, suspected criminals are revered as heroes by large portions of public opinion, and political leaders do not dare alienate some of their own supporters by turning against those wanted persons. As a consequence, general notions about justice and human rights keep being trivialized. On the other hand, the redefinition of acceptable behavior patterns and the enforcement of laws aiming at the protection of individuals and minority groups remain lacking, since the avowed objectives of the empowered elites are the consolidation of power structures, rather than full compliance with democratic rules and the furthering of a balanced 'pursuit of happiness' by all citizens.

Consistent political pressure from the international community, to be sure, can and does lead to progressive adjustments beneficial to the whole of the social body. But to accelerate the pace of progress and to bridge the gap between verbose commitments and the effective application of the full set of human rights, what is called for is a resort not so much to morals and idealism, but rather to utilitarianism and self-serving efficiency.

True, such an approach may seem irrelevant when it comes to defining and setting up the rules. It may seem that once the rules have been adopted, the rest is simply a matter of enforcement, and hence, of sound coercion and accountability. After all, human rights are a well-known body of law, and lawyers and jurists have written extensively on the sub-



ject. Little has been left unsaid as to the applicability of human rights and refugee law versus international humanitarian law, or the specific laws that apply in different types of post conflict situations, such as open or unacknowledged occupation, peacekeeping by UN or foreign forces, or other such extraordinary circumstances. Invariably, legal experts will be asked to define which legal frameworks and conventions apply. And they will respond with savvy that the Hague Regulations – the ancestors of the Geneva additional Protocols – are nowadays considered customary law, whereas *'the rules on occupation of the Fourth Geneva Convention are that part of international humanitarian law which is closest to human rights law'*<sup>65</sup>. In addition, *'with the strict distinction between the law of war and the law of peace gradually vanishing (...) the classic law of armed conflicts seems to be supplemented or even modified by human rights law'*<sup>66</sup>.

To the lawyer, whatever the circumstances, there are no voids, since occupiers, liberators and international peacekeepers, for instance, must always abide by the one or the other legal system, and are under constant obligation to respect and observe human rights to the extent that those rights have crystallized as rules of customary international law<sup>67</sup>. And whenever the most powerful of victors claim that special circumstances allow for the bending of the rules, or that they act in a legal no man's land of sorts – the US attitude towards the Taliban and suspected terrorists held at Guantanamo is a case in point in this respect – expert opinion is quick to disagree and convincingly prove the contrary<sup>68</sup>.

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<sup>65</sup> H.-P. Gasser, 'From Military Intervention to Occupation of Territory: New Relevance of International Law of Occupation', in: H. Fischer, U. Froissart, W. Heintschel von Heinegg, C. Raap (ed.), Crisis Management and Humanitarian Protection (Festschrift für Dieter Fleck, Berliner Wissenschafts-Verlag, 2004) 156

<sup>66</sup> A. Zimmermann, 'Role and Function of International Criminal Law in the International System After the Entry into Force of the Rome Statute of the International Criminal Court', in: German Yearbook of International Law, N045, 2002, 56

<sup>67</sup> C. Tomuschat, 'The Applicability of Human Rights Law to Insurgent Movements', in: Crisis Management and Humanitarian Protection, 573

<sup>68</sup> See, for instance, M. E. O'Connell, Crisis Management and Humanitarian Protection, 405-26

There is a sound logic to this quest for an understanding of the relevant legal frameworks and their contours, based on institutional views as to laws and their application. The purist relies on the principle that once the law has entered into force or has been recognized as applicable, it is not to be bent or trivialized by the commoner. Only the judge or legislator may interpret or change it, whereas all others must simply – but fully – comply with it. In other words, once the legal debate is conclusively solved, the framework of reference is established and all can ensue smoothly. As to enforcing the law or worrying about compliance – that is left to others, without much energy being spent on the problems that this follow-through may entail. More often than not, the jurist's reference to enforcement comes only at the end of the exposé, as a convenient conclusion to a theoretical study<sup>69</sup>.

## **Implementation and Its Means**

This disconnection between legal truths and their translation into reality is unsatisfactory. It is one thing to ascertain in which circumstances what body of law, what convention, what article applies, what tribunal and which authority take precedence. Yet, once all of these essential logical and theoretical questions are cleared – usually by experts far removed from the scene of sorrow and the scent of soil and toil – there remains an unanswered and fundamental question: how does this body of thought translate into individual deeds, into personal action and restraint, into human behavior and dignity? That is a question, which cannot be answered by jurists alone. Much rather, it needs to be addressed by politicians and practitioners, platoon, group and local leaders, by priests and religious figures, and also lay commanders, teachers, trainers and anyone with a parcel of recognized authority within the overall civil society. And those entrusted with such a responsibility should be convinced not only by the law per se and the institutional obligation of abiding by the rules, but perhaps even more by the wisdom and usefulness of applying it or abiding by it as a tool for reconciliation and as a recipe for lasting peace. Indeed, an effective and generalized rule of law is usually the best

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<sup>69</sup> That happened to be the case in almost half of over twenty papers and articles read in the context of the present study.

way of fulfilling the long term objectives for which a resort to arms was often first seen as unavoidable – i.e. to protect one's own civilian population and institutions, and the right to social and economic development.

This is where a rather more political scientist's and social manager's view should take hold. A lot more time and research should be focused on the means to implement human rights for the sake not of legal coherence, but for the immediate or long term good of the people concerned – the would be victims as well as the would be perpetrators. Indeed, the viability of the fledgling institutions and the quality of a peaceful future for a new society are highly dependant on such efforts. Just as for those Dutch children of yore, who had first been taught the skills of survival, and who had to revert to the morals of a peaceful society, the challenge is to bring to the wider number a new understanding of the value of self-respect through ethics and law-abidance. There is, in a way, a need for an aggiornamento of public conscience<sup>70</sup>, that overarching moral framework which may be so disturbed in times of war, and which remains battered in unstable and corrupt societies.

At the same time, the question arises as to which human rights are to be observed more pressingly. These are many, and sometimes controversial as to their hierarchy, given the range of first (civil and political), second (economic, social and cultural) and third (peoples) rights that, in theory, have an equal claim to protection since the early 1990s<sup>71</sup>. But in practice, claiming that all rights are immediately applicable in a post-conflict society may well result in none being adequately protected<sup>72</sup>. In effect, there is a general, commonsensical tendency of all individuals to prioritize their needs and their rights, and those of others. Especially in a post-conflict phase, when so much must be reconstructed and recreated, it is only logical to proceed with pragmatism and a differentiated sense of urgency.

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<sup>70</sup> M. Veuthey, 'Public Conscience in International Humanitarian Law Today', in: Crisis Management and Humanitarian Protection, 611

<sup>71</sup> According to the Vienna Declaration and Program of Action on Human Rights, 1993.

<sup>72</sup> N. White and D. Klaasen, The UN and the Protection of Human Rights in Post-Conflict Situations, Human Rights Law Centre, University of Nottingham, 2004

## The Specifics of South Eastern Europe

Pragmatism commands that different solutions be found to different situations. Though they bear common trait, conflicts in Liberia or Rwanda, in Afghanistan or Iraq, in Columbia, Sri Lanka, Sudan or in various parts of the Caucasus have different origins and inner logics, and are influenced by different cultures. Re-establishing a sense for the value of justice and human rights must hence take different paths. In the case of South Eastern Europe, closest to our Euro-Atlantic scope, a particular set of idiosyncrasies must be taken into account. The heavy legacy of communist rule belittling individual rights, age-old hatreds, clan and ethnic dividing lines, as well as unabated claims to jurisdiction or independence all conspire to impede a reconciliation which is often neither sought nor desired. According to the findings of a symposium on the role of Human Rights in South Eastern Europe, held in Graz in June 2002<sup>73</sup>, it must be noted, for instance, that in the Western Balkans, customary law and the kinship system plays a major role in the social order as well as in political life. Institutions and bureaucracy are widely mistrusted, and a wide network of clientism and nepotism often serves as an alternative for state regulations<sup>74</sup>. There is a stubborn lack of confidence in what relates to human rights, which stems from a distrustful perception of the state and from the life-long experience of being treated as subjects, not as objects of government<sup>75</sup>. Moreover and quite importantly, 'the winner takes all' is a common principle, which gives little room for constructive cooperation between conflicting interest groups. Indeed, more so perhaps than in other settings, post-war morality remains characterized by certain adoration for leading war criminals and the avoidance of the historical truth, itself replaced by a sort of ethno-ethics<sup>76</sup>.

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<sup>73</sup> W. Benedk/G. Rabussay, 'Symposium on Role of Human Rights in Post-Conflict Situation in South Eastern Europe', Europäisches Trainings- und Forschungszentrum für Menschenrechte und Demokratie, Occasional Paper no 7, Graz, June 2002.

<sup>74</sup> K. Kaser, 'Recent Post-Conflict History of SEE of Relevance for Human Rights', Graz Symposium.

<sup>75</sup> C. von Kohl, 'Cultural Aspects of Human Rights in the Balkans', Graz Symposium.

<sup>76</sup> Z. Puhovski, Graz Symposium.

Yet, there too, in the long run, a change of perceptions and beliefs must lead the way to lasting appeasement. But let's be realistic: a change of morals and social philosophy is too long term a goal to vie for it from the start. A pragmatic and utilitarian approach holds better chances of being successful. As a general rule, experience shows that long torn societies headed for stability and human development must deal with their past and go through a process of catharsis. As has been the case in Central America at first, and later in Africa, one useful step is the establishment of "truth and reconciliation commissions" establishing facts and unveiling wrongs. What must be sought above all is the collective as well as individual admittance of past crimes, and not punishment in all cases. Not every wrongdoer and criminal will be prosecuted and be made to pay, often simply because there were so many. But the psychological need for justice ingrained in every victim's mind has to be met with an open and valid process establishing who are the culprits on all sides.

This is particularly topical in present day Serbia-Montenegro, Bosnia and Herzegovina and Croatia, where governments seem to be slow in responding to the pressing requests of the War Crimes Tribunal in the Hague. Approaches long taken by certain governments, which simply await the voluntary surrender of the indicted, are not helpful in the least in this respect. That attitude can only reinforce the general underlying rejection by the relevant community of all reproaches and its inability to come to terms with wrong attitudes favoring crimes and public contempt for human rights<sup>77</sup>. In this respect, the firm stance taken by the European Union and many a European country, that all Tribunal demands must be met before the European and multilateral future of these countries is cleared, represents an important contribution to the quickening of a reconciliation process based not on amnesia, but of reclaimed responsibilities. Indeed, it can be argued that the issue of the willingness to comply with the mission of the ICTY provides insight into the sustainability of

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<sup>77</sup> Conversely, the recent surrender to the ICTY of Kosovo's Prime Minister Ramush Haradinaj, as soon as he received written notice of his indictment, set a good example, all the more so that it was followed by repeated appeals by Haradinaj to his followers to remain calm as he faces justice.

the overall reform process, especially if the criteria were to be weakened in the interest of a smooth integration into European structures<sup>78</sup>.

Admittedly, reconciliation is in itself a painful process. On the one hand, at the level of the individual victims, pain and hurt must in all cases be acknowledged, and feelings of utmost rejection or unforgiveness must be respected, to avoid that the agony of loss be doubled by the frustration of feeling misunderstood and rejected. It is only once the full legitimacy of such feelings is accepted that an evolution towards appeasement and eventual reconciliation can take hold. On the other hand, however unfair it may be to the victims, amnesties may well have to prevail in many cases – without affranchising the amnestied from remorse. But prosecution and punishment must also follow for the leaders and the worst henchmen, lest the new social and legal order be viewed as basically flawed and made into a farce.

### **Paddling Through Muddy Waters**

Another post-conflict dilemma, compounded by the fact that the situation is often that of a post-dictatorship society, is the way to deal with old regime veterans. Acceptance of the new institutions by the population depends on a very sensitive choice of changes to the existing system, providing for mechanisms for an effective control of power at all levels<sup>79</sup>. Though the natural tendency of the new elite is to rely as much as possible on old opposition comrades and untainted neophytes considered as trustworthy, institutions and infrastructures usually could not do without experienced hands manning the administration. Hence, compromises must be made, and representatives of the old regime, though they should be screened as to their ability to abide by the new order of the day, are generally left at their posts. What is important here is, that these individuals must quickly be brought to understand and conform with new ethics and behavior, even though their ethics are often sure to be poor in the first place. Reliance on widespread opportunism will not

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<sup>78</sup> M. Jazbec, Defence Reform in the Western Balkans: The Way Ahead, DCAF Policy Paper, Geneva, April 2005, 16

<sup>79</sup> U. Froissart, op. cit., 115-16

suffice. Specific, focused training as to the way to treat all citizens, especially member of minority communities, and avoid rampant corruption and nepotism is a task to be tackled at once.

A large but little noticed group, which usually thrives in post-conflict societies, is that of the numerous private military and security companies. That contracted personnel often counts a disproportional number of individuals tainted by old regime or bellicose ways, as well as large numbers of foreigners attracted by tense environments. In Iraq, for instance, private military companies today employ up to 45,000 staff, and represent the second largest contingent of the "coalition of the willing", after the US and before the UK<sup>80</sup>. Though these private security companies undoubtedly render useful services and can contribute to a safer environment for those tasked with reconstruction work, they are also all too often left to themselves when it comes to rules of engagement, handling of civilians and suspected opponents, as well as, generally speaking, complying with the law and respecting human rights. Calls for effective regulation mechanisms for contracted security personnel are widening<sup>81</sup>. The primary responsibility for such a regulatory work lies with the UN and other international organizations, since national legislations will not adequately cover those post conflict areas where security contractors are mostly engaged. However, once this regulatory work is completed, compliance will have to be secured with the help of the international community and with as much forcefulness as necessary, lest these security companies slide into what would amount to a criminal underworld.

One other very complex problem facing post-conflict societies, linked to the application of human rights, is the way to deal with organized crime and terrorism. Human rights apply to the overall state and its inhabitants, and are crucial to the rapport established between people invested with

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<sup>80</sup> F. Schreier and M. Caparini, Privatising Security: Law, Practice and Governance of Private Military and Security Companies, DCAF Occasional Paper No 6, Geneva, March 2005, 2

<sup>81</sup> See, for instance: F. Schreier and M. Caparini, op. cit.,116-40; and C. Holmqvist, Private Security Companies, The Case for Regulation, SIPRI Policy Paper No 9, January 2005.

authority and the citizens. They are a solution, within the society, but to many – a disease of the system. Terrorism and organized crime, however, are of an intrinsically other nature. They pitch outcasts who reject all established orders but their own, and abide only by their own codes. These scourges must be fought by the community, i. e. the authorities as well as the population, who also bear responsibility for harboring them or otherwise not denouncing them. Particularly in the fight against terrorism, what is most problematic is that the natural tendency will be to suspend liberties, overlook human rights and repress rather indiscriminately, even though such counter measures usually further the cause of the terrorists. Inversely, being soft on organized crime – as societies in turmoil often are because of widespread corruption – will impede trust in the new institutions and darken personal outlooks for the future. Here, the answer lies in accelerated international cooperation, at best with the authorities of those democratic states, which remain keen to least restrict civil liberties and to uphold human rights in all cases.

### **The Role of the Media**

Finally, an often overlooked, yet crucial factor to the building up of a culture of respect of human rights, dignity and stability is the role of the media. Today, the importance of a free media in a democratic society is well recognized. Since the early nineteen nineties and the first Iraqi conflict, the role of the media as an element of warfare – the "CNN factor" – is also well understood, and many military commanders undergo focused training to help them master the media war that is part of all modern campaigns<sup>82</sup>. In all cases, what is widely sought after as a support of the free media or as a countermeasure to the instrumentation of press people, is a strong deontology and a real freedom to maneuver. In post conflict societies, that should translate into the establishment of a free press protected from interference from political parties and authorities. At first, supporters of the old regime should be prevented from regaining control of elements of the media, and if state owned media remain acceptable, at least part of the media should be privatized<sup>83</sup>.

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<sup>82</sup> C. H. B. Garraway, Crisis Management and Humanitarian Protection, 126.

<sup>83</sup> Ulrike Froissart, op. cit., 121.



Yet, this simple remedy will often not suffice to further the cause of human rights. Indeed, the press will generally have played a part in the lead up to the conflict. Indeed, it will have proven to be partial or even deadly, as has been the case at the peak of unrestrained nationalism during the Yugoslav wars, or with *Radio Mille Collines* in Rwanda. Hence, what is needed here, from the point of view of efficaciousness and a utilitarian approach to the furthering of the cause of human rights, is specific and wide ranging training for media professionals, with lasting help from abroad and heavy accents on not only the virtues of an independent press, but also on ethics, social history and philosophy, and the nature and the scope of human rights. It is easily acknowledged that training starts with training the trainers. In post-conflict societies, it should also start with the training of the media, as a means to counter nationalistic, aggressive and vengeful tendencies<sup>84</sup>. Investing in this field should be seen as a priority, inasmuch as the media can serve as the main vector leading to a change of the public opinion's attitude towards the rightfulness and necessity of prosecution of criminals, the tolerance and respect of minority groups and the establishment of a truly democratic society.

## Conclusion

Other approaches, other actions are sure to be needed to strengthen human rights, democracy and stability in post-conflict societies. Exploring such avenues of thought and implementation methods will long remain an unfinished task. Our purpose here could not have been to exhaust the subject, nor can it be to align ready-made recipes disconnected from local realities. But we will stress that in our view, furthering the cause of ethics and human rights must rely on more than idealism and legal expertise: it requires a pragmatic sense of efficiency and a call to the interests of the individuals, be they egoistical. In that sense, we need not re-

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<sup>84</sup> For a compelling account of the work involved in supporting a free media, see: Eric Lehmann, Journal de l'après-guerre au Kosovo, Favre, Lausanne, 2000.

invent the diagnostics, but we can have a go at reinventing the remedies<sup>85</sup>.

To some, focusing on the narrow issue of human rights in post conflict societies may seem to be of secondary importance. We would argue, however, that in today's world, and most particularly in the Balkans where recent war-related emigration is so prevalent, a large Diaspora of able and hard working professionals continue to await better times before returning home. Conversely, large numbers of youth would like to emigrate, not only for economic reasons, but deep within, because they feel they lack the moral environment which would enable an optimistic outlook on their future in their home surroundings. Establishing the standards that best guarantee everybody's human rights is, hence, the best way to reverse emigration flows and rebuild an ailing country.

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<sup>85</sup> A view obviously shared by legal experts who are also practitioners of international humanitarian law and human rights, such as the members of the ICRC. See M. Veuthey, *op. cit.*, 638

### **3. EU and OSCE Approaches to Post-Conflict Rehabilitation**

Ferenc Gazdag

#### **Introduction**

There are more differences than similarities if we compare the activities of EU and the OSCE in crisis management and also in post-conflict rehabilitation activity. Both organizations are playing an active and extended role in the international arena and in the management of international crises but decision-making procedure, representation of national interests inside the organization, conceptual framework of operations and their financing indicate two, very different ways. The first and most visible difference is that the EU's crisis management activity is covering a worldwide international area while the OSCE's activity is limited to the territory of its member-states. The operational activities undertaken by the OSCE for the purpose of conflict management take place exclusively in the geopolitical space of the Former Soviet Union and in the Balkans. As a matter of principle, the Organization does not address conflicting situations, which have erupted prior the collapse of communism, such as Ulster or Cyprus.

#### **OSCE**

The OSCE covers a very large geographical area and embodies the shared values of 55 countries „from Vancouver to Vladivostok”. Its approach to security is cooperative and comprehensive. Through its numerous field missions and operational activities, as well as through its specialized institutions, the OSCE addresses a wide range of security-related issues, including arms control, preventive diplomacy, confidence and security building measures, human and minority rights, election monitoring and economic and environmental security. It provides a forum for the participating States to pursue a permanent political dialogue and to seek solutions together, on the basis of sovereign equality. It is becoming a more operational institution, focusing on the processes of political and economic reform necessary for consolidating democratic stability, as well as on the effective implementation of OSCE principles

and commitments. This organization, originally as a Conference on Security and Cooperation in Europe, was both born out of the Cold War to establish form of co-operation in Europe, which would defuse the tensions between former enemies and prevent further conflict on the Continent. The purpose of CSCE was to reduce tensions between the West and the Soviet bloc by facilitating dialogue and mutual contacts<sup>86</sup>.

The changes in Europe after 1989 brought a clear recognition of the role of the CSCE in the new Europe of democratic values. In recognition of this, the then President of the European Commission, Jacques Delors, signed the Charter of Paris for a New Europe alongside the other heads of states. Continuing this close involvement of the EU and the Commission in co-operation with OSCE, the former Commission President, Romano Prodi, also signed the document agreed at the OSCE Istanbul Summit in November 1999, entitled „A Charter for European Security”, alongside the then President of the European Council, Finnish President Marti Ahtisaari.

The OSCE has played a very useful role in the past years in preventing and in some cases managing and resolving conflicts in Europe. The peculiarity of this institution – or rather of its activities – is that it is rarely sensational: the OSCE is, by definition, a low key organization, since it concentrates on two kinds of activities, conflict prevention and post-conflict rehabilitation (building democratic institutions and civil societies), both being rather long-term and almost invisible processes.

The OSCE will continue to play an important role in European security into the 21st century. But it cannot and will not become the "only", the "most important" European security organization, nor will it become the "umbrella organization" for others. This might be disappointing for some, for those who think there must be one organization or maximum two, which can be the security organization responsible for all problems. Under the present circumstances, however, no single organization is capable of handling all the problems, risks and conflicts, which character-

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<sup>86</sup> Dunay, P.-Gazdag, F. (eds): A Helsinki folyamat: az első 20 év. Budapest. SVKI. 1995.

ize today's Europe. This was only possible in the Cold War era, where all aspects of security were dominated, in fact reduced to military security. Accordingly, military security organizations, just two of them, like NATO and the Warsaw Treaty, were able to "take care" of all problems. Today, the situation is quite different. All aspects of security – political, human and minority rights, economic, environmental, etc., came on the surface and, in principle, it is not possible to create an international organization able to manage all these aspects of security effectively. Not to speak about the different – real or perceived, interests of states, which are also expressed – rightly or wrongly, in their preference for one or another organization. OSCE commitments are the most comprehensive collection of those values, which form the basis of our democratic societies. They serve as terms of reference when dealing with conflicts in Europe. This is extremely important, since conflict management without guiding principles is a mere attempt to freeze the conflict, to be satisfied with a formal cessation of hostilities. Such an approach to conflict management and resolution, however, cannot lead to lasting solutions. Those solutions can only be found and arrived at if conflict management efforts are based on principles reflecting the values of democracy. This kind of conflict management is more demanding since it requires concerted and sustained efforts of the international community covering all possible forms of conflict resolution, using all necessary means - political, military, economic, arms controls, etc.<sup>87</sup>

Sensing the vulnerability of the process of transition towards rule of law, democracy, respect for human and minority rights, a market economy and the strengthening of civil society and to attain a high degree of security and stability in many participating States, as well as to address the new risks and challenges to European security, successive Summits of CSCE/OSCE participating States adopted a series of landmark decisions. Starting with the 1990 Charter of Paris and continuing with the 1992 Helsinki Document, and the subsequent Summit in Budapest in 1994, the CSCE gradually transformed itself into what it is now – a primary

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<sup>87</sup> Gyarmati, I.: The Post-Cold War Risks and Challenges in the OSCE Region. in Odenthal, H. W.- Spillmann, K.R.- Wenger, A.(eds): Conference Report. NATO Defense College Monograph Series. Zurich. 1999. 18-22.p.

instrument in its region for early warning, conflict prevention, crisis management and post-conflict rehabilitation. For evident reasons the early warning and conflict prevention roles are reflected in the mandates of several of the OSCE institutions. For example, the mandate of the OSCE High Commissioner on National Minorities states that he "will provide early warning at the earliest possible stage in regard to tensions involving national minority issues that have not yet developed beyond an early warning state, but, in the judgment of the High Commissioner, have the potential to develop into conflict within the OSCE area affecting peace and stability in the relations between participating states". The Yugoslav crisis, arguably the worst crisis which Europe has seen since the Second World War, demonstrated even more the need for strengthening the mechanisms for dialogue and conflict prevention/resolution established within the OSCE.

Following the terrorist attacks in New York and Washington of 9/11 the OSCE is playing a significant role in preventing and combating terrorism in the wider Europe. The Bucharest Action Plan for combating terrorism in the OSCE region, agreed at the 2001 OSCE Ministerial Council and the Bishkek Program of Action, agreed at a joint conference with UNDCCP in December 2001, focusing on prevention and combating terrorism on Central Asia, set out priority tasks for coordinating OSCE actions and those of other international institutions, within the overall efforts of the UN under UNSCR 1373. OSCE has appointed a Special Representative of the Chairman in Office for the fight against terrorism, and established an anti-terrorism Unit in its Secretariat.

The EU is also participating fully in this work and set out its extensive Action Plan – much of which is already in implementation - at a coordination meeting of the principal international institutions concerned (UN, OSCE, EU, NATO, CE, FATF etc.) held by the OSCE Chairman in Office in Lisbon on 12 June 2002. A draft OSCE Charter on Preventing and Combating Terrorism was agreed at the 2002 Ministerial Council in December 2002 in Porto, Portugal. A lot of examples show the EU support for OSCE. The assistance for the Office for Democratic Institutions and Human Rights (ODIHR) in monitoring free elections and developing national electoral and human rights institutions in new democracies

is one of them. This was the case with elections in Bosnia and Herzegovina in 1997 and 1998. In this last action, the EU financed over 60% of the election observation, including the joint EU/OSCE Media Center. It is also co-financing the Joint EC/ODIHR Program in Central Asia.

This co-operation has also led to several important activities in the field of conflict prevention and crisis management. The EU Troika and the Commission took part in the Felipe Gonzalez mission to Belgrade in December 1996. OSCE experts took part in the EU mission to Belarus in January 1997. The Commission was also represented in the OSCE mission to the Caucasus in November 1998 led by the then Chairman in Office of the OSCE, Polish Foreign Minister Geremek and subsequent missions to the Caucasus and Central Asia. The EU and OSCE are also working together to assist Albania. They share the chair of the "Friends of Albania" Group, which is monitoring democratic progress in that country. A parliamentary Troika (European Parliament, OSCE and Council of Europe Parliamentary Assemblies) jointly observed elections in Belarus.

The interaction between the EU and the OSCE underlines the significant contribution, which the EU brings to the achievement of OSCE objectives and support the OSCE can give to EU actions. Indeed, because of the important role already played by the EU in many OSCE countries, through its Association, Stabilization and Association, and Partnership and Co-operation Agreements, through the PHARE, TACIS, CARDS and MEDA assistance programs and through the European Initiative for Democracy and Human Rights, the OSCE has come to recognize the significant "added-value", which the EU brings to sustaining political stability and institution building throughout the OSCE region. The EU Agreements are based on UN, OSCE and Council of Europe "*acquis*".

The EU is identifying specific actions in conflict areas, which are aimed at promoting economic development and creating a climate conducive to reconciliation: the EU rehabilitation project in the Tskhinvali Region, South Ossetia, is a noteworthy example which was highlighted during the OSCE visit of Foreign Minister Geremek to Georgia mentioned above, during subsequent visits, and in his discussions with then Presi-

dent Shevardnadze. There are other examples, such as the renovation of the Guri Dam on the Georgia/Abkhazia internal border, the TRACECA bridge between Armenia and Azerbaijan, the involvement of the Caucasus and Central Asian States, together with Moldova, Russia, Turkey and Ukraine in INOGATE pipelines project and the involvement of the Central Asian States in the TACIS WARMAP water management project in the Aral Sea Basin. The EU is also supporting OSCE monitoring operations on the Chechen border by supplying equipment to the Georgian Border Guard, to enable them to protect and support the OSCE operation. This work has led to close co-operation with the OSCE field missions, which are encouraged to work with the EC delegations, whether in Central Asia, the Caucasus, the Baltic States or the Balkans.

### **Basic Parameters of OSCE Conflict Management**

The OSCE is an important international institution, which can and should play an essential role in conflict management activities of the international community. In addition to offering the basic principles of conflict management and being one of the possible mandating organizations, the OSCE has certain comparative advantages *vis-a-vis* other organizations. Its low-key character makes it the best organization dealing with conflict prevention. Conflict prevention is anyway a difficult task. States usually do not like to be exposed to international attention. They dislike "interference in internal affairs". They are, understandably, extremely hesitant to invite other states or international organizations to help to solve their internal problems, since this means a *de facto* recognition that the state concerned alone is not able to deal with the conflict. That is why states usually delay the involvement of international actors in their internal conflict as long as possible, i.e. as long as the conflict becomes acute, which also means when it is usually too late to use prevention.

The OSCE, being a low-key organization, is in most cases much more acceptable than others are: its weakness is its strength. The OSCE has nevertheless the necessary means to address the underlying problems of a conflict. It can demonstrate the interest and the involvement of the international community without internationalizing the conflict through



long-term missions, Personal Representatives of the CIO and other instruments. It can establish an international presence and promote dialogue between the conflicting parties. It can also offer solutions without making clear to the parties (and the outside world) that the solution comes from outside, thus offering also an important face-saving opportunity. In many cases, face-saving is the most important requirement of a solution.

The OSCE can also play a role in conflict management. It is certainly not the organization, which could carry out large-scale peacekeeping operations, let alone peace-enforcement actions. It is not an international humanitarian aid organization either. But conflict management is much broader a concept. It also includes the defense of human rights in conflicts, the preparation for and the organization of elections, both general and frequently more importantly – local. It can organize and ensure on behalf of the international community the freedom of the media, etc. It can also carry out smaller-scale peacekeeping, like sending observers – both military and civilian – to a conflict. There can be also new roles for the OSCE, like the organization and co-ordination of mine-clearing activities (a very important, newly detected task in conflict management). Last but not least, the OSCE can host, organize and even verify arms control agreements, regional and sub-regional, which – as many recent conflicts have taught us – are an extremely important element of almost any conflict resolution package.

Since 1992 the OSCE has increasingly been devoting its political energy and financial resources – around 80% in 2001 – to operational activities related to "conflict prevention and crisis management". So far, practical experiences have revealed that conflict prevention is what the Organization can best perform, while conflict resolution and post-conflict rehabilitation remains its weakest point.

The operational activities undertaken by the OSCE for the purpose of conflict management take place exclusively in the geopolitical space of the Former Soviet Union and in the Balkans. As a matter of principle, the Organization does not address conflict situations, which have erupted prior the collapse of communism, such as Ulster or Cyprus. At least four

main parameters characterize the management of conflicts taking place in the OSCE area: the division of labor with the United Nations, the specific nature of conflicts, the overwhelming role of ethnicity and the types of OSCE's operational functions<sup>88</sup>.

*a. Division of Labor With the United Nations*

As a "regional agreement" under Chapter VIII of the UN Charter, the OSCE established a privileged relationship with the United Nations. Accordingly, a purely pragmatic division of labor has developed under which the OSCE either takes the lead with the political backing of the UN or operates in parallel to or in conjunction with the latter:

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Exclusive OSCE Management	Parallel or joint OSCE/UN ventures
Albania	Bosnia and Herzegovina
Croatia (since 1999)	FYROM (up to 1999)
FYROM (since 1999)	Croatia (up to 1998)
Estonia	Georgia
Latvia	Kosovo
Moldova	Tajikistan
Nagorno-Karabakh	
Chechnya	
Ukraine	

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*b. The Specific Nature of Conflicts*

All conflict situations tackled by the OSCE are of an intra-State nature. Some of them, such as in the Baltic region or Ukraine, have remained

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<sup>88</sup> Ghéballi, V.-Y.-Werner, D.(eds): The Operational Role of the OSCE in South-Eastern Europe: Contributing to Regional Stability in the Balkans. (Ashgate, Aldershot and Burlingtone 2001.) 114.

potential conflicts. Others degenerated into civil wars leading to, as in the Caucasus or Transdnistria, territorial secessions. However, no civil war really develops in a vacuum. Neighboring states, regional powers or super-powers are usually tempted to take sides by direct or indirect means. Armed conflicts, which erupted in the geopolitical space of the Former Soviet Union confirms the rule. As a matter of fact, the Russian Federation could be considered to some extent as an indirect party to the "frozen conflicts" of South Ossetia, Abkhazia and Transdnistria. In addition, besides being an internal conflict, Nagorno-Karabakh clearly opposes two States: Armenia and Azerbaijan. The latter views the Nagorno-Karabakh issue as an inter-State conflict resulting from a direct assault of the Republic of Armenia against its territorial integrity. However, Armenia denies having any territorial claim and maintains that there is only an intra-state conflict. The Armenians of Nagorno-Karabakh argue that the territory "has never, legally or otherwise, belonged to a sovereign independent Azerbaijan. Its inclusion in 1921 in the structure of the Azerbaijani Soviet Socialist Republic was unlawfully ordered by a political party (not even a government) of a third country, that is, the Caucasian Bureau of the Russian Communist Party. During the USSR's existence, Nagorno-Karabakh was part of a multilayered colonial system and was subjected to Soviet Azerbaijan, not on a contractual basis, but by an administrative reference to the Soviet Constitution. The Armenian government points out that when Azerbaijan declared independence from the USSR in 1991 "it reestablished its 1919-1920 independence, thus nullifying those legal acts of the Soviet era that affixed Azerbaijan's authority over Karabakh".

### *c. The Overwhelming Role of Ethnicity*

Practically all conflict situations (whether armed or potential conflicts) addressed by the OSCE involve, in one way or another, an ethnic dimension – which means that they are linked to that complex variant of nationalism known as "ethno-nationalism". In this connection, a fundamental distinction should be made between "ethnic conflicts" and "ethnicized conflicts".

"Ethnic conflicts" can be defined as those involving populations opposed by language and/or religion (or both), the genuine and only markers of

ethnic identity. From this perspective, Armenians and Azeris, Ossetians and Georgians, Abkhaz and Georgians, Chechens and Russians, Albanians and Serbs are involved in "ethnic conflicts". However, it must be stressed that ethnic differences do not, as such, generate conflicts; they exacerbate preexisting political and socio-economic tensions. An ethnic minority becomes problematic because of massive and systematic discrimination, oppression and exploitation – when the conditions of life of its members tend to be viewed as intolerable.

"Ethnicized conflicts" involve not only different ethnic populations as above but also populations belonging to the same ethnic kin. In all cases, the actors invoke (unilaterally or not) a magnified or a purely imagined difference presented as being utterly irreducible. Also waged under the banner of ethno-nationalism, their real stakes are superficially related to it. The conflict about Transdnistria definitely belongs to the category of ethnicized conflicts. It opposes the government of Moldova to the Russian-speaking inhabitants of the left bank of Dniestr, forming since September 1991, a self-proclaimed Republic. The latter includes only a small part (25%) of the total Russian-speaking population of Moldova: indeed, 75% Russian-speaking people live on the right bank with no real coexistence problem with the Romanian-speaking population. Actually, the separatists were predominantly former privileged Soviet officials or military officers. Secession took place through bloodshed not (as they alleged) for ethnicity, but for political and ideological motives: the initial intentions of the Moldova leadership (totally out of order today) to integrate the country with Romania bore the risk of putting an end to a cherished communist lifestyle and a host of appreciable privileges.

#### *d. The Types of OSCE's Operational Activities*

In light of the categories proposed by the UN's Agenda for Peace (1992), the OSCE performs three major operational functions: conflict prevention, conflict resolution and post-conflict rehabilitation – or, in other terms, "preventive diplomacy", "peace-making" and "peace-building" – but not peacekeeping. The omission of "peacekeeping" from that enumeration deserves an explanation. Chapter III of the Helsinki Decisions 1992, which has been reconfirmed by § 46 of the Istanbul Charter, does authorize the OSCE (under certain stringent conditions which do not

need to be addressed here) to conduct peacekeeping operations of its own and also to mandate other European regional institutions to do so on its behalf. Up until 2001, the OSCE did not make use of those provisions: although carefully hammered out in all its details by the Organization, a pan-European peacekeeping operation in Nagorno-Karabakh is still in limbo. However, one must admit that the OSCE performs specific activities (such as cease-fire monitoring, police activities, post-conflict rehabilitation, etc.), which concretely, but not formally, are peacekeeping-related functions<sup>89</sup>. The Kosovo Verification Mission (1998-1999) was indeed a peacekeeping operation – without its name. The same remark applies to the Mission established in Kosovo in 1999, which constitutes an integral part of a United Nations peacekeeping operation: UNMIK. In sum, conflicts managed by the OSCE have to be considered only by three formal headings:

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Conflict Prevention	Conflict Resolution	Post-Conflict Rehabilitation
Kosovo (1992-1993)	Nagorno-Karabakh (Azerbaïdjan)	Bosnia and Herzégovina
FYROM (until 2000)	Nagorno-Karabakh (Azerbaïdjan)	Croatia
Estonia	South Ossetia and Abkhazia (Georgia)	Albania
Latvia	Transdnistria (Moldova)	Kosovo (since 1999)
Ukraine	Chechnya (Russia)	
		FYROM (since 2001)

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<sup>89</sup> Bettzuege, R.: The OSCE of the 21st Century. A departure for New Horizons? OSCE Yearbook. Nomos. Baden-Baden. 2002. 40.p.

Post-conflict rehabilitation is complementary to conflict prevention: while the latter concerns the instant defusing of a conflict, the former aims at eradicating the root causes of it. In other words, conflict management represents an indivisible process where short-term measures (conflict prevention) and long-term measures (conflict recurrence prevention) form so to speak a whole. So, it was only logical that the OSCE became involved in post-conflict rehabilitation activities, basically in the Balkans. Although activities of this kind can be assessed mainly from a long-term perspective, one can easily admit that the OSCE is so far performing not that badly. The same, unfortunately, cannot be said about conflict-solving activities, which deserve a closer analysis.

## European Union

The Commission prepared a comprehensive report about the crisis management capacity of the European Union in April 2001, which was approved by the Göteborg Summit<sup>90</sup>. The Swedish Presidency – by political traditions more sensitive to the crisis management issues, prepared this document. According to the document the „conflict prevention” will be one of the priority of the external actions of the EU, and the Council determines the strategy and provides the necessary means for the implementation of this strategy. The EU promised an intensive information exchange to their partners and proposed to launch joined training programs together with the bodies of the UN and OSCE. This report has been the most comprehensive presentation of crisis management activity of the EU. Undoubtedly the most efficient means of EU are the programs of cooperation and the development strategies<sup>91</sup>. In each cases the Commission prepares for the implementation a Country Strategy Paper, which measure with the help of constant indicators the conflict potential, the factors of risks and propositions too<sup>92</sup>.

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<sup>90</sup> Communication from the Commission on Conflict Prevention. 11 April 2001. COM (2001) 211. final.

<sup>91</sup> Gazdag, F.: Válságkezelés és békefenntartás (Crisis management and peacekeeping). Multunk. 2000. No. 4. 265-305.p.

<sup>92</sup> EU Crisis Response Capability: Institutions and Processes for Conflict Prevention and Management. ICG Issues Report. 26. June 2001. No. 2.

## **The Largest Post-Conflict Rehabilitation Action: EU Strategy for the Balkans**

Europeans were deeply divided in their approach to the Yugoslav crisis; they lacked the cohesion, determination and instruments to bring the process under control. The division was especially visible on the issue of recognition of the independence of Slovenia and Croatia. At that time the US were quite reluctant to become a player in the crisis taking into account that no important American interests were at stake. But soon, the US engagement became decisive, their bombing brought the war in Bosnia to an end in 1995 and it was more than a symbol, that the peace negotiations took place in Dayton. The signature of the treaty in Paris could not hide the reality that the European role throughout the negotiation had been marginal. And this story is continued during the following years, even Europe contributed in a growing manner to the consolidation providing soldiers, humanitarian assistance and other expertise. However its political influence remained weak. The EU cohesion improved during the following years, but the Kosovo crisis demonstrated again the lack of determination and unity. The decision to threaten and then to use force as well in order to stop the Serbs in Kosovo was born in Washington and not in Europe.

Since the year 2000 the EU-US relationship in the Balkans shifted toward greater equality. Four main factors were responsible for this movement<sup>93</sup>:

1) Democratization of Balkan states started. Following the death of F. Tudjman (November 1999) and after ousting S. Milosevic from power (September 2000) Croatia and Serbia elected democratic governments, presenting their intentions to join EU. Of course huge problems remained unsolved but the risk of a military conflict again had diminished radically. This made it possible for the European Union to move towards the development of a comprehensive policy.

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<sup>93</sup> In details see: Lehne, S.: Has the „Hour of Europe come at last? The EU's strategy for the Balkans. Chaillot Papers, 2004. No. 70. 111-113.p.

2) As a result of a joined effort the EU member states abandoned their division on Balkan issues largely based on their historical reflexes. Throughout the 1990s EU has developed a new approach and the shared interest in the stabilization came to the fore.

3) The EU developed its institutional capacity for managing international problems. The turning point was the establishment of the position of the High Representative for the CFSP with the help of which the EU responded more rapidly to the new challenges. It was especially important in the case of Macedonia (EU played a leading role in managing the crisis) and during the constitutional dispute between Serbia and Montenegro. Over a period of several years three of the EU's seven Special Representatives dealt with Balkan issues. Simultaneously, the EU had begun to develop an operational capacity in civilian and military crisis management. The first test-ground was the Balkans and since 2003 the EU took over the police operation in Bosnia from the UN. The same year the EU took over the task of NATO in Macedonia, which in turn was followed by an EU police mission in December 2003, and the EU started its first military operation by the end of 2004 replacing SFOR.

4) The Western Balkans turned toward the EU. New governments of Croatia and Serbia alike expressed their commitment to joining the EU. Generally much poorer and handicapped by the conflicts these states share many features with their eastern and northern neighbors. On the other side the EU also had accumulated a large-scale know-how in promoting the integration of the Central-Eastern European countries into the structures of the integration.

As a long-term strategy of post-conflict rehabilitation the EU countries chose a comprehensive new policy approach on the Western Balkans. One of the possibilities was to continue to deploy their foreign policy and crisis management instruments in order to promote the stabilization of the region. Another element became to add the promise of association, of integrating the Western Balkan countries gradually into European structures. The policy provided for the conclusion of comprehensive treaties with each of the countries and it deployed important policy instruments, in particular in the areas of trade and assistance. Beyond



developing the EU's relations with each of the countries it also encompassed the promotion – later *de facto* largely subcontracted to the Stability Pact for South Eastern Europe, of regional cooperation between them.

## **Stabilization and Association Process**

Most importantly, the Stabilization and Association Process (SAP) gave the countries the perspective of future membership in the EU. At first this commitment was expressed rather tentatively, but it gained greater clarity in the course of the following years. The Concluding Document of the EU-Balkans Thessaloniki summit in June 2003 clearly stated that the future of the Balkans would be in the EU and that progress in this direction would depend on the fulfillment of the same conditions and requirements that applied to the Central European States. Moreover, Thessaloniki decided also to put several instruments of the enlargement process (partnerships, opening of Community program, administrative twinning, etc.) at the disposal of the West Balkan countries, thus further reducing the gap between the SAP and the pre-accession process<sup>94</sup>.

As it happened in the case of Central European applicants, the perspective of EU membership linked to the step-by-step implementation of the SAP has become the major source of the EU's influence in the region. In its practical application the SAP involves a series of steps, ranging from the establishment of a Consultative Taskforce, the Feasibility Study on a Stabilization and Association Agreement (SAA), the beginning, conclusion and finally the ratification of the Agreement. This in turn opens the way to application for membership, launching the candidate country on a similar process ultimately aimed at accession to the EU.

Progress is made dependent on the fulfillment of conditions formulated by the EU. The annual reports by the Commission introduced in 2002 are a further way to regularly assess performance. In the beginning of 2004 European Partnerships concluded are to commit the countries of the region to a set of reform priorities. The assistance offered within the

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<sup>94</sup> Vlahutin, R.: The Croatia exception. Chaillot Paper. 2004. No. 70. 25-27.p.

framework of the CARDS program, much of which is now devoted to institution building, is also designed to support the same reform priorities.

There is something intrinsically one-sided in the relationship between the EU and its regional partners. Whereas a prospective candidate country can express its concerns and difficulties the rules and conditions are essentially set by the EU. Nevertheless the policy is emancipatory in its objective, as the ultimate prize is membership of the EU.

### *Is Stability Improving?*

The first years of the new century saw significant remaining security challenges in the Balkans, in particular the ethnic Albanian insurgencies first in southern Serbia and then in the Former Yugoslav Republic of Macedonia. In close cooperation with the United States and NATO, the EU played an important role in managing these crises and in post-conflict stabilization. 2002 and 2003 were the first years since 1991 free from major violence in the Balkans. This progress in security was reflected in the reduction of international troops deployed in the Western Balkans. Overall troop levels were reduced from 65,000 in summer 2000 to 29,000 in May 2004.

It seems too paradoxical, but while the overall risk of conflict in the Western Balkans has greatly diminished, the EU's involvement in hard security issues in the region is expanding rapidly. The paradox is, however, easily explained by the fact that the development of ESDP really began only at the end of the Balkan wars. EU military and police operations became possible by the end of 2002. In view of the important European security interests at stake in the Balkans, it was the logical theatre in which to undertake the first operations. The preoccupation of the United States with other regions, and NATO's new focus on other parts of the globe (such as Afghanistan), also argued in favor of a new division of labor. Beginning in early 2003, the EU initiated police operations in Bosnia and Macedonia and a military presence in Macedonia. Since 2004 EU took over the military presence from SFOR in Bosnia. Whereas the EU may be a latecomer as an operational actor in security policy in the Balkans, there is unfortunately still a lot to do. The era of

large-scale conflict might be over but, in parts of the region, the potential for interethnic tensions and confrontation persists.

As far as Bosnia is concerned, by now the situation can certainly be considered to be essentially stable. In terms of consolidating the state structures and the return of refugees, progress over the past years has been remarkable. However, many of the advances achieved were due to the strong leadership of the High Representative. The reform efforts are not yet self-sustaining, and a significant security presence is still necessary as an ultimate guarantee against an unraveling of the Dayton regime. The taking over of this military presence by the EU at the end of 2004 represents the most ambitious operation so far undertaken by the EU.

In Kosovo the tragic events of mid-March 2004, which caused 19 deaths, the destruction of 730 homes and 29 religious buildings as well as the displacement of over 4,000 people, illustrated clearly that this question remains the greatest challenge to security in the Balkans. As Kosovo's security is closely interrelated with that of its neighbors, this is not just a local problem, but one for the entire region. The Kosovo conflict came to an end in summer 1999, but since then the international community has been facing a dilemma. There is no prospect for genuinely sustainable stability in the region as long as the status of Kosovo has not been resolved. At the same time addressing this issue in itself presents considerable risks to stability. If the international community tackles the status issue without adequate preparation, deadlock at best and confrontation at worst might be the result. If it waited for too long the unstable elements on the ground, in particular the impatience of the Kosovo population, the persistent economic crisis and the still tense relations between the ethnic communities might well lead to a new crisis<sup>95</sup>.

To overcome this dilemma, the Special Representative to the Secretary General, M. Steiner, presented his 'Standards before Status' policy concept. Progress in building democratic institutions, in ensuring the rule of law, and in protecting the rights and the freedom of movement of mi-

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<sup>95</sup> Glenny, M.: The Kosovo question and regional stability. Chailot Papers. 2004. No. 70. 89.p.

norities, would be linked to the perspective of a process to resolve the status issue. In autumn 2003 the Contact Group, together with UNMIK, attempted to turn the 'mantra' of 'Standards before Status' into an operational policy. Mid-2005 was identified as a date for a review of standards, which could lead to the beginning of status negotiations. At the end of March 2004 UNMIK and the Provisional Government, which should offer a 'road map' to ambitious reforms adopted a detailed Standards Implementation Plan.

The violence in March 2004 constituted a severe setback for Kosovo. While 'Standards before Status' remains at the core of the international community's strategy, it has become clear that it now needs to be complemented by a proactive approach to some of the key problems, such as security of minorities, effective local government, the empowerment of Kosovo's fledgling institutions and the urgent economic and social problems.

It has also become clear that tackling the status issue cannot and should not be put off for long. This was a central message of Ambassador Kai Eide's August 2004 report to the UN Secretary-General. The comprehensive strategy for Kosovo proposed in the report found broad international support and gave a clearer sense of direction to the international approach to Kosovo.

Macedonia was the third post-conflict area where the EU and the international community remain strongly engaged. This small country has developed encouragingly over the past years. There has been important progress in implementing the Ohrid agreement and the ethnically mixed government appears committed to multi-ethnicity and to progress towards EU membership. The residual risks in Macedonia are mostly related to the danger of a spillover of a renewed crisis in Kosovo. In view of the stabilization of the former crisis areas the military presence – originally provided by NATO and later by the EU – ended in December 2003 and was replaced by a EU police operation.

Development in Macedonia is emblematic of a broader change in the nature of security concerns in the Balkans. As the risk of major conflict has

receded, the focus has shifted from the military to the policing aspect. Organized crime, in particular trafficking in humans, drugs and weapons, is perceived today as presenting the most pressing security issues, with a clear impact also on EU member states. Widespread poverty, weak state institutions and endemic corruption provide a fertile ground for criminal networks, which exploit the traditional transit role of the Balkans into Western Europe. Combating organized crime and bringing war criminals to justice are therefore essential elements of the efforts to consolidate democracy in the Western Balkans.

### *Associations*

The most striking phenomenon in assessing this dimension of the EU's policies is the unevenness of progress. By far the most advanced country is Croatia. A Stabilization and Association Agreement is completed (ratification is about to be finalized). The Commission has evaluated the application for membership positively. In June 2004 the European Council gave Croatia the status of accession country and indicated that negotiations could be opened in early 2005. The only obstacle has been the "not full cooperation" with ICTY, more exactly the case of general Gotovina. Macedonia, too, has a completed SAA. The Commission has begun work on its opinion of Skopje's application for membership, which was submitted in April 2004.

Negotiations on an SAA with Albania have been going on for several months. However, the EU Council has linked completion of the negotiations with progress on reforms. As there is considerable unhappiness about the pace of reform efforts, particularly in the key areas of fighting organized crime and corruption, it is at the moment likely that the negotiations will have to be extended into 2005.

Regarding Bosnia, the Commission has submitted a Feasibility Study which links the beginning of negotiations on an SAA with progress on 16 reform priorities.

Serbia and Montenegro lags behind at the moment. The Commission has postponed the finalization of the Feasibility Study due to lack of progress in the areas of cooperation with the ICTY in The Hague, and eco-

conomic harmonization between Serbia and Montenegro. The tense internal political situation, as well as a series of elections, has so far prevented decisive progress on either issue. Kosovo has been linked into the SAP through a special 'Tracking Mechanism', which – roughly the equivalent of a Consultative Task Force – is designed to ensure the compatibility of reforms with European standards.

How to explain the marked differences in the progress of the West Balkan countries in the SAP? What makes the Western Balkans<sup>1</sup> transition different from that of Central and Eastern Europe?<sup>96</sup>

There are different reasons. One factor is historical accident. Serbia-Montenegro, for instance, could only begin the process after the fall of Milosevic in October 2000, at a time when negotiations on a SAA with Macedonia were well under way. Another is difference in capacity. It is obvious that Croatia, which has more than twice the per capita GDP of any other West Balkan country, finds it easier than other states to prepare its institutions for implementing European standards. A third factor is constitutional complexity and unresolved status questions. Here, both Bosnia and Serbia and Montenegro have a handicap compared with the other states. In the case of Bosnia it is evident that the topmost concern of the negotiators of Dayton was to end a war, not to produce state structures optimally suited for participation in European integration. An underdeveloped government at state level and continuing tensions between the state and the entities continue to hinder progress. Moreover, too many of the reforms undertaken so far have been led (or sometimes even imposed) by the OHR. Obviously, progress towards the EU must be promoted first and foremost by the local authorities and not by the international community. Over time, the 'pull' of the EU should replace the 'push' of the OHR as the force for change in Bosnia.

Serbia and Montenegro suffers from the complications derived from the arrangements of the State Union. However, the crux of the matter seems

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<sup>96</sup> Batt, J.: Introduction: the stabilisation/integration dilemma. Chaillot Papers. 2004. No. 70. 11.p.

to be less the difficulties inherent in the highly decentralized construction than the uncertain political will of Podgorica and Belgrade. In particular, economic harmonization, initially identified by the European Commission as a precondition for initiating negotiations on an SAA appeared to lie beyond the limits of Belgrade and Podgorica's preparedness to cooperate. Political turbulence and troubled relations between the republics brought harmonization efforts to a standstill. In view of the political priority of preserving a European perspective for Serbia and Montenegro, the EU has recently adjusted its approach. It is now ready to deal separately with the republics on issues where they have the competencies. The outcome of these separate negotiations should eventually be brought together in a single SAA. The EU has thus removed one big obstacle from the road to Europe. The other one, compliance with the political conditions, in particular cooperation with the ICTY in The Hague has to be removed by the Serbian leadership. As the result of this effort in the first months of 2005, some of the former military leaders were "convinced" by the authorities that they had to fly to The Hague.

The next factor in determining the pace at which a country moves towards Europe is the extent and strength of political commitment to this policy. During a difficult process of transition, democracies inevitably experience a good deal of political instability. As the experience of the CEE countries has shown, large parts of the population go through periods of frustration and impatience. As a consequence the parties in government frequently lose elections. A rigorous reform policy that entails sacrifices is frequently unpopular. The temptation of populism is always there. Progress towards EU membership, on the other hand, requires most of all unity of purpose and consistency of efforts. A government's room for manoeuvre is limited. EU conditionality does take account of the electoral cycle. There is thus potential tension between the unpredictable dynamics of democracy and continuous progress towards Europe. The success of the accession process in CEE rested to a considerable degree on the fact that the political élite in candidate countries was largely united in its commitment to European integration. Whether post-communist, social democratic parties dominated the government or conservative or liberal forces took the helm, the EU always found a

partner willing to do the necessary to move forward on the accession agenda.

In fact, we are not yet at that point in the Western Balkans. The legacy of the wars and structural weaknesses make the political landscape even more volatile and unstable. While almost all political parties pay lip service to the objective of EU membership, the European idea clearly does not as yet have the powerful uniting force that it did in CEE. All too often the political agenda is dominated by the nationalist past rather than the European future, with the settling of old scores rather than the tackling of concrete challenges; hence the risk of stagnation and even of serious setbacks.

On the other side the EU must remain credible in keeping the promises set out in the Thessaloniki summit declaration. The perspective of EU membership can be a powerful motor for reform, but it does not work in homeopathic dosage. Without significant institutional and financial engagement, the prospect of membership can easily turn into an empty rhetorical exercise, into a kind of “double bluff”, in which the EU pretends to offer membership, while the countries of the region pretend to implement reforms. In this context the EU will have to address a conceptual problem in the current SAP structures. The original idea of turning the status of ‘Associate’ (following the conclusion of an SAA) into an attractive longer-term option for the countries of the region has clearly not worked out as expected. Both Croatia and Macedonia submitted their applications for membership long before their SAA entered into force. The other countries of the region are likely to follow their example. An SAA is not seen as an objective in its own right, but merely as a stepping-stone towards pre-accession status.

This view is perfectly understandable, since EU accession remains the ultimate objective and every country wishes to move towards the next stage as quickly as possible. But it is also reinforced by the EU's current funding policy. Enjoying pre-accession status is much more attractive financially than the CARDS assistance open to SAP countries. Thus the most developed countries enjoy the most generous EU assistance, a



situation that is questionable in terms of both fairness and the overall development of the region.

There is thus a good case for going one step beyond the Thessaloniki decisions, which have already greatly reduced the differences between the SAP and the pre-accession process. In the future Financial Perspectives for the period 2007-2012 the CARDS program and the pre-accession instruments could be amalgamated in a single assistance program that would serve both the pre-accession and the SAP countries. This would still allow for differentiation but with greater flexibility than has been the case so far.

## **Conclusions**

As it is evident from the previous pages, the comparison of long-term PCR activity of OSCE and EU is a hard job. The first and most visible difference is that the EU's crisis management activity is covering a worldwide international area while the OSCE's activity is limited to the territory of its member-states. The operational activities undertaken by the OSCE for the purpose of conflict management take place exclusively in the geopolitical space of the former Soviet Union and in the Balkans. There is a basic difference between the two organizations, concerning the decision making process. While within the framework of the CFSP and the ESDP the EU is moving toward a procedure based on the majority (starting from the unanimity, then the possibility of opt out, the next step is the 2/3 majority, and the next is the enhanced cooperation), the OSCE is still wrestling with the unanimity. Of course behind the decision-making procedure there is a deeper problem, namely the lack of homogeneity, and the difference of interests within the organization. Russia is increasingly irritated by the fact that the majority of OSCE missions and operations are taking place in the former Soviet republics and Moscow would like to see a more balanced activity. Last but not least the European Union is gradually developing its capabilities for the peace-making activity too.

## 4. Cultural Issues of Post-Conflict Rehabilitation

Egdunas Raciū

Many observers are of the opinion that the beginning of the 21<sup>st</sup> century has been marked with a new chapter in the evolution of the Euro-Atlantic community – the tragic events of September 11, 2001, triggered a reaction, which led to military interventions in Afghanistan and later Iraq of unprecedented scale in the post-Cold War world. Among other things, this was a remarkable shift in geographical (and this pretty much means cultural) terms, since the Euro-Atlantic community for the whole last decade of the 20<sup>th</sup> century had been preoccupied primarily with the Balkans – a region which geographically and culturally belongs to the so-called Western civilization, albeit some of its territories are seen by some (S. Huntington being their chief ideologue) to be on the fringes of it.

The mainly West European and American efforts in Bosnia and Herzegovina, Kosovo as well as Macedonia, though far from being complete, have already born some fruits and provided plenty of lessons for the ongoing and future engagements elsewhere. As J.D. Montgomery and D.A. Rondinelli argue, ‘explicit, coherent, and transparent policies can draw on lessons from the past to help establish priorities and guide the coordination and integration of activities during chaotic, confusing times, but they must be applied with due regard for the unique circumstances shaped by different cultural, political, and economic conditions in each country that requires reconstruction’<sup>97</sup>. Unfortunately, most circulating considerations (both academic and policy-orientated) drawn from these and other past experiences in post-conflict rehabilitation have tended to be focused exclusively on political, economic and security issues, relegating the cultural aspects of it secondary importance. It is true that stability in a post-conflict society cannot be achieved without massive investment in the rebuilding of the security sector, the economy, and the political and legal systems of the land. Yet, it is also true that ‘local con-

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<sup>97</sup> J.D. Montgomery & D.A. Rondinelli, ‘A Path to Reconstruction: Proverbs of Nation-building’, Harvard International Review, Summer 2004, 29

ditions matter to a considerable degree and have not always been taken sufficiently into account in the past. Different cultural perceptions of legitimate decision-making and the degree of ethnic divisions have to be considered by external actors'<sup>98</sup>. It has proved to be the case in the Balkans, and it is of crucial relevance for several most recent international peacekeeping operations elsewhere, poised to be engaged in post-conflict rehabilitation. For, as T. Duffey correctly points out, 'today's missions are multi-culturally composed and trans-nationally executed across a diversity of cultural contexts'<sup>99</sup>.

The chilly reaction on the part of some of the major European allies to the U.S. and British enthusiasm for invading Iraq can be explained in part by their realized wariness about what the Americans (and British) were pursuing through such military interventions in general. As the case of Afghanistan (and the Kosovo operation several years earlier) proved, the American military machine worked perfectly well – it was as good as it could only be at deposing the Taliban regime. Yet, it appeared that the U.S. administration was not as successful in peace- and nation-building (or post-conflict rehabilitation) there – it turned out that the Americans had no real plan for a post-Taliban Afghanistan. In the words of W. Flavin, 'with regard to Operation Enduring Freedom in Afghanistan, because there was no interagency plan before the operation started, there was no clear idea about what termination or post-conflict scenario would look like'<sup>100</sup>. Even worse, the Americans (notably, the administration) apparently hardly had idea about the nature of the Afghani society and its culture. This added to the international community's growing puzzlement as to where Afghanistan, under the American guidance, was heading. A new affair in Iraq, with the job in Afghanistan not completed, was not a promising prospect to some.

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<sup>98</sup> M. Overhaus, 'Editorial: Germany and the Conundrums of Post-Conflict Reconstruction', German Foreign Policy in Dialogue, A Quarterly E-Newsletter on German Foreign Policy, IV: 10 (2003), 4

<sup>99</sup> T. Duffey, 'Cultural Issues in Contemporary Peacekeeping', International Peacekeeping, VII: 1 (Spring 2000), 143

<sup>100</sup> W. Flavin, 'Planning for Conflict Termination and Post-Conflict Success', Parameters, (Autumn 2003), 101

It might be reasoned, however, that the European countries, which decided not to join the ‘coalition of the willing’ against Iraq, did this in part out of greater realization of likely difficulties in the post-conflict rehabilitation, not least of which were of cultural nature. Some observers contend that the French and German doubts about the invasion, though publicly based on its legality and legitimacy, were in no small measure influenced by cultural sensitivities (both have significant Muslim presence) in these countries. The Americans, apparently, overlooked cultural specificity of Iraq (as they did with Afghanistan before)<sup>101</sup>. This was evident in somewhat appalling rhetoric on the American administration’s side which in the run up to the invasion consciously portrayed the Iraqi population as a *tabula rasa* of a sort, implying that in a post-Hussein Iraq it would be possible to mold it into whatever the world community (in fact, the Americans) deemed it desirable. It was widely expected by Americans that the invading troops would be greeted as liberators. As a former Defense Intelligence Officer for the Middle East W.P. Lang forcefully put it, ‘the U.S. government decided to invade the Iraq of our dreams, an Iraq in which we would be welcomed in the streets, we would need very minimal force, and there was no requirement for an occupation’<sup>102</sup>. This, however, did not happen – although the military performed outstandingly, the fall of the Hussein regime did not usher the country into stability and peace.

### **‘Cultural Awareness’ and ‘Cultural Literacy’**

One is tempted to deduce that the relative success achieved by the Allies in the Balkans in no small part was and is due to the nature of the ‘cultural terrain’ of that region (its belonging to the same civilization as the intervening parties as well as compatibility of the mind-set of the majority of local populations with the vision projected onto them by joint efforts of local power-brokers and the outside powers). That is to say that

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<sup>101</sup> Although some pre-conflict research done by the military itself draw attention to it. See, for example, C.C. Crane & W.A. Terrill, ‘Reconstructing Iraq: Insights, Challenges, and Missions for Military Forces in a Post-Conflict Scenario’, Strategic Studies Institute (Army War College), February 2003

<sup>102</sup> D. Byman, M. Scheuer, A. Lieven, and W.P. Lang, ‘Iraq, Afghanistan and the War on “Terror”’, Middle East Policy, XII: 1 (Spring 2005), 10

most local people tend to subscribe to the post-conflict rehabilitation projects drawn for them. Those who do not – do this out of narrowly nationalistic or economic reasons and not of inherently cultural, some might say ‘civilization’ ones. If one assumes that there are no insurmountable cultural/ civilization cleavages in the Balkans (either among the conflicting sides or between the locals and the peace-keepers), post-conflict rehabilitation there has enormous advantage compared with the situations in Afghanistan and Iraq. Yet even in the case of the Balkans, there are numerous reports, especially by humanitarian organizations, on operational difficulties caused by cultural misunderstandings, prejudice and stereotypes on both sides, which occasionally give rise to tensions and even violence. In order to better cope with possible cultural challenges, it is reported that many of the employees of both NGOs and governmental agencies receive some ‘cultural training’ and are even provided with published guidelines on how best to cope with those challenges<sup>103</sup>. However, what in the Balkans has been an issue only to a limited extent has proved to be of major importance in the Middle East and Central Asia – and it is ‘cultural awareness’.

By ‘cultural awareness’ it is meant basic acquaintance with history and language of the society on whose territory both military and civilian authorities are to operate in all phases of the conflict. As I. Skelton and J. Cooper, both members of the House Armed Services Committee, argue, ‘a combat brigade would not be deployed into hostile territory without maps. The beliefs of a culture are as critical as terrain features. The unit should have those coordinates as well’<sup>104</sup>. Apparently, the opposite has been the case as ‘cultural awareness’ has been the most neglected element of transnational conflict management in the recent times. Failure to pursue Afghans to take part in the national reconstruction, swelling of the ranks of insurgency and deadlocks in the political process in Iraq, all attest to misjudgments on the occupiers’ side about the local societies.

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<sup>103</sup> This was *inter alia* raised by the participants in the seminar on ‘Post-Conflict Rehabilitation’, held in Reichenau, Austria, between April 30 and May 2, 2005

<sup>104</sup> I. Skelton & J. Cooper, ‘You’re Not from Around Here, Are You?’, Joint Force Quarterly, XXXVI (2004), 14

It might be maintained that ‘cultural awareness’ is an essential prerequisite in transnational conflict situations – whoever is involved in overseas military and/or civil operations (especially post-conflict rehabilitation phase of them), has to have a minimal baggage of knowledge about the local culture – this would save human and material resources and speed up the overall process of conflict resolution, or as I. Skelton and J. Cooper argue in the case of the American involvements, ‘it is cultural awareness that helps determine whether a host population supports long-term American military presence – and may determine the outcome of the mission’<sup>105</sup>. The Somali case of the early 1990’s is a good example of this. But it might also be argued that ‘cultural literacy’ would be even more desirable. This includes not only superficial familiarity with basic aspects of indigenous culture(s), but some deeper knowledge of intellectual currents and undercurrents, stratification of society under question, pressure groups, informal authorities, and religion, all this supported by study of appropriate local language<sup>106</sup>.

For military personnel of lower ranks (those on the ground) ‘cultural awareness’ apparently would suffice – they have to know as much as it would help save their own and local people’s lives and not alienate the locals from the occupiers. Major General R. Scales, USA (ret.) in his recent testifying before the House Armed Services Committee suggests that ‘Great Britain’s relative success in Basra is due in no small measure to the self-assurance and comfort with foreign culture derived from centuries of practicing the art of soldier diplomacy and liaison’<sup>107</sup>. It is indeed true that the UK in its evolution as an empire has undoubtedly acquired all sorts of experiences, among them cultural. And its military

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<sup>105</sup> I. Skelton & J. Cooper, ‘You’re Not from Around...’, 12. See also T. Duffey, ‘Cultural Issues...’, 151, where she forcefully argues that ‘maintaining good relations with the local community, a prerequisite for successful operations, relies on peacekeepers’ understandings of the local population’s culture and respect for their cultural traditions.’

<sup>106</sup> Duffey speaks about ‘culture-general’ and ‘culture-specific’ components in the overall ‘cultural training’. T. Duffey, ‘Cultural Issues...’, 164

<sup>107</sup> R. Scales, ‘Army Transformation: Implications for the Future’, Statement of Major General Robert Scales, USA (ret.), Testifying before the House Armed Services Committee on July 15, 2004, 4

posted overseas has for long been ‘culturally trained’. The U.S., on the contrary, has had no proper chances (with but a few engagements in countries with alien cultures, which would have lasted more than several decades) and/or interest to do this. In the words of an outside observer, a German M. Overhaus, ‘the US so far has not acquired much experience with “picking-up the pieces” after the military’s job is done’<sup>108</sup>. This is true; yet the U.S. learns (or at least should) with every new experience<sup>109</sup>. For example, military in both Afghanistan and Iraq operations were distributed booklets with basic information on the country. Similar booklets were circulated among the allied troops and at least some of the allies had instruction/ introduction-to-country briefings for their troops just before deployment. The Polish, charged with administering a sector of Iraq, brought along some 30 ‘area specialists’ to assist both the military and civilian authorities.

The *Culture Smart Card (Guide for Communication and Cultural Awareness)*, first prepared by the Marine Corps Intelligence Activity (MCIA) in February 2004<sup>110</sup> (subsequently revised in November 2004<sup>111</sup>), is one of the efforts (though somewhat belated) to raise the level of ‘cultural awareness’ among the American (and also allied) troops. Though a welcome initiative in itself, the Card is so ‘dry’ in its information that it would be naïve to expect it to have any impact on relations between the occupying troops and locals. Moreover, not counting its numerous errors and typing/ printing mistakes, it contains several ideas, which can be seen as biased and even negatively predisposed toward certain features of the local (specifically Iraqi, but also Arab in

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<sup>108</sup> M. Overhaus, ‘Editorial: Germany and the...’, 5

<sup>109</sup> The rise of awareness for the need of getting acquainted with remote cultures and especially their languages is evident in ‘A Call to Action for National Foreign Language Capabilities’, issued by the U.S. Department of Defense on February 1, 2005, accessible at [http://www.nlconference.org/docs/White\\_Paper.pdf](http://www.nlconference.org/docs/White_Paper.pdf)

<sup>110</sup> ‘Iraq Culture Smart Card: Guide for Communication and Cultural Awareness’, Marine Corps Intelligence Activity, February 2004, at <http://www.fas.org/irp/doddir/usmc/iraqsmart-0204.pdf>

<sup>111</sup> ‘Iraq Culture Smart Card: Guide for Cultural Awareness’, Marine Corps Intelligence Activity, November 2004, at <http://www.fas.org/irp/doddir/usmc/iraqsmart-1104.pdf>

general) culture. On this particular aspect see further below in the section on Orientalism.

As experiences of the last three and a half years show, with or without ‘culture smart’ cards, the military next to being skilled in handling machinery have also to be initiated into the local cultures, for as R. Scales argues, ‘the military possess the technological means in Iraq to conduct net-centric warfare to proficiency unparalleled in the history of warfare. But it lacked the intellectual acumen and cultural awareness and knowledge of the art of war to conduct culture-centric warfare’<sup>112</sup>. In R. Scales’ opinion, this can be improved: ‘every young soldier should receive cultural and language instruction. The mission of soldier acculturation is too important to be relegated to last minute briefings prior to deployment’<sup>113</sup>, and continues: ‘to assist in the acculturation process the Department of Defense should be required to build databases that contain the religious and cultural norms for world populations – to identify the interests of the major parties, the cultural taboos – so that soldiers can download the information quickly and use it profitably in the field’<sup>114</sup>. What R. Scales advocates is a thorough reform of the preparation of the military for overseas operations (especially of nation-building and post-conflict rehabilitation phase), something the U.S. military is more and more being engaged in for prolonged periods of time. I. Skelton and J. Cooper’s remark that ‘the Armed Forces are busier than ever before, but they are not too busy to be culturally aware’<sup>115</sup>, itself partially based on Scales’ testifying, reinforces his ideas. The ‘Call to Action for National Foreign Language Capabilities’ of the Department of Defense is but one of such new initiatives.

Much of what has been said above applies also to civilians engaged in the overseas operations (usually in the post-conflict rehabilitation phase). Yet, it might be argued that civilian authorities have to be not only ‘culturally aware’ but also ‘culturally literate’. Their familiarity

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<sup>112</sup> R. Scales, ‘Army Transformation: Implications...’, 3

<sup>113</sup> R. Scales, ‘Army Transformation: Implications...’, 8

<sup>114</sup> R. Scales, ‘Army Transformation: Implications...’, 9

<sup>115</sup> I. Skelton and J. Cooper, ‘You’re Not from Around...’, 16



with the culture of the local society has to surpass that of the military's. The 'culture smart' cards would not do here. Much more is needed. Of course, one cannot expect every single government official or employee in private sector, charged with specific duties related to or on the territory of conflict, to be well versed in the intricacies of local cultures. Yet, one is to expect (or even to demand) that those, who make decisions, either themselves possess knowledge of cultures their decisions are to affect or have expert-assistants, who do so to advise them. Only 'culturally literate' decisions have propensity to be welcomed by local populations. It is also advisable that even lower-level government and private sector employees are exposed to advance 'culture training' – e.g. are given courses on history, language, religion, and society of countries they are to be posted. Some private enterprises have already started this practice. Certain governmental agencies do this also but the results so far, unfortunately, are not up to the expectations.

'Cultural awareness/ literacy' serves in general at least two purposes: one, to get to know the culture of the enemy (e.g. Taliban, al-Qaida, jihadism, Iraqi insurgency) and two, to get to know the culture of the potential friend (those willing to cooperate). As for the culture of the enemy, it primarily entails 'difficulties that would be encountered during the present "cultural" phase of the war where intimate knowledge of the enemy's motivation, intent, will, tactical method and cultural environment has proven to be far more important for success than the deployment of smart bombs, unmanned aircraft and expansive bandwidth'<sup>116</sup>. Though it is first and foremost for the military to tackle the problem of enemy on the ground, it is also business of civil authorities to direct military's activities so that they yield best results not only in the short-term but also long-term perspective. In other words, knowing one's enemy's 'culture' – ideologies, motivations and aims, as well as mobilization channels – would enhance effectiveness of both decisions of civilian authorities and performance of military. As for the culture of the potential friend, the issue evolves around enlightened relationships based on mutual trust built on understanding, tolerance, and respect. The biggest risk and mistake that permeates today's post-conflict rehabilitation efforts is

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<sup>116</sup> R. Scales, 'Army Transformation: Implications...', 2

ignorant (and often arrogant) behavior of the occupiers, which alienates the locals and even pushes them into the hands of resistance. (Think of the Abu Ghraib fallout!) Thus, military conflicts, because of cultural ignorance (on both sides, one has to admit), unwillingly and unconsciously tend to become cultural conflicts. This is to be avoided by all means, if the occupying powers expect any positive (and not delayed) outcome from conflicts in question.

## The Trap of Orientalism

Yet, 'cultural awareness/literacy', if handled neglectfully, is prone to become *ancilia Orientalismus*. Orientalism, a broad notion denoting unique European view of non-European cultures, implies a dichotomy and binary opposition of 'us' versus 'them', where 'they' are perceived to be of lesser (civilization) status. Orientalism, in its critics view, is a vise, which has been crippling relations between Europeans and 'Orientals', especially since its virtual institutionalization in the colonial era. As E. Said has passionately argued in his *Orientalism*<sup>117</sup>, too often imperial European (and recently American) decision- and policy-makers assumed to have grasped the essence of respective non-European societies (their cultures) and acted upon that perception, while in fact they were acting upon wrong assumptions and misjudgments. In the case of the U.S., in the opinion of many an heir to and inheritor of the European imperial heritage, as W.P. Lang argues, 'we Americans, as a group, and the governments that we create for ourselves, have a continuing inability to understand that other peoples really are different than we are'<sup>118</sup>. An even graver problem is that 'we believe we understand how these people ought to be and that we can organize them with minimal effort because they really want to be like us'<sup>119</sup>. In Duffey's words, 'this approach assumes a prescriptive stance: "we know what's best for them"'<sup>120</sup>. Lang and Duffey's reasoning is echoed in a recent 'National Interest' Editorial, which by the way has split the editorial board of the magazine into

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<sup>117</sup> E. Said, *Orientalism* (London: Penguin Books 2003 (1978))

<sup>118</sup> D. Byman, M. Scheuer, A. Lieven, and W.P. Lang, 'Iraq, Afghanistan and...', 9

<sup>119</sup> D. Byman, M. Scheuer, A. Lieven, and W.P. Lang, 'Iraq, Afghanistan and...', 10

<sup>120</sup> T. Duffey, 'Cultural Issues...', 152

two camps: ‘we should abandon the demonstrably false pretense that all nations and cultures share essentially the same values. Every country, every region, every civilization has its own cycle, circumstances and path of development’<sup>121</sup>.

R.F. Ellsworth and D.K. Simes accuse the contemporary American approach toward alien cultures of infantilism, passionately arguing that the U.S. administration ‘proudly pronounced that the liberation of Iraq was just a beginning of a grand democratic transformation of the Greater Middle East. It required an inordinate degree of naivety, and frankly, ignorance about the real conditions in Iraq and in the Middle East in general to believe that this overly ambitious scheme could work’<sup>122</sup>. Indeed, failure to understand and appreciate differences among cultures is one of the core aspects of the neo-Orientalism of today. Yet, this can be changed through educational and other means proposed by R. Scales and others (see above discussion on ‘cultural awareness/literacy’). A much more complex problem is that the ‘knowledge’ generated in the process of the study of alien (Oriental) cultures too often represents not the actual reality of those cultures but rather our perception of that reality. In other words, there is a gap between ‘what is out there’ and ‘what we think that there is out there’. Therefore, there is a major difference between unprejudiced inquiry into remote cultures in order to get to know them better, on the one hand, and searching for proofs of preconceived stereotypes about those cultures, which merely confirm our in-advance-held ‘knowledge’ and expectations about those cultures, on the other hand. In the latter case the whole process of study does not lead to genuine ‘culture awareness/literacy’, but rather to becoming a vessel and transmitter of the very Orientalist notions. In such a case, it is most likely that the locals will not subscribe to the picture of their culture drawn by outsiders, for the outsiders might assume to know the local

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<sup>121</sup> R.F. Ellsworth & D.K. Simes, ‘Realism’s Shining Morality: The Post-Election Trajectory of US Foreign Policy’, The National Interest, Winter 2004/05, at <http://www.nationalinterest.org/ME2/dirmod.asp?sid=92CC3CD2669245CFBCA1759C597E9A1E&nm=Articles+and+Archives&type=Publishing&mod=Publications%3A%3AArticle&mid=1ABA92EFC8348688A4EBEB3D69D33EF&tier=4&id=32391DAFA4EA43888B1F0DCB70B2A63E>

<sup>122</sup> R.F. Ellsworth & D.K. Simes, ‘Realism’s Shining Morality...’

culture but in fact they would be basing their decisions on stereotypes the locals themselves might be forcefully rejecting.

Let us briefly consider ‘The Culture Smart Card (Guide for Communication and Cultural Awareness)’ of the MCI, which comes in two slightly different versions, in this light. First of all, the problem with the ‘Card’ is that its designers aimed at squeezing as much information as possible in a very limited space. This usually leads to sweeping generalizations, simplifications and reductionism. This ‘Card’ is no exception. In a tradition of positivist science, the creators of the ‘Card’ compartmentalize the Arab/ Iraqi culture by using tables and graphs that supposedly typify behavior and beliefs of locals. For example, the ‘Card’ links the colors of headscarf (Arabic, *ghutra*) worn by some Arab men to both the place of their origin and their having or not having performed the pilgrimage (*hajj*). This, for one, is wrong. Moreover, such simplifications stigmatize the locals in the eyes of soldiers, who, following the information on the ‘Card’, might be inclined to expect locals to behave accordingly. Thus, practically, all ethnic groups would be expected to have members of other ethnic groups, just as the ‘Card’ states.

The ‘Card’ further stigmatizes Arabs/Muslims by describing Wahhabis as those who ‘never shave their beards’. But so do many other Muslims. The implication the ‘Card’ suggests is that those Muslims, who wear beards are Wahhabi (in itself a negative term, as they are also described as ‘puritanical’), which is simply not true. The ‘Card’ also misses the point when it says that ‘Madrassah’ is ‘Islamic educational system’. In attributing certain meanings to colors used by Muslims, the ‘Card’ notes that green is (for whatever undisclosed reason) ‘particularly meaningful to the Shia’ ignoring the fact that it is Saudi Arabia and Libya – both staunchly Sunni – whose state flags are entirely green or that the Sunni Muslim fighters in Chechnya, Palestine and elsewhere wear green ribbons on their foreheads. In fact, many observers would contend that it is black, which is favored by Shia. The ‘Card’ further trivializes Muslims (though not indicating which branch of Islam) by describing *Ashura* as something that ‘includes public, self-inflicted mutilation’. It also says that ‘admitting “I don’t know” is shameful for an Iraqi’ and that ‘con-

structive criticism can be taken as an insult' (sic!) – statements that are so classically Orientalist (i.e. denigrating the local culture).

This brief inquiry into the contents of this 'culture smart' (sic!) card shows that though the American military now have it and might assume to have learned from it about the Iraqi society and its culture, too often they will be proved wrong. Thus even with this attempt to improve the situation on the ground, I. Skelton and J. Cooper are correct in their assessment, when they conclude that 'though it may be premature to draw definitive lessons from Afghanistan and Iraq, it is clear that the Armed Forces lack sophisticated knowledge of foreign countries'<sup>123</sup>. One might add that that which is proposed as 'knowledge' too often is infested with misjudgments, biases and stereotypes so that it resembles the British and French Orientalism of the 19<sup>th</sup> century. In this vain, the American perception of the 'Other' in the beginning of the 21<sup>st</sup> century is seen as not having improved much in comparison with the imperial (colonial) experiences of the former empires.

In particular, it would be expected that 'The Iraq Culture Smart Card' is an intellectual product of learned men, knowledgeable and not merely 'culturally aware' in the field of Muslim-Arab-Iraqi cultures. Their failure in preparing a more sympathetic 'Card' can of course be partially due to their lack of knowledge and expertise. Yet, it could be suspected that there is another, more serious reason – inherent Orientalism, which pervades most of the contemporary American (and to a lesser extent European) society. Today's neo-Orientalism is a semi-conscious denial to other (and differently thinking) cultural groupings aspirations for symbolic power. As D. Tuastad, drawing on P. Bourdieu, argues, 'symbolic power is power to construct a hegemonic version of reality'<sup>124</sup>. And continues: 'the means of production in this sense is also the means to produce distorted images of dominated people. Hence, resistance also involves resistance to the imaginaries produced by the hegemonic

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<sup>123</sup> I. Skelton & J. Cooper, 'You're Not from Around...', 12

<sup>124</sup> D. Tuastad, 'Neo-Orientalism and the new barbarism thesis: aspects of symbolic violence in the Middle East conflict(s)', Third World Quarterly, XXIV: 4 (2003), 591

power'<sup>125</sup>. The Iraqi resistance to the 'images' drawn of them, both physical (military) and ideological, attests to this maxim.

## Concluding Remarks

'Cultural awareness', not to mention 'cultural literacy', has been so far one of the most neglected elements in recent post-conflict rehabilitation efforts in which members of the Euro-Atlantic community have been taking part. As the experiences in Afghanistan and Iraq suggest, better acquaintance with both the 'enemy's culture' and 'friend's culture', would have enormously enhanced the results of international missions there, not the least of which would have been saving of lives on both sides. Greater realization that the 'institutions of governance also need to be developed in the context of Afghan (or any other local – *my addition*) history and social relations rather than simply implanted from off-the-peg models of liberal democracy'<sup>126</sup>, would help to set more realistic goals, which would be more in line with local cultures and therefore more acceptable to local populations.

Yet, one has to guard against manifest or even latent Orientalism, which is prone to preclude one from grasping the realities of culture under question. It is essential that all efforts to improve 'cultural awareness/literacy' of both military and civilian personnel for work in alien cultures be as free from biases, prejudices, and stereotypes as possible. Only Orientalism-free 'culture training' would eventually pay off. Thus, among the short- (but also long-) term objectives of both the military and civilian administrations should be setting up of structures for diffusing 'Orientalism-free cultural awareness'. To rephrase I. Skleton and J. Cooper, those who one or another way are engaged in overseas missions cannot be too busy to be culturally aware.

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<sup>125</sup> D. Tuastad, 'Neo-Orientalism and...', 591

<sup>126</sup> Ch. Cramer & J. Goodhand, 'Try Again, Fail Again...', 905

## 5. The Role of Civil Society, Media and Education in Post-Conflict Rehabilitation Activities

Sandro Knezovic

### Introduction

In various locations on the globe, the United Nations (UN), the Organization for Security and Cooperation in Europe (OSCE), North Atlantic Treaty Organization (NATO) and the European Union (EU), among other organizations, have been engaged in multidimensional peace and consequently post-conflict rehabilitation (PCR) activities and operations. In a 'Framework for cooperation in peace building'<sup>127</sup>, the UN Secretary General stipulates that peace building is a home-grown process in which international actors support national endeavors to prevent the outbreak or recurrence of conflict. It identifies five key areas of peace building: 'negotiation and implementation of peace agreements; security stabilization; good governance, democratization and human rights; justice and reconciliation; and humanitarian relief and sustainable development' (United Nations 2001, Annex 1:1). All this, in general, corresponds to the notion of the PCR. The notion of a democratic peace, suggesting that democratic countries virtually never go to war with each other, has prompted policymakers to argue that the spread of democracy will prevent conflict. Accordingly, peace building through democratization, institution building and economic development is essential part of PCR.

In war-shattered societies the conditions associated with successful democratization are often lacking. Numerous conditions have been suggested to affect the likelihood of successful democratization. Conducive conditions for democratization include low levels of violence, the development of political contestation before the expansion of political participation, absence of foreign domination, an efficient economic system, high economic development, cooperation that cuts across subcultures, political trusts and beliefs in compromises and the legitimacy of democ-

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<sup>127</sup> K. Annan, Framework for Cooperation in Peacebuilding, UN Website, at: [www.un.org/documents/go/docs/55a55783.pdf](http://www.un.org/documents/go/docs/55a55783.pdf) (February 2001.).

atic institutions. However, after a violent conflict, these conditions are typically absent. Insecurity also affects the levels of investments and economic development, which produces high level of unemployment. Civil society organizations tend to be divided and polarized and political trust becomes low, which hinders cooperation across subcultures.

Peace agreements often stipulate democratic governance for post-conflict societies. Some tasks, which are problematic in any democratization process, are especially difficult after a violent conflict. After such conflicts the following conditions often prevail: contested borders and citizenry, weak and poorly supported institutions, political exclusion, ethno-chauvinist parties, lack of inclusive civil society organizations, exclusive identity, mistrust, fear, intolerance and polarization. These conditions provide obstacles for peaceful democratization and successful PCR, as well. As peace building is expected not only to address violent behavior, but also the root causes of conflict, the democracy assistance after violent conflicts needs to support the transformation of norms (attitudes) and compliance to these norms (behavior), the PCR through building institutional capacity supports the efforts for dealing with conflicting issues.

Hence, both institutional and normative components of democratization need to be engineered with the legacies of violent conflict in mind. The institutional components include the construction of physical institutions, the democratic constitution and legal system as well as capacity building. The normative components refer to development of legitimacy of, or to phrase it differently, public support for, the state as well as the institutions and a culture of moderation.

Another type of legitimacy, which is also pertinent for a functioning democracy, is institutional legitimacy, which refers to a popular notion of just and representative institutions. Participation in elections and compliance with democratic rules can be seen as manifestation of institutional legitimacy. Conversely, boycott of elections, low turnout, and parallel political structures may reflect disbeliefs in the institutions.



A culture of moderation is another important ingredient of democracy. Democratic institutions are based on norms such as political trust, tolerance, willingness to compromise, and, most of all, belief in democratic legitimacy.

Beliefs, conducive for democratization, refer to institutional legitimacy, the belief in institutional efficacy, trust in others, the conviction that compromises are necessary and desirable and that political relations are simultaneously cooperative and competitive. The consolidation of democracy requires the emergence of a widespread democratic culture encompassing not only the elite level, but also the entire society. After ethnic conflict, the perceptions of former foes are often still hostile. Thus, the development of a culture of moderation often necessitates a complete change of ideology. The transformation from ideologies based on ethnic superiority (which often have spurred ethnic cleansing) to inclusive ideologies based on appreciation of diversity or *civiness*, is one of the most difficult tasks of democratization. Because the development of a culture of moderation is difficult to measure, interethnic cooperation is analyzed as a proxy for a culture of moderation.

In this context it is very useful to underline the importance of the role of civil society, media and education in the process of post-conflict reconciliation and democratization in general.

## **The Civil Society**

There are many definitions of *civil society* but most are based on the concept of a public space between the individual and the state where a variety of actors seek to mediate relations between citizens and state authorities. It is a space for communication that creates opportunities for broad public involvement and therefore has a potentially important role in preventing and resolving conflict and making PCR more sustainable. A peace process that involves only elite decision-makers can be disrupted by political events, leaders' pursuit of self-interest, or external interference. It is therefore important to assess the contribution of civil society actors to the peace process and to the process of reconciliation.

Civil society organizations (CSOs) play a crucial role in this sense. Article 71 of the Charter of the UN<sup>128</sup> recognizes the contributions that civil society can make in achieving the goals of the UN. In its resolution 57/337, the General Assembly recognizes the important supporting role of civil society and invites it to continue to contribute to efforts to prevent armed conflict and reconciliation. The resolution also encourages the civil society to pursue practices that foster a climate of peace and help to prevent or mitigate crisis situations and contribute to reconciliation.

In the Security Council, interaction with civil society increased in the 1990s as a result of changes, brought about by the end of the Cold War and the influence of increasing globalization. The Gulf War in 1991, the Somalia crisis in 1993, the Rwandan genocide in 1994, as well as the Bosnia and Herzegovina situation, the Palestinian crisis, and the conflicts in Central and Western Africa, were salient international crises that galvanized Security Council's civil society interaction. CSOs also monitored the Council's work in the areas of sanctions, peacekeeping, election monitoring, policing, and post-conflict peace building. They were also present in feeding the hungry, caring for the sick, sheltering the homeless, and protecting the vulnerable in many crises areas, including civil wars. In many of these instances, the civil society played important role in the mobilization and utilization of resources, as well as in the delivery of assistance in post-conflict reconstruction.

The involvement of the civil society groups in these events has provided them the opportunity to assume greater role in international affairs and greater influence in shaping public opinion on international policy issues. Many CSOs remain active on the ground in many crisis areas, even after the UN and government agencies had left the scene. As a result, the civil society has gained high institutional reputation and has maintained wide public support.

Governments alone cannot resolve today's global challenges including the PCR. It is not realistic to expect that governments and international

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<sup>128</sup> [www.un.org/aboutun/charter](http://www.un.org/aboutun/charter)

organizations alone can respond fully and effectively to everything the process of PCR requires, especially in such broad and varied fields as repatriation and resettlement of refugees, restoration of public security based on the rule of law, economic reconstruction, rehabilitation of local communities, national reconciliation, and so on. CSOs, which have been engaged for a long time and with strong commitments in those fields of activities, have an important complementary role to play in the peace-building process<sup>129</sup>. Cooperative interaction between those civil society organizations and humanitarian and resident coordinators of the UN agencies make it easier to achieve common objective: to create an environment where the people in a post-conflict country can have a hope that they will be able to enjoy better lives tomorrow.

Aside from their contributions to the peacekeeping, relief, and humanitarian efforts, CSOs are also a source of information on the ground. By their sheer number, dedicated membership, and unique advocacy roles, the CSOs have become a force to reckon with in post conflict areas. Their public advocacy role and media campaigns often help shape public understanding of the crises and create pressure on governments to act. Thus, civil society has become the actor in the policy process that cannot be ignored and whose goodwill and support have proved useful, and at times even essential to the success of government policies and Council initiatives.

In other words, when we speak of the role of civil society organizations in the PCR process, it is useful to emphasize two additional points, which are important. The first point is that civil society organizations can serve as educational fora for the members to deepen understanding of their relations to the international community. Through participation in the activities of such civil society organizations, ordinary people come to realize how deeply they are connected to the international community, and develop stronger commitment to international cooperation. Thus, civil society organizations can be reliable supporters and valuable part-

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<sup>129</sup> They are not only precious additional assistance forces but often have intimate knowledge and valuable experience, which can be useful for effectively carrying out aid activity.

ners to the governments, which are promoting PCR process in a post-conflict society. Where there is not much history of civil society organizations, therefore it is sometimes appropriate to nurture and strengthen their local civil society organizations, while respecting their status as non-governmental organizations.

## **The Media**

Communication has been described as the 'mechanism through which human relations develop all the symbols in mind, together with the means of conveying them through space and preserving them in time'.

The media are the social constructions that house and facilitate mass communication; they are the institutions and forms in which ideas, information and attitudes are transmitted and received. It creates the space for communication within societies and among communities and between nations. When infused with a sense of social responsibility, it can provide tools and strategies to manage and process the myths, images, collective memories, fears and needs that shape perceptions that drive human behavior. The media reflect and create this myriad of internal complexities within society.

It can help turn collective storytelling into public acts of healing. People need opportunity and space to express to and with one another the trauma of loss and their grief at that loss, the anger that accompanies the pain and the memory of injustice experienced. Acknowledgement is decisive in the reconciliation dynamic. Acknowledgment through hearing one another's stories validates experience and feelings and represents the first step toward restoration of the relationship.

The media, through the telling of stories, can assist in the releases of feelings of shame and humiliation in victims, so that the story becomes one of dignity and virtue. Transferring the shame from the victim to the perpetrator creates a sense of justice and retribution. The media's capacity for public shaming is an extremely important one, especially in more traditional societies where concepts of honor and reputation still drive behavior.

The media in the volatile post-conflict atmosphere must not succumb to pressure to exploit or sensationalize stories, which would only re-traumatize victims as well as society in general. Nor should they reduce testimonies to mere lists of atrocities, which remove vital context and accountability. Careful reporting must facilitate the societal conversation, respecting victims and the effects of trauma on themselves as well as society.

Vengeance and forgiveness are marks along the spectrum of human responses to atrocity. Yet they stand in opposition: to forgive is to let go of vengeance; to avenge is to resist forgiving. Perhaps justice itself partakes of both revenge in the form of punishment and forgiveness. In order to affect lasting change and reconciliation, larger patterns of atrocity and complex lines of responsibility and complicity must be investigated, acknowledged and documented. Finding alternatives to vengeance - such as government-managed prosecutions, institutional reforms or other social processes - is a matter, then, not only of moral and emotional significance, but it is urgent for human survival.

In conflict areas, information is very often replaced by rumors and propaganda. For this reason, the various international organizations have been supporting media in conflict areas that are providing non-partisan information to the population. The reporting by independent media based in conflict zones fulfils a fundamental role in the democratization and PCR process.

Conversely, international organizations are aware of the negative part played by warmongering, hate-inciting propaganda in triggering or aggravating conflicts. They will therefore continue to support, as in Bosnia and elsewhere, local media whose independence of the parties to the conflict is acknowledged, which provide non-partisan information and which defend the values of peaceful coexistence and mutual understanding.

Freedom of the press and assistance to independent media is the essential tool for reconstructing civil societies torn apart by conflict. An independent and pluralist media, and the development of community news-

papers and radio stations, are crucial for the building of a democratic society re-establishing social bonds and to the process of reconciliation.

## **Education**

Mostly during the reconstruction period following the conclusion of peace agreements, however, the vast fields of action open up: peace-building, especially the building of civil peace can rest only on genuine national consensus that is on the widespread desire to plan and construct peace together. That implies a considerable effort to sensitize and educate the main actors in civil society, and here education, science, culture and communication all play their part. It does not just mean rebuilding the institutions destroyed during a conflict – even if that is a priority objective; it means doing so in such a way that the foundations of a democratic, pluralist and participatory society are laid at the same time.

Here again, education – in its broadest sense – has a key role to play, not only in building the bases of democratic citizenship; not only in alleviating the psychological after-effects of conflict for young people; but also in ensuring that all sections of the population who have been excluded because of their age or sex, their ethnic origin or religious beliefs, their political or economic situation or their geographical position are given a real opportunity to be brought back into social and working life. It is in that context that the concept of *learning without frontiers* will find its most innovative field of application, the idea being to set up systems of intensive and varied training adapted to the needs of each learner that would enable everyone – and most particularly those who, because of the conflict itself, have *missed* the education train – to enjoy a second chance of developing their full intellectual and human potential.

So, it is obvious that human rights education, training and public information were essential for the promotion and achievement of stable and harmonious relations among communities and for fostering mutual understanding, tolerance and peace. Not only post-conflict societies, but all of them should strive to eradicate illiteracy and should direct education towards the full development of the human personality and the strengthening of respect for human rights and fundamental freedoms, as well as

to include human rights, humanitarian law, democracy and rule of law as subjects in the curricula of all learning institutions in formal and non-formal settings.

In a world of rapid change and increasing diversity, the need for an active, informed and responsible citizenry is greater than it has ever been. The role of education in creating such a citizenry is now almost universally acknowledged<sup>130</sup>.

Education for democratic citizenship needs to be a feature of formal as well as informal education, and an entitlement for all citizens in a democratic society.

There has been an element of civic or citizenship education in various European countries for many years. This has mainly consisted of informing learners about the political system – that is to say, the constitution – in place in their country, using formal methods of instruction. The underlying model of citizenship has therefore been a passive and minimal one. Citizenship for the vast majority of ordinary people has consisted in little more than the expectation that they should obey the law and vote in public elections.

In recent years, however, events experienced and changes taking place across Europe have challenged this model of citizenship. They include: ethnic conflicts and nationalism; global threats and insecurity; development of new information and communication technologies; environmental problems; population movements; emergence of new forms of formerly suppressed collective identities; demand for increasing personal autonomy and new forms of equality; weakening of social cohesion and solidarity among people; mistrust of traditional political institutions, forms of governance and political leaders; increasing intercon-

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130 The ability to engage in public life and affairs intelligently and responsibly is something that has to be learned. While a certain amount may be picked up informally in the family, the nature of life today is that this can never be sufficient to produce the kind of informed and effective citizens that modern democracies require to maintain their continued existence.

nectedness and interdependence – political, economic and cultural – regionally and internationally.

In the face of challenges such as these, it has become clear that new kinds of citizens are required: citizens that are not only informed, but also active – able to contribute to the life of their community, their country and the wider world, and take more responsibility for it.

Traditional models of education are simply not equipped to create the kind of active, informed and responsible citizenry that modern democracies require. In important ways, they are failing to respond to the demands of a rapidly changing social, economic, political and cultural environment.

What is required are new forms of education that prepare learners for actual involvement in society – forms of education that are as much practical as theoretical, rooted in real life issues affecting learners and their communities, and taught through participation in school life as well as through the formal curriculum.

The need to provide such teaching presents important challenges for the teaching profession. It means learning new forms of knowledge, developing new teaching methods, finding new ways of working and creating new forms of professional relationships – both with colleagues and with learners. It emphasizes teaching based on current affairs over the understanding of historical systems, critical thinking and skills teaching as well as knowledge transmission, co-operative and collaborative working rather than isolated preparation, professional autonomy instead of dependence on central diktat. It requires a change in how we perceive learning, from an idea of learning as teacher-centered to learning through experience, participation, research and sharing.

## **Conclusion**

Regarding the importance of the role of civil society, media and education in the PCR activities, it is more than obvious that there is a huge need for development of the climate for their unobstructed work. In this



sense, it is important to properly tackle the main obstacles standing on their way, and these are doubtlessly accumulation of corruption and ineffectiveness of bureaucracy, that are drastically disabling the mentioned elements of civic society to act properly in the post conflict ambient. Also, it is important to gain transparency in project approval in order to help solving the issue of the CSOs' inadequate funding, which is one of the main problems they are facing in most conflict-affected regions.

Some research indicates that only seven per cent of organizations have received state subsidy. It is important to note that in the past the system of allocating state funds on various levels was completely non-transparent, although this has improved over the past years. Findings also indicate that few CSOs depended on indigenous private financial supports (83.23 per cent), largely because there is, at the time, no favorable tax framework for donations. There is a growing consensus that CSOs depend primarily on foreign funding to maintain their operations. Foreign funding programs play such a fundamental role in financing CSOs that the development of a civil society infrastructure strongly rests upon this source of funding. The CSOs receiving foreign grants are mostly located in bigger towns or in areas affected by the war. The problem of financial sustainability is likely to remain one of the vital issues facing each organization. To improve this situation, CSOs will have to find financial resources inside the country: donations, subventions and income generated from their own services.

Having in mind the experience of the PCR process in South-Eastern Europe, as a blueprint for the global model, one can as a conclusion state that at the moment CSOs play only a modest role in supporting that process on the ground. This research has evidenced that the most critical challenge for civil society development in the region relates to the limited space in which it has to operate, as defined by the legislative, political and social-cultural framework. Civil society in region needs to engage more with public policy issues in an attempt to establish a place for itself in the policy-making process.

As to the foreign financial assistance there is a serious criticism related to the visibility of the EU's Community Assistance for Reconstruction,

Development and Stabilization (CARDS Program) in the region especially at local and regional level. CSOs in particular were concerned with the fact that only limited number of people, apart from those directly involved, is aware of this part of the CARDS assistance which makes it difficult to communicate a multitude of benefits received through the Program. Government stakeholders also underlined the fact that the lack of visibility of CARDS in the country results not only in the lack of public support, but also in the lack of peer support within the institutions they work in.

CSOs suggested that a special effort should be made in order to inform various beneficiaries working in one sector of activities funded through CARDS in the same sector. They think that coordinated and complementary activities would yield better results by increasing efficiency while at the same time reducing the overall cost. CSOs representatives also questioned a requirement to submit joint proposals with partner CSOs or concerned Government body in order to increase the likelihood for their project to be accepted. Although they endorse the idea, they think that formal persistence on having joint proposals leads to a situation in which most energy is spent on finding and lobbying a potential partner instead of channeling energy into preparing a good project proposal. Once a partner project is accepted, there is once again a problem with the distribution of funds where the biggest portion is spent on multiple administrative hurdles leaving a substantially reduced amount to be actually used on the ground.

A different kind of criticism related to the partnership requirement revolved around the fact that only CSOs are conditioned on having partner institutions, while government institutions are not required to work in partnership. This significantly undermines CSOs to carry out projects that are in line with CARDS's objectives – consolidation of democracy, social development, gender equality, etc.

There were also complaints, again on the part of CSOs, that the foreign financial assistance procedure is not only long and complex, but also expensive for many small CSOs who do not have lawyers and translators on their pay lists to attend to all little details contained in procedures.

There should be an attempt to find a way to ease the procedure for CSOs (for example, canceling the requirement to submit three copies of their statutes translated and each copy certified by a public notary or to introduce a provision that NGOs are eligible for re-compensation for the cost incurred in submitting a project proposal if the proposal is rejected).

As to the role of CSOs in the process of respecting human rights, as one of the main elements of the PCR process, considerable effort must be invested in promoting human rights education and training across the spectrum of key actors in PCR process, and indeed in a broad-based approach across society.

### **III. Recurrent Issues of Post-Conflict Rehabilitation and Lessons to Be Learned**

#### **6. Lessons on Post-War Rehabilitation in South East Europe and by South East Europeans**

Plamen Pantev

##### **The Balkan Conflicts and Their ‘Post-Conflict Rehabilitation Capacity’**

The *national aspect* of the processes of international relations system’s transformation in the conflict-rich Balkan region can be traced through the decision of the individual countries to gravitate towards one or another center of global power. The countries of the EU and NATO have been perceived in South-Eastern Europe as one of these centers of complex global power with a huge potential for shaping world developments. A specific regional and national consequence for the Balkans has been the re-birth of the age-old possibility for “balkanization”, meaning the fragmentation of the regional state relations and the subsequent polarization of Balkan international relations around external poles of power. In the post-Cold War situation in the Balkans, the EU, the NATO and other developed countries generate and stimulate the European and Euro-Atlantic integration of the South-Eastern European region, while Russia is ambiguous – oscillating between broker of new balances of power and dependencies for the Balkan countries and a constructive role as a world leader of a 21<sup>st</sup> century type, stimulating region-building tendencies as an organizational expression of globalization.

The structural shifts in the international system of the last 15 years have resulted in changes in the Balkans. The most depressing of them have been the wars on the territory of former Yugoslavia. The military conflicts and civil wars led the respective societies to hardships and suffering that would reproduce problems of various kinds for the region and for individuals, living in South East Europe. At the same time, the ex-

perience of dealing with post-conflict problems still needs to be studied and the lessons learnt – applied in the region and elsewhere. A major requirement in drawing the lessons from the Balkans for other post-conflict situations is to define as precisely as possible the standard post-conflict rehabilitation recommendations and their potential applicability to other cases. There are huge systemic differences that differentiate the Balkan post-conflict rehabilitation problematic from the situations in non-European contexts. Thus a measurement of the Balkan post-conflict rehabilitation capacity should be carried out and proposals drafted accordingly.

### **The Balkan Experience of Post-Conflict Rehabilitation: the Lessons Learnt and Their Application Elsewhere**

In the transatlantic edition of *'Internationale Politik'* in the fall of 2003 a leading European international relations scholar, Karl Kaiser wrote that the Balkans today were famous not for the tumultuous change and violence, but for the innovative approaches to mastering conflicts<sup>131</sup>. In the Balkan region, wrote Kaiser, the EU redefined its security role; through the Stability Pact the EU constructively applied its own experience to provide a forward-looking solution to a conflict-ridden environment. It was also in the Balkans that the question of the legitimacy of force to end violent conflict posed itself in a particularly dramatic way. It can be argued, continued Karl Kaiser that the Balkans have been and remain a region in which many of the central problems of world order in the 21<sup>st</sup> century were particularly apparent, such as the limits of self-determination; the management of ethnic conflict; the necessity of crisis management; the imperatives of a new type of peacekeeping and the legitimacy of humanitarian intervention. Though developments in this region were influenced by unique and special factors, concluded Kaiser, *experiences and lessons learnt there could be of general relevance for other parts of the globe* (underlined by me, P. P.)<sup>132</sup>.

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<sup>131</sup> Karl Kaiser, *The Balkans as a Model*, *Internationale Politik*, Transatlantic Edition, 3/2003, Volume 4, Fall Issue, p. 31-38.

<sup>132</sup> Karl Kaiser, *Op. Cit.*, p. 31.

The UN Secretary General Kofi Annan's Deputy Special Representative in Kosovo, Jean-Christian Cady confirmed that opinion on 28 January 2004 during a Stockholm International Conference on Preventing Genocide. The UN official said: "Kosovo is a good example of what the international community and the United Nations can achieve to stop ethnic cleansing and build policy instruments that will prevent it from occurring again"<sup>133</sup>.

Here an assessment of certain aspects of the Balkans' peacekeeping experience as well as the experience of the presence of peacekeeping troops of Balkan countries in Afghanistan and Iraq would be presented. It includes the issue of mandating the peacekeeping mission, the specific aspects of the peacekeeping and peace building missions, and the resources/capabilities for peace operations as they have been performed in the Balkans. ISIS provided suggestions on the basis of this experience less than two weeks after the declaration of the end of the war-fighting operation in Iraq<sup>134</sup>. An analysis is provided as to how these lessons have been taken and utilized mainly in Iraq. A special accent is made on the domestic reactions to the national involvement in the Iraqi mission, specific problems of the national decision-making process and preparation for the missions. Some of the experience of the troops from the Balkans in Afghanistan and Iraq is also analyzed.

### *Mandate for Peacekeeping Operations*

1. UN, NATO and EU were the mandating authorities for the peacekeeping and peace-building operations in the Balkans. The problems with the UN mandate for enforcing the peace before the wars complicated existent patterns of involving the UN in peacekeeping and peace building. Kosovo and the events around Pristina airport when Russian troops nearly clashed with NATO troops marked this tendency. The problems also stimulated non-UN peacekeeping operations. Iraq intensified the trend: UN was out of business on mandating peacekeeping, and had

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<sup>133</sup> Kosovo Is Good Lesson In International Action Against Ethnic Conflict, Says Official, EUR318, 01/28/2004, at: <http://usinfo.staate.gov>

<sup>134</sup> Plamen Pantev, *Assessing the Balkans Peacekeeping Experience: Lessons for Afghanistan, Iraq and Beyond*, Op.cit., 13 May 2003', Henry L. Stimson Center, Washington, D. C., at: [www.stimson.org](http://www.stimson.org) (Projects/Events).

huge problems, concerning peace-building mandate. The reason was that it could not guarantee clear, credible and achievable mandate. Both "humanitarian intervention" and "pre-emptive war" appeared to be hard to assimilate issues by the world organization. The division among the leading UN Security Council states was reflected negatively on the events that followed the Balkan wars of the 1990s.

This situation was partly changed when on 8 June 2004 the UN Security Council adopted Resolution 1546 initiated by the United States, Great Britain and Romania. The Resolution confirmed the leading role of the UN in the post-conflict rehabilitation of Iraq. The Resolution provided an international recognition of the interim government, taking office on 30 June 2004 and support for the US-led Coalition Forces. The latter needed to consult the interim government for any major military operation in the country. The interim government had the right to order US and other troops to leave the country. The mandate of the multilateral forces, according to the Resolution, would expire in January 2006. On 9 June 2004 Russian President Putin, for example, commented at Sea Island in Georgia, USA that the adoption of the Resolution marked a major step forward for Iraq and signaled a renewed international commitment to its reconstruction.

However, the negative consequences of the non-existent initial UN mandate persisted. The issue who was wrong and who was right about the beginning of the intervention in Iraq continued to re-open every day and week – until the division of the countries of the free world has provided enough room for terrorists and dictators to manoeuvre as they would wish. This issue distracted for long peacekeepers and peace builders in Iraq from their job. Iraq became a victim of problems and terminology issues of foreign and international actors – issues that could not lead to constructing peace and democracy. The investment of post-conflict rehabilitation efforts in Iraq, despite the renewed UN support, remained mostly limited to the Coalition Forces and less to the world organization. The delay in rehabilitating Iraq backfired on the image of the free world about the capacity of democracy to defend its principles and project its ideas in the broader Middle East.

2. This situation with the UN-mandating authority is a reflection of a mounting dispute among UNSC permanent members throughout the 1990s of the last century: 'unipolarity' vs. 'multipolarity'. In the beginning of this century the dispute loomed within NATO too.

However, 'unipolarity' vs. 'multipolarity' *is not the issue*. First, a broad international base is desirable for both peace enforcement and peacekeeping, as well as for peace building. If an international institution as the UN provides the legitimacy of a peace operation – so much the better. But it would be completely counterproductive if the UN, or the so-called 'multipolarity' issue were used as instruments of isolating the United States. Second, the issue is about what forms of democratic world governance are to be introduced and applied, not just simplifying a conflict between non-existent 'multipolarity' and 'unipolarity' in the world. The argument is that the resolution of the dispute of 'multipolarity' vs. 'unipolarity' does not give an answer to the essential issues of what to do: 1) with terrorism; 2) with the proliferation of WMD; 3) with poverty; 4) with regional conflicts; 5) with international law and raising its effectiveness. In other words, the dispute does not answer the questions of the real, substantive agenda and priorities of world politics, but rather focuses the agenda on the diverging national interests of the contending centers of power in a global and interdependent world.

This issue loomed during the Kosovo crisis. However, the humanitarian intervention was backed by a 'moral majority' in the UN Security Council (12 against 3) and by the consensus of the 19 NATO member countries. This was not the case with Iraq. Neither the UN Security Council, nor NATO agreed on a common position. The 'coalition of the willing' filled the regulative vacuum and drove the process on. Iraq must give an answer what matters more in the global world: the resolution of the substantive issues or the privileged position in power political relationships and decision-making by the big powers.

3. International institutions, mandating peacekeeping and peace-building activities do matter. The UN Security Council does matter. It is a practical forum of discussing world affairs by the global centers of power. This could be probably done in a more democratic, transparent and ac-



countable way than now. The great five UN Security Council permanent members, however, need to be more productive in their bilateral relations, if the UN Security Council is to preserve its authority of a moral and legitimate center of decision-making world power on the application of violent methods on a legal basis. For example, it would be counter-productive if the EU and Europe in general self-identify themselves in opposition or confrontation with the United States – both in the UN Security Council and around the globe.

What conclusions could be made about Iraq? Iraq is a test case – as Kosovo was – that apart from UN-guaranteed legitimacy effective resolution of conflicts also matters, and that effectiveness will not be sacrificed to protracted though legitimate decisions, preventing the timely solution of the issue at stake. We can only imagine – in a retrognostic way what would have been the fate of the Albanians in Kosovo if Milosevic had been allowed to continue his ethnic cleansing plan, tolerated by a blocked UN Security Council. Katariina Simonen of the Finnish Ministry of Defense rightly notes in her concluding remarks of an encompassing study of Operation Allied Force in Kosovo as a case of humanitarian intervention that “the inaction of the Security Council in such cases as Kosovo is the primary impetus that has led states to look for other ways of action, outside the UN Charter”<sup>135</sup>.

### *The Peacekeeping and Peace Building Mission*

1. Peacekeeping and peace building are important vehicles of social change and progress<sup>136</sup>. The Balkan experience shows these vehicles guaranteed the transformation of societies to democracy, and of the region – close to the status of a security community of states. For that reason the effective mission is the "integrated mission of the military force and the civilian authorities" with an "integrated leadership and headquar-

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<sup>135</sup> Katariina Simonen, *Operation Allied Force: A Case of Humanitarian Intervention?*, Athena Papers Series, September 2004, Partnership for Peace Consortium of Defense Academies and Security Studies Institutes, p. 86.

<sup>136</sup> Ho-Won Jeong suggests this thesis throughout his recent studies, linking peacekeeping and peace building to long-term social, political and economic transformation. See, for example, ‘Peacebuilding in Postconflict Societies: Strategy and Process’, Lynne Rienner Publishers, Boulder CO, 2005, 260pp.

ters" of the mission. This is the real guarantor of peace, needed to assist the long-term and complex political and social transformations of war-shattered societies. After meeting the immediate military and humanitarian concerns success can be built only by dealing with longer-term issues like: state-building; reforming the security sector (!!); strengthening civil society; social reintegration; economic reconstruction; media and education institutions' viability, etc.

For reaching these ends cooperation and understanding between authorized actors is needed on: the analysis of the political situation; military operations; civilian police; electoral assistance; human rights issues; humanitarian and health assistance; development issues (electricity, water supplies, heating, cooling, functioning of agriculture, schools – buildings, notebooks, textbooks, program, etc.); refugees and displaced persons; public information; logistics and transportation issues; finance and accounting, and recruitment/personnel issues. On the last issue – an adequate combination of local people and exiles should be reached during the transition. The negative experience of Kosovo continues to be a strong reminder of that necessity.

The experience of personnel selection has been adequate enough in South East Europe to be shared in connection with other cases. The fact that the transition processes in the Balkans had been taking place in former totalitarian societies led to the accumulation of adequate experience how to deal with former totalitarian party members. Reconciliation and reconstruction could not omit this issue and those who performed wisely did the best service to democracy, humaneness and rehabilitation of the respective societies. Those who unnecessarily antagonized the process of personnel adaptation to the needs of the new societies and state institutions programmed protracted and painful processes and consequences.

What conclusions could be made about Iraq? The US-organized interim government, apart from being an effective one, had to gradually acquire democratic and totally national forms. Baath party had to be ousted politically, ideologically and historically, though individuals not from the elite of the party who were not compromised and cherished a unanimous respect by their constituencies could have been involved in the recon-

struction of Iraq. This suggestion has been made in mid-May 2003 for sure<sup>137</sup>, though the issue has been discussed earlier too, but has been left unconsidered and an indiscriminate purge of Baath party members and their relatives has been undertaken by the Iraqi authorities. This intensified unnecessarily the social tensions in Iraq. One year later the issue has been analyzed again and certain elements of the Baath regime have been asked to take obligations in the interest of the Iraqi people, including in the armed forces.

The international community should encourage any indication of the appearance of a nascent civil society. The lessons of the Balkans in dealing with radical Islam (in Bosnia, Kosovo and elsewhere) were inadequate to gain experience in coping with the local Iraqi Sunni/Shiite/Kurds disputes, testing the ground for future political battles. Strong secular counter-balance in Iraqi society must be supported to neutralize religious political ambitions. Religious freedom and religious extremists' restraint must be the norms from the outset of new Iraq. Free media should be educated and turned into a significant and efficient source of information and social regulator.

National state institutions and administration are the keys to the success of Iraq's re-birth. Conceptual models of the new state have already been brought to the attention of the Iraqi public. Downsized, tailored along the principle of economy of organization administration in combination with economic freedom, investment and trade have to drive successfully the transformation of Iraq. It would be a disaster for the new society and state if freedom and entrepreneurial mood lead to the appearance of sex industry, tolerated by the foreign partners. The cultural impact of such an industry may provoke radical and extremist reactions and provide food for fundamentalist clerics. What Kosovo showed was that political principles and values (freedom of speech, business accountability, security of contracts) are the real pillars of the transformation – not the potentially clumsy institutions. The principles are regarded highly and seri-

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<sup>137</sup> Plamen Pantev, *Assessing the Balkans Peacekeeping Experience: Lessons for...*, Op. cit.

ously and they do matter for the idealistic 'fathers' of the new political entities and societies.

However, the establishment of new democratic institutions of power after democratically organized and held elections in a big country as Iraq was of crucial strategic domestic and international importance. The Bosnian and Kosovo experience showed that though slowly, with negative side effects as 'the culture of dependency', the election of local institutions of power in coordination with the international community's representatives push forward from a bottom-up and top-down perspective the processes of social progress. The holy war that terrorists declared on the Iraqi elections in January 2005 was a clear demonstration of the effectiveness of the elections as the democratic anti-dot of terrorism. The successful elections in Afghanistan for President did not turn into a panacea, but definitely engaged the initiative and local responsibility in driving the social, political and economic processes ahead. This had been a major earlier lesson of the democratic reconstruction in the conflict-shattered territories in the Western Balkans.

There have been recommendations that Iraq shared experience with 'model countries' – not mostly from Europe (Germany or Romania), but rather from Japan and the Eastern Asian 'tigers'. They have been provided by the USA with security guarantees, but it has been the local initiative and local culture that has driven the process of transformation. Iraqis should remain confident they would preserve their cultural and historical identity while transforming their society and economy. This is a necessary and realistic precondition for a successful and democratic Iraq to turn into a model state for the broader region of the Middle East.

A crucial question is how privatization would be carried out. 'Success story' countries like South Korea, Spain, some of the Central/East European countries may provide specialized advice – both for their positive and negative experience.

What role for the UN? According to Michael Steiner, a former UNMIK chief of Kosovo, UN must rebuild Iraq with ten times as many foreign functionaries than in Kosovo, which means hundreds of thousands. Ac-

According to one of the Iraqi opposition leaders – Bakhtiar Amin, who visited in the spring of 2003 Kosovo – the trip has left him convinced the UN must be excluded from the reconstruction of Iraq. By 20 March 2003 UN and EU preferred the status quo. The post-pre-emptive war situation was tense enough to experiment incompetent governance. The ‘liberators’ of Iraq had to provide the tools for freedom and prosperity. The UN could be helpful in providing humanitarian assistance. The broader involvement of the UN, however, provides more legitimacy of the effort of rehabilitating Iraq and is a significant litmus test of the role of terrorists in Iraq. Though the UN became a target of terrorists several times after May 2003 its role in Iraq is crucial for the regulated progress of this country. The involvement of the UN in the preparation of the first Iraqi elections in January 2005 proved how important it has been to gradually engage the world organization in the region. The fight of terrorists and rebels of various sorts against the UN proved to the regional and the world community that those who oppose the integration of Iraq in the international society are enemies of progress and of the vital interests of the Iraqi people.

As for the EU – it was prudent to involve itself in the post-war reconstruction on clearly agreed with the interim administrations of Iraq terms and the Union should guarantee the implementation of what it pledged to contribute. The involvement of the EU was important in connection with its ambition to be a global actor and not to stay regional.

2. A crucial issue of the mission is to achieve stability and public security. Both troops for hard security contingencies and police are needed. In Iraq, as well as in Kosovo and Bosnia, a lot of light and heavier weapons and ammunitions remained, almost with every citizen. Putting those arms under control is a major step in diluting and preventing civil war or acts of violence.

After dictatorial regime’s security forces disappeared some of them became part of the national or regional organized crime. The murder in the Balkans of the Prime Minister of Serbia, Zoran Djindjic, is a reminder of that post-dictatorial effect. The killings of Iraqi officials at local, regional and national levels also prove the necessity to prioritize law and order requirements.

In the case of Iraq the terrorist activity bears also the ideological appeal that success of democracy in Iraq is ‘mission impossible’. The counter-motive – of proving democracy is not belonging only to the culture of Christians, but has a universal appeal and meaning, needs to be seriously considered by all who have or have not positions on the developments in Iraq. The ‘anti-democracy’ motive did not have any appeal in the environment of the post-conflict Balkans.

War criminals must be put on trial. Reliance on Iraqi judicial institutions was the right decision, though international cooperation was very useful in dealing with this issue too. Justice in an Islamic environment has specific social motivation and repercussion. Equal treatment of Christians and Muslims by the International Criminal Court for former Yugoslavia (ICTY) in The Hague is crucial for the reconciliation process in the post-Yugoslav territories.

In an effort to establish the rule of law and mechanisms of accountability following the war in Kosovo and rising civil disorder, the UN Mission in Kosovo (UNMIK) established a program of international judges and prosecutors (IJP) that was the first of its kind in the world. What has been learnt from the international experience in Kosovo was that successful international intervention in the judicial arena should be immediate and bold, rather than incremental and crisis-driven. Early prosecution by ‘internationals’ can ensure fair and impartial trials and a public perception that even the powerful are not immune to the rule of law, can inhibit the growth and entrenchment of criminal power structures and alliances among extremist ethnic groups, and can end impunity for war criminals and terrorists alike<sup>138</sup>. This lesson of Kosovo was applied in Iraq with a clear and predominant Iraqi participation – a fact that has significant consequences for the self-image of a big and with long state traditions nation.

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<sup>138</sup> Michael E. Hartmann, *International Judges and Prosecutors in Kosovo: A New Model for Post-Conflict Peacekeeping*, USIP, Special Report 112, October 2003, p. 1-2.

3. Regionalization of peacekeeping pays back, but no universal model with 'Balkan' roots and characteristics could be suggested as to how regional peacekeeping and peace building link regional issues, organizations with regional states, the UN and extend this linkage to region-wide positive transformation processes. The maturity of a particular region in the process of globalization is a specific issue, requiring a specialized study, and though a loose concept, could provide some ideas and guidelines for the region around Iraq.

The regional states in the Balkans were crucial factors in supporting in various ways the peacekeeping and peace building in post-Yugoslavia and the Western Balkans in general. This situation is hardly applicable to the case of Iraq. However, a combination of factors bears a potential of urging the neighbors of Iraq to reshape their attitudes in a benign for the common region way. Such factors are: knowledge and experience; global organizations; regional institutions; humanitarian agencies; development agencies; non-governmental organizations; bilateral relations with countries from the region; identity issues of the potential region; level of homogeneity of this region; potential for cooperation and integration of the participating countries; chances of the region to become globally significant; historical and cultural legacies of the region, etc. The definition of the region, in which Iraq exists and develops as well the eventual re-definition of the region itself, may become important tools in tackling a variety of issues in the individual countries of the region, including in Iraq. The rare chance of involving the Balkans into NATO and EU enlargement processes could hardly be repeated as a significant incentive of the transformation processes in the broader Middle East. However, the prerequisites of region building in the broader Middle East could well be studied and borrowed conceptually from the experience of the Balkans. The very first steps could be the establishment of good-neighborly relations with various confidence-building measures between the states around Iraq and Baghdad itself. A purposeful involvement into the broader international relations and diplomatic network as the G-8 summit decided in 2004 is a strategically correct mid-term goal that should be supported.

### *Capabilities/Resources of the Peace Operations*

1. The experience of the military forces in the Balkans, especially in Bosnia and Kosovo, has been well interpreted by the coalition forces in Iraq at the war-fighting phase. The ultimate authority was reached by a quick winning of the war and through cooperation with Kurds in Northern Iraq. Commitment of adequate forces and resources was a clear issue at the very beginning of operation "Iraqi Freedom". The main parts of the peacekeepers stepped in Iraq as the next logical move after the major part of the battle for Iraq was over. Forces from Albania, Bulgaria, the Czech Republic, Denmark, Italy, The Netherlands, Poland, Romania, Georgia, Ukraine and many other countries were added. NATO has a big potential of contributing to the peacekeeping effort. At this point NATO is contributing much less in Iraq in comparison to its involvement in the Balkans. This is due to problems with the mandating for participation and the specific national attitudes and decision-making procedures. There is another issue – the involvement of UN, NATO or EU in the peacekeeping mission in Iraq would require coordination of personnel and of conceptual motivation of the participation. The forces of the enlisted several European countries became part of a clear US scenario of peacekeeping operation. The UN and NATO would need some time to adapt to the forces that are already on the ground as well as to the mission in general. The NATO training mission in Iraq that was launched in 2004 is gathering experience and would probably expand with time. NATO has an incomparable experience in peace operations in the Balkans.

2. The question of 'burden-sharing' in the peacekeeping and peace building operations in the Balkans was solved in a mutually satisfying way by Europe and the USA. 34,000 Europeans put effort together with 8,000 US troops in UNPROFOR. In KFOR the commander was always a European as well as the UNMIK chief. US commitment, however, remains essential for the longer-term success of the Balkan peacekeeping, for the stability and the evolution of the region. The involvement of the USA, NATO and EU in the Balkans received crucial support by the people of the region who have been attracted to the processes of European and Euro-Atlantic integration, modernization and progress in the 1990s.



A similar coordinated effort is needed to balance the strain on the United States by contributing actors from Europe, Asia and the Arab countries. In South East Europe a multilateral effort, called "Pact of Stability for South East Europe" brought together resources from various institutions, mainly EU, but also the IMF, WB, from Japan, Switzerland and Norway. The US is an important catalyst and contributor – directly and through the Southeast European Cooperative Initiative (SECI). In the Balkans EU supports the development of the economy of the region; OSCE – democracy and institution-building, including Kosovo Police Service; UN – UNMIK, the civil administration, UNIP, the international police, UNHCR, coordinating humanitarian assistance. A bottom-up Southeast European Cooperation Process (the 'Sofia process') adds to the top-down initiatives and contributions. EU took the strategic decision in 2003 to integrate the whole Balkan region in the longer-run, with no exceptions.

Analogous formulae should be found and organized in Iraq with a view of involving the neighboring states in cooperative projects. This may trigger processes of transformation on a broader social, economic and political scale region-wide. Realistically, however, first a well-planned campaign of confidence building measures between the countries from the region should be designed and in the process of its implementation new region-wide opportunities could be discussed.

3. An important conclusion of the Balkan experience was that experts on political, military, humanitarian, legal, financial, media and other issues were indispensable at the 'mandating' stage and at the 'mission-implementation' one, when the decision-making process strongly needed them. Intelligence expertise is crucial for guaranteeing the success of the peacekeeping and peace building effort, but especially in the coordinated fight on terrorism that wants to disrupt the constructive efforts of post-conflict rehabilitation. The ability of decision-makers to limit wrong or imprecise decisions of various kinds, to take the best from experts and intelligence operatives would provide them with bigger chances of success.

## **Balkan Nations' Experience About Iraq and In Afghanistan and Iraq**

Though at an early stage some lessons and comparisons of Balkan countries' participation in Afghanistan and especially in Iraq could be tentatively drawn. The national support of NATO intervention in Kosovo has been fervently debated, though the opposing views never crossed the line of direct clashes of people. The difficult measure in favor of supporting NATO was calculated in the light of the direct danger to the Balkan countries' national security that protracted conflicts in former Yugoslavia could cause. The support of the US-led Coalition for Iraq by Albania, Romania and Bulgaria, and later by Bosnia and Herzegovina reflected the inertia of pro-NATO thinking and less the motive of extending democracy elsewhere. The counter-terrorism motive was added later after Iraq turned into the battleground of world Islamic terrorists against civilization and democracy.

Anyway, in contingencies as those in the Balkans and later – in Afghanistan and Iraq, national cohesion and support for the expeditionary troops turns into a major factor of success in the difficult conditions away from the borders of the countries that send them. Preserving that support in the mid- and long-term is dependent on a variety of factors, linked to the national armed forces, to the battlefield, to the evolution of the social environment where the troops were sent, and to the domestic politics. The influence of various factors of the international environment – behavior of other great states, of coalition partners, of international organizations to which the sending country belongs, substantially influence the magnitude of the national support of the mission.

While in the case of Kosovo the 'ideological' motivation to get involved was the salvation of those who were ethnically cleansed, in the case of Afghanistan was the salvation of human civilization, and of Iraq – an eclectic sum of explanations that never reached a very broad or universal agreement – preventing the use of weapons of mass destruction, oil, support of democracy and freedom, geo-strategic domination by the USA, geopolitical pressure on terrorism, etc. Though there could not be proposed an accepted by all and streamlined interpretation of the in-

involvement of some Balkan countries in Iraq there was a general instinctive understanding that success of the Coalition Forces in Iraq is indispensable – because of the solidarity of future NATO members with the United States; extremist Islam; terrorism; the preparations for use of weapons of mass destruction; the call for democracy by many Iraqis and the need to help them; the necessity to have the Iraqi oil running to the world markets and for the benefit of the people of that country and not of a dictator; the need to have a kind of order that no other powerful state but the USA could guarantee, etc. The large turnout at the first-ever democratic elections in Iraq in January 2005 added a strong argument to the involvement.

The activity of providing democracy and freedom to the Iraqis, however, met skeptical considerations especially in Bulgaria and Romania, used during the Soviet era of ‘exporting socialism’ to other societies. Social engineering without adequate ‘bottom-up’ support is doomed to failure and the Balkan skepticism on this issue about Iraq stimulated additional efforts to nourish the local, grass-root needs for democracy and freedom – not imposing ‘our’ vision of society and politics.

This involvement caused an intensified terrorist activity against the Balkan participants in the Iraqi Coalition Forces. The deaths of innocent people and soldiers caused both doubts in the societies of the participating countries and a rise of the will to win over the terrorists’ ideological arguments. The public in the different Balkan participating countries quietly shares the opinion that by engaging the terrorists in Iraq we may attract their attention on our countries, but it would be better to fight them mostly there. The lack of military tradition to fight far from the boundaries of the state is a psychological factor that prevents from the freedom of considering having troops abroad as a normal state of affairs. At the same time the understanding that in today’s world the frontlines must not necessarily be at the border of the sovereign state gets closer to the mind of the average citizen in the Balkan countries. There is a certain comfort that this novel situation is not met by the individual efforts but as part of a group of like-minded coalition partners or allies. The new situation requires new pattern of preparing the troops for practical military contingencies in a non-traditional environment. The political leaders

also need to learn the lesson of taking adequate and timely decisions so that the missions of the troops were correctly defined.

The experience of participation in Alliance and/or Coalition missions of Balkan countries in Afghanistan and Iraq is not over to draw ‘final conclusions’ or ‘lessons’. The evolution of the security situation has not reached stable conditions that would provide a logical ‘level of reference’ in the assessments of the participation of troops from the Balkans. It is sure, however, that the local regional experience of post-conflict rehabilitation is already augmented by the active Balkan countries’ participation in peacekeeping and peace building missions elsewhere.

## **7. Security Sector Governance Issues in Post-Conflict Societies: Concept, Tasks, Experience in South East Europe**

Plamen Pantev and Vesselin Petkov

The purpose of the current chapter is threefold: first, to analyze the security governance activity in the broader context of the purposeful shaping of a regional security community in the Balkans, including the conceptual aspects of the relationship; second, to summarize the findings with respect to the concept of security sector governance, and thirdly – to bridge these findings with the practical implementation of security sector reform in post-conflict situations, bearing in mind the lessons-learned during the recent history of the Balkans, including during the period of fighting terrorism.

### **The Security Governance Issues and the Concept and Practice of a Balkan Regional Security Community**

The first encompassing effort to understand better civil-military relations in South East Europe<sup>139</sup> viewed these relations as an element of the nascent and gradually evolving Balkan security community, of the region's build-up as a prospective compatible component of the Euro-Atlantic security and civic zone. The construction of a regional security community in South East Europe required a re-assessment of the role of the armed

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<sup>139</sup> Plamen Pantev (ed.), *Civil-Military Relations in South East Europe: A Survey of the National Perspectives and of the Adaptation Process to the Partnership for Peace Standards*, IIF, Vienna, ISIS, Sofia, April 2001, p. 7; p. 10; p. 47; p. 205, and p. 213. Earlier assessments of the role of the building-up of a Balkan regional security community could be traced in: Plamen Pantev, *Coping With Conflicts in the Central and Southern Balkans*, St. Kliment Ohridsky University Press, Sofia, 1995, p. 37. More developed treatment of the subject could be seen in: Plamen Pantev, Valeri Rachev, Venelin Tsachevsky, *Bulgaria and the Balkans in the Common Foreign and Security Policy of the European Union*, Research Study 1, ISIS, Sofia 1995; Plamen Pantev, Valeri Rachev, Tilcho Ivanov, *Bulgaria and the European Union in the Process of Building a Common European Defence*, Research Studies 3, ISIS, Sofia, 1996; Plamen Pantev, *Strengthening of the Balkan Civil Society: the Role of the NGOs in International Negotiations*, Research Studies 4, ISIS, Sofia, 1997 – all could be found in English at: [www.isn.ethz.ch/isis/OnlinePublications](http://www.isn.ethz.ch/isis/OnlinePublications)

forces, of the defense and national security concepts, of the real value of the principles and norms of democracy in a nascent Balkan regional civil society. The state of civil-military relations in the individual countries of South East Europe and of the region was considered both an indicator of the level of evolution of the security community and an opportunity to name the obstacles on the way of the developing process. Reaching a higher level of homogeneity in the area of civil-military relations was accepted as a stable step-stone on the way of building a regional security community in South East Europe<sup>140</sup>.

Though the accent has been on the problems of the transitional countries of the region, the question of reforming security institutions in post-conflict societies has been presumed in these initial studies too. The different consequences of the conflicts and wars on civil-military relations in the individual countries, a special focus on Serbia, Croatia, Slovenia and FYRO Macedonia verified the progress of the two generations of reforms in the security sector and democratic control over it<sup>141</sup>. The conclusions of the study were drawn from the perspective of the respective contributions of the individual countries in the field of the reforming defense establishments and civil-military relations to the maturing of the regional security community in South East Europe.

The Geneva-based Center for the Democratic Control of the Armed Forces (DCAF) carried out in 2002-2004 a comprehensive study of the issue of defense and security sector governance and reform in six South East European countries (Albania, Bulgaria, Croatia, FYRO Macedonia, Moldova and Romania)<sup>142</sup>. Initially a stocktaking and self-assessment program showed the national perceptions of the efforts and results in the reform of their defense and security sectors according to the democratic requirements. The research was carefully and competently prepared, organized and carried out. Sixty-six studies were published in two vol-

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<sup>140</sup> Plamen Pantev (ed.), *Civil-Military Relations in South East Europe*, Op. cit., p. 10.

<sup>141</sup> Plamen Pantev (ed.), *Civil-Military Relations in South East Europe*, Op. cit., mainly 'National Perspectives on Civil-Military Relations' and 'Analysis and Conclusions'.

<sup>142</sup> Eden Cole, Timothy Donais, Philipp H. Fluri (Eds.), *Defence and Security Sector Governance and Reform in South East Europe: Regional Perspectives*, Nomos, Baden-Baden, January 2005, 268 pp.

umes, treating democratic oversight and control over defense; the role of the parliament; transparency and accountability; democratic oversight and control over intelligence, police and border guards; the role of civilians and the military in defense planning; good governance in security and defense reform; the role and place of civil society; crisis management organization; peacekeeping and regional stability, and the international requirements and influence.

A third volume analyses the self-assessment papers, published in the first two volumes, enhancing the relevance of the original papers. This third volume also produced a region-wide analysis of the topical papers. It also included a conclusive chapter, surveying the original volumes, the national and the thematic analyses of the third volume, as well as data from other two DCAF studies on expert formation and on transparency in defense programs.

The author of this important chapter is Timothy Donais<sup>143</sup>. He confirmed the assessments of earlier studies, mentioned in this chapter: “While there is still some distance to travel before one can speak in terms of a genuine security community in South East Europe, and while many sources of tension still exist (such as unresolved future of Kosovo), the countries of the region are slowly moving from confrontation to collaboration”<sup>144</sup>. There can hardly be a more fruitful conceptual background on which to assess the security sector governance issues in the transitional and post-conflict countries of South East Europe than the ‘regional security community’ one. It provides the broader societal context and framework that can motivate the activity – national and international, in the direction of improving the security sector reform and performance in the individual countries and region-wide.

In the concluding paragraph of the final chapter of this very useful book Timothy Donais writes that there are “positive signs of growing regional

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<sup>143</sup> Timothy Donais, *The Status of Security Sector Reform in South East Europe: An Analysis of the Stability Pact Stock-Taking Programme*, in: Eden Cole, Timothy Donais, Philipp H. Fluri (Eds.), *Defence and Security Sector Governance and Reform in South East Europe: Regional Perspectives*, Op. cit., p. 221-251.

<sup>144</sup> *Ibid.*, p. 244.

cooperation, which not only is helping to push the reform process forward but is also helping to create, through thousand small steps, a genuine security community in the region”<sup>145</sup>. Our own observations and analysis confirm the significance of the broad regional context, provided by the ‘security community’ one in a defined geographic area, for the successful implementation of the security sector reforms. The confirmation of the original ideas, stated in earlier studies on the topic has significant consequences on the ability of the Balkan region to share its own lessons-learned with other post-conflict locations in the world.

An even newer confirmation of the validity of this concept, applied in the process of organizing and executing security sector governance improvements in post-conflict societies is the study carried out by the Institute for Security and International Studies (ISIS), Sofia as part of a co-project with the Austrian Directorate General for Security Policy, the Bureau for Security Policy, the Austrian National Defense Academy and DCAF in Geneva, treating the evolution of civil-military relations in South East Europe while adapting to the fight on terrorism<sup>146</sup>. The pressing needs for reform of the security sector in the countries of South East Europe were stemming from the required higher efficiency in the battle with terrorism and from the general trend of establishing a security community of nations in the Balkans – part of the enlarging Euro-Atlantic civic and security space<sup>147</sup>.

The study notes also that civil-military relations, democratic control and the security sector reform in South East Europe have become themselves characteristic of the regional security community that is in the process of establishing in the Balkans<sup>148</sup>. Thanks to the domestic stabilizing effects,

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<sup>145</sup> Ibid., p. 251.

<sup>146</sup> Plamen Pantev, etc. (eds.), *The Evolution of Civil-Military Relations in South East Europe: Continuing Democratic Reform and Adapting to the Needs of Fighting Terrorism*, ISIS, Sofia/NDA, Vienna/DCAF, Geneva, Springer Ferlag, Heidelberg, 2005, 276 pp.

<sup>147</sup> Plamen Pantev (ed.), *The Evolution of Civil-Military Relations in South East Europe: Continuing Democratic Reform and Adapting to the Needs of Fighting Terrorism*, p. 7.

<sup>148</sup> Ibid., p. 13.



the growing transparency in the security sector in the individual countries, perceived by the neighbors as a de facto confidence and security-building measure the general security situation in the Balkans is improving and the efforts of preventing conflicts become more effective. The region becomes more predictable from a security point of view and the chances of diverting the social attention and energy on economic and other constructive areas increase for the good of the people of South East Europe and the whole Euro-Atlantic zone.

Another significant feature of the shaping regional security community in South East Europe is the anti-terrorism motivation of the security sector reform. It has become clear to all Balkan nations that unless the different components of the security sector function cooperatively it would be impossible to identify and neutralize the terrorist threat. Another feature of a more mature regional security community in South East Europe is the need for good governance of the security sector. People understand, notes the study, how important security is for their everyday life. They also understand that the more economic the 'security commodity' is – the better their economy and standard of living is going to be. This is a major reason why state budgets and professionalism in the security sector turn more and more into topics of public discussion<sup>149</sup>.

Another proof of the conceptual link between the 'regional security community' and the 'security sector governance' problematic is the concluding part of the study. It says that though the disparities in the levels of evolution of democratic civil-military relations still exist in the individual countries of South East Europe, the tendencies and directions of the developing issues indicate a value of homogeneity in that area that has never existed before. This is a solid guarantee – despite not all security threats and instabilities have been overcome, that the forming regional security community has passed a philosophic turning point that can be hardly reversed<sup>150</sup>.

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<sup>149</sup> Ibid., p. 13-14.

<sup>150</sup> Ibid., p. 240.

## **Security Sector Governance Issues – a Priority Field of Activity in Post-Conflict Societies**

The notion of security sector governance is comprised of three normative elements – security, governance, and security governance. The logical examination presupposes to follow their evolution and see how and to what extent they perform a coherent concept.

### *Security*

After the end of the Cold War we witness significant changes in the security landscape, which in turn lead to the widening and deepening of the concept of “security”. “Widening” equals to the inclusion of political, economic, societal and even environmental threats next to the military ones. On the other hand, there is a growing recognition that in the age of globalization and with the proliferation of intra-state wars and conflicts and ‘failed states’, individuals and collectivities other than the state could and, indeed, should be the object of security<sup>151</sup>. As now security issues are multifaceted the answers given should not be solely at national and international level, but take into account the security concerns of individuals and groups. Thus, the deepening of the concept of “security” marks the shifting of focus from state-centered security and the emergence of new security contenders.

### *Governance*

Hanggi argues that the concept of “governance” is quite a recent one, which has come into use in the context of globalization, reflecting the fragmentation of political authority among public and private actors on multiple levels of governance – national, sub-national and international – which accompanies globalization<sup>152</sup>. He has listed three definitions. In its basic notion, governance refers to the structures and processes whereby a social organization – from the family to corporate business to international institutions – steers itself, ranging from centralized control to self-

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<sup>151</sup> Hanggi, Heiner, Making Sense of Security Sector Governance, in Hänggi, H. and Winkler T.H., eds., Challenges of Security Sector Governance (LIT: Münster, 2003).

<sup>152</sup> Hanggi, Making Sense.

regulation<sup>153</sup>. To cut the long story short, governance is “the capacity to get things done”<sup>154</sup>. Governance comprises “the structures and processes which enable a set of public and private actors to coordinate their independent needs and interests through the making and implementation of binding policy decisions in the absence of a central political authority”<sup>155</sup>. This definition covers a wide range of phenomena such as the introduction of self-government at the local or sector level, the outsourcing of central government functions to the private sectors, the privatization of security in established democracies and ‘warlordism’ in “failed states”, the increasing network-type of cooperation between governments, international institutions and private actors as well as the post-conflict reconstruction and governance of states and other entities under the auspices of international institutions<sup>156</sup>. In the post-conflict context that we are referring to it is important to stress that at the state and sub-state level, governance is mostly exercised by governments, means governance by governments. Yet, we should take into account that government is often forced to share powers with other actors, be it international institutions, foreign powers, armed rebel forces or criminal organizations. There are two pertinent questions to be asked at that point – to what extent is the international community involved in governance issues and to what extent are the above-mentioned “non- statutory” actors influential?

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<sup>153</sup> Rosenau, J.N., ‘Governance in a Globalizing World’, Held, D., and McGrew, A., (eds.), *The Global Transformations Reader*, (Polity: Cambridge, 2000), pp. 181-190. in Hanggi, Making Sense

<sup>154</sup> Czempiel, E.O., ‘Governance and Democratization’, Rosenau, J.N. (ed.), *Governance without Government. Order and Change in World Politics* (Cambridge University Press: Cambridge, 1992), pp. 250-271 (250) in Hanggi, Making Sense

<sup>155</sup> Krahmman, E., ‘Conceptualizing Security Governance’, *Cooperation and Conflict* vol. 38, no. 1 (2003), p. 5-26.; Krahmman, E., *The Emergence of Security Governance in Post- Cold War Europe*, Working Paper 36/01 (ESRC ‘One Europe or Several?’ Programme, University of Sussex: Brighton, 2001), in: Hanggi, Making Sense.

<sup>156</sup> Ibid.

## *Security Governance*

At the state level, security governance refers to the organization and the management of the security sector<sup>157</sup>. There is the point of introducing a broader view about what constitutes the security sector in the broader sense of the term, having in mind the specifics of a post-conflict case. According to UNDP there are five categories of actors, comprising the security sector:

1. Organizations authorized to use force: armed forces, police, paramilitary forces, gendarmeries, intelligence services (military and civilian), secret services, coast guards, border guards, customs authorities, reserve and local security units (civil defense forces, national guards, presidential guards, militias);
2. Civil management and oversight bodies: president and prime minister, national security advisory bodies, legislature and legislative select committees, ministries of defense, internal affairs and foreign affairs, custom and traditional authorities, financial management bodies (finance ministries, budget offices, financial audit and planning units), civil society organizations (civilian review boards, public complaints commissions);
3. Justice and law enforcement institutions: judiciary, justice ministries, prisons, criminal investigation and prosecution services, human rights commissions and ombudspersons, correctional services, customary and traditional justice systems;
4. Non-statutory security forces: liberation armies, guerrilla armies, private bodyguard units, private security companies, political party militias, and,

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<sup>157</sup> Tanner, F., 'Security Governance: The difficult task of security democratization in the Mediterranean', unpublished conference paper (Geneva Centre for Security Policy: Geneva, 15 November 2002), in: Hanggi, Making Sense.

5. Non-statutory civil society groups: professional groups, the media, research organizations, advocacy organizations, religious organizations, non-governmental organizations, and community groups<sup>158</sup>.

Very much similar to this definition is what Ball has put forward. According to her the actors influencing the quality of security sector governance are:

1. Bodies authorized to use force; armed forces; police; paramilitary forces; gendarmeries; intelligence services (including both military and civilian agencies); secret services; coast guards; border guards; customs authorities; reserve or local security units (national guards, presidential guards, militias, etc.).

2. Civil management and oversight bodies; the president/prime minister; national security advisory bodies; legislature and legislative select committees; ministries of defense, internal affairs, foreign affairs; customary and traditional authorities; financial management bodies (finance ministries, budget offices, financial audit & planning units), and, statutory civil society organizations (civilian review boards and public complaints commissions).

3. Judicial and public security bodies; judiciary; justice ministries; defense attorneys; prisons; criminal investigation and prosecution services; human rights commissions and ombudsmen; correctional services; customary and traditional justice systems.

4. Non-state security bodies; liberation armies, guerrilla armies, traditional militias, political party militias, private security companies, civil defense forces and

5. Civil society bodies, professional organizations, including trade unions; research/policy analysis organizations; advocacy organizations; the

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<sup>158</sup> UNDP, Human Development Report 2002, p. 87, in: Hanggi, Making Sense.

media; religious organizations; non-governmental organizations; concerned public<sup>159</sup>.

David Law is giving a more narrative definition, concerning the statutory and non-statutory actors. Both are actors that have the capacity to use force. The statutory bodies are those jurisdictions with a mandate to provide security from a representative authority such as the armed forces, military reserves, the police, paramilitary forces, intelligence services, and border and customs guards. The non-statutory actors are of two types – there are the bodies that can legitimately contribute to the security of government, business and individuals, but lack a mandate from a representative authority. The second group is this of “the outlaws” – those involved in organized crime and terrorism<sup>160</sup>.

In practice these theoretical foundations vary. The level of involvement by the actors mentioned in these five UNDP categories differs widely from country to country depending on the political system. A newly emerging country will be likely to have underdeveloped civil society, judicial, legislative and civil management institutions, with the possible exception of an over-strong executive, as well as statutory security forces that are under-regulated or weak in comparison with both criminal groups and private security operations<sup>161</sup>. If there is a conflict that accompanies the emergence of the state additional challenge appears, namely the contending with competing security sectors on their soil – in the case of Bosnia and Herzegovina for example. There is the further complication that part or the entire domestic security sector is controlled and managed by foreign troops whether operating under or without a UN mandate. Caparini adds a point in the evaluation of the post-conflict context’s characteristics on the Balkans. For her the national security sectors tend to be fragmented, underdeveloped (although some sectors, typically

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<sup>159</sup> Ball, N., Bouta, T. and Van de Goor L., *Enhancing Democratic Governance of the Security Sector: An Institutional Assessment Framework*, Clingendael, (Netherlands Institute of International Relations, The Hague, 2003).

<sup>160</sup> Law, David, *Security sector reform in the Euro-Atlantic region: An unfinished business* in Bryden, Alan and Hanggi, Heiner (eds.) *Reform and Reconstruction of the Security Sector*, Lit Verlag, Münster, October 2004.

<sup>161</sup> *Ibid.*

the armed forces, are overdeveloped for peacetime conditions), over-politicized and structures along ethnic or religious lines. Non-state armed formations, including paramilitary organizations formed along party or ethnic lines, private military companies, criminal groups and guerrilla movements may exist alongside state security structures weakened by corruption<sup>162</sup>. From all this we could conclude that the greater the involvement by non-statutory security forces and the lesser that by non-statutory civil society actors, the worse the quality of security sector governance.

### *Security Sector Governance*

Security sector governance combines the concepts of ‘security’ and ‘governance’ at the state level<sup>163</sup>. Thus, it is essentially a state-centric concept but one which shares with the concept of human security a concern for the welfare and safety of individuals, groups and society, which more often than not suffer most from a poorly governed security sector. Security sector governance as a concept covers those components of the public sector in which reside the state monopoly of coercive power and has traditionally been a key feature of the modern nation-state. It reflects the broad notion of security because it does not cover the military alone, but acknowledges the importance and in some countries the predominant role of non-military security forces<sup>164</sup>.

Security governance is very much closer to the concepts of good and democratic governance. In 2000, the UN Commission on Human Rights adopted a resolution that gave the common denominator by identifying five key attributes of good governance: (1) transparency; (2) responsibility; (3) accountability; (4) participation; and (5) responsiveness (to the needs of the people)<sup>165</sup>. On the other hand democratic governance comprises the rule of law, including legal protection of citizens’ rights, inter-

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<sup>162</sup> Caparini, Marina, Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans, in: Bryden, Alan and Hanggi, Heiner (eds.), Reform and Reconstruction of the Security Sector, Lit Verlag, Münster, October 2004.

<sup>163</sup> Hanggi, Making Sense of Security Sector Governance, Op. cit.

<sup>164</sup> Ibid.

<sup>165</sup> UNCHR Resolution 2000/64, in: Hanggi, Making Sense of Security Sector Governance, Op. cit.

ests, and personal security as well as fairness in the administration of justice and independence of the judiciary. Democratic governance also includes the right of political participation, and transparent and accountable government institutions<sup>166</sup>.

The analysts have furthered the examination of that link. Ball gives the following principles of democratic governance in the security sector:

- Accountability of security bodies to civil authorities and civil society
- Adherence of security bodies to international law and domestic constitutional law
- Transparency of security-related matters
- Adherence of security sector to the same principles of public-expenditure management as non-security sectors
- Acceptance of clear hierarchy of authority between civil authorities and security bodies, clear statement of mutual rights and obligations between civil authorities and security bodies
- Capacity among civil authorities to exercise political control and constitutional oversight of security sector
- Capacity within civil society to monitor security sector and provide constructive input into political debate on security policies
- Political environment conducive to an active role on the part of civil society
- Access of security forces to professional training consistent with requirements of democratic societies
- High priority accorded to regional and sub-regional peace and security by policy makers<sup>167</sup>.

Based on a document published in 2000 by the UK Department for International Development, the Human Development Report 2002 also summarizes the key principles of democratic governance in the security sector as follows:

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<sup>166</sup> Ball, N., Bouta, T. and Van de Goor L., *Enhancing Democratic Governance*.

<sup>167</sup> *Ibid.*



- Ultimate authority on key security matters must rest with elected representatives
- Security organizations should operate in accord with international and constitutional law and respect human rights
- Information about security planning and resources must be widely available, both within government and to the public. Security must be managed using a comprehensive, disciplined approach. This means that security forces should be subject to the same principles of public sector management as other parts of government, with adjustments for confidentiality appropriate to national security
- Civil-military relations must be based on a well-articulated hierarchy of authority between civil authorities and defense forces, on the mutual rights and obligations of civil authorities and defense forces, and on a relationship with civil society based on transparency and respect for human rights
- Civilian authorities need to have the capacity to exercise political control over the operations and financing of the security forces
- Civil society must have the means and capacity to monitor security forces and provide constructive input into the political debate on security policy
- Security personnel must be trained to discharge their duty professionally and should reflect the diversity of their societies – including women and minorities; and,
- Policy-makers must place a high priority on fostering regional and local peace<sup>168</sup>.

From an institutional perspective, democratic governance of the security sector would include the following ‘best practices’:

1. A constitutional and legal framework, which constitutes the separation of powers (between government, parliaments and justice courts) and

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<sup>168</sup> UNDP, Human Development Report 2002, p. 90. See also UK Department for International Development, Security Sector Reform and the Management of Military Expenditure, p. 46.

clearly defines the tasks, rights and obligations of the security sector within the institutional checks and balances.

2. Civilian control and management of the security sector by the government (civilian control over the Ministry of Defense, other security-related Ministries and the military establishment as a whole, with civilian defense and interior ministers and civil servants having key policy and managing roles and with a clear division of professional responsibility between civilians and the military).

3. Parliamentary control and oversight of the security sector (powers such as approval of defense and related budgets, security-related laws, security strategy and planning, security sector restructuring, weapons procurement, deployment of troops for internal emergency situations and abroad, ratification of international agreements on security issues; instruments such as defense committees, hearings, inquiries and investigations, mandating reports, etc.).

4. Judicial control in the sense that the security sector is subject to the civilian justice system, too, and that there are no specialized courts (e.g. military justice courts) outside the civil courts, and,

5. A kind of ‘public control’ of the security sector through the existence of a security community representing civil society (political parties, NGOs, independent media, specialized think tanks and university institutions, etc.) and nurturing an informed national debate on security issues<sup>169</sup>.

## **Security Sector Reform and the Post-Conflict Context**

If democratic security sector governance as laid out above defines the objective that is desirable (but hardly ever met), then security sector re-

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<sup>169</sup> Hänggi, H. (ed.) Practical Confidence-Building Measures: Does Good Governance of the Security Sector Matter?, Working Paper no. 107 (Geneva Centre for the Democratic Control of Armed Forces: Geneva, January 2003). Born, H., and Hänggi, H. (eds.), The ‘Double Democratic Deficit’: Parliamentary

form would be the means of meeting, or coming closer to meeting this objective<sup>170</sup>. But what are the objectives of SSR? With regard to the Eastern European transitions Peter Volten is speaking of “unequivocal settlement of the division of roles and responsibilities plus commitment to a force structure that is *useful* and thus appropriate, can be paid for and thus is *affordable*, and can rely on political and societal support and thus is *acceptable*”<sup>171</sup>. Hanggi points out two normative elements which constitute the core of the SSR concept, namely the development of (1) *affordable* security bodies *capable* of providing security (operational effectiveness and efficiency aspect), and (2) *effective oversight mechanisms* consistent with democratic norms (democratic governance aspect)<sup>172</sup>. In post-conflict situations, SSR has to tackle a third objective, namely *to address the legacies of past conflict* including disarmament, demobilization and reintegration (DDR) of former combatants, judicial reform in the form of transitional justice, the proliferation of small arms and light weapons, and anti-personnel landmines<sup>173</sup>. These two, and in the case of post-conflict environments – three objectives, are widely recognized as the core elements of SSR<sup>174</sup>. Brzoska sees three clusters of objectives: 1) *the build-up of new security sector institutions*, where none exist or are acceptable for reform by the international community, or the retrenchment of overwhelmingly controlling, present, repressive and threatening state security institutions from intervention into politics, economy, and society, where such institutions continue to exist; 2) the disarmament, demobilization, reintegration, transformation, and prosecution of illegitimate armed non-state actors in order *to re-establish a state monopoly of legitimate violence*; 3) the long-term goals of *building-up accountable, efficient and effective security forces*<sup>175</sup>.

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<sup>170</sup> Hanggi, Making Sense.

<sup>171</sup> Volten, Peter, Report of Study Group B: Harmonising and Reforming Defence in CESS Harmonie Paper № 16

<sup>172</sup> Ball, N., Bouta, T. and Van de Goor L., Enhancing Democratic Governance, in: Hanggi, Heiner Conceptualising Security Sector Reform and Reconstruction

<sup>173</sup> Edmunds, T., Security Sector Reform: Concepts and Implementation, DCAF Working Paper no. 3 (Geneva Centre for the Democratic Control of Armed Forces: Geneva, 2002)

<sup>174</sup> Hanggi, Making Sense

<sup>175</sup> Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices in Bryden, Alan and

In order to achieve these objectives, actors use a wide spectrum of instruments belonging to the SSR “toolbox”, ranging from: (a) strengthening civilian and democratic participation and control through (b) reallocating military (material, economic and human) resources for civilian ends (“conversion”, “demilitarization” and control of military spending) to (c) reforming military and police institutions to perform specific tasks (“professionalization”, “capacity building”), (d) developing an independent judiciary and a humane penal system (“rule of law”) and (e) undertaking security analysis and creating policy models<sup>176</sup>. In Caparini’s words, in order that SSR objectives are to be achieved “the localization of security functions as part of the general transfer of authority from international actors to national and regional governments” has to take place<sup>177</sup>. Yet, it is necessary to point out that SSR is holistic, thus fusing ends and means, prerequisites and results, actors and policies<sup>178</sup>. Probably it is the reason why there exist so many definitions of security sector reform objectives in post- conflict cases.

SSR in post-conflict cases is heavily dependent on: a) the underlying crises and b) nature of war to peace transition and c) the conflict cycle. The possible crises could be of public authority, legitimacy and trust; legality and role of law; state and government capacity; privatization and changed state-marker relations; control and distribution of resources; national identity and citizenship; sovereignty and self-determination; regionally and globally interlocking insecurities<sup>179</sup>. The second factor comprises the role of the state and non-state actors, concerning the pro-

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Hanggi, Heiner (eds.) Reform and reconstruction of the Security Sector,. Lit Verlag, Munster, October 2004

<sup>176</sup> Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

<sup>177</sup> Caparini, Marina, Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans

<sup>178</sup> Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

<sup>179</sup> Luckham, Robin, Public Security in “Post- Conflict” States, paper presented at “After Intervention- Public Security Management in Post- Conflict Societies- From Intervention to Sustainable Local Ownership”, joint DCAF/ PfP Consortium workshop

vision of security; depicts if they are inherently repressive and/or unstable, how they fit within a wider regional or global environment, etc<sup>180</sup>.

Security sector reform is time-sensitive and dependent on the conflict cycle. Very often in post-conflict cases it is considered naive to speak of ambitious holistic SSR programs, because of the fact that it is exercised in its defensive mode and its results could be limited only to stabilization. Under such circumstances it makes sense to concentrate on the international actors' time frame rather than on normative ideas about an extended democratization agenda. Security sector reconstruction and reform programs should therefore avoid simply enumerating prerequisites or normative goals that can only result from a multi-year, evolutionary change. According to Caparini the initial institutional focus of SSR programs in post-conflict context should be police reform and reform of the law enforcement agencies. So, before speaking of SSR in post-conflict societies we should take into account all these factors.

## **Regional Specifics**

There are of course some visible features of the post-conflict situations in the Balkans. The *international involvement* for example is performed in various ways- international peace support forces- (EUFOR/ "Althea" in Bosnia, KFOR in Kosovo), international police forces (European Union Police Missions in Bosnia and Macedonia) or international administrations with wide-ranging powers in Bosnia and Kosovo. This is depriving the local authorities from their original monopoly over the use of force.

BiH is still very much dependant on international assistance. At its 28-29 June 2004 summit in Istanbul, NATO announced that the NATO-led Stabilization Force (SFOR) would be terminated at the end of 2004. On 9 July the UN Security Council welcomed the EU's intention to launch a EU military mission in December 2004, and on 12 July 2004, the European Council issued its decision to replace NATO's mission with a EU-led peacekeeping force (EUFOR) at the end of 2004.

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<sup>180</sup> Luckham, Robin, Public Security in "Post- Conflict" States

In the end of 2004 we witnessed the handover between SFOR and EUFOR. The launch of the EU Force in BiH marks the beginning of a new phase in BiH's recovery – its transition from the era of Dayton to the era of Brussels. The EU force works with the EUSR/HR, the EUPM, the EUMM, and the European Commission's assistance programs to support the Stabilization and Association process and the OHR's Mission Implementation Plan. The EU Force helps to buttress the EU's comprehensive approach towards BiH, and supports BiH's progress towards EU integration by its own efforts. NATO's long-term political commitment to the country remained unchanged and the establishment of a NATO headquarters constituted NATO's residual presence in the country. The NATO HQ Sarajevo assumed leadership, in particular, of the defense reform process in BiH on behalf of the international community. Other international actors present are the EU Monitoring Mission, EU Police Mission, EU Special Representative<sup>181</sup>.

EUFOR is organized along similar lines to SFOR, with three major geographic sectors. It continued with all current SFOR tasks, including the pursuit of war criminals. This task was shared with the NATO HQ in Bosnia: NATO and preliminary USA actively search for Persons Indicted for War Crimes, while EUFOR would arrest them if it encounters them in the course of its regular duties. EUFOR would also be obliged to support civilian implementation of Dayton Peace Agreement.

The EU police mission – Proxima - began work in Macedonia on 15 December 2003 following the end of the EU military operation – Concordia (Invited by Macedonian authorities, the EU launched on 31 March 2003 the military Operation Concordia, the first ever EU military operation, with recourse to NATO assets and capabilities. With an initial mandate of six months, the 400 men-strong mission was extended in July 2003 up to December 15) Proxima was a civil police mission with the aim of supporting the process of reform within the Macedonian police service, with particular emphasis on the fight against organized crime. The decision was taken at General Affairs Council (Joint Action

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<sup>181</sup> Mid -Year Report To The European Parliament, January - June 2004, OHR in Bosnia

(2003/681/CFSP)), following an invitation by the Macedonian council of Ministers<sup>182</sup>.

In the security hierarchy at the pinnacle is the Kosovo force (KFOR), the principle armed force in theatre with substantial resources from NATO. As KFOR is the lead security force for the military dimension, the UNMIK Police must be considered similarly in the area of civilian policing. The UNMIK Police organization is divided into three sections: Civilian police, regular policing and criminal investigation; Border police and Special police Units. KFOR's mandate is based upon the UNSCR 1244 and its annexes. In Section 9 of the Resolution there are eight responsibilities that provide the statutory parameters for the KFOR presence. Similarly there could be found the mandate provisions of UNMIK: "to provide temporary law enforcement and to develop a professional and impartial KPS trained in democratic police work"<sup>183</sup>.

Another major external factor for SSR in the Balkans' post- conflict cases is the disciplining effect of the *EU and NATO/ Pfp bid*. The political scene in BiH is dominated by the consequences of two events in late 2003: the publication in November of the European Commission's Feasibility Study on the readiness of BiH to begin negotiations on a Stabilization and Association Agreement (SAA) and the issuance in December by NATO of benchmarks that the country must meet if it is to join NATO's Partnership for Peace Program (Pfp). Following the publication of these documents, all parties represented in the BiH Parliament signed a common platform pledging to undertake the measures necessary for further Euro-Atlantic integration, the first commitment of its kind in post-war BiH. Macedonia is a MAP country and has also signed SAA in April 2003. The Stabilization and Association Process deals with those aspects of security sector reform proper to EU competence, through the monitoring of discrete elements such as the rule of law, independence of the judiciary, democratic control of the armed forces and anti-corruption measures by way of annual country reports. Meeting NATO's criteria

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<sup>182</sup> European Security Review, ISIS Europe, Number 21, February 2004

<sup>183</sup> Fisher, Jeff, Democratic Control of Armed Forces and Kosovo. Security in the Absence of State, DCAF Working Paper No 66, August 2002

and defense capability standards can be a force for both democratic reform and military modernization, but it also requires subordinating nations' defense culture to NATO's (fast-changing) collective needs, which are not always well-attuned to the post-communist SSR environment<sup>184</sup>.

*Dilemmas of Externally Driven Security Sector Reform – the Cases of BiH and Kosovo*

Speaking from historical perspective, post-conflict situations provide fertile ground for security sector reform, but they are characterized by at least six dilemmas<sup>185</sup>.

Firstly, in post-conflict situations are clashing the lack of security and the need to quickly build up institutions which can provide security for the people as well as state institutions with the presence of structures and institutions of war which need to be disbanded<sup>186</sup>. This is the case of Kosovo Protection Corps, which was originally established to be demobilization vehicle for the combatants of Kosovo Liberation Army. It is not security, but civil emergency oriented, its mandate crafted in UNMIK resolution of 1998. It has the following five tasks: to provide disaster response service; to perform search and rescue; to provide a capacity for humanitarian assistance in isolated areas; to assist in de-mining and to contribute to rebuilding infrastructure and communities. Although there is supposed to be a 10 percent minority quota in KPC it is almost exclusively ethnic Albanians that form KPC and there are no Serbs among the 5,000 members. For most of the Serbs in Kosovo KPC is seen rather as part of the problem than as part of its solution. A more successful story is the establishment of Kosovo Police Service. It comprises more than 3,500 officers that graduated from Kosovo Police Service School. 20 percent are women and 10 percent are minorities, many from the Serb community. Over the long- term UNMIK Police will phase out

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<sup>184</sup> Caparini, Marina, Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans

<sup>185</sup> Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

<sup>186</sup> Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices



and handover their policing activities to the KPS. This “mixed type” decision, concerning KPC exposes most of the potential problems of the application of *‘tabula rasa’*. It is often the prerequisite for buying the acquiescence of former perpetrators. Contrary to the assumed need of an ideational and jurisdictional break with the past, reform begins with the fiction of a zero point in order to limit political opposition and resource needs<sup>187</sup>.

Secondly, external input clashes with the need for local ownership. The proper place of the international actors is very difficult to find. As we witness in BiH the OHR has the leading role in the security sector reform and the security sector reform is gradually moving forward. BiH now has a State-level Defense Ministry, headed by an effective minister. Pivotal laws are in place and key appointments have been made. With the confirmation of the last of the general officers by the BiH Presidency on 21 July 2002 (Chief of Joint Staff and Deputy Chief for Operations, and Commander of the Operational Command), top military posts have been filled. There are even three joint army units – one ceremonial, and one for Iraq included. The Intelligence and Security Agency (ISA) became operational on 1 June 2004. The Director General, Deputy Director General and Inspector General assumed their positions as planned. Significant progress has been made in the preparation of rulebooks of which the most important one, the Book of Rules on Internal Organization, was approved by the Council of Ministers on 24 June 2004. The approved organizational structure defined therein had to be in place no later than 31 December 2004. OHR is looking for quick fixes in the field of police reform too. Many claim that it will be preceded by constitutional changes in 2005. The main question is the sustainability of all these reforms<sup>188</sup>.

A third, related dilemma pertains to the fundamental democracy deficit of external interventionism. Bosnia and the OHR is again a cease to

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<sup>187</sup> Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

<sup>188</sup> Mid -Year Report To The European Parliament, January - June 2004, OHR in Bosnia

point. As SSR ultimately concerns the ability of national authorities to govern the security dimension effectively, it is worrying that the domestic political process has been sidestepped in engineering some significant structural changes. Questions may be raised about the legitimacy and durability of measures so lacking in truly local “ownership”<sup>189</sup>.

The fourth dilemma concerns the clash of priorities. At least in post-conflict situations externally sponsored SSR is de facto premised on the assumption that public security and the state monopoly on legitimate violence are prerequisites for long-term democratic, developmental or overarching ‘human security’ agendas<sup>190</sup>. Bosnia and Herzegovina and Kosovo are cases in point. Here international actors have prioritized the security sector reform over the democratic consolidation. However, some authors claim that democratization has to be prioritized, and that with proper democratization respective governance of security institutions will emerge over time. Luckham shares similar ideas with regard to what he calls “policy dilemmas”, concerning the transformation and democratization of security sector governance. Here pertain at least two: building peace and security from below versus overriding priorities of security law and order; investment of scarce resources in economic and social reconstruction or in security, law and order<sup>191</sup>.

A fifth dilemma concerns the principle of rule of law. More often than not the national actors are interested in power preservation. The longer term benefits, such as stability through more predictable behavior of disenchanted segments of society, helping to channel distress, and increasing social cohesion, generally only come in the longer term are not that popular.

The sixth dilemma applies to the domains of the international actors. There is the question over the military or development lead. As security sector reform entails instruments not generally in the military’s toolbox,

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<sup>189</sup> Caparini, Marina, Security Sector Reform and Post-Conflict Stabilisation: The Case of the Western Balkans

<sup>190</sup> Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

<sup>191</sup> Luckham, Robin, Public Security in “Post- Conflict” States

this constitutes a stretch of the capabilities and capacities of military organizations, in addition to claiming ground traditionally covered by development agencies. However, development agencies generally have little experience, and often limited willingness, to deal with security institutions or to develop programs for security sector reform such as police reform or the design of laws for security sector institutions<sup>192</sup>. But it seems to us that what matters more here is the coherence of policies. For example the riots in March 2004 exposed many deficiencies of the security system in Kosovo – it lacked the capacity to anticipate; the chain of command was exposed as disjointed; CIVPOL duties appear to have been prematurely delegated to KPS and at the same time CIVPOL lacking *esprit de corps*; CIVPOL, KFOR and KPS responsibilities divided and therefore obscured. Although it was “military” domination the reaction was far from the point of being described as successful.

#### *Internally Driven Security Sector Reform – the Case of Macedonia*

The case of Macedonia is also described as “post-conflict”. But it has to be highlighted that SSR reform is internally driven and governance lies within the national government. Macedonia has phased out the institutional engineering. It has come a long way since 2001. It survived the double shock in early 2004 – the death of President Trajkovski and the violence in Kosovo. This indicates a certain degree of political maturity and democratization. The engagement of the international actors played its role for the stabilization of the country, though sometime described as “confusing” and “incoherent”.

The problems faced by the Macedonian government in the implementation of SSR are mainly crisis-connected. It affected the institutional relationships, exposing unclear relationship between the President and the Government and the weak mandate of the Security Council; it gave some advisory bodies a decisive position; when talking about management it led to the creation of parallel “shadowy” agencies (like the “Lions” for example). In a post-conflict environment it is also hard to apply the principles of transparency and accountability. The Parliament is

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<sup>192</sup> Brzoska, Michael and Heinemann-Grüde, Andreas, Security Sector Reform and Post-Conflict Reconstruction under International Auspices

marginalized. Weak and unprofessional parliamentary oversight of the budget of the military, the police and paramilitary units made possible the heavy overspending by the MOD and particularly the MOI during the crisis: it was caused mostly by unauthorized recruitment of large numbers of untrained reservists and the acquisition of expensive weapon systems (ground support aircraft for the military, heavy armor and artillery for the police) which did not contribute much to the ability of the armed forces to fight armed ethnic Albanians, who used classical guerilla tactics. At the same time, badly needed improvement of training and C<sup>3</sup> were mostly neglected<sup>193</sup>.

The crisis of 2001 highlighted the importance of a truly comprehensive approach in SSR. Despite the government's efforts, the Macedonian police force is still unable to counter security threats, such as organized crime (drugs, arms and human trafficking), corruption and a weak economy and does not yet enjoy public trust and confidence in law enforcement capabilities. One of the reasons is the failure to build up an effective community-based multi-ethnic police service. There continues to be poor communication, co-ordination and intelligence sharing, overly centralized control of the police sector and continuing reliance on heavy-handed tactics, all of which are considered responsible for the general weakness of the Macedonian security forces.

From problem-oriented point of view emphasis should be on areas, which have a synergetic, or multiplier effect, such as education and training. Expectations as to the speed with which these reforms produce visible results should be realistic: vested interest of some political forces in maintaining the status quo, underdeveloped political culture, lack of readiness for compromise and cooperation among political forces, and other factors will undoubtedly hamper progress<sup>194</sup>. From institutional perspective reforms should be holistic and future-oriented: while not ne-

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<sup>193</sup>Krasznai, Márto, Macedonia (FYRoM): Analysis of the Stability Pact Self-Assessment Studies in E. Cole, T. Donais and P. Fluri (eds.), Defence and Security Sector Governance and Reform in South East Europe: Self-Assessment Studies – Regional Perspectives

<sup>194</sup>Krasznai, Márto, Macedonia (FYRoM): Analysis of the Stability Pact Self-Assessment Studies

glecting the military, even greater efforts should be made to improve the ability of the government to fight new challenges to security by stepping up police reform (including the full take-over of border security) and other law-enforcement agencies. Rebalancing the relationship among the main players (President, Security Council, Government, Parliament), necessary for more effective parliamentary control can be expected only over a relatively long period of time<sup>195</sup>.

## **Conclusion**

Completing the task of constructing a ‘regional security community’ would require SSR and democratic governance of the security sector of the participating countries. Strengthening the democratic governance of the security sector is a complicated political process that goes beyond constitutional and legislative changes. Because what they cannot achieve is to alter the mentality and political culture of those actors engaged in security sector governance. And as a result we face the neat picture, created by “paper reforms”. The principles of democratic security sector governance define objectives that are desirable for all governments and effectively describe an ideal type of security sector governance. But it is also necessary to define the entry points and adjust the broad understanding for objectives to the local needs. The policy dilemmas should find their answers in each and every post-conflict case, which would enable a more focused reform and reconstruction process. On-ground analysis would help for elaboration of individual cluster for progress. Although some cases, like the Macedonian one for example, are also described as post-conflict it would be shortsighted not to distinguish the relatively higher degree of local ownership and different set of priorities.

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<sup>195</sup> Krasznai, Márto, Macedonia (FYRoM): Analysis of the Stability Pact Self-Assessment Studies

## **8. Economic Aspects of Post-Conflict Rehabilitation in the Western Balkans**

Mladen Stanicic

### **Introduction**

The main purpose of post-conflict rehabilitation (PCR) process in the countries of South-Eastern Europe (SEE), or Western Balkans (WB), which is relatively new invented term launched at the EU Summit in Thessaloniki in June 2003, is to set up foundations for development of the so called local ownership. In other words, on their own feet, own competencies and potentials. In this particular situation, the truthfully and lasting substantial local ownership can be only reached by gaining the status of a full-fledged members of EU by all countries in region.

The region in question consists of five states (Albania, Bosnia and Herzegovina, Croatia, Macedonia and Serbia and Montenegro) that have joined the Process of Stabilization and Association at the Zagreb Summit in November 1999. Fulfillment of the SAA and accession criteria entails far-reaching reforms, principally the development of adequate institutional capacity. Following the commitments, and having the basic capacity to negotiate, conclude, and implement a SAA is a demanding task, but it is necessary to be reached if the countries wish to achieve a more advanced stage of the relationship with the Union.

In view of that, new European approach regarding the economic aspects of PCR in the so called Western Balkans was set out in the preparation documents for the EU Summit in Thessaloniki in June 2003. It was stated, *inter allia*: as the WB countries gradually move from stabilization and reconstruction based on aid to association and sustainable development, policies pursuing economic and social cohesion at both national and regional levels become increasingly relevant. The integration of economic and social cohesion into EU policy towards the region is required. There is a pressing need for new strategies to promote structural reforms across the region, including additional forms of pre-accession assistance. Once structural reforms are realized further development

within the scope of PCR in the region can be relied upon local ownership, and subsequently international community can start with the implementation of 'exit strategy'.

In the Summit's final document for the five countries undergoing the Process of Stabilization and Association it was said that 'the gates of Europe are open, and prospects of entering the EU are encouraging'. Having in mind what went on in the recent past from this point on, the region of WB became one of the regions where the PCR should be practiced within the new framework, which fits to the new development in the area. The first step in this direction concerns the need to make a major change in the strategy of further financial cooperation or financial support to the region. The cooperation or the financial support should be directed to making the region capable of independent economic development, formulated as 'from aid to self-sustainability'.

Unfortunately, this was not substantiated with concrete financial arguments, so the funds of the CARDS program earmarked for these countries (for the period of 2002-06 there are some €5 billion allocated for this purpose) have been increased by mere €200 million. In addition to that, these countries, with the exception of Croatia as a candidate country in the last year, are denied the access to pre-accession funds, like the SAPARD or the ISPA, which would be very helpful in the process of adjusting some segments of these countries' economies to the EU criteria<sup>196</sup>. According to this, it is obvious that there is a tendency to reduce the financial aid, to provide more help through consultations and other forms of support, leaving the obtaining of the funds to the countries themselves, that is, to the ability of their political and especially economic circles.

Economic analysis shows that none of the countries in the region, not even Croatia, despite being the most advanced among them, is economi-

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<sup>196</sup> For instance, the SAPARD fund is very valuable in the adjustment processes regarding agriculture. This is very significant, since it is well known that agriculture is very important for the EU, as much as it represents an important issue in the EU relations with associated member states. The ISPA fund is important for adjustment processes in the domain of transportation and environment protection.

cally and institutionally able to finance the desired development from their own resources. Each of them needs foreign capital. Now, the question is how to get it, what should each of these countries do individually or what should they do together in order to attract foreign capital, preferably in the form of foreign investments in the region. Political stability is the first criterion on the list, on the basis of which the foreign investors are deciding to invest in certain area. The importance of this criterion was magnified in the past few years.

## **Countries' Performance**

*Croatia* has advanced the most in this process, followed by Macedonia. Remaining three countries have not yet started serious negotiations. That is why the Croatian contribution to PCR in the region has relevance. Croatia has the biggest potential to lead the entire region along the lines of new 'from aid to self-sustainability' strategy, which is very likely to be its main contribution to the PCR in the region.

On 20 April 2004 the European Commission adopted a positive *Avis* on Croatia's application for membership in the EU and recommended to the EU member states to open accession negotiations with Croatia. The Commission gave an overwhelmingly positive assessment of the state of Croatia's democracy, market economy and ability to implement the *acquis* in the medium term.

The European Council granted to Croatia a candidate status in order to begin negotiations sometime in 2005 providing that some problems of Croatia's cooperation with the International Criminal Tribunal for the former Yugoslavia (ICTY) are settled. In advance of the negotiations, the Council has agreed a general negotiating framework and requested the Commission to present an evaluation in this regard, before the end of its mandate. It confirmed that the negotiations are going to be based on Croatia's own merits and that the pace will depend solely on Croatia's progress in meeting the requirements for membership.

In order to prepare for negotiations, it was concluded that work should begin on an examination of the *acquis*, which might best be undertaken



in the framework of the SAA with Croatia. The European Council also requested the Commission to prepare a pre-accession strategy for Croatia, including the necessary financial instruments.

Croatia's acceptance as a candidate country is intended to send a signal beyond Zagreb. The European Commission has been disappointed by the adverse political developments in Kosovo and Serbia and by the slow pace of reform in Bosnia and Herzegovina, Macedonia and Albania. It is keen now to pay for Croatia as a positive demonstration case to show to the rest of the region that the EU is serious when promising integration and that it is up to the countries to prove their preparedness for EU membership. Needless to say, the EU decision to back Croatia as a model success story for the next few years is a big bonus for the country.

There should be no illusion in Zagreb, however, as to the strictness of application of EU accession criteria. The positive political climate around Croatia's membership application will not water down the EU entry conditions. Now Croatia has to prepare for the 'induction course', which is long, deep and extremely demanding. The Commission has identified the problematic areas where more efforts are expected from the Croatian government, namely on reform of the judiciary, return of refugees, restitution of property, etc<sup>197</sup>. Furthermore, the huge task of adopting the EU *acquis* and harmonizing the national legislation with the EU body of law is not going to be quick and easy. The official candidate status makes Croatia eligible to apply for pre-accession funds. This kind of development will enable Croatia to foster its inner stability, and thus to enhance foreign policy that will contribute to the stability of the whole region, and beyond. Croatia's contribution to the PCR in the region will certainly be in its growing and constructive participation to the establishment of the long-term stability in the region. Once it becomes the full-fledged member of European Union, Croatia will act as a real producer and not more only as a consumer of stability. By meeting all European standards and criteria, Croatia will contribute to the regional security creating a model for eastern neighbors. That is the main contri-

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<sup>197</sup> More about this – later in the text.

bution and main basis of the effective and long lasting PCR, as well as stability in the region.

Economic growth in the region reached above four per cent in 2003 for the fourth consecutive year. Most of the countries show slightly higher growth rates as compared to previous year. By considering that, one should take into account the fact that the basis for measuring this kind of rate was very low, which makes the growth more credible in relative than in absolute terms. That is why the reliability of statistics is rather poor and is able to indicate the real economic situation only in general. The level of gross domestic product (GDP) per capita reaches a regional average of €2,400, ranging from about €700 in Kosovo to €5,400 in Croatia. If Croatia is excluded, per capita GDP of the remaining countries average €1,700, which indicates that income levels in the Western Balkans generally lag considerably behind those in acceding countries of Central and Eastern Europe (CEECs), where the average per capita GDP amounts to some €6,000.

As to other countries in the region, *The Former Yugoslav Republic of Macedonia (FYROM)* is supposed to accelerate the accession process sooner than the other countries in the region (except Croatia). It submitted an application for membership in March 2004. Having in mind what this country went through in the recent past, the situation in the country is relatively stable on the political and security level, which provides suitable framework for positive involvement in the broader PCR process. What is still fragile is the economic situation. The general government deficit is not so high (1,5 per cent of GDP), but recorded unemployment is very high, some 20 per cent of the citizens are estimated to live below the poverty line and the infant mortality rate is three times higher than in the EU. Sustained high rates of unemployment may cause social and political tensions undermining further economic and political reform, which might have a bad impact of the country's contribution to the PCR in the region. The overall trade deficit remains at about 17 per cent of GDP, which is the best performance among all countries in the region including even Croatia. Despite all these problems, FYROM is considered as the country, which can embark on the track of local ownership in the foreseeable future earlier than all its neighbors. This can be illus-

trated by the fact that the foreign grants account around two per cent of GDP, which is the lowest in the region. This can be considered as an indication that this country has started successfully to develop its genuine resources for development, which will affect positively the PCR in the whole region.

Since 2003 there have been nine rounds of negotiation on concluding SAA between EU and *Albania*. One of the issues emerging from this process is that this country needs to accelerate reforms and achieve far more concrete results, particularly as regards implementation of legislation. The general government deficit is highest in the region (5.5 per cent of GDP), the poverty line and the infant mortality rate is five times higher than the EU average, living standards are particularly low in rural areas and for low skilled workers and the unemployed. Estimates of the size of the informal economy are high and may reach as much as 50 per cent of GDP. In relation to this bad performance, this country is not capable to enter the process of local ownership, although the political stabilization is quite acceptable. As a conclusion one can say that from the political point of view Albania is relatively capable to participate positively in the PCR in the region, but this is not the case if the bad economic is taken into consideration.

The EU started to work on Feasibility study on opening SAA negotiations with *Serbia and Montenegro* in 2003, but further dialogue within the framework of this study is postponed. This country is still not able to solve its main problem – the non-transparent constitutional status on the basis on local ownership. It is still not clear how this country will be organized constitution-wise in the foreseeable future – what it is going to happen with the so called state community between Serbia and Montenegro, what will happen with Kosovo which is apparently now the main problem of the region.

Kosovo is administered under the UN Security Council benefiting from all the elements of the SAA process, with the exception of possibility of contractual relations with the EU. Although officially a part of the state community Serbia and Montenegro, Kosovo is in effect excluded from its state sovereignty, which makes geopolitical stability in the region

very shaky. The eruption of violence in March 2004 was a major setback for Kosovo. It was very elucidatory indication that the time for successful PCR in this part of the region is still not advanced enough which makes the condition for PCR worse in entire region. In order to improve the situation, Kosovo needs to be anchored to the SAA process at least virtually, because there are not, at the moment, formal conditions based on international law, which would allow dealing with Kosovo as a sovereign international entity.

This ambiguous constitutional status affects considerably the inner political situation in the country, provoking augmenting extreme and radical political options such as nationalism, chauvinism and xenophobia. Such political options complicate the process of PCR particularly in the field of post conflict reconciliation. That is why it is quite uncertain whether and when the possible upgrading of the economic situation might affect positively the PCR process in the country and subsequently the entire process in the region.

*Bosnia and Herzegovina* is in a way in similar situation. The state is constitutionally very complicated. First, it is still semi-protectorate under the regulation of international community represented by the Office of the High Representative of the UN. Furthermore, the state is divided into two entities with large decentralization within each of them. There is a large administration in various levels, which makes this country very expensive to run. This affects badly economic prospect of the country and its possible positive influence to the PCR process particularly, again, in the field of post conflict reconciliation.

### **The Relevance of the CARDS Assistance Framework**

In general all concerned countries have made some progress on structural reforms, but overall pace of reform remains modest and significant and structural reforms remain to be introduced. In addition, some achievements are fragile and need to be consolidated.

The main problem which should be discussed within the process of implementation of the new 'from aid to self-sustainability' strategy, which

is the main condition for pursuing credible PCR process in the region, is how to conform the assistance with development rather than to put too much stress on stabilization. This relates primarily to the CARDS assistance framework, which should prepare the countries in question for the pre-accession activities. Based on the existing experience one can recommend that, for the benefit of PCR, CARDS has to reflect the individual needs and priorities of the countries in the region, some of which are still struggling with the consequences of the conflicts in the region and have, therefore, different starting points and different absorption capacities.

According to some experiences, more visibility should be enhanced regarding any concerned assistance program including CARDS as well as pre-accession fund where it might be likely, along the way of the new assistance strategy, especially at local and regional levels. In Croatia, but also in other countries in question, NGOs in particular are concerned with the fact that only limited number of people, apart from those directly involved is aware of the new assistance strategy, which makes the promotion of a multitude of benefits received through the programs difficult. This is very important because the lack of visibility of any given program, and the strategy in general, results not only in the lack of public support, but also in the lack of support within the institutions they work in.

Within the scope of the new assistance strategy, additional incentive is needed in the process of harmonization of legislation. It is very important to activate mechanisms that would secure rapid and efficient response to the demand for expert support in the process of adjusting the national legislation to the *acquis communautaire*. These mechanisms should rely on the TAIEX instrument (Technical Assistance Information Exchange Office), which is now open only to the candidate countries. Such assistance should be adapted to the dynamics of legal harmonization in each recipient country on a case-by-case basis. Within the scope of implementation of the SAA after its entry into force, it is very significant to introduce a systematic verification of the harmonized legal provisions with the *acquis communautaire* by respective services of the European Commission. This can be achieved through a screening principle.

Following the process of harmonization of national laws with the *acquis communautaire*, a demand for investments, which would provide for an efficient application of the harmonized legislation, will become increasingly pronounced. In that respect, and in accordance with experience of the candidate countries, it is proposed to adjust and amend the CARDS Program, particularly, in such a manner as to secure resources for investment-type projects with a view of implementing the *acquis communautaire* in the fields of environment protection, transport infrastructure, technical legislation, market surveillance and creation of infrastructure related to the functioning of the internal market in concerned countries.

Since the CARDS Program is primarily an institution-building program, the introduction of the twinning mechanism as a model of project implementation, is evaluated as especially relevant. Twinning enables direct transfer of know-how and experiences of state officials from countries donors to the recipient countries, but it also contributes to the process of development of institutional relations that similar administrative bodies maintain after the project completion. It is necessary to stress that inclusion of state officials from the candidate countries as junior partners is extremely important since they offer a direct experience emerging from the process of transition and adjustment to standards of the European Union. Since currently the twinning model can be applied only in certain sectors (the public administration reform, justice and home affairs, public finance and adjustment of laws related to the functioning of the internal market), it is estimated that it would be useful to extend the twinning model to the whole *acquis communautaire*.

Furthermore it would be very recommendable to undertake the necessary legal and institutional measures with a view of harmonizing the CARDS implementation mechanism with the INTERREG initiative and other programs of cross border cooperation open, at the moment, only to the candidate countries (PHARE CBC). Within its priority goals, the CARDS Regulation includes a promotion of cross border, trans-national and regional cooperation among the recipient countries, and cooperation with the candidate countries and the EU member states. In Croatia, for example, there is a great interest at national and regional levels for im-

plementing the activities that would result in closer linkages between national (regional) areas that share common borders or belong to a larger trans-national area. Majority of those activities are planned within the scope of the INTERREG initiative or bilateral cross border cooperation with Slovenia and Hungary. While for the participation in such activities the member states are entitled to utilize means of the European Fund for Regional Development, and the candidate countries are granted this opportunity through programs supporting cross-border cooperation (PHARE Cross Border Cooperation), only Croatia among the SAA countries is currently in the position to finance its participation with means provided by the CARDS Program in such a manner that projects are mutually linked. The extension of this provision to other SAA countries would contribute a lot to the implementation of the new assistance strategy and subsequently to the PCR in the region. Bearing that in mind, there is a very urgent need for the CARDS Program to act complementary to other Community initiatives and programs. In this sense the necessary measures with a view of adjusting the implementation mechanisms of the mentioned instruments and secure appropriate financial means for the implementation of cross-border and trans-national projects should be undertaken.

### **The Role of Regional Cooperation**

The EU has made increasing efforts lately to enforce its foreign policy, as well as its security policy, in order to become a more relevant partner of the USA, at the same time contributing to the transformation of international relation paradigm from the present state unilateralism to multilateralism. One of the preconditions is the creation of the regional security structure in the Western Balkans and the involvement of the states in the region in the process of 'the Eastern enlargement'. Bearing in mind armed conflicts, destruction, and bloodshed in the region in the past decade it is a very complex task. However, good security state in 'Europe's backyard' (informal nickname for the region) is one of the conditions for securing the entire territory of the EU, and beyond. The best guarantee for this would be adjusting these countries to the EU standards and criteria, which is the optimal way to successful PCR. One of the precondi-

tions is the suitable economic development, and in this context a suitable level of economic cooperation.

Here one encounters a delicate question concerning the level of that cooperation. Economic cooperation between the countries with such differences in economic development, even in the development of democratic society, could turn out to be counterproductive. The theory of integration and cooperation should be thoroughly examined. It starts with functional cooperation, goes on to functional integration, which then goes to institutional cooperation and ends in institutional integration. It should be carefully analyzed to find out which type of cooperation could be applied to the territory of the Western Balkan in order to exercise optimal PCR.

According to economic indicators, there are substantial differences in the development of Croatia and other countries in the region. In theory, as well as in practice, these differences could be overcome only by normal market approach, which forms the basis of all reforms of the countries in transition. Market approach is obtained from the business interests of business units or companies, and not from political pressures, which aim to form an association under all costs, thus forming an association with no real business interest. If Croatian companies are interested in buying certain factories in Serbia, and vice-versa, they should carry out their business transactions on their own. As far as the State authorities are concerned, they could give their support to a particular type of functional cooperation. The State authorities could, for instance give their support to cooperation regarding the free trade zones. Any further cooperation, be that multilateral free trade zones, highly recommended by Brussels, or custom unions, should be left in the hands of business experts. Therefore, this is a very delicate situation, which requires a subtle approach from all parties involved, including Brussels and stakeholders in the region, as well as careful decision-making.

When other assumptions of attracting foreign investments are concerned, it is very important to establish credible judiciary and effective public administration. The situation in Croatia concerning both is very problematic. The legal procedure regarding foreign investments is very com-



plicated and long; cases against corruption on this level and on privatization are being postponed until the statute of limitations runs out. Even the international community has singled this out as a problem. The land registry system is also a great cause for concern, regarding the attacking of the FDI. A large part of the funds of the CARDS Program were allocated for tackling these problems. Generally, it can be concluded that the stabilization in the region has made progress, but complex and long run challenges of state building and economic development is far from completion. The region is not yet firmly locked into the EU integration process and the situation in Serbia and Montenegro and Bosnia and Herzegovina in particular could get worse before it gets better. The Western Balkans needs the EU very much, and the EU is now offering the new assistance strategy for the region, but it is, except for Croatia, not sufficient enough to meet the main precondition for a successful PCR.

## **Conclusions**

While talking of the prospective to develop convincing PCR process in this part of the world one should take into consideration some specific qualities, which are particularly related to the historical development of all countries of the region. First, this region is one of those areas where a center of their own which would attract other countries has never been built, neither have any forms of co-operation based upon any established common interest. Without visible common interest, precisely the dark pages of regional history become more important. Economic analyses, on one hand, speak about potential possibilities of co-operation in the sense of PCR, but numerous reservations are instantly visible, and on the other, stress that each of these states have always been directed towards relations outside the region. No attractive arrangements have ever been made between those states and, finally, there is a constant fear that linking to the region, who's geographical name 'the Balkans' has pejorative meaning for many states of the region, would increase the distance from or make the road to the European integration more difficult. With such bad historical experiences and so many present fears, it is very hard to develop feasible PCR process, which should be the first step in proving the maturity and capability of those states to go along the road of resolution of their problems and within it find some useful forms of unity.

Only the projects that would take into consideration the reality of relations, the mood of the main protagonists and the possibility of their gradual realization, can hope for success and as such could become the projects of a successful development and even the foundation for co-operation based on the philosophy of workable PCR process.

Gradual accession to the EU is such a project, which after many failed attempts of joint projects can motivate the countries of the region for a closer co-operation. After the difficult historical legacy during which these countries had completely different geo-strategic goals, this is their first common goal that all want to achieve. Therefore, the EU and the Euro-Atlantic Community in general must not miss this historical chance.

## **9. Specific Issues of Post-Conflict Rehabilitation**

### **9.a. The Case of Bosnia and Herzegovina**

Nedžad Hadžimusić

#### **Introduction**

2005 marked the 10<sup>th</sup> anniversary of the Dayton-Paris Peace Accords (DPPA), which put an end to the brutal war in Bosnia and Herzegovina (BiH). Ten years after Dayton, BiH is now ‘almost like one country’.

First and foremost, all Bosnians now carry the same passport. Out of 2,2 million of refugees more than 1 million have either gone back home or claimed their properties. More than 500,000 have returned or claimed their properties in the areas they represent a minority. There are free and fair elections and functioning institutions at all levels of government. The country has been undergoing an extensive reform process, covering a wide range of areas including defense, intelligence, customs, taxation and border security.

This progress has also started to yield tangible results in the international arena. BiH has been accepted as member to the Council of Europe in 2002. The country is on its way to integrate with Euro-Atlantic institutions, joining NATO’s Partnership for Peace (PfP) Program and starting negotiations for a Stabilization and Association Agreement (SAA) with the European Union (EU) being its primary foreign policy priorities. Finally, BiH has recently been re-categorized by the World Bank, as a ‘country in transition’ instead of a ‘post-conflict country’.

There is no doubt that over the past ten years, BiH has become politically stable. However, can one possibly argue that the ‘model’ created in Dayton is a true ‘success story’ or are there embedded problems emanating from the system, not really visible from the surface?

## **Visible Challenges**

In the aftermath of the war the Bosnian policy agenda was focused on peace implementation tasks. However now as the reconstruction and return process have been achieved, economic and social problems emerge as the main preoccupation of Bosnian citizens.

The most visible indicator of success in the post conflict war society would be the state of its economy. Here unfortunately, the situation of BiH is everything but success. The absence of a full-fledged market economy, the rule of law, an efficient public administration, a transparent and light regulatory environment for business and modern infrastructure all combine to drive away investors and exasperate entrepreneurs, who prefer to invest their money elsewhere –and increasingly to other countries in the region. The result is alarmingly high levels of unemployment and widespread poverty. Economy will probably be the major challenge for the current and future BiH governments.

## **Embedded Flaws**

Less obvious maybe are the flaws embedded in the system created by DPPA itself. In the words of the chief negotiator Richard Holbrooke himself, DPPA was probably the only way possible ‘to end a war’. Whether or not it led to a sustainable state structure is very much questionable.

The DPPA established BiH as a highly decentralized state, giving extensive powers to two new entities, Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH) and only limited and specific powers to BiH’s common institutions. Until the recent reforms, BiH had no countrywide system of administration, no single army and an at best embryonic judicial system. Moreover, limited formal powers were matched by a very limited ability to raise revenue – the State relying mainly on Entity contributions. Most of these have changed with the recent reforms, but whether or not they will effectively be implemented is yet to be seen.

A modern society is based on individuals enjoying equal status of ‘citizens’. According to the constitutional arrangement within the DPA, however, BiH society is composed of ‘constituent peoples’, not citizens. This means that the ‘constituent peoples’ function as three parallel, ethnically defined and separate societies. So far the constitution does not recognize Bosnia-Herzegovina's citizens but only Bosniaks, Croats and Serbs. Unfortunately it still carries built-in flaws creating permanent social fragmentation to the detriment of overall development of the country.

As far as legislative power is concerned, the BiH parliament consists of two chambers: the House of Peoples and the House of Representatives. All legislation requires approval by both houses, but a proposed decision may be declared “destructive of a vital interest of the Bosniak, Croat or Serb people” by a majority of either Bosniak, Serb or Croat deputies and therefore blocked.

The BiH state parliament has faced several challenges. The willingness of some deputies to block State-level legislation which they see as incompatible with their particular entity interests has depressed parliament’s legislative record – and has raised questions about the level of identification with BiH State interests. Despite these difficulties there is agreement that parliamentary performance has gradually improved.

By the same token, the three-headed State Presidency represents the three constituent peoples. With its constitutional prerogatives in the areas, such as foreign policy and state security, this collective body is often blocked by disagreement, thus undermining the reform process and the very prestige of the country.

### **External Dependency**

There is also the element of ‘external dependency’. According to DPPA, the civilian implementation has been given to the Office of the High Representative (OHR), headed by the High Representative. With the extraordinary powers (so-called Bonn powers) given to him in 1997, the High Representative can impose legislation, remove democratically

elected state officials from office for ‘obstructing Dayton’ or on similar grounds, prevent legislation adopted by the Parliament from entering into force. By the very nature the powers of the High Representative, the OHR intervenes almost on a daily basis in the affairs of the state. It is often the case that it is the OHR, rather than the elected state officials, who initiates reforms or even drafts legislation. This ‘soft totalitarianism’, in turn, results in apathy among the democratically elected leaders, as they are very often not responsible for policy making and creates a dependency.

Linked to the OHR, there is also the concept of the ‘international community’. The ‘international community’ was ill prepared for intervention in the Balkans; its performance has improved over the past decade, but there is more room for further improvement. The OHR reports to the Peace Implementation Council (PIC), composed of 55 countries assisting BiH. The ‘international community’ is omnipresent in BiH, both by the influence it has on policy-making through to the OHR, but also by the still substantial amounts of foreign aid given to the country. In this sense, the state of BiH could hardly be considered independent’.

### **Road to Emancipation – ‘Moving from Dayton to Brussels Phase’**

As one of the five Western Balkan countries, BiH is embraced by the EU policy for Southeast Europe – ‘Stabilization and Association Process’ (SAP). Through the SAP, the EU offers a roadmap for a stable and prosperous future culminating in eventual EU membership, which is BiH’s declared foreign policy priority.

Up to date, BiH has made ‘substantial progress’ in fulfilling preconditions for opening negotiations for an SAA given by EU Commission. Police reform and full cooperation with the International Criminal Tribunal for former Yugoslavia (ICTY) remain the last obstacles for the opening of the negotiations with EU.

Despite remarkable progress on the defense reform front placing the armed forces under state control, and fulfilling almost all NATO’s reform benchmarks, in December 2004 NATO once again turned down

BiH's application to join PfP due to its failure to co-operate fully with the ICTY. The ICTY Chief Prosecutor Carla del Ponte noted in her presentation to the UNSC in late 2004 that there were fundamental systemic weaknesses built into the law enforcement and security structures in Republika Srpska which hindered its co-operation with the ICTY and which needed to be addressed.

European integration process is currently the main driving force for reforms in BiH, as in the rest of the Western Balkan countries. There is a broad consensus among all political actors in BiH in terms their support for an eventual EU membership, albeit their differences of opinion in other policy-making areas. Nevertheless, the road to Europe is a long and arduous one.

The feasibility study for BiH, announced by the European Commission on 18 November 2003 highlights, *inter alia*, BiH's "independence" problem. By underlining that "only coherent and functioning states can successfully negotiate an agreement with the EU", the study draws a guideline for BiH on its road towards Europe.

First and foremost, to become a competent SAA partner, "BiH would need to demonstrate that the Bonn powers are rapidly becoming redundant, permitting the High Representative to become at most a facilitator and mediator." In other words, BiH is required to "mediate its own internal options and preferences in order to present a single, coherent national position to EU counterparts." The 16 conditions presented by the study all aim at the ultimate objective of making BiH a coherent, effectively functioning state, able to make policies without outside interference. The study reveals that progress is being made to that end, but "significant progress", the ultimate benchmark for the SAA negotiations, is not yet recorded.

Since the adoption of the laws establishing the State Investigation and Protection Agency (SIPA) in July 2004, the agency has moved steadily towards full operational capability. The Special Projects Team of the Rule of Law Department continues to work closely with other international organizations, including the EUPM, the European Commission,

and the International Criminal Investigative Training Assistance Program (ICITAP), on establishing SIPA as a full-fledged, state-level police agency with the resources and authority to combat organized and international crime, corruption and terrorism. In the second half of 2004, SIPA became the primary agency in BiH responsible for compiling and analyzing information from financial transactions in order to initiate appropriate criminal investigations.

Progress in defense reform continued, with further implementation of the reforms agreed in 2003 and the fulfillment of all but one of NATO's 13 technical benchmarks for entry into PfP. The last remaining technical benchmark was the requirement for 65 percent staffing of state defense institutions. Such staffing has proceeded slowly, but it is hoped that this benchmark will be met early in 2005. During the period under review, the downsizing of the entity armies was completed as planned. The active forces now stand at 12,000. With the turn of 2004, the successful role of OSCE in defense reform ended, and NATO has taken over.

The establishment of the Intelligence-Security Agency (OSA) has proceeded according to the transitional provisions set forth in the Law on OSA. As a result of a review process for all employees, the staff of OSA has been reduced, rulebooks have been drafted and approved by the Council of Ministers, and OSA has signed a comprehensive Memorandum of Understanding with its main law enforcement counterpart, SIPA.

Significant progress has been achieved in unifying the city of Mostar. The imposition of the outstanding elements of the Statute in January 2004 set in train a process that is putting an end to the parallel structures and segregation that prevailed in that city since the war. The city council elected in October chose a moderate Croat as the first mayor of a unified Mostar. Furthermore progress has been made in joining ethnically divided institutions, and a degree of cooperation between the moderate majorities of the main political parties has started to emerge. The new mayor has started appointing a multi-ethnic, unified city administration, and there is clear majority support in the city council and among the community as a whole to press on with the unification process.



BiH marked the return of one million refugees. The BiH authorities successfully assumed responsibility for the implementation of Annex VII. The State Ministry has been successful in securing loans from financial institutions such as Council of Europe Development Bank and OPEC, while the BiH State Commission for Refugees and DPs continued to act as the main coordinating body between the state, the entities and Brcko District.

Therefore, it is possible to argue that in BiH, the “push” of the OHR’s role is gradually giving way to the “pull” of the European “(and Euro-Atlantic) integration<sup>198</sup>. In terms of independent policy-making and breaking the spiral of the external dependence, this might actually be the road to emancipation.

### **Need for a Constitutional Reform**

In summer 2000, the BiH Constitutional Court, in the “Constituent Peoples case” ruled that entity constitutional provisions identifying a particular entity with a particular people were incompatible with the State constitution. The Court confirmed the right of Bosniaks, Serbs and Croats as ‘constituent peoples’ to equality throughout the territory. There can be no special privilege for any people through segregation based on territorial separation. A process of change to entity constitutions was set in motion but has made slow progress.

After more than 90 hours of intense negotiations under the auspices of the High Representative, which began on 8 March 2002, the leaders of eight political parties in BiH finally agreed on the elements for the implementation of the Constitutional Court’s ‘Constituent Peoples Ruling.’ The Mrakovica-Sarajevo Agreement spells out a new institutional set-up

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<sup>198</sup> Significant progress in implementing the Mission Implementation Plan and OHR’s core tasks has been achieved during the reporting period, while two critical mileposts – membership in NATO’s PfP and the launch of SAA negotiations with the EU – are within reach. Of 26 programs, 4 have been completed. In the updated MIP document can be found that ‘significant progress in implementing the Mission Implementation Plan and OHR’s core tasks has been achieved during the reporting period. At OHR’s website: [www.ohr.int](http://www.ohr.int)

in the RS and the Federation, turning the two entities into multiethnic communities.

Mrakovica-Sarajevo Agreement could be considered as the first concrete step towards the 're-opening of Dayton'. This was the first sustained direct dialogue between the parties on the issue of inter-communal relations since the signing of DPPA. Even though the actual implementation was imposed by the OHR, the content was actually negotiated by domestic politicians.

In the 10<sup>th</sup> anniversary of DPPA, it is becoming more and more clear that additional steps are needed for further debate and constitutional change is becoming an inevitable necessity. With the key reforms geared towards strengthening the state structures and weakening the entities, such as the defense reform, the DPPA structure has gradually and tacitly started to be amended. However, these are mostly unsystematic, 'on the spot' changes. In order for BiH to move forward on its way to Euro-Atlantic integration, the endemic flaws of the DPPA should be addressed through a more systematic and substantive debate. Time has now come domestic political representatives and the public to discuss the reconstruction of the BiH's Constitution and its compliance with international conventions, particularly the European Convention of Human Rights.

It is encouraging to observe that large public has embraced the constitutional debate. The subject is being discussed more and more on various fora, concrete proposals are put forward both by political parties as well as civil society institutions. The common ground for all this collective debate is the vision of 'the road to Europe'. It has instilled a nascent sense of collective endeavor for change, which is promising for the future of BiH.

### **Bosnian Fears and Hopes**

In the aftermath of the last elections in BiH held in 2002, the majority of foreign observers expressed fears regarding possible 'restoration of old

politics' by triumphant nationalist parties waiting in the wings since the election in October 2000<sup>199</sup>.

It is evident that the implementation of October 2002's general election results has not been easy. This is partly due to the narrow margin obtained by victors, but also because of international misgivings over capabilities of nationalistic parties to provide for Bosnia's well being.

In dealing with the Bosnian political landscape and trying to establish development, one must not lose sight of the particular fears belonging to each ethnic community: Serbian fear of a state not exclusively or dominantly Serbian; Bosniak Muslim fear of 'genocidal' neighbors, exacerbated by a deep suspicion of Islam present in international anti-terrorism ideology, and Croatian fear of being the smallest ethnic group on the road to progressive disappearance. Such collective (ethnic) fears could be stilled and eventually dissipated in an atmosphere of security, welfare and rule of law. These are for the time being rather remote goals, but getting closer with the integration of the whole region to the Euro-Atlantic mainstream.

The Muslim community in Bosnia, representing the majority of the population, is both grateful and deeply aware that the US-led military intervention in the Balkans was crucial for its own survival and for the very existence of this multiethnic state. However, Bosniaks are seriously concerned by the 9/11 stigma attached to Muslims and by the double standard approach to the Middle East and to the conflict in Chechnya which is for them a strong reminder of *the international festival of hypocrisy* during the three and half year siege of Sarajevo. Moreover, there is fear that the war declared to terrorism has eclipsed efforts for the essential capture of indicted war criminals; in particular Karadzic and Mladic.

This spiral of insecurity has been aggravated by the poor results delivered within the two-year rule of 'non-nationalist' parties Alliance for Re-

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<sup>199</sup> Across both entities, and irrespective of ethnicity, the direct election of mayors saw a higher vote for the individual candidate than for the party.

forms. Although some progress was achieved, this Alliance, composed of too many parties, was lacking solid cohesion, ridden with self-serving aims and rivalry of its leaders.

Bolstered by their successful election results, the leadership of the front running SDA (main Bosniak Muslim party) maintains that the international community has been making a terrible mistake by dealing exclusively with a weak and futile Alliance for Changes, led by 'dictatorial, non-reformed communists'.

As a consequence, the SDA and HDZ (main Bosnian Croat Party) were banned from sharing power, having been labeled 'nationalist parties'. They insist that they represent the true constituent peoples' interests, recognized in the DPA. These two parties consider themselves genuinely reformed and comparable to any member of the Group of Peoples Parties in the European Parliament. Moreover, they adamantly reject any idea to remake the anachronistic political embargo 'imposed by foreigners against the people's will', which was the case in the aftermath of the elections in October 2000.

Similar post-election claims have been made by the SDS (main Bosnian Serb Party), in spite of having their dominance challenged by promising results of moderate Serb parties. In any event, SDS party will have insurmountable difficulties to establish a credible partnership as long as they are under the remote control of chief indicted war criminals.

High Representative Lord Paddy Ashdown, rightfully played down the 'disappointment' of the international community with the election results. He said that the so-called nationalist parties would have to work long and hard to convince the Bosnian people and Bosnia's friends that they were now genuinely committed to the reforms this country needs. In spite of earlier expressed suspicions, the EU welcomed the formation of the Council of Ministers in Bosnia. In the related formal declaration, EU Presidency stressed that the new government is given the opportunity to pursue a significantly more ambitious and practical policy agenda due to the fact that its term in office will be extended to four years from the present two, under the terms of the new election law.

In order to maintain the highly regarded international joint venture into Bosnia's future, the carrier of the new politics and concepts should re-establish credibility and trust. This is an achievable goal if they provide for a stronger cross-entity coalition – re-assembling all parties committed to nation building and integration with mainstream Europe. Their track record of almost three years in power demonstrates that they are becoming aware of this necessity.

### **A Truth and Reconciliation Commission (TRC)**

A Truth and Reconciliation Commission (TRC) is to be launched in Bosnia – in the aftermath of recent second try to establish the truth of what genuinely occurred 10 years ago in UN “Safe Haven” of Srebrenica . The report has been presented by the mixed cross entity commission upon the adamant request from Human Rights Chamber of BiH.

No doubt a Bosnian Truth and Reconciliation Commission will receive support from the international community. It is guaranteed to grant governments more publicity than any long-term and less sensational solutions for alleviating suffering. Certainly it is the politically correct thing to do. And certainly any such commission in Bosnia will belong passed before the worst victims of this dark tragedy will ever see a stable home (any home), a stable income, a stable faith in their future.

In an attempt to endorse public opinion, it is often the more cosmetic or newsworthy steps that are taken in the wake of conflict. Monuments are being built and ceremonies marking anniversaries are being held. Media hype surrounds events that honor the dead, but ignore the living, as we have seen in the aftermath of Srebrenica.

A population betrayed once and abandoned twice admonishes us to confront some fundamental measures that need to be implemented before one begins to talk about such elusive concepts as reconciliation. For many of Srebrenica's women, there is no hope for a brighter future. These are not sentiments expressed in a fit of despair, but very real considerations of those who have lost everything that constitutes life beyond mere survival.

The transfer of the principal architect of this destruction and his henchmen to the International Crimes Tribunal for ex-Yugoslavia and the imperative capture and transfer to The Hague of his fugitive chief collaborators indicted for genocide in Bosnia will clearly pave the way for reconciliation.

## **Conclusion**

Instead of conclusion remarks which are indeed given by the end of each separated paragraph, it is appropriate to finish by quoting part of the final address of the High Representative Mr. Paddy Ashdown's before UN Security Council in the end of March 2005:

*“. . . Mr Chairman, this will be my penultimate report to this Council as High Representative and EU Special Representative. I will relinquish my post at the end of the year. But there are nine months left between now and then, and we need to make full use of every single day.*

*Because this is a crucial year for BiH. The tenth anniversary of Srebrenica. The tenth anniversary, later in the year, of Dayton.*

*Like most people in BiH, I want this to be a year in which BiH remembers its past, but looks to its future. More than that, I want this to be the year in which BiH makes a decisive break with that past by meeting the requirements for SAA and PfP, and starts to embed itself firmly into the Euro Atlantic structures. Those structures are the best guarantee of BiH's long term stability, security and prosperity. Once that happens, BiH really will be into a new era. The era of stabilization under Dayton is drawing to a close. The next phase – integration and Brussels – is beginning.*

*That opportunity is now available to BiH – the chance to show that, a decade after Dayton, it is a viable state, irreversibly on course for European integration, with politicians at the helm who accept the duties, obligations and standards expected of high office in equal measure.*

*If this happens, it should open the way very soon, I suggest, for a different kind of international engagement on the ground, less intrusive, more like the support structures in other transitional democracies”.*

## 9.b. The Progress of the ‘Ohrid Process’ in Macedonia

Petar Atanasov

Most of the analyses of the Macedonian conflict in 2001 begin or end with the conclusion that the Republic of Macedonia is not the same state after the inaction of the ‘Framework Agreement’<sup>200</sup>. Whether this is more objective or more subjective attitude is very hard to figure out, having in mind that Macedonia is still constitutionally a unitary state. Things changed, would be the shortest conclusion. Another point is that the emphasis in almost all of the analyses is on the questions what and how it happened (chronology of events and visual effects), not why it happened, with certain explanation of the ‘genuine’ ideology of the ‘rebels’. Maybe the reason for this is that there were many direct actors, and most of them did not give precise and objective statements and arguments concerning the propaganda war aimed to ‘earn’ support from the International Community.

### What versus why happened?

Thus, one of the main methodologies for reviewing the ‘Ohrid Process’ is the usage of the analyses of the conflict management and the post-conflict management but not the analysis of ‘genuine’ factors that led to the conflict<sup>201</sup>. This is important standpoint for our analysis. To show this avoidance, let me quote, for instance, the statement of the current President of the Republic of Macedonia, Branko Crvenkovski, on the question ‘what exactly happened in Macedonia in 2001?’: ‘We are still missing the integral answer on that question. Very often we hear very simplified judgments, which are false. Some claim that in 2001 we suffered aggression from the UN protectorate Kosovo. But this statement loses

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<sup>200</sup> Signed on 13 of August 2001 in Ohrid, by the leaders of the four main political parties in Republic of Macedonia (two Macedonian and two Albanian) and two special international envoys, one from EU and one from USA. Also known as the Ohrid Agreement.

<sup>201</sup> The most common label in domestic theorising for the Macedonian crisis is ‘the conflict’, even though other labels are also used: armed conflict, the war in 2001, ethnic conflict, etc.



the fact that in spite that many NLA members were trained and had logistical support from Kosovo, they are our citizens, Albanians from Macedonia. We also hear that in 2001 armed conflict happened for achieving human rights. If the rights we are talking about are those that became essence of the Framework Agreement, I do not see any of those as reason to take arms and take human lives. Serious and integral analysis for 2001 is still not made<sup>202</sup>. This is political statement with the clear intention not to recommend digging up the old wounds but to look to the future. Especially in a society burdened with lots of old and new problems. Even some of the serious analysts confirm the thesis, that 'up to today, we have no definition of what exactly happened in 2001 – war, conflict, military crisis or something else? Some tidy military analysts will say that direct military actions lasted not more than four hours in total'<sup>203</sup>.

However, there are a few analyses that at least try to figure out the very roots of the conflict. Let us consider some of them. 'The deterioration of the situation in Macedonia in 2001 was provoked by more elements of which two are crucial: inefficient political ruling with elements of corruption on all levels of the society and the regional (direct) influence of the Kosovo militant nationalism. The selective analyses stress one of the two elements'<sup>204</sup>. Precisely, some of the analysis stresses the second element. 'Republic of Macedonia was confronted with real crisis that was imposed and has aim to disintegrate the state. Open aggression upon Macedonia started with the accumulation of arms in the part where the Albanian population live in western Macedonia, waiting for opportunity to start with actions for fulfilling of in advanced imagined goals'<sup>205</sup>. Another one, went further, stressing that 'the ethnic conflict in Macedonia is part of a long time planned territorial pretensions and aspirations, and

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<sup>202</sup> Interview of the President of the Republic of Macedonia Branko Crvenkovski published on the 31 of December 2004, for the daily 'VREME'.

<sup>203</sup> Article of Professor Biljana Vankovska from the University of Skopje in the daily 'Dnevnik', no. 2664, 22/23 of January 2005, <http://www.dnevnik.com.mk/>.

<sup>204</sup> P. Atanasov, Multiculturalism as Theory, Policy and Practice (Skopje: Evro-Balkan Press 2003) 132.

<sup>205</sup> T. Gocevski (ed.), Ethnic Coexistence in the Post-conflict Period (Skopje: Macedonian Center for Peace and Euro Atlantic Integration, Foundation Open Society Institute 2003) 115.

have the root from the still actual great state dreams, typical for the Balkans. It seems that the demands for bigger human and ethnic rights, with the basis similar as other minority cases in the world, is only a cover for other plans and demands'<sup>206</sup>. Yet, another, argue that 'if we look retrospectively of the development of the events in whole year, we may conclude that generally the crisis in Macedonia came as a result of the attacks by terrorist groups from Kosovo'<sup>207</sup>.

We may add that the general discourse in the conflict analyses, more often than not, includes: terrorists and criminals, ethnic cleansing, fight for territories and human rights struggle. Concerning the first mentioned element in this paragraph (inefficient political ruling), one of the analyses, from the Albanian point of view, stresses that 'the overall activities of then Albanian participants in the government (DPA<sup>208</sup>), especially in the part concerning the rights and needs of their fellows (Albanians) according to some circles of Macedonian Albanians and those abroad, was not on the needed level and in compliance with the general conditions in the country and the trends in this domain'<sup>209</sup> – finding the reason for the conflict in the Albanian-Albanian sphere. This, together with the non-efficient 'Macedonian leaders', not just in 'relaxed' inter-ethnic relations and completely ethnicized politics (the latter is benefit from all the political governments since 1991), but also in bad results in other areas (economy, corruption, illegal trafficking of arms and drugs), made the state vulnerable for Kosovo 'influence', but, also, made possible other damages from the bad governance (for instance, inefficient state institutions). The excuses for all of these, unfortunately, one cannot search in

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<sup>206</sup> J. Talevski, M. Milenkovski, 'The northern border and the conflict in the Republic of Macedonia', Contemporary Macedonian Defence, III: 5 (2003), 55.

<sup>207</sup> V. Buchkovski, 'Macedonia step ahead before exiting the crises', Contemporary Macedonian Defence, II: 4 (2001), 85. (Minister of Defence in the Great Coalition government in 2001)

<sup>208</sup> Democratic Party of Albanians, led by Arben Xaferi, signed on the Framework Agreement. DPA was then in the coalition government with the VMRO-DPMNE – Internal Macedonian Revolutionary Organization-Democratic Party for Macedonian National Unity, lead by Ljupcho Georgievski, then Prime Minister and also signer of the Framework Agreement.

<sup>209</sup> Z. Nacev, 'The nature and the characteristics of the conflict in Republic of Macedonia manifested in 2001', Contemporary Macedonian Defence, III: 7 (2003), 23.

the catastrophic situation that Macedonia was confronted with for a decade (the issue of the name, the Greek embargo, the UN sanctions towards FRY, regional organized crime corridors), together with the establishment of weak and poor state. But these kinds of analyses are rare, at least in the domestic circles.

Why the roots of the conflict are so important? If you are sick, you need a proper diagnosis, then the cure. Here, we have the cure (the Ohrid Agreement) without the proper diagnosis, at least not publicly known one. Unfortunately, again, the wrong cure may cause death. Absurd, but it is true. In this way, with all of the constitutional changes in the society as a product of the conflict, occur risks for its internal (ethnic) disintegration, instead of national integration. With heavy emphasis on the 'ethnic communities that are not in majority' (one of the main introduced categories), it seems that the Framework Agreement, opposite of the official declarations, aims to deconstruct the Macedonian multiethnic fabric in simple ownership – Macedonia as a state that belongs to the Macedonians and the Albanians. This will certainly ruin the nation-building process (nation as a civic category) and centuries long multicultural practices. More importantly, with the promotion of the culture of violence in 2001 (usage of violent means), with the devastation of the sensitive ethnic balance and the intensification of the ethnic intolerance, it seems that the Macedonian society is definitely not more stable and prosperous. So, the paradox goes, analyzing the progress of the 'Ohrid Process' would not mean that we are analyzing the progress of the state. Macedonia needed reforms, badly. Exactly because it did little in many areas (as we have shown) it paid the price. The question 'who benefited more from the armed conflict', maybe would answer the crucial question in the whole case. And the answer is clear – just for the Albanians and their national interests, regionally. Despite with all the security risks it bears. All told, the Macedonian society would have become more democratic and prosperous *if* the changes occurred through the evolution pathways, not through the destructive violent means. And that is exactly against one of the principles of the Framework Agreement. But it is here and it is ours, and it is in the Constitution. No way back.

## The Results and the Consequences

The Framework Agreement starts with five basic principles. The first and the fourth refers to the throwing away the usage of the violence for political purposes and securing constitutionally based rights that fulfils the basic needs of the citizens in accordance with international standards. The second, refers to non-existence of the territorial solutions for ethnic questions, the third, that the multiethnic character of the Macedonian society must be preserve in the public life, and the fifth, that the development of the local government will improve the respect for the *identity of the communities*<sup>210</sup>. In the wider framework, these principles should have overcome the social inequalities of the different ethnic communities in the equitable representations in the institutions of the state, protect minorities from the Macedonian cultural dominance and raise the political power of the non-majority communities (on national and local level). The most of it is addressed for the Albanian demands for public recognition of their status as a community in the society<sup>211</sup>. But the Framework Agreement, according to some elements, is alike peace Agreement. Certainly, the Framework Agreement is a try to lower the further widening of latent ethnic conflict in the society and to preserve the multiethnic character of the state. In this paper we will try to shed light in just some of the aspects of what is achieved and whether there is a progress or not in the overall process.

The Ohrid Agreement came through violent acts and pressure, but also stopped the civil war and greater bloodshed. We can say that the International Community played a positive role especially with its firm handling of the process of conflict management. For instance, they stick to the inviolability of the borders and that they cannot be changed by violence. Also, that there is no military solution of the conflict because of the no easy way out of it. Consequently, that there are no ethnic territo-

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<sup>210</sup> The term identity of the communities is category that is introduced in the Framework Agreement and the Constitution as a notion which is collective in its essence, and that represent different ethnic communities that are not in majority in the population.

<sup>211</sup> P. Atanasov, 'Macedonia between nationalism(s) and multiculturalism: The Framework Agreement and its multicultural conjectures', Belgrade, Sociologija, XLV: 4 (2004), 303-16.

rial solutions of the conflict – which means not changing the political structure of the state. And, of course, the support of the state with the signing of the Stabilization and Association Agreement, on 9<sup>th</sup> of April 2001, which was ratified by all members in the EU. Now it is easier for the Macedonian elites to concentrate on the Constitutional Amendments and fulfill the obligations that were signed in Ohrid. There were introduced 16 constitutional amendments, including the new Preamble. For the small country a heavy impact for the whole.

The Framework Agreement with its basic ideas speaks about: the cessation of the hostilities, the strengthening of the political status of Albanians, the resolving of the cultural and language issues of Albanians and (maybe the most important element in the whole process) the decentralization of the government. Besides the security problems the impression is that some issues prior to the conflict were ahead resolution, especially one connected with the cultural, language and educational problems. On that agenda Macedonia had no so bad records even in European context. But the representation of the Albanians in the state institutions was not sufficient, except in a high level positions (representing 25 per cent of the whole population<sup>212</sup>). This might have produced feelings among Albanians that in order to make progress on this they need more political power. The ethno-political mobilization was achieved through two levels: first, through the political parties of Albanians in Macedonia and the internationally supported picture that Albanians are victims of the previous regimes (especially by western media). Macedonia did not escape this regional spider's web. In order to iron out some of the 'causes' for the conflict, the International Community pressed for the new model of decentralization, which is used to be purely internal affair. And in this area Macedonia had bad record. Some estimates were that over 95 per cent of the state resources were managed on central level. Maybe the Albanians wanted more (the strongest legal demand was towards federalization of the country), but the compromise was reached on the proper decentralization, which was already in the Government agenda for years,

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<sup>212</sup> According to the census in 2002 the ethnic proportions of the population is following: Macedonians 64,10 %, Albanians 25.17 %, and the rest of ten per cent consists of Turks, Romas, Serbs, Bosniaks, Vlachs and others.

but never enough time and space, not to say ‘will’, to start the process. So, the main line of the Ohrid process went on the track with cessation of hostilities and should be finished with the decentralization process. It was supposed that all of the changes would satisfy the Albanians and would ease the tensions produced by not doing enough on time.

It is interesting to see some data on the topics integral to the Ohrid process, in a direction what was acceptable by the Macedonians. We shall see some data from the poll in 2001<sup>213</sup>. Similar to the propositions, prior to the signing of the Ohrid Agreement, this research asked how prepared are Macedonians to accept some changes. The results showed that Macedonians are not willing to accept any kind of change in the preamble of the Constitution (90 per cent), Albanians as constitutive people (98 per cent), bilingualism (97 per cent), federalization of the country (98 per cent) and state university in Albanian (90 per cent). Nevertheless, the rejection was lower concerning proportional participation in administration (not acceptable at all 68 per cent; partly acceptable 21 per cent), decentralization in the local government (not acceptable at all 58 per cent; partly acceptable 20 per cent) and a separate Albanian channel in the national television (not acceptable at all 55 per cent; partly acceptable 25 per cent). Overall, the relevant percentage of the Macedonians were ready to accept some changes in the fabric of society even prior to the conflict, but the political elites either were incapable to do it or did not have courage for it. This is especially concerning decentralization process and the proportional participation in administration. Now that counts as just another missed opportunity.

### **Achievements and ‘Successes’**

Finally, let us turn to the very elements of the aforementioned levels of content of the Ohrid Agreement and their progress: the security questions, the political status of Albanians, the cultural and language issues of Albanians and the decentralization of the government. We will start in

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<sup>213</sup> Research done by the Center for Ethnic and Security Issues which work under the auspices of Institute for Sociological Political and Legal Research from University of Skopje, in July 2001, on the random sample of 2000 Macedonian respondents.

brief with the implementation process and its political and security aspects. The results were satisfactory. The most significant result is the political transformation of the former NLA combatants – establishing of the political party Democratic Union for Integration (DUI) that won most of Albanian votes in the 2002 parliamentary elections. That caused a lot of frustrations for the Macedonians even three years after the conflict, especially of the fact that the DUI party entered the Government with the coalition ‘For Macedonia’<sup>214</sup>. In a proper time the Government set up the control of the security vacuum zones. Most of it was achieved by the international monitoring and with the establishment of the multi-ethnic policing. Many Albanians entered the police force through the short and intensive trainings. Albanians on a fast track entered into the Army too. These processes may lack the qualitative dimension but as a quantitative one are achievements. After the signing of the Ohrid Agreement, two waves of disarmament occurred. One wave after the signing of the Agreement as a mission of NATO named ‘Essential Harvest’, and another one organized by the state in November 2003 by the name of ‘Amnesty for the Arms’. Both were with weak results and weak impact for the society (in the first case 3875 SALW, in the second 7571 pieces of SALW were collected). According to some estimates on the Macedonian territory there are still up to 100 thousands of illegal Small Arms and Light Weapons of which half are military weapons. There lies maybe one of the reasons for increasing the violent criminal acts on a big scale that took hundreds of victims (even more than the conflict itself). ‘Bad guys’, mostly Albanians, are still around, with their Kosovo comrades, as the case in Kondovo village (with a new municipality territorial division now part of Skopje) showed up. Groups that are under no political control (former NLA combatants are spread in all political parties of Albanians but some of them do not ‘fit’ anywhere). Generally, the security aspects of post-conflict management process we may qualify as a positive and, most significantly, the Framework Agreement did stop the civil war and the deterioration of the conflict. Another good sign of improvement is the data of the many published researches in 2003-4 that

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<sup>214</sup> Together with the Social-Democratic Union of Macedonia and Liberal-Democratic Party.

shows more fear for unemployment and corrupted politicians' activities than the security threats.

The political re-balancing of the legal procedures and some state institutions participation went with medium success. This is due to a fact that these acts intermingle and sometimes lose their effectiveness with the other political processes that includes parliamentary procedures and political negotiations. Also, in theory, by definition, these double majority procedures are very slow, inefficient and frustrating. These parliamentary procedures in the Macedonian case include three-levels enactments. First, qualified majority – majority of the representatives claiming to belong to the communities not in the majority of the population, was introduced that concerns the enactments of laws in relation to the Courts member election. Then, the qualified majority for the laws that directly affect cultural issues, use of language, education, personal documentation, use of local municipality symbols, laws on local-government, municipality boundaries, local finance, etc. And, third, introducing higher threshold (two thirds of the Parliament seats and qualified majority of MPs that belong to the communities not in the majority of the population) for the constitutional amendments that concerns communities. With all of these significant changes are in power – changes, that may satisfy only the Albanians, regarding the needed threshold of 20 per cent in the whole population, for most of the newly established proportions. In this case, the smaller communities are prone to act only together with the Macedonians entities in election coalition and other side processes. The Albanians got the legal protection from the Macedonian majority governance. As we have seen, the experience so far shows that the political games very smoothly were transcended from the ethnic to the party oligarchy interests. Then, the questions about the ethnic misunderstandings are transformed in position-opposition disagreements (both multiethnic, as Macedonian heritage showed this decade, with some exclusive ethnic interests on Albanian side). Macedonia is a case in point where the multiethnic position and opposition bodies accuses each other (on ethnic basis platform) who is a bigger patriot and who is a bigger traitor for its own 'people'. And the people are the same poor Macedonians, Albanians, Turks, Roma and others, that suffered the incapability of the Macedonian political elites to create 'a decent place for living' – a phrase



most popular in the wider public, as an ideal state-of-affairs for Macedonian society.

The cultural issues were also part of the Framework Agreement, even though in many aspects Macedonia was ahead not only from its neighbors, but also even in a wider European context – not just with its politics of recognition, but with its educational practices and cultural space for the Albanian values and customs. Anyway, the Albanian language became an official language in use with its 20 per cent threshold. Albanian language now is in use in the Parliament too. The official personal documents now contain the data in the language that the citizens decide for. A new Law of Citizenship was enacted with lower obligation fulfillments. Also, a new census was conducted, which showed the already mentioned figures. New textbooks in history (other textbooks as well) were introduced with specific lessons for the communities not in majority. New private university was established that functions very well, the Southeast University of Tetovo – known as University of Shtul (with Macedonian students as well). All of this became true with stressful debates in the Parliament and public cacophony. These did not stop the process as in 2002 the Government proclaimed the implementation of the Ohrid Agreement obligations its first priority in the agenda.

The biggest controversy and problems produced the establishment of the third state University of Tetovo in Albanian (besides the state Universities of Skopje and Bitola). That was not an obligation from the Ohrid Agreement but the political elites did that for elimination of the problem of the Tetovo illegal University ‘that stayed for ten years and was misused by radical structures’, as official Government stressed. With these changes to the increased political power of the Albanians were added by cultural concessions. Elements of power sharing in the political sphere were enriched with the enhancement of the politics of difference. Whether this will bring more integration or disintegration in the society (emphasizing voluntary segregation, misuse of communities’ cultural badges, etc.) it is no clear at all.

The most important part of the Ohrid Agreement is the process of decentralization of the government. This relates to group of laws as the last

“core” obligation in compliance with the Framework Agreement, and, certainly it is the most difficult one. The events in 2004 showed very clearly this. In a row, the new Law on Local Self-Government was enacted in January 2002. The proposed devolution of power on the local level should give the communities (municipalities) a great share of privileges and responsibilities towards public services, urban and rural planning, protection of the environment, local economic development, culture, local finances, education, and social and health care. And, according to decision makers (Macedonian-Albanian ruling coalition<sup>215</sup>), the last proposition about the municipality model for the multicultural paradigm, combined with the ‘massive devolution of central powers to local communities’ would be sufficient as a space for enjoying the multicultural democracy. At the end the Assembly has enacted the proposed Law on territorial boundaries in August 2004 but also the majority Macedonians held a referendum whether this was acceptable or should be abolished<sup>216</sup>. The Referendum did not succeed and did not reach the Constitution thresholds<sup>217</sup>.

The ‘pressure’ from the ruling parties and ‘advices’ from International Community helped, but the most important event for abstinence was the recognition by the USA of the constitutional name of the country – ‘Republic of Macedonia’. The way everything happened may drive the Macedonian society towards more distrust among Macedonians and Albanians. Additionally, the devolution of power may not improve the state-of-affairs. Moreover, the changes will certainly not improve economic standard of the people in a short period of time.

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<sup>215</sup> Since 1991 up to date the Macedonian Governments always included Albanian political parties.

<sup>216</sup> The Law proposed 84 municipalities, instead of 1996 Law that have 123. The main ‘clashes’ were whether the cities of Struga and Kichevo will have a dominant Albanian population, due to a new Law, and whether the capital city of Skopje will become bilingual with adding to the city two Albanian populated municipalities Saraj and Kondovo (on the latter the 2002 coalition Government agreed on political basis).

<sup>217</sup> For the Referendum to be ‘successful’ (for the initiators) according to the Constitution about 850.000 voters should participated (as 50+1 of the whole population), and half of it should vote against (Albanians did not participate, even there were some opposition about the new Law of territorial division from the majority Albanian municipalities that should be abolished).

## Different Perceptions of the ‘Results’

With the Framework Agreement, the Albanians definitely raised their political status in Macedonia and gained cultural concessions and legally protective mechanisms concerning usage of their language, issuing official documents, higher education in Albanian, etc. What happened to the Macedonians? They still have questions to the extent that the more discussions and negotiations are underway the more concessions they have to agree with, in relation to their constitutive nation role. It is frustrating to give up the monopoly of the national cultural matrix (and political power), resources as well, in order to meet the Albanians’ demands for equal public status of their language and equitable and fair representation in the state institutions. Every society, argues Parekh, has a historically inherited cultural structure, which informs its conduct of public life, and resists modifications beyond a certain point without losing its coherence and causing widespread disorientation, anxiety and even resistance<sup>218</sup>. Macedonians still perceive Macedonia as their ‘natural’ state, and involuntarily make more ‘space(s)’ for the Albanians. Even the new Preamble of the amended Constitution starts with the words that ‘The citizens of the Republic of Macedonia, the Macedonian people, as well as citizens living within its borders who are part of the Albanian people, the Turkish people, the Vlach people, the Serbian people, the Romany people, the Bosniak people and others taking responsibility for the present and future of their fatherland...’. This declarative political statement does not solve the Macedonian multiethnic (or bi-ethnic) puzzle; it just emphasizes it<sup>219</sup>. From today’s perspective of the consequences and different attitudes of ‘the results’ of the Ohrid Agreement we have quite interesting variety of opinions. We shall quote two polls that show current ‘state of mind’.

The first research argued about whether the Framework Agreement is a solution for re-establishing the peace. According to the results of the research it comes that the citizens do not think that the Framework

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<sup>218</sup> B. Parekh, Rethinking Multiculturalism: Cultural Diversity and Political Theory (Cambridge, Massachusetts: Harvard University Press 2000) 263.

<sup>219</sup> Atanasov, ‘Macedonia between nationalism(s) and multiculturalism...’ 306.

Agreement is the only solution for securing long-lasting peace and stability of the state. Thus, on the question 'do you think that the whole implementation of the Framework Agreement will secure peace and stability in the Republic of Macedonia', the following structure of answers were reached: from the overall number of respondents 650, 462 (71 per cent) from respondents answered negatively, and 188 (29 per cent) positively. It is noticeable that from all the Macedonian respondents 433, 402 (93 per cent) have attitude that the whole implementation of the Framework Agreement does not mean peace and prosperity for the state, and only 31 (7 per cent) think opposite. With big difference, Albanian respondents from the whole group 189, 150 of them (79 per cent) have attitude that the solution for the peace and stability in Macedonia they see in the fulfillment of the Framework Agreement, and only 39 of them (21 per cent) of the respondents are not optimists. *These data show that there is still resistance for the Framework Agreement, which is especially emphasized among the Macedonians and which is often labeled as damageable for the Macedonian state*<sup>220</sup>.

The second is more specific about the 'results' of the process. The answer of the greatest percentage (24 per cent) of respondents to the question as to which is the most positive impact of the Ohrid Agreement is that it has prevented war but nothing has been achieved and that it has increased the chances for NATO and EU membership (20 per cent), but also increased the chances for disintegration of the country (17 per cent) and has made ethnic affiliation dominant compared to other qualities (17 per cent). A minor percentage of respondents think that a more just attitude towards the minorities has been achieved (10 per cent). There are deviations in respect to the ethnic community affiliation. The dominating responses among the Macedonians are that war has been prevented and nothing else has been achieved (27 per cent), that the chances for disintegration of the state have been increased (21 per cent) and that the ethnicity has become essential compared to all other qualities (21 per cent). Among the Albanians, there dominate the responses that the chances for disintegration of the state have been increased (31 per cent), that a more just attitude toward the minorities has been achieved (22 per cent) and

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<sup>220</sup> Gocevski, Ethnic Coexistence in the... 120-1.

that war has been prevented and nothing else has been achieved (15 per cent). *The Macedonians and the Albanians put accent on different achievements of the Ohrid Agreement.*<sup>221</sup>

Both cited researches show significant differences among different interest groups about the 'Ohrid Process' achievements. Then the question arises, how to please one interest (nationalist) group and not harm another. How to fulfill demands of one interest (ethnic) group and not challenge others. There are no easy answers. Also, more multiple tasks are ahead: in the economy – to increase living standards, to decrease the gray economic sector and to eradicate corruption and nepotism; in the politics – to increase political stability of the state, to decrease ethno-political tensions and to eradicate the issue of the name; in the security – to increase human security standards, to decrease possession of illegal small arms and light weapons and to eradicate organized crime activities. Most importantly, all of those are directly interconnected with the processes of NATO and EU integration of Macedonia, as questions of common interests for all the citizens. At least the road is paved, and on that road the 'Ohrid Process' is an important stage.

## **General Lessons**

Also, some general lessons can be discerned. First, one of the most important aspect in the process of conflict management, as this paper showed in the Macedonian case, is to have, as soon as possible, an independent and objective analysis of the 'genuine' factors of the conflict, because that will heavily influence the conflict-resolution and the *post-conflict rehabilitation* processes. The time constraints and the propaganda aspects should not discourage the mediators, especially the international ones. Second, the political power re-balancing is a far more important category in proposed and demanded solutions than social and cultural issues. Albanians in Macedonia now have higher political status

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<sup>221</sup> Research done by the Center for Ethnic and Security Issues which work under the auspices of Institute for Sociological Political and Legal Research from University of Skopje, in December 2004, on the national representative random sample of 1600 respondents.

as a community by which other questions can be tackled and resolved. In the Macedonian case the decentralization of the government is definitely the major challenge to fulfill. Third, introducing bigger constitutional changes might not mean bigger chances for national integration, but sometime precisely the opposite, a chance for internal disintegration. The balance and contents between the civic and the ethnic elements in the conflict solutions should be very carefully mixed, especially in the Balkan context. Fourth, if the state involved is not a serious partner, including the negotiators (whoever they are) and the internationals (without them nothing is possible), then little can be done overall. In that context, the state institutions, especially the political officials, are main indicators of the capacity for conflict management and post-conflict rehabilitation. And fifth, last but not least, whatever you do, one of the priorities should be the reconciliation in the public sphere, among the communities and ordinary people not just among political actors. The residual winners' and losers' attitudes will not be beneficial for the future state projects and the common political will of the citizens.

## 9.c. Post Conflict Rehabilitation in Moldova

Nicu Popescu

### Introduction

Since declaring independence in 1991 Moldova has had to face four major interdependent tasks: building a state, without any tradition of it; managing political transition; restructuring the economy and dealing with the secessionist conflict with its eastern region Transnistria. There has been some progress on the first two dimensions. Moldova has managed to assert itself as a state, despite many problems, and democracy has achieved a level, however unstable and modest that is not very often seen in the post-Soviet space. However, the slow pace of economic reform, the difficult economic situation, and the still unsolved conflict in Transnistria have a tendency to influence negatively some of the positive achievements in the political realm. As noted in the EU's Country Strategy Paper on Moldova: 'The Transnistrian dispute heavily affects Moldova's foreign relations and economic development. Moldova can only make limited progress towards democratic consolidation and economic improvements as long as the Transnistrian issue continues'<sup>222</sup>. Thus, overcoming the Transnistria conflict remains one of the keys to Moldova's successful transition and the stabilization of the immediate neighborhood of the enlarged NATO and EU.

The Transnistrian conflict in Moldova presents a case where post-conflict rehabilitation takes place after a war, but before the terms of a mutually satisfactory peace are agreed. Post-conflict rehabilitation efforts in Transnistria have to take into account two key features that characterize the situation in Moldova. Firstly, while the active phase of the conflict has ended, there is no agreement between the conflicting parties on the resolution of the conflict and the status of Transnistria. This poses considerable difficulties for the post-conflict rehabilitation efforts in Transnistria for all parties involved – the government of Moldova, the

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<sup>222</sup> European Commission, Country Strategy Paper 2002-2006, National Indicative Programme 2002-2003, Moldova; (Brussels 27 December 2001), p. 8.

secessionist authorities that control Transnistria, and the international actors involved. Since there is no sense of *finalité* of the efforts to solve the conflict, any post-conflict rehabilitation efforts cannot be but minimal, as they do not aim at the definitive overcoming of the conflict. In addition there is no sense of direction where conflict resolution efforts are heading. Thus post-conflict rehabilitation in Moldova is more about overcoming some of the negative consequences of the war in 1992 on an *ad hoc* basis, rather than a coherent effort to build sustainable peace based on the resolution of the conflict. In this sense Transnistria is different from Bosnia or Macedonia, where post-conflict rehabilitation is part of an overall process of settlement of the conflict, where the former adversaries subscribed to an overall political, economic and security framework within which the conflict resolution is to be pursued.

Secondly, in Moldova any efforts on post-conflict rehabilitation have to take into account that Transnistria has an administration that *de facto* controls the territory of the secessionist region through coercion, is not internationally recognized and derives a great part of its claims to legitimacy from the existence of the conflict. Thus significant parts of the Transnistrian political and security elite are structurally interested in maintaining the 'no war, no peace' situation, and limit post-conflict rehabilitation efforts. Another implication of the existence of a *de facto* government in Transnistria is that no significant post-conflict rehabilitation efforts in Transnistria can take place without the cooperation of the secessionist authorities. However, the non-recognition of these authorities by the international community limits considerably post-conflict rehabilitation efforts.

### **The State of Transnistria**

Transnistria is a narrow strip of land separated from the main part of Moldova by the river Nistru/Dniestr. Moldova's moves to independence in 1991 provoked serious tensions with its Eastern region of Transnistria, which preferred to remain part of the Soviet Union, declare independence or integrate with Russia, rather than be part of the Republic of Moldova. In 1992 the Moldovan government engaged in a short and relatively low-scale war with the authorities in Transnistria, as a result of



which approximately 1,500 peoples have lost their lives. The hostilities ended after a Russian military intervention that looked more like a support for the Transnistrian Moldovan Republic than a peace-enforcement operation by the then 14<sup>th</sup> Russian army, stationed in Transnistria.

The conflict in Transnistria is not a classical ethnic or religious conflict, as the main cleavages between the parties were not due to ethnic or religious divides. Of the approximate population of 600,000 in Transnistria, the Romanian-speaking Moldovans represent 40 per cent, while the Ukrainians and Russians represent 28 and 25 percent respectively. At the same time there are more Russians living in the capital of the Republic of Moldova Chisinau alone, than in the whole self-proclaimed Transnistrian Moldovan Republic, and this without any inter-ethnic animosity between Moldovans and Russians or Ukrainians.



**Source: Documentaire, *Imagining the State Project*<sup>223</sup>**

Since a cease-fire agreement was signed in July 1992, the situation has remained relatively stable in military terms, as clashes have never resumed. However, the perspectives for long-term regional stability are bleak, as Transnistria has become a touchstone for proliferation of soft

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<sup>223</sup> Documentaire, *Imagining the State Project*,  
<http://www.documentaire.com/caucasus/Transdnistria.html>

security challenges, such as smuggling and trafficking of arms, persons and drugs. There are strong entrenched interest groups that benefit greatly from the continuation of the conflict. And these groups are not only in Transnistria, but also in Chisinau, Kiev and Moscow. Actually, Transnistria falls within the category of conflicts whose major aims are accumulating resources and suppressing political opposition, and keeping the conflict unsolved assists the achievement of these aims better than peace<sup>224</sup>, which means that prolonging the conflict for as long as possible may be a higher priority than winning it for significant groups inside Transnistria and not only. Being outside the international legal system brings benefits, because Transnistria's illegitimate status is conducive to illegal activities, which have flourished in the region, with spillover effects in Moldova, Ukraine and Russia. Territories affected by conflicts are often hubs for international criminal activities such as trafficking in arms, drugs, terrorism, money laundering etc. Transnistria is no exception. As Lynch noted in relation to Transnistria 'the authorities are content with the limbo status in which they exist, as long as the separatist state remains connected to the world market'<sup>225</sup>.

Democracy in Transnistria is in a state of dismay. The entity is dominated by an elite, that does not play according to the democratic rules of the game. Nor can it be judged as representative of the population of Transnistria, because neither of the elections that took place in Transnistria in the last decade had met minimal standards of fairness and freedom. Igor Smirnov, the president of Transnistria and a Russian citizen, is an authoritarian leader whose regime is based on suppression of any dissent on the territory controlled by the regime. Political parties that display a minimal degree of disloyalty are banned or harassed. For example, even the Communist Party and 'Edinstvo Pridnestrovyia' – a party created by economic interest groups inside Transnistria with political backing from Russia – were banned, as they were perceived a challenge to dominance of the current authorities in Transnistria. This is all the

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<sup>224</sup> D. Keen, 'War and Peace: What's the Difference', in A. Adebajo and C. Lekha Sriram (eds.), *Managing Armed Conflicts in the 21<sup>st</sup> Century*, (London: Frank Cass), p. 2.

<sup>225</sup> D.Lynch, *Engaging Eurasia's Separatist States*, (Washington: US Institute of Peace 2004).

more evident, as the two banned parties have not expressed political views radically different from those of the official propaganda in the entity. A particular justification of repression against the opposition in Transnistria is that potential dissenters are immediately termed as enemies of the Transnistrian 'state'. In the view of the authorities in Tiraspol, Transnistria is a state 'under siege' which justifies authoritarian repression of any dissenting views.

The current state of events around Transnistria has increasingly worried the international community. In the context of the EU and NATO enlargements the Transnistrian conflict acquired a new 'European dimension', which it lacked before, meaning that it will be too close to the EU and NATO's border to be ignored. The challenge of Transnistria is two-fold. Firstly, it is a threat on its own merits. Traffic of arms, humans and drugs, organized crime and smuggling have flourished in a region under the authoritarian rule of the Transnistrian leadership. Secondly, it poses a rather indirect, but no less important challenge to the EU. The European Union acknowledged the fact, that the failure to resolve the Transnistria issue was the 'single largest impediment to Moldova's political and economic development and one of the root causes of poverty'<sup>226</sup>. In the present conditions, with Transnistria a separate entity, Moldova cannot emerge as a viable state, since it cannot even control its eastern border and a considerable part of its economic infrastructure.

Russia's failure to withdraw its troops and armaments from Moldova in accordance with the obligations assumed at the OSCE summit in Istanbul in 1999 and the OSCE Ministerial Council in Porto in 2002 has highlighted that regional stability and the withdrawal of Russian troops should not be taken for granted. According to the Istanbul commitments, Russia had to withdraw 'completely and unconditionally' its troops and armament from Moldova by 31 December 2002. It had not complied with the terms of the Istanbul agreement, and the deadline was extended

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<sup>226</sup> EU-Moldova Cooperation Council, Fifth Meeting of the Co-operation Council between the European Union and Moldova, Brussels, 18 March 2003, 7432/03 (Presse 80).

until 31 December 2003<sup>227</sup>. The second deadline has been ignored as well. Moreover, at the end of 2003 Russia has undertaken a unilateral attempt to impose an agreement between Moldova and Transnistria on reunification, known as the Kozak Memorandum. The Memorandum would have paved the way for a Russian military presence until 2020 at least and a dominant influence for Transnistria in the whole Moldova<sup>228</sup>. The Memorandum was rejected by the Moldovan leadership under internal and external pressure from the OSCE, EU and the US.

## **Existing Mechanisms of Conflict Settlement**

Presently, the Transnistria conflict settlement is pursued in a five-sided format consisting of Moldova and Transnistria with Russia, Ukraine and the OSCE as mediators in the negotiations between the conflicting parties. According to a 1997 Memorandum between Chisinau and Tiraspol, Russia and Ukraine are to act as guarantors of an eventual agreement on the settlement of the conflict<sup>229</sup>. However this format has been coming under increasing pressure for two reasons. Firstly, it was totally ineffective in solving the conflict, and very effective in helping Transnistria entrench a *status quo* that was undermining regional stability, but was benefiting its elites. The obvious answer for the failure of the format was for Moldova to ask for its modification so as to include the EU and the US in it. The EU and NATO enlargements have provided the right context for these Moldovan demands.

In 2003-2004 the EU has been developing a new approach on Moldova. The core underpinnings of the European Neighborhood Policy were fi-

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<sup>227</sup> OSCE Statement by the Ministerial Council, 7 December 2002, 2<sup>nd</sup> Day of the Tenth Meeting, Porto; MC(10).JOUR/2.

<sup>228</sup> For the text of the Kozak memorandum see 'Draft Memorandum on the basic principles of the state structure of a united state in Moldova', [http://eurojournal.org/comments.php?id=P107\\_0\\_1\\_0\\_C](http://eurojournal.org/comments.php?id=P107_0_1_0_C) . For various assessments of the Kozak memorandum see M. Emerson, 'Should the Transnistrian tail wag the Besarabian dog', CEPS Commentaries, December 2003, [www.ceps.be](http://www.ceps.be); J. Lowenhardt, 'The OSCE, Moldova and Russian Diplomacy in 2003', 26 April 2004, Eurojournal.org, [http://eurojournal.org/more.php?id=139\\_0\\_1\\_0\\_M5](http://eurojournal.org/more.php?id=139_0_1_0_M5) .

<sup>229</sup> Memorandum on the Basis for Normalization of Relations between the Republic of Moldova and Transdniestria, 8 May 1997.

nalized and the dynamics of EU-Moldova relations were accelerating. Firstly, the EU and Moldova agreed on an Action Plan for increased cooperation. The Action Plan (AP) is a set of measures to advance economic and political relations between Moldova and the EU. Besides economic and technical issues, the Action Plan has a separate section on Transnistria. Under the AP, EU intends to extend to Moldova the system of autonomous (asymmetric) trade preferences, allowing Moldova to export to the EU sensible products such as textiles or agricultural products without taxes, while being able to protect its internal market from some EU products for a period of up to 7 years. Secondly, the EU decided to open a Commission Delegation to Moldova. Thirdly, in March 2005 an EU Special Representative (EUSR) on Moldova was appointed, signaling an EU that is preparing the ground for a more active involvement in the conflict resolution process in Transnistria. The mandate of the EUSR clearly states that his objectives are to ‘strengthen the EU contribution to the resolution of the Transnistria conflict... assist in the preparation, as appropriate, of EU contributions to the implementation of an eventual conflict settlement’<sup>230</sup>.

What are the factors that encouraged the change of EU policy on Moldova? Firstly, EU enlargement played a role. The European Security Strategy states that enlargement brings the EU closer to ‘troubled areas’ and that it ‘is in the European interest that countries on [EU’s] borders are well governed. Neighbors who are engaged in violent conflict, weak states where organized crime flourishes, dysfunctional societies ... all pose problems for Europe’<sup>231</sup>. In addition, the new EU member states have the interests in shaping the EU agenda by making it pay more attention to its eastern neighborhood. Moldova, a weak state with an open secessionist conflict in Transnistria, which is a both a result and a cause for continued Russian power-politics in the region, is not the kind of external environment that corresponds to the EU’s vision of a ‘secure Europe in a better world’, as the strategy puts it. After Romania’s acces-

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<sup>230</sup> Appointment of an EU Special Representative for Moldova, Brussels, 23 March 2005 7023/05 (Presse 53),

[http://ue.eu.int/ueDocs/cms\\_Data/docs/pressData/en/misc/84338.pdf](http://ue.eu.int/ueDocs/cms_Data/docs/pressData/en/misc/84338.pdf)

<sup>231</sup> European Security Strategy: A Secure Europe in a Better World, 12 December 2003, Brussels.

sion to the EU in 2007, Moldova will be in the immediate vicinity of the EU, which adds urgency to EU actions on Moldova.

Secondly, the EU has the foreign and security policy capabilities to act in Moldova. The kind of challenges that Moldova faces due to the existence of the secessionist region of Transnistria, but also due to its poor performance in reform and democratization does not require military answers, but political, economic and police actions. The EU is the only actor that not only has such capabilities, but has also tested them with the EU Police Missions to Macedonia and Bosnia. In EU's High Representative for Common Foreign and Security Policy (CFSP) Javier Solana words 'the EU is the single regional organization with a wide range of political, diplomatic, humanitarian, economic and financial, military and police instruments to contribute to the stabilization of the EU's periphery'<sup>232</sup>. Transnistria is a conflict with economic and political ramifications but no religious or ethnic hatred. Dealing with Transnistria is feasible, but it requires an integrated economic, political and security approach.

A third factor that is conducive to a greater EU presence in the region is Moldova's insistent calls for greater EU involvement in conflict resolution in Transnistria and EU membership perspective. In Moldova's opinion one of the obstacles to a solution is the negotiating format in which Moldova and Transnistria are supposed to discuss conflict resolution issues with Russia, Ukraine and the OSCE as mediators. However, the format has been deadlocked and often counterproductive. The *de facto* state of Transnistria remains and actually develops further as a private enterprise run by an oppressive elite, who transformed it into a hub for organized crime, corruption and trafficking in drugs, women, illegal migrants and weapons. The Russia-led peacekeeping mission, which was effective in stopping the war in 1992, became one of the main obstacles to the resolution of the conflict as it entrenches the status quo around Transnistria and helps consolidate the regime in the secessionist region by offering it *de facto* military protection and support. The European

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<sup>232</sup> J. Solana, 'Europe must assume its responsibility for security', The Irish Times, 23 September 2003.

Court of Human Rights concluded in July 2004 that the Transnistrian Republic 'remained under the effective authority, or at the very least under the decisive influence, of Russia, and in any event that it survived by virtue of the military, economic, financial and political support that Russia gave it'<sup>233</sup>. If a sustainable resolution of the conflict is to be achieved, both the negotiating format, and the security arrangements that keep the peace on the ground have to be changed.

## **Post-Conflict Rehabilitation in Transnistria**

As already noted, post-conflict rehabilitation efforts in Transnistria cannot be but limited, because there is no actual post-conflict situation, even if there is a post-war situation. Despite this, since the active phase of the conflict ended in July 1992 there have been some post-conflict rehabilitation efforts. The effects of these, however, have not always been unambiguous.

### *The Security Dimension of PCR*

The end of hostilities has opened the way for various efforts to overcome the conflict situation in security terms. These included the creation of a (demilitarized) security zone that was dividing the warring parties, a peace-keeping force that is stationed in the security zone, and a Joint Control Commission (JCC) that would discuss the problems on the ground and would exercise political control over the peacekeeping force.

The peacekeeping force consists of Russian, Moldovan and Transnistrian troops. Indeed, this is an almost unique case, along with South Ossetia in Georgia, where the conflict parties constitute also the peacekeeping force, even if it is dominated by a third actor which is Russia. The peculiarity of the peacekeeping force is more evident if one considers that Russia has practically been a party to the conflict, rather than a neutral third party. For example, the cease-fire agreement between the 'conflict parties' that ended the civil war on 21 July 1992 was signed be-

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<sup>233</sup> European Court of Human Rights, Press release issued by the Registrar, 'Grand Chamber Judgement in the Case of Ilascu and Others v Moldova and Russia', 349, 8 July 2004, <http://echr.coe.int>.

tween the then presidents of Russia and Moldova Boris Eltsyn and Mircea Snegur, respectively<sup>234</sup>. While the ruling of the European Court of Human Rights on the Ilascu vs. Russia case mentions that ‘...the territory of Transdnistria was under Russia’s *de facto* control owing to the stationing of its troops and military equipment there and the support it gave to the separatists... The Russian authorities had therefore contributed both militarily and politically to the creation of a separatist regime in the region of Transdnistria, part of the territory of the Republic of Moldova. Even after the ceasefire agreement of 21 July 1992 Russia had continued to provide military, political and economic support to the separatist regime, thus enabling it to survive by strengthening itself’<sup>235</sup>. In effect, the peacekeepers have played the *de facto* role of border guards of Transnistria, freezing a status quo that is favorable to one side, and maintaining the existing levels of territorial control of the secessionist authorities. The peacekeepers allowed the secessionist elites to pursue state building project while deterring the metropolitan state from attempting to regain control of the region. Lynch has argued that: ‘Russian operations are not deployed to advance ‘international peace and security’... Russian operations are deployed to advance Russian state interests... Troops deployments by a former imperial power in its former empire are different from international peacekeeping. Russian operations have consistently sought to alter the prevailing distribution of power in these conflicts in a way that would advance Russian state interests... Moreover, Russia’s military presence has served to offset the weakness of the *de facto* states armed forces... The balance of power on the ground is clearly strengthened in favor of the separatists’<sup>236</sup>.

The peacekeepers are under the political control of JCC, which brings together a representative from Russia, Moldova and Transnistria, with each of them having a veto over the decisions of JCC. However, whenever more controversial issues arise the commission is usually deadlocked. Often it cannot take positions, let alone act, when Transnistrian

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<sup>234</sup> See the ‘Agreement on the principles of settlement of the armed conflict in the Transnistrian region of the republic of Moldova’ (in Russian), [http://www.peacebuilding.md/library/57/ru/1\\_1992Acord\\_ru.doc](http://www.peacebuilding.md/library/57/ru/1_1992Acord_ru.doc)

<sup>235</sup> European Court of Human Rights ...

<sup>236</sup> Lynch, Engaging...



forces had moved on a number of occasions into the demilitarized security zone in defiance of the ceasefire agreement of 1992. Thus, JCC could not even perform the function of formally acknowledging crises situations, let alone solve them or build confidence between the conflict parties.

The main lessons of the post-conflict arrangements in Moldova are that the mechanisms that functioned to prevent a new outbreak of military hostilities, by ensuring the dominance of one party, i.e. Russia, in these arrangements, would not necessarily function to bring about the resolution of a conflict. The force that has served to stop the war has become the force that freezes the conflict resolution efforts.

### *The Economic Dimension of PCR*

The economic problems related to the conflict have been caused not so much by the 1992 hostilities, as by the lack of clarity of the future of Transnistria as well as the fact that Moldova's eastern border has been uncontrolled. Formally, Chisinau and Tiraspol have been negotiating for more than a decade the terms of power sharing under which Transnistria would become part of the Republic of Moldova. In fact, Transnistrian elites have used the period since 1992 to build a more or less functioning *de facto* state, by benefiting from the region's indefinite status and from cooperation with Chisinau on economic matters.

The conflict in Transnistria generated opportunities for a few, and illegal or semi-legal economic activities have generated important incentive structures for the maintenance of the secessionist entity<sup>237</sup>. The very illegitimacy of the *de facto* state of Transnistria encouraged illegal activities, as illegal trade can flourish under conditions of conflict and minimal government control and taxation<sup>238</sup>. Transnistria has served as a tax-free gate for imports into Moldova. For instance, in 1998 the imports into Moldova that passed through the customs controlled by Moldova authorities were worth 621 million lei, while the imports of Transnistria

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<sup>237</sup> *ibid.*

<sup>238</sup> S. Pegg, International Society and the De Facto State. (Brookfield: Ashgate, 1998); Keen, 'War and Peace...' 7

were worth two billion lei, or roughly 500 million dollars at that date<sup>239</sup>; while the populations of the Republic of Moldova is roughly six times that of Transnistria. Cigarettes, alcohol and fuels had been imported untaxed to Moldova through Transnistria. But more dangerous have been alleged Transnistrian exports of arms, as well as uncontrolled trafficking of illicit goods.

As part of the PCR efforts, and in order to increase trust between the parties and ease the economic hardships in the region, in February 1996 Moldova and Transnistria signed a protocol on the cooperation of their customs services, under which Chisinau offered the secessionist authorities the right to use Republic of Moldova's custom stamps in Transnistria's external economic activities. This arrangement, seen as important step towards the reintegration of the country at that time, allowed Transnistrian companies to export goods legally, including to countries with which Moldova had preferential trade regimes. Significant Transnistrian exports included textiles and steel to the US and the EU<sup>240</sup>. However, progress on economic cooperation has not been matched by progress in the political dialogue on the definition of the status of Transnistria as part of Moldova. As a result the fact that Transnistrian exports were made possible without hindrance has neither increased the trust between Chisinau and Tiraspol, not contributed to the economic reintegration of the country. In effect, this measure had been counterproductive to conflict settlement because it allowed Transnistria to strengthen its economic and political independence. In September 2001, Moldova withdrew its custom stamps from the Transnistrian authorities (technically speaking the design of the stamps was changed, and third countries were informed that the old stamps are no longer valid). However, the 'custom stamps' case reveals how in the absence of good will, and external enforcement mechanisms for confidence-building arrangements, PCR efforts can be used and manipulated by one party so as to prolong a conflict situation.

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<sup>239</sup> 'Strengthening border controls in Moldova: problems and priorities', Conference Report of the NOSTRUM workshop, Chisinau, 25-26 November 2004, Institute for Public Policy (Moldova) and the Centre for European Security Studies, the Netherlands.

<sup>240</sup> Ibid.

Generally, the economic reconstruction of the region has been undertaken without significant external support, except for some demilitarization and de-mining programs, as well as a few infrastructure projects that allowed the rebuilding of bridges, affected by the war, on Nistru/Dniestr River. However, economic incentives have never been unambiguous and attractive enough to motivate the parties to pursue the resolution of the conflict in the expectation of economic benefits.

### *The Constraints of PCR*

The main limits for the efforts for post-conflict rehabilitation in Moldova/Transnistria are related to the lack of an agreement to the conflict, the lack of strong external interests and commitment in promoting a solution to the conflict, and a constellation of regional interests that make not only possible, but also sustainable and profitable the status quo.

Post-conflict rehabilitation in Moldova has been made difficult by the lack of an agreement on the end of the conflict. When the future of Transnistria and how the Republic of Moldova will look like after a settlement is not clear, it is very difficult to implement a coherent and strategically-thought PCR package. It is also not clear when and if an agreement between Moldova and Transnistria will be achieved, thus no external actors would be ready to support significant PCR programs without a visible perspective of having the conflict solved. Indeed, if significant economic assistance for reconstruction comes without a clear perspective of an agreement on the status of Transnistria, this might just entrench Transnistria's separation from Moldova, as it already happened in the 'custom stamps' saga. Rather, one possible conflict resolution strategy would be to support Moldova in its transition and European aspirations so as to make it attractive for Transnistria. And only when the benefits of deeper integration of Moldova with the EU are visible, business groups and ordinary citizens, if not the political and military elite, in Transnistria would be interested in finding a solution to the conflict.

A second constraint on PCR in Transnistria was the lack of strong external commitment for overcoming the conflict. The only external actor with a more or less clear agenda and a commitment to pursue its interests is Russia. However, it has been reluctant to seek the resolution of the conflict for the sake of a solution, even if it was at times ready to push for a resolution mainly for the sake of its interests. Generally, Russian interests are served well enough by the *status quo*, as the presence of the conflict remains a good argument for the maintenance of its troops in Transnistria and continuous meddling in Moldovan affairs. The scale of Russian involvement was never matched by similar EU and US interest. However, this has been slowly changing, as both the EU and the US have been making efforts to build momentum for the resolution of the conflict, despite Russian opposition to such moves. Traditionally the lack of significant interests from the part of external actors also meant that the external financial support for PCR was very limited.

A third constraint on PCR is the government of Transnistria. As already noted it derives significant economic benefits from the *status quo*, and constantly justifies political authoritarianism through the need to ‘defend Transnistria from the Moldovan aggressors’ and suppress internal dissent. Fear and insecurity is an important source of internal legitimacy for the elites. Insecurity discourses are a permanent feature in Transnistria, and an important mobilizing factor for the secessionist elites. In addition, the internal logic of most *de facto* states advances political considerations over economic ones, and fear of domination or extermination is one of the features that maintain their internal cohesion. This leads to the dominance of military over politics and the economy<sup>241</sup>. Thus, the authorities in Transnistria are simply not interested in the overcoming of the consequences of the conflict through PCR efforts, because this would undermine their own positions maintained through a combination of war hysteria and repression.

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<sup>241</sup> On the factor of fear in maintaining de facto states see Lynch, Engaging ... and Pegg, International society ...

## **An Agenda for the Future**

One particular characteristic of the nature of the EU developing policies on Moldova in 2004 has been a relative imbalance in favor of Transnistria-related issues, rather than political or economic support for the transformation process. The economic and technical issues dealt under the European Neighborhood Policy have been managed by the European Commission in the context and in implicit dependence on the EU agendas with other ENP countries. Transnistria got bigger attention because it is considered a most urgent issue, as well as the main obstacle in Moldova's transition. Thus the key to Moldova's transformation lies in solving this problem. In the future, however, one should consider reversing the argument. It is not Transnistria that is impeding Moldova's progress on democratization, economy and reform, but vice-versa – because Moldova is not politically and economically attractive for Transnistrians, the resolution of the conflict is difficult to achieve. Thus, the onus of EU policies should be placed on supporting transition and democratization in Moldova, on the one hand, and reducing the criminal benefits of the status quo for Transnistrian elites, on the other. This, in due time will alter the situation around Transnistria in a way that is conducive to the settlement of the conflict.

Launching EU police mission to Moldova with a particular focus on strengthening border-management and security sector reform is the kind of action that Moldova badly needs – for its own sake and for a solution in Transnistria. The EU would only have to benefit from this. Furthermore, more openness in terms of trade from the EU will encourage Transnistrian business groups to lobby in favor of a normalization of relations with Moldova, making them stakeholders in the conflict resolution process. Moreover, increased EU-Moldova cooperation with an acknowledged EU perspective for Moldova is the kind of signal that would make a more stable, prosperous, democratic and European Moldova attractive to ordinary Transnistrians.

In addition, one should remember that the constraints on the PCR efforts in Transnistria are conjectural, rather than embedded in the conscience of the people. And this is the main platform on which the resolution of

the conflict can happen. There is no hate and no ethnic cleavage between the people. A better economic and political perspective for the peoples of Moldova and Transnistria would be strong enough to make them overcome their small differences.

## 10. Nation-Building in the Western Balkans: Some Additional Lessons and the Role of the EU

Predrag Jureković

### The Unfinished Process of Nation and State Building in the Western Balkans

Historically seen, the process of nation-building, which in this interpretation means the development of a specific national consciousness based upon a common language and tradition (which in some cases includes also the same religious orientation), and the process of state-building are not always parallel processes. This is certainly the case in that part of South East Europe, which today is called the Western Balkans<sup>242</sup>, and where Croats, Serbs, (Muslim) Bosniacs, Slavic Macedonians, Albanians, and other minor Slavic and Non-Slavic nationalities had settled. The discourse among intellectual elites about the ‘national question’ generally started in the mid 19<sup>th</sup> century with some exceptions: the Serbs. Under the strong influence of the Serb Orthodox Church, this discourse occurred earlier. Others, like the Slavic Macedonians and the Bosniacs whose national identity has been called into question by their neighbors, have developed their national ideas somewhat later, from the beginning of the 20<sup>th</sup> century<sup>243</sup>.

The process of nation building in the Western Balkans is not linear and continuous. It has had its ‘ups’ and ‘downs’. This has very much to do with the fact that the majority of the peoples in the Western Balkans – maybe with the exception of the Serbs and Montenegrins – do not have a tradition of statehood and have lived for a long time in multiethnic societies under the rule of foreign powers (Austro-Hungarian and Ottoman Empires). The founder of the Socialist Federal Republic of Yugoslavia

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<sup>242</sup> The term ‘Western Balkans’, which was established by the EU, includes the Republics of the former Yugoslavia and Albania, excluding Slovenia.

<sup>243</sup> See: W. D. Behschnitt, *Nationalismus bei Serben und Kroaten, 1830-1914* (Munich 1980) and I. Banac, *Nacionalno pitanje u Jugoslaviji. Porijeklo, povijest, politika* (Zagreb 1995).

(SFRY)<sup>244</sup>, the former Partisan Marshall, Josip Broz-Tito, an ethnic Croat, succeeded to some degree in interlinking nation and state building as far as the southern Slavs and the Kosovo-Albanians were concerned. In Socialist Yugoslavia (1945-91) the ruling Communists tried to find a balance between the various national aspirations by creating six Republics (which according to the Constitution had the status of 'states') and two special entities inside the Republic of Serbia; the multiethnic Vojvodina and Kosovo, the latter with an Albanian majority and a political autonomy similar to that of the Republics<sup>245</sup>. But the Yugoslav Communists failed to transform the multiethnic but authoritarian-ruled SFRY into a democratic state-union after Tito's death. The dispute among the Yugoslav Communist leaders regarding how far they should go with political reforms in the SFRY had tragic consequences when in Eastern and Southeast Europe the Communist regimes collapsed in 1989-90. The SFRY disintegrated, but not in a peaceful way as it was the case in the former Czechoslovakia, but through war<sup>246</sup>.

Nationalist leaders – partly with extreme chauvinist attitude – filled the political vacuum when the Yugoslav Communists showed inability to solve the political crisis. The most important political task for the new political elites was to advance nation building in parallel with state building. But this happened in a very exclusive way: national consciousness was built up by manipulating negative national stereotypes of 'the others'. Members of national minorities were perceived as a Fifth Column and as one of the main obstacles for the creation of an independent and homogenous nation-state. In some cases these prejudices proved to have a real basis; for example, Krajina-Serbs political leaders started a rebellion against the non-Communist government in Croatia with the

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<sup>244</sup> SFRY was the name of the country between the constitutional changes in 1974 and its collapse in 1991. 1945-74 the official name was *People's Republic of Yugoslavia* respectively *Federal People's Republic of Yugoslavia*.

<sup>245</sup> See: H. Sundhaussen, Experiment Jugoslawien. Von der Staatsgründung bis zum Staatszerfall (Mannheim 1993) 116-121.

<sup>246</sup> See: J. R. Lampe, Yugoslavia as History. Twice there was a country (Cambridge: Cambridge University Press 1996) 344-356.



goal to join a greater Serbian state after the first free elections in Croatia in summer 1990<sup>247</sup>.

The International Community (IC), including the then European Community, at that time was not capable to moderate the disintegration of the SFRY. There was a lack of willingness, instruments and a clear vision on how to stabilize the crisis. The consequence of these shortcomings was that in the first half of the 1990s nation and state building in the Western Balkans was anarchical. The tragic war in Croatia and especially the ethnic cleansings during the war in Bosnia and Herzegovina (BiH), which led to an estimated 250,000 deaths and more than 2 million refugees, bear witness to the thesis that in times of political and economic crisis, there is only a thin line between the strengthening of national identity and the spreading of national hatred.

The November 1995 Dayton Peace Accords ended the war in BiH, and later NATO's military intervention in Serbia and Kosovo in Spring 1999 changed substantially the international influence in the region. Nation and state building in the Western Balkans have become more and more matters that are influenced by external actors such as NATO, the UN and the EU. The instruments of the IC reach from political and economic sticks and carrots (in the cases of Croatia, Serbia and Montenegro, Albania and Macedonia) to the establishment of semi- and full protectorates in BiH and Kosovo. This direct involvement is certainly a big progress, because the local political elites were either unable or unwilling to find a *modus vivendi* and to agree on peaceful solutions. On the other hand this direct involvement of the IC – and more and more of the EU – in the process of nation and state-building means huge political responsibility. Bigger failures – in the sense of colonial behavior or 'fatigue' in implementing stability in the region – could lead to nationalistic setbacks.

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<sup>247</sup> 1990-95 Serb rebels controlled around one third of the Croatian territory. The so called *Republika Srpska Krajina* included parts of western and eastern Slavonia as well as the hinterland of Dalmatia.

### *Nation and State Building in Croatia*

Since 1999 the region in general has entered a more stable and peaceful phase. This is the direct outcome of the more substantial engagement of the IC. Nevertheless the national issues are not a closed chapter. The clearest situation concerning nation and state-building today exists in Croatia. With the victory of the Croat army against the Krajina-Serb army in the final military operation ‘Storm’ of August 1995, the transformation of Croatia initiated by the former president Franjo Tudjman in 1991 into a more or less homogenous nation-state, was finished. As a consequence of the military defeat that the Krajina-Serb army had suffered, and of war crimes committed by the Croat army during the operation Storm, around 200,000 Serbs from the Krajina fled to Serbia and the Serbian controlled areas in BiH<sup>248</sup>. According to the last Croatian census (2001) the share of the Serbs in the whole population is 4.5 per cent, unlike the ethnic structure before the war, when their share was around 12 per cent<sup>249</sup>. Unlike in 1991-95, there is no nation building rivalry between the Croat and Serb populations that had threatened a territorial split. The Serbs who remained in Croatia or have returned from Serbia and BiH accept their status as a minority. Nevertheless interethnic relations still play a very important role in state building. For critical Croatian intellectuals, the way the Croat government treats national minorities – especially the Serb minority – is an important indicator of the transformation of the Croatian war society into a state that respects democratic principles and guarantees human rights. In this field some progress has been made since the end of the authoritarian regime of Tudjman in December 1999 – especially in regard of building confidence, but still many Serbs in Croatia feel as ‘second class citizens’.

### *Nation and State Building in Bosnia and Herzegovina*

In BiH the process of nation and state building looks much more complicated than in the case of Croatia. The Dayton Peace Accords ended the war, but in the two years following Dayton, the former parties in

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<sup>248</sup> Concerning the consequences of the operation Storm for the Serbs in Croatia see: Croatian Helsinki Committee for Human Rights (ed.), *Vojna Operacija ‘Oluja’ i poslije* (Zagreb 2001).

<sup>249</sup> See: <http://www.dzs.hr/Hrv/Popis%202001/popis2001.htm>

conflict, the political leaders of all Serb, Croat and Bosniac factions perpetuated the pattern of exclusive nation building practiced during the war. Politics was the continuation of war through other means. This was possible because the entities that the Dayton Accords created, the Republika Srpska and the Bosniac-Croat Federation as well as the ten Cantons inside the Federation, had more competencies than central state institutions. The Serb and Croat national leaders, and to a lesser degree the Muslim politicians conducted a policy that undermined BiH as a united and multiethnic state<sup>250</sup>. The Nationalists lost ground only once the mandate of the EU High Representative (HR) was extended and tasked by the Peace Implementation Council with putting an end to obstructionism<sup>251</sup>. The HRs (most of them European career diplomats and former politicians), have dismissed nationalistic politicians and have enacted important laws like for example the private property law or the law on passports and citizenship<sup>252</sup>. It was the pressure the HRs put on the rulers in the two entities, which forced them to make the return of a greater number of Croat and Bosniac refugees into the Republika Srpska and of Serbian refugees into the Federation possible<sup>253</sup>.

The political changes in Croatia and Serbia after the death of Tudjman and the collapse of the regime of Slobodan Milošević contributed to a more stable situation in BiH and in general to the more pragmatic and co-operative behavior of local Serb and Croat politicians. In both entities the ruling politicians have ‘copied’ the Euro-Atlantic orientation of their neighbors and present themselves today as ‘moderates’. Although this

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<sup>250</sup> See the reports of the International Crisis Group from that time, at: <http://www.crisisgroup.org>

<sup>251</sup> The Bonn Powers include a) removals of holders of public offices, b) imposition of legislation and c) other measures including executive decisions, and financial sanctions. See: C. J. Ebner, ‘The Bonn Powers – Still Necessary?’, in: P. Jurekovic/F. Labarre (ed.), From Peace Making to Self Sustaining Peace – International Presence in South East Europe at a Crossroads? (Vienna 2004) 125.

<sup>252</sup> Ibid, 124-133.

<sup>253</sup> Between 1996 and 2005 there have been 449.000 so called ‘Minority Returns’. Most of them took place in 1999-2002. See: <http://www.unhcr.ba>. See also: F. Labarre, ‘Peacebuilding in the Balkans: The Need to Stay the Course’, Connections: The Quarterly Journal of the PFP Consortium, Vol. 1, #2, (2002) concerning the action of the IC against the ‘obstructionists’.

new political climate in BiH does not mean that the former nationalistic forces have transformed into supporters of a strong state, it seems that there is a chance to make BiH less dysfunctional. In order to achieve larger acceptance for BiH as a state by the Bosnian peoples, it will be necessary to give this country a clear economic and political perspective. The EU's enlargement towards South East Europe plays a crucial role in this regard.

### *Nation and State Building in the 'Serbia, Montenegro and Kosovo' Triangle*

After the collapse of the former Socialist Yugoslavia in 1991-92 only Serbia and Montenegro 'remained' in Yugoslavia, which later became the 'Federal Republic of Yugoslavia' (FRY). The province of Kosovo, whose autonomy had been abolished in 1989/90 by Milošević, is also part of FRY. Since 1990 the Albanian majority population of Kosovo (about 90 Per cent) started to develop parallel health care, education and political systems not connected with Serbian state institutions. The process of Kosovo-Albanian state building between 1990 and 1996 was based upon the peaceful resistance of Kosovo leader Ibrahim Rugova, also known as the 'Gandhi from Kosovo'<sup>254</sup>. His strategy of passive resistance failed when in 1997 the Albanian 'Kosovo Liberation Army' (KLA) started to use guerrilla in order to achieve Kosovo independence. The KLA was more successful, as the NATO intervention that led to the withdrawal of the Serb forces from Kosovo and to the installation of *the United Nations Interim Administration Mission* (UNMIK) in June 1999 has proved<sup>255</sup>. Whereas today the Kosovo Albanians can move forward in the process of state-building – although the final status is still not decided – the remaining non-Albanian population have come into a precarious situation not only in regard of their unsafe living conditions, but also as far as their national identity is concerned. The riots of March 2004, reminiscent of a pogrom, showed that a part of the Albanian popu-

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<sup>254</sup> See: W. Petrisch/K. Kaser/R. Pichler, Kosovo, Kosova. Mythen, Daten, Fakten (Klagenfurt 1999) 181-199.

<sup>255</sup> For a detailed analysis of the military aspects of the Kosovo war see: W. Feichtinger, 'Die militärstrategische und operative Entwicklung im Konfliktverlauf', in: E. Reiter (ed.), Der Krieg um das Kosovo 1998/99 (Mainz 2000) 93-135.

lation is not willing to tolerate non-Albanians in Kosovo<sup>256</sup>. In case that the nationalistic climate will not change to a more tolerant attitude towards minorities, the non-Albanian population in Kosovo will only have two alternatives; either to assimilate and become Albanians, or leave Kosovo. The IC and especially the EU must impress on the Albanians that anarchic nation and state building at the expense of other nationalities will not be tolerated.

At the time when the KLA started attacking Serb forces, a movement for independence was launched also in Montenegro – though there is no direct correlation between the two phenomena. The leading figure of this movement has been Milo Djukanović, who had supported Milošević during the wars in Croatia and BiH. The main motive for Djukanović's break with Milošević and with Serbia was his (correct) estimation that Milošević was an 'outstripped' politician, and that his power along with that of his political allies in Montenegro was running out. Djukanović wanted to preserve his political and economic power and therefore has staked much on an independent Montenegro. In following this policy, Djukanović, who became Prime Minister of Montenegro in January 2003, certainly walks a fine line. Unlike the situation in Kosovo, where the whole Albanian majority population strongly supports the independence of Kosovo from Serbia, there is not such a clear situation in Montenegro. The Montenegrins are traditionally divided as far as their national identity is concerned. Approximately one half of the Montenegrins feels very close to the Serbs and is strictly against the dissolution of the state-union with Serbia. The other half of the Montenegrin population regards itself as a different nation with no special ties to the Serbs and supports the policy of independence. In this polarized situation, the national minorities in Montenegro (Croats, Albanians and Bosniacs) could tip the scales in the project of nation and state building<sup>257</sup>. The EU, which regards border changes as a risk for regional stability, very likely will have to deal with a Montenegrin referendum about independence in Spring 2006. Then, the EU-brokered moratorium on which the state union of

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<sup>256</sup> See: International Crisis Group, Collapse in Kosovo (April 2004), ICG Website, at: <http://www.crisisweb.org>

<sup>257</sup> See the Podgorica weekly *Monitor*, 4 February 2005, 10-12.

Serbia and Montenegro is based<sup>258</sup> will have ended, some three years after coming into force in February 2003<sup>259</sup>.

With the breakdown of Milošević's regime, Serbia has the opportunity for political and economic reforms. But its complicated relations with Kosovo and Montenegro have hindered this necessary transformation. From a rational standpoint, the Serbian government should be interested in getting rid of both problems. The Serbian government and its Prime Minister Vojislav Koštunica seem to be ready for a practical and fast solution only regarding their relations with Montenegro. The official Serb position is either to establish a functional state-union or to divorce. For Kosovo, the Serbian government sticks to its position that it should remain a formal part of the state-union Serbia and Montenegro as an autonomous entity. This is unacceptable to Kosovo Albanians.

### *Nation and State Building in Macedonia*

Despite the fact that Macedonia was the only former Yugoslav Republic to become independent without war, nation and state-building there has developed under difficult external and internal conditions: Greece still today refuses to recognize Macedonia under its official name. The Greek explanation that the Macedonian government could raise territorial claims on the northern part of Greece with the name Macedonia seems ludicrous. Nevertheless, the consequent pressure put by Greece on this issue meant that Macedonia has had to accept the supplement "Former Yugoslav Republic" to its name. For that reason Macedonia is the only successor of the Socialist Yugoslavia, which as far as its name is concerned, is not allowed to end its Yugoslav chapter<sup>260</sup>.

For Macedonia its specific interethnic situation is at least just as demanding as the dispute with Greece about its name. The Albanians in

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<sup>258</sup> See: International Crisis Group, Still Buying Time: Montenegro, Serbia and the European Union (May 2002), ICG Website, at: <http://www.crisisweb.org>

<sup>259</sup> See the interview with the director of the Brussels-based Centre for European Policy Studies, Daniel Gros, in *Monitor*, 4 March 2005, 16-17.

<sup>260</sup> See: International Crisis Group, Macedonia's Name. Why the Dispute Matters and How to Resolve It (December 2001), ICG Website, at: <http://www.crisisweb.org>

Macedonia (25 Per cent of the total population)<sup>261</sup> had, unlike the Kosovo Albanians, no territorial or political autonomy. The collapse of Socialist Yugoslavia had been a strong stimulus for Macedonian-Albanian nation-building. The Albanian goal to transform Macedonia into a bi-national Albanian-Macedonian state – as it was dramatically expressed by the civil war-like fights in spring 2001 – is perceived by many Macedonians as threatening Macedonia's statehood<sup>262</sup>. This fear remains four years after the signing of the so-called *Ohrid Framework Agreement*, which in August 2001 stopped the fighting between the Albanian guerrilla and the Macedonian security forces by extending collective rights of the Albanian population<sup>263</sup>. Like in the other cases of unfinished nation and state building in the Western Balkans, constructive support by the EU and a clear vision for the future is necessary to prevent a relapse into instability.

### **The EU's Changing Role in the Region**

The EU's role in the Balkans has to be distinguished between the time before and after the Kosovo war. Before the Kosovo war, the EU had no concrete concept to contribute substantially to stability in South East Europe. Especially in the first half of the 1990s, a common foreign policy of the EU-member states concerning the Balkan conflicts was just lip service of Western European politicians. There was no consciousness among Western European countries that they should be responsible for Balkan issues and that stabilization of South East Europe is a political priority. In that inglorious period of Western European (dis)engagement, the initiative was on the side of the United Nations and later with even more success on the side of the USA, who successfully ended the war in BiH. Between 1991 and 1997 the EU was more or less a weak mediator

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<sup>261</sup> According to the census of 2002.

<sup>262</sup> According to a survey that was published in the UNDP-Early Warning Report from November 2004, more than 70 percent of Macedonians perceive common Albanians as a danger for the country's stability. See: <http://www.undp.org>

<sup>263</sup> In the Ohrid Framework Agreement the rights of Albanians to use their language in official contacts was extended; it was decided that the Albanians should be better represented in the public service as well as in police forces; by decentralising Macedonia, local self-government should be enhanced.

with no vision on how to stabilize the region. A good example for this passive and reactive attitude, instead of a preventive and comprehensive regional approach was the fact that the EU did not take the initiative to find a political compromise regarding the Kosovo conflict, which had been left out of the Dayton Peace Accords. The EU saw Kosovo until 1998 as a human rights problem exclusively and not as a huge security risk for the whole Western Balkans. The result of this ignorance was that ‘the Forgotten of Dayton’, the Kosovo Albanians, turned towards violence to attract international attention.

When in spring 1998 the Kosovo conflict entered in its phase of violent confrontation, the EU’s engagement began to be more active. Although it was obvious that the United States and NATO remained key players, the representatives of the EU at the peace conference in Rambouillet (February-March 1999) were busy finding a political compromise between the parties in conflict<sup>264</sup>. Although the war in Kosovo will be mentioned in history books ‘as another job done by the US’, it was the starting point for substantial EU engagement in the Balkans. The Europeanization of crisis- and post-conflict-management in the Balkans was of great importance for the EU. In June 1997 at their summit in Amsterdam, European governments decided to make a giant leap in European unification by putting life in the Common Foreign and Security policy (CFSP). The twin goals of strengthening the CFSP in order to strengthen the EU itself and to stabilize the Western Balkans go hand in hand<sup>265</sup>. The stabilization of the Western Balkans has become the most demanding challenge for the EU’s CFSP and the ‘Europeanization of the Balkans’ has become the most important priority in the regional stabilization process.

The first important step towards a comprehensive approach for the region was the setting up of the *Stability Pact for South East Europe* at the June 1999 EU summit in Cologne, immediately after the Kosovo war. Around 40 countries and international organizations have become mem-

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<sup>264</sup> The main negotiator on the EU side at the peace-conference in Rambouillet was the Austrian career diplomat Wolfgang Petritsch.

<sup>265</sup> Via <http://www.europa.eu.int>



bers of this political initiative that should enhance regional co-operation in South East Europe. Nevertheless the EU plays the key role in this initiative. Although the Stability Pact is not a purely EU project, it has a special responsibility for its success. Up to now it has provided all the coordinators of the Stability Pact. The member states of the EU are also the most important donors. With its organizational structure, the working table for democratization and human rights, the working table for economic reconstruction, co-operation and development and the working table for security issues, the Stability Pact reflects and deals with all the relevant issues for regional stabilization<sup>266</sup>.

It is indisputable that the Stability Pact has been a very useful tool to renew the co-operation between the Balkan countries after years of war, but of more importance in regard of the EU's goal to 'Europeanize' the Balkans is the so called *Stabilization and Association Process* (SAP), with its core, the *Stabilization and Association Agreements* (SAAs). The SAP, which was launched in 2001, represents a concrete political vision and perspective for the Western Balkan countries. Every country in the Western Balkans according to its progress towards democratization, respect for human rights and co-operation with the ICTY as well as economic reforms has the opportunity to become a EU-associate by signing the SAA, and then to apply for full membership<sup>267</sup>. EU member states agreed at their June 2003 summit in Thessaloniki that the process of enlargement would not end until the countries of the Western Balkans have become members<sup>268</sup>. Generally speaking, the prospect of becoming members of the 'EU club' in a medium-term has become the most important catalyst for inner reforms and for normalization of Balkan rela-

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<sup>266</sup> See: <http://www.stabilitypact.org>, and also F. Labarre, 'Regional Integration through the Stability Pact', *Connections: The Quarterly Journal of the PFP Consortium*, Vol. 2, #2, (2003).

<sup>267</sup> Macedonia and Croatia signed the SAA in April respectively October 2001. Croatia received the status of EU candidate in Spring 2004. Macedonia applied for EU membership in March 2004. Albania, BiH and Serbia & Montenegro, which are behind these countries in regard of their position in the process of EU integration, currently negotiate with the EU about the SAA.

<sup>268</sup> M.-J. Calic, 'Strategien zur Europäisierung des Westlichen Balkans', *Südosteuropa*, 1 (2005), 1-37.

tions. Without this positive perspective, which was lacking at the beginning of the Yugoslav crisis, the Balkans would remain a region with semi-democratic political regimes and nationalistic antagonisms.

### **The EU-Accession Process and Its Impact on Nation and State Building**

The EU's integrative approach makes the unfinished Western Balkans nation and state-building processes feasible. This still includes risks for regional stability, but the process can be steered in a direction of cooperation. Instead of negative domino effects, we speak about the possibility of positive domino effects. An example for that is Croatia's progress towards EU accession, which is an important incentive for the other Balkan countries not to fall too much behind. The EU accession process means that certain standards must be met.

This standard-orientated approach has an enormous significance for civil society. Critical NGOs and journalists as well as human rights activists from Western Balkan countries traditionally have had a great deal of trouble with the governing structures. Especially during wartime they were accused of being traitors and some of them were assaulted or murdered. Critical voices are still not very welcome in these societies, but under the 'protective shield' of EU and NATO, which are continuously evaluating the implementation of standards in the region within the scope of the accession process, civil society is becoming more courageous. One indicator for this positive development is that taboo themes, such as war crimes committed by co-nationals, are discussed more openly in the public. Also concerning the return of refugees and expellees who belong to national minorities, the standard oriented approach of the EU shows a positive impact; although it is not realistic to think that all refugees will return, no leading politician would risk a nationalistic campaign in order to prevent minority returns anymore.

The European perspective is not only the most important impulse for the implementation of democratic standards. It can also help avoid zero game situations in regard of weak states or unsolved status issues and sensitive interethnic constellations. This assumption applies to BiH and

Macedonia, respectively to the Dayton and Ohrid peace processes, for instance. In both cases the EU, is deeply involved in peace making. In BiH, the HR, who is the most important political actor there, very often imposes solutions in order to strengthen the central state structures vis-à-vis the two entities. This practice is very unpopular among the local population, but it seems that the ruling politicians in the two entities have become more constructive since the HR began explaining his strong measures as necessary for EU membership. The consequence is that in the setting of this temporary Dayton arrangement, it is possible to make small but steady progress because all actors accept accession to the EU as a common goal.

Envoys of the EU together with representatives of NATO were successful in ending combat between the Albanian guerrilla and Macedonian security forces by convincing both sides to sign a peace agreement. This Ohrid Framework Agreement demanded a lot of concessions from the Macedonian side and is therefore very unpopular among the Slavic Macedonians. A part of the Macedonian population fears that the implementation of this agreement could undermine the Macedonian state and that the Ohrid agreement complies with the ambitions of extremist Albanian groups to separate the Northwest of Macedonia and to unify these territories with Kosovo. But the majority of the Slavic Macedonians accepts – though with a high dose of skepticism – the Ohrid process as a political necessity to maintain the interethnic balance in their country<sup>269</sup>. An important reason for this acceptance is the fact that Macedonia makes progress in Euro-Atlantic integration. The Macedonian population for that reason considers the EU and NATO (and especially the US government)<sup>270</sup> ‘guarantors’ of Macedonia’s territorial integrity. The more Macedonia will make progress towards EU membership, the less extremist Albanian groups will find supporters among ordinary Albanians to destabilize the country.

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<sup>269</sup> One important indicator for the support of this assumption was that the majority of the Macedonian voters did not participate in an anti-Ohrid referendum that took place in November 2004.

<sup>270</sup> The US government recognized Macedonia in November 2004 – against the will of Greece – under the name ‘Republic of Macedonia’.

It is imaginable that also with regard to the unsolved status of Kosovo, a provisional state-model steered by the EU, could be a good political solution. Of course it is safe to assume that on account of the big gap that remains between Serb and Albanian political conceptions, such a conflict solution oriented on Kosovo's integration in the EU would include more risks than in the case of BiH and Macedonia. An international Balkan commission under the direction of former Italian Prime minister Giuliano Amato and former German President Richard von Weizsäcker recently proposed a scheme for provisional political solutions until all the entities of the Western Balkans will be integrated in the EU<sup>271</sup>. This commission recommended that Kosovo should neither be a formal part of Serbia nor should it automatically get full independence. For a transitional period, the EU should replace the UNMIK in Kosovo as a controlling instance, but the main competencies should be transferred to the Kosovo authorities. During this period, the Albanian-dominated Kosovo authorities will have to prove that they are really able to guarantee normal living conditions for the non-Albanian population and moreover the EU authorities in Kosovo will prepare them for the association process. According to the Amato/Weizsäcker-commission proposal, Kosovo would not become a formally independent state before it has fulfilled all the conditions for accession to the EU. Then Serbia (in combination with or without Montenegro) would already be a member and would therefore more easily accept the independence of Kosovo.

### **Challenges for the EU in Order to Keep Its Important Role in the Western Balkans**

In order to keep its mainly positive influence on the process of nation and state building in the Western Balkans, the EU must take care of the following challenges:

- The EU must provide the countries of the Western Balkans not only with a list of standards they should implement, but also with a clear time-table in regard of their integration in the EU. Otherwise the EU-integration process could become too abstract and

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<sup>271</sup> See *Frankfurter Allgemeine Zeitung*, 12 April 2005.

therefore lose its attraction for the Western Balkan countries, which could then fall back into the old antagonist scheme.

- Political stability very much depends on satisfying economic conditions. The Balkan countries still have big problems in this regard. The high unemployment rate (30-40% in most of the western Balkan countries) will not get under control without the structural funds of the EU. The Berlin-based European Stability Initiative demanded in one of its reports that every Western Balkan state that concludes an SAA should be offered the status of EU candidate and should have full access to pre-accession programs, irrespective of whether it meets the criteria to begin full membership negotiations<sup>272</sup>.
- In order to remain an important political factor the EU must not overestimate its influence. For the EU there is only a thin line between playing a constructive role and lapsing into colonial behavior. That could be the case in regard of the Serb-Montenegrin divorce or reunion, if the EU for instance would do more than just help the two sides to find clear procedures for either scenario. In BiH the next HR, whose most important task will be to help the local authorities to prepare for the accession process, will have to give up his/her huge executive and legislative privileges and have to fall back on an advising role.
- The EU can only be successful if it holds strong links to NATO and the USA. The EU has shown its willingness to take over the responsibility for Peace Support Operations in the Western Balkans from NATO. But still NATO's presence is very important for the successful transformation of the armed forces of Balkan countries. The EU, NATO and PfP accession processes are all congruent processes that contribute to a system of co-operative security in the Western Balkans.

Together, these initiatives at once confirm and require stable and responsible nation and state-building practices to succeed in having the Western Balkans escape their legacy of bloodshed and help complete the European construction.

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<sup>272</sup> See: European Stability Initiative, Recommendations from Wilton Park Conference (June 2004).

## **IV. Conclusions: the ‘Must’ of Euro-Atlantic Solidarity on Post-Conflict Rehabilitation**

Plamen Pantev

Preserving and developing trans-Atlantic relations has proved to be an indispensable tool of handling the various challenges of global international relations – in the past century and in the first years of the present one. The attraction of membership in NATO for countries that are still in a process of post-conflict rehabilitation activities, the accession of new members of the Alliance from the former Soviet bloc, the examples of vitality and institutional modernization by the North Atlantic organization itself are significant arguments in this direction. Whatever the differences within the trans-Atlantic community in the past and in the recent years, preserving and developing the relations between Europe and North America does not have a substitute of guaranteeing the democratic trends and stability in the world. There are allies, partners, friends of the trans-Atlantic community, but no substitute in backing the progress of human civilization. Making the world safe for global economic activity, a place where democracy, human rights and dignity matter is the heart of the trans-Atlantic philosophy and construct.

Post-conflict rehabilitation activity is just one of the areas that has a stake in keeping and upgrading the trans-Atlantic relationship. However, it is becoming more and more important.

First, the need of effectiveness in international security relations shows that durability of peace after intra-state or inter-state conflicts is linked not just to an efficient peace-enforcing and peacekeeping operation, but also to a level of democratization of the conflict-stricken societies, to the institution-building success, the security sector reform, disarmament of the conflicting sides, the return of the refugees and to the social and economic progress after the end of the hostilities. Post-conflict rehabilitation experience shows that manageability is more important than democracy at the initial stage of recuperation of the war-torn/conflict distressed so-

cieties. Democracy building is a crucial task for the mid-to-long term. All these activities are becoming already part of a forward targeted conflict-prevention. Both Europe and North America are interested in effective conflict-prevention results. One of the important lessons of Balkan post-conflict rehabilitation has been that success would not have been possible without a working trans-Atlantic cooperation. South East Europeans have been often taking US-EU, NATO-EU solidarity and cooperation for granted, though it has been not that easy end product of commonality of values, principles and to a great extent – adjustment of threat perceptions. This positive experience needs to be kept alive, continuously studied and applied elsewhere in the world.

Second, post-conflict, especially war-torn societies are a potential milieu of attracting and creating terrorist activity. Resolute actions of rehabilitating these societies should prevent this from happening or intensifying. It would be interesting to consider the Iraqi case from this perspective. There were opinions before the war in Iraq that the result of the US/Coalition Forces intervention would lead to an intensified terrorist activity. The alternative was pacification of a dictatorial regime that sooner or later would have openly staged the same activity that terrorists already carried out. There are clear difficulties in implementing post-war rehabilitation in Iraq while a mounting terrorist struggle adds to the resistance of elements of the regime of Saddam Hussein. But only a success by the international community in post-war rehabilitation of Iraq would deprive the Islamic-motivated terrorists from the argument that the Muslim world is doomed to never catch-up with the rest of the civilized democratic world. Success of democracy and market economy is in the interest of the trans-Atlantic community in its fight on terrorism. So, post-conflict rehabilitation bears a strong counter-terrorist aspect too – an aspect that the trans-Atlantic relations cannot neglect, especially when diverging perspectives pull the countries of the community into different positions in critical periods of international relations.

Third, facing the realities of the present-day low or absent international institutions' capacity of sustaining, coordinating and practically implementing crisis management, peacekeeping and peace-building activity when the needs for that are existent, trans-Atlantic cooperation and soli-

solidarity is an indispensable source of coping with this issue. While in the case with the Balkans the trans-Atlantic community has found its solutions by shifting responsibilities, but also South East European nations' future to the European Union and NATO, post-conflict sites in other regions of the world are not that lucky. The vehicle of trans-Atlantic relations is the leading potent factor that would organize the efforts of dealing with the security, economic, social and political distress of the post-war societies of the broader Middle East, Africa and Asia. It would include not only identifying the donors of economic help but also support humanitarian organizations to carry out their activity and organize security stabilization efforts. Trans-Atlantic cooperation is crucial for involving, motivating, facilitating and supporting all other international institutions that have capacity for post-conflict rehabilitation.

Fourth and last, post-conflict rehabilitation is important for trans-Atlantic relations from theoretic and strategic point of view: no conflict should any longer be approached without a clear vision where to drive the developments after the hostilities end. Definitely this is an ambitious task that neither the USA, nor the EU are able to carry out alone globally. The challenge of both the USA and the EU in solidifying their global roles is how to define their cooperative attitudes towards each other in outlining their post-conflict rehabilitation activities. The task is ambitious since post-conflict rehabilitation is quite broader and encompassing social, political, security, military, economic and financial activity. For example, humanitarian aid, security sector reform, economic reconstruction are just parts of a more systematic effort, defined as post-conflict rehabilitation. Considering the immensity and high costs of the task, on one side, and the persisting budget limitations for every international actor, on the other side, the implementation of this post-conflict management tool requires a most economic approach for both the United States and the European countries. Trans-Atlantic cooperation could be the vehicle and the driving force in attracting the world capabilities in coping with post-conflict rehabilitation tasks.

In conclusion, there is no doubt that post-conflict rehabilitation needs trans-Atlantic solidarity, but the very trans-Atlantic relationship could overcome its moments of difficulties and doubts by utilizing the coop-



erative potential of the post-conflict rehabilitation itself. The lessons of post-conflict rehabilitation in South East Europe and by South East Europeans are certainly needed pieces of the mosaic of knowledge shared by the trans-Atlantic community.