II   THEORETICAL FRAMEWORK

This chapter outlines the theoretical groundwork for the research problem as defined in the previous chapter. The body of literature on international interventions is voluminous and I make no pretense to have summarized it in its entirety. To systematize the existing literature, as well as the main arguments and schools of thought would take an entire thesis.

Post-Cold War state building interventions are projects characterized by three principal elements. The first element is the nature of international politics after the end of the Cold War that defines collective response to emergent crises. The second element is the nature of the conflict in which the international community intervenes. The third element is the goals that the intervener sets forth, thus determining the type of the intervention it undertakes.

This chapter discusses these elements and is organized in four main parts. The first part focuses on the nature of post-Cold War interventions – basic assumptions that drive interventionist politics and its main criticism. The second part introduces general definitions of states and their internal organization and move to the discussion of specific requirements of states that suffer deep internal divisions. The third part addresses the issue of externally sponsored state building that takes place in the post-war setting of a target state. Post-war German and Japanese experience illustrates the complexity of state building projects. The fourth part explains the specificities of the Bosnian case and introduces the state building model as being implemented in Bosnia-Herzegovina as of 1995.

Our capacity to understand interventions that come as part of a post-war peace package depends largely on our capacity to understand the underlying processes of conflict the intervention is trying to overcome. While the study of war and conflict is relatively advanced, we are still far from producing a *coherent approach* to the study of conflicts, and the interventionist literature lacks a clear baseline in international relations theory to rely upon. While rationalist literature struggles to explain

conflicts, the introduction of third-party intervention adds another tier to the analysis and with it more complexities arising out of the large number of actors, incentives, interests, and possible configurations. It is therefore not surprising that peacemaking literature in general and literature on interventions in particular has produced little consensus and is beset by severe problems of conflicting empirical results.

The intervention can be analyzed from a variety of perspectives. We could study types of interventions, such as financial interventions, natural-disaster interventions, humanitarian interventions, preventative interventions, peacekeeping interventions, military interventions, and many others. We could also concentrate on different time periods and analyze the evolutionary path of intervention. We could concentrate on normative discourses relating to interventions. We could study the effect of intervention as a foreign policy tool. Finally, we could analyze the current, post-Cold War debate on the changed nature of intervention and the new rhetoric that accompanies recent interventionism.[103]

II-1   POST-COLD WAR MILITARY INTERVENTIONS

II-1a   Definitions
States have always employed different tools to influence the behavior of other states. War as an instrument of politics, in the famous phrase of Clausewitz, has remained a constant element of human existence. Intervention as a method of operating in the international arena is less extreme than war, although it does not proscribe the use of arms in realizing the intervener's objectives. In this thesis, **intervention is**

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[103] A sign that interventionism as a tool of international politics will be around for some time to come and will therefore be an option in career planning comes not only from international organizations, think-tanks, and foreign affairs departments, but also from academic institutional settings. The University of Miami offers a Masters degree in International Administration, a program designed "to reflect the changed circumstances of the world at the end of the 20th century and the subsequent changing career opportunities in international service… Thus, an understanding of conflicting cultures and values, the global flow of information, and applied management techniques is of equal importance with a working knowledge of diplomacy, trade and finance." Available from http://www.miami.edu/international-studies/mais.html

defined as a tactic (military or otherwise) used by one state to influence or change the internal situation in another state. It is strategic manipulation based on diplomacy and the use of force, on carrots and sticks, directed towards winning over the opponent to support the intervener's goal. As Thomas Schelling emphasized many years ago in his seminal work, *The Strategy of Conflict*, strategy needs to be thought of more broadly in terms of how one actor attempts to get another actor to do something it might not otherwise do.[104]

Most other writers on interventions operate within the same categories as those already put forward. Thus, Karin von Hippel defines military intervention as a "coercive tactic used to manipulate a country into taking a certain path that would not otherwise be chosen."[105] Neil MacFarlane defines military intervention as "the coercive attempt to change the internal political balance of another state."[106] Richard Haass explains that "armed interventions entail the introduction or deployment of new or additional combat forces to an area for specific purposes that go beyond ordinary training or scheduled expression of support for national interests."[107] In his view armed intervention entails activities ranging from the 'classic' form, i.e. the use of force as a response to an actual or potential behavior of another state beyond its borders, to the use of military force "for the purpose of affecting the internal situation in or politics of another state."[108] Haass classifies interventions according to the following purposes: deterrence, prevention, compellence, punishment, peacekeeping, war-fighting, peace-making, nation-building, interdiction, humanitarian assistance, and rescue.[109]

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[104] Thomas Schelling, *The Strategy of Conflict* (Cambridge, MA: Harvard University Press, 1960).

[105] Karin von Hippel, *Democracy by Force. US Military Intervention in the Post-Cold War World* (Cambridge, UK: Cambridge University Press, 2000), p. 3.

[106] S. Neil MacFarlane, "Intervention in Contemporary World Politics", *Adelphi Paper* 350, The International Institute for Strategic Studies, 2002.

[107] Richard N. Haass, *Intervention. The Use of American Military Force in the Post-Cold War World*, Revised edition (Washington, D.C.: The Brookings Institution Press, 1999), p. 20.

[108] Ibid.

[109] Haass, *Intervention*, p. 50.

II-1b Normative discourse on intervention

In the post-Cold War world, humanitarian intervention became a *sine qua non* for international involvement in a conflict-ridden state. In fact, humanitarian interventions are often referred to as armed humanitarian interventions, which is not an oxymoron, but a precise definition of what it stands for: the use of arms in realizing humanitarian objectives.

Nonetheless, intervention as a systematic feature of the international order has always been around. During the Cold War the superpowers intervened in a number of places, mainly within the Third World, in order to advance their particular interests.[110] The end of the Cold War somewhat changed the way the intervention was initiated and justified. The particular interests of potential interveners gave way to universally shared values of human rights. The emerging 'conventional wisdom' holds that the further internationalization of society places greater limitations on national sovereignty and legitimates collective humanitarian intervention. According to Adam Roberts,

> […the] humanitarian action as a response to war, and to violent crisis within states, has been tried in the 1990s as never before …[taking] any form – provision of food and shelter for refugees; airlifts of supplies to besieged populations; proclamations of 'safe areas'; attempts to ensure implementation of the laws of war; monitoring of detention conditions; the use of outside armed forces for 'humanitarian intervention' in situations of chaos, warlordism, massive atrocities and tyrannical government; mine-clearance, and post-war (even sometimes intra-war) reconstruction … The fact remains that alongside the growth of humanitarian action there has been a policy vacuum. Major powers and international organizations have lacked long-term policies addressing the substantive issues raised by the conflicts of the 1990s. The vacuum increases the demand for humanitarian responses but reduces their effectiveness.[111]

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[110] Major Western interventions took place in Indochina, the Middle East, Central America and the Caribbean, Africa, and elsewhere. The USSR also carried our numerous interventions as part of its foreign policy, including Hungary, Czechoslovakia, and Afghanistan.

[111] Adam Roberts, *Humanitarian Action in War: Aid, Protection and Impartiality in a Policy Vacuum*, (Oxford: Oxford University Press for the IISS, 1996), pp. 7-9.

Humanitarian and peacekeeping operations, democracy promotion, defense of human rights, multilateral military campaigns, actions against international drug trafficking, and the anti-terrorist campaign have been carried out with increasing frequency since the end of the Cold War under the aegis of the UN and other multilateral venues. These new modalities of intervention suggest the rise of collective political authority in the global system, but they have generated a sharp polemic. Critical analyses challenge the conventional interpretation of the new interventionism with the claim that it represents no more than a shift in mechanisms of control, and even a new form of colonialism, by an increasingly unified transnational elite intent on maintaining structures of domination and suppressing demands for the redistribution of wealth and a more systematic democratization of the global capitalist order.[112]

Has humanitarian concern changed the traditional concept of a military intervention? A forceful 'no' comes from the following authors:

> Throughout the Cold War, under the auspices of the global ideological conflict, the United States and the Soviet Union were engaged in an elaborate game of intervention and proxy wars on the periphery. Since the end of the Cold War a 'new game' of intervention with potentially more participants has begun. Military intervention will remain an instrument of statecraft and thus a constant feature of international politics. The various powers may have different motivations for participating in this new game, but they are all linked to their perceived respective national interests. The national interest remains the main driving force behind the foreign policy actions of individual states. It is a wide enough concept to embrace the more traditional concern with national security and international power as well as humanitarian concerns. Humanitarian intervention, defined as a forcible action without the prior invitation or consent of the target state's government for the specific purpose of protecting fundamental human rights (Arend and Beck, 1993: 113), fulfils all the essential characteristics of 'traditional' military

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[112] Noam Chomsky remains one of the most prominent critics of the evolution of international politics in the post-Cold War world.

intervention: it is military intervention with a humanitarian objective. In conclusion, it may, therefore, be argued that the post-Cold War international system may see the beginning of a new game of intervention, perhaps over different issues, possibly with new actors, but that they will abide by the same old rules.[113]

The end of the long peace[114] raised new foreign policy issues that have confused governments in search of new security doctrines. It is in this context that the literature on new types of intervention is emerging, as part of a search for rationale and strategy in operating in the international arena. As the "security community exists on both sides of the Atlantic",[115] the focus of the Western world is on other regions.

John Ruggie explained that it was initially believed that the end of the Cold War would be conducive to a stronger UN, in line with Roosevelt's scheme of a concert-based UN security system. However, without decisive U.S. support for the UN, it became hard to expect the UN to play a useful global role. Prospects for a prominent UN have remained slim as long as the U.S. administration perceives the UN's peace operations as merely "a sometime tool for third-level American interests," as the *Washington Post* characterized a long-awaited Clinton administration UN policy directive.[116]

Stanley Hoffmann assumes that interveners, sticking to a narrow humanitarian mandate and without addressing the causes that produced it, "may well be doomed to playing Sisyphus… If the political causes are not removed, victims will remain in danger and the intervention will risk, at best, being no more than a band-aid, and at worst, becoming part of the problem."[117] Once in, an intervener is usually driven to expand

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[113] Thomas Otte et al, "The West and the Future of Military Intervention", p. 187.
[114] John Lewis Gaddis, *The Long Peace* (New York: Oxford University Press, 1987).
[115] *Washington Summit Communique*, "An Alliance for the 21st Century", Washington D.C., April 24, 1999, item 1.
[116] "Peace-Keeping Guidelines", *Washington Post*, Editorial, May 8, 1994, p.C6, quoted in Ruggie (1996: 78).
[117] Stanley Hoffmann, "Out of the Cold: Humanitarian Intervention in the 1990s," *Harvard International Review* 16(1):9 (Fall 1993). Quoted in Haass, *Intervention*, p. 99 and in Garrett, *Doing Good and Doing Well*, p. 78.

the mission, to do more than was initially planned. The Somali experience is a proof of this tendency. An explicit and limited humanitarian goal proved to be unachievable as long as other issues were not tackled. Tackling other issues meant doing a job for which the intervening force had no capacity, nor will. In the end, as the costs started to exceed the tolerance level, the interveners decided to pull out. The intervention in Somalia was perceived by most as nothing but purely humanitarian in character. Neither the United States nor any other nation that intervened later in Somalia faced any imminent danger from the horrific events that took place in this unfortunate country. However, it challenged the purported view of the time that a safer and better world was possible. It was Somali warlords that induced a wide-scale famine by plundering food, and it was the international intervention that was aimed at preventing that.

> When U.S. troops intervened in December 1992 to stop the theft of food, they disrupted the political economy and stepped deep into the muck of Somali politics. By re-establishing some order, the U.S. operation inevitably affected the direction of Somali politics and became nation building because the most basic component of nation building is an end to anarchy. The current conventional wisdom that draws distinctions between different types of intervention and stresses the desire to avoid nation building may be analytically attractive, but it is not particularly helpful. How could anyone believe that lending 30,000 troops in a country was anything but a gross interference in its politics? The Mogadishu line[118] was crossed as soon as troops were sent in.[119]

The U.S. Ambassador to Kenya argued from the beginning against the U.S. intervention in Somalia, explaining his argument sardonically "if

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[118] In Bosnia, U.N. peacekeepers under fire from or taken prisoner by Serb forces were expected to turn the other cheek for fear of "crossing the Mogadishu line." This expression, reportedly coined by Lieutenant General Sir Michael Rose, former commander of the United Nations Protection Force in Bosnia (UNPROFOR), describes the need to maintain neutrality in the face of all provocation for fear of becoming an unwilling participant in a civil war.

[119] Walter Clarke and Jeffrey Herbst, "Somalia and the Future of Humanitarian Intervention", *Foreign Affairs*, 75 (2): 66-85 (March/April 1996), p. 66.

you liked Beirut, you'll love Mogadishu." He added that the effects of a major American presence in Somalia would be to "keep tens of thousands of Somali kids from starving to death in 1993 who, in all probability, will starve to death in 1994."[120]

According to Stephen Stedman, the urge to take preventive action – to do something, anything – can lead to ill-considered policies that lack strategic sense.[121] This is not an argument against early action, which Stedman endorses by quoting official statements on three cases of humanitarian intervention (Somalia, Rwanda, Bosnia)[122], but what he implies is that if a decision "to do something" is not linked to a broader strategy of how to tackle the complexities of the crisis, it can in some circumstances even exacerbate it.

According to Neil MacFarlane, in the contemporary world politics intervention "has been transformed from its traditional role as a vehicle for the promotion of political interests of states into a mechanism for the promotion of purportedly universal norms."[123] He contends that there are two aspects of the post-Cold War normative dimension of

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[120] Don Oberdorfer, "The Path to Intervention," *Washington Post* (December 6, 1992), A35; quoted in Garrett, *Doing Good and Doing Well*, p. 112.

[121] Stephen Stedman, "Spoiler Problems in Peace Processes", *International Security*, 22(2):5-53 (Fall 1997), p.17.

[122] Mohamed Sahnoun, former head of the UN mission in Somalia, argued that there were several opportunities for international intervention to prevent the anarchy and civil war that engulfed Somalia in 1992 and 1993. "A preventive approach", he stated, would have had "a fairly good chance of success without great expense, and without the need for a large military presence." Sahnoun, Mohamed, *Somalia: The Missed Opportunities* (Washington: United States Institute of Peace, 1994:5);

Alain Destexhe, secretary-general of Medecins Sans Frontieres, wrote that early action would have averted genocide in Rwanda: "Deploying an intervention force early in crisis can save not only lives but also money." Destexhe, Alain, "The Third Genocide", *Foreign Policy* (Winter 1994-95: 16);

According to Secretary of State Warren Christopher, even the Bosnian crisis was avoidable: "The West has missed repeated opportunities to engage in early and effective ways that might have prevented the conflict from deepening… An early and forceful signal might have deterred much of the aggression, bloodshed, and ethnic cleansing." Warren Christopher, quoted by Reuters News Service, February 10, 1993. All quoted by Stedman (1995: 17).

[123] Neil MacFarlane, *Intervention in Contemporary World*, p. 7.

intervention. The first aspect for which an intervention may be carried out is the defense of human rights and the protection of civilian populations threatened by civil war. The activities that an intervener may undertake for these purposes are the delivery of relief supplies, protection of the personnel delivering them, or coercing states and other parties involved in the conflict to cease violating the individual and group rights of the civilians living under their authority. The second aspect for which the intervention may be carried out is to restore (or establish) democracy in a state that had fallen victim to internal conflict. "It may be becoming legitimate for international actors to use force to promote particular forms of internal state arrangements."[124]

This change in the normative nature of intervention has been recorded and discussed by various sources – in law, international relations, military studies, peace and conflict resolution studies, and others. Moreover, substantive normative and structural changes have recently taken place in other fields of the human domain. Thus, it is not that we only register change in interventionist politics at the end of the 20th century, but changes are also discussed and analyzed in literature concerning the nature of the contemporary state, on the challenges of globalization, on new cultural and social divisions, etc. Therefore, the study of the nature of current interventionism cannot be devoid of complex and multifaceted changes occurring simultaneously in other related fields.

As a society we witness and, to a degree, influence this change, while as scholars we attempt to capture the change within a comprehensible framework. However, creating such a framework is inherently difficult when one is dealing with a contemporary phenomenon that is undergoing constant change at the same time as it is being analyzed. This has significant repercussions for defining the scope of research and research goals. Since the evolution of the phenomenon occurs in parallel to the analysis, our conclusions are ultimately limited and case(s) based. However, similar limitations could be applied to a number of other

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[124] Neil MacFarlane, *Intervention in Contemporary World*, p. 8. For more detailed discussion on normative aspects of the international intervention after the Cold War, see pp. 7-10.

scholarly ingressions into spheres of contemporary life, despite the sweeping generalizations some of them tend to make.

To sum up, post-Cold War interventions were granted legitimacy only if understood in terms of humanitarian purpose. Nonetheless, despite this professed altruism and benevolence, interventions have continued to demonstrate particular state interests that may have little to do with any genuine concern for the well-being of civilians in distant places. As a reaction to the fall of the Berlin Wall, the notion of international relations as being driven by integration and cooperation prevailed for a short while and was epitomized in the *New World Order* concept of the American president at the time, George Bush Sr.[125] However, the initial enthusiasm vanished the moment post-Cold War challenges and problems surfaced for which the world did not have any ready-made solution to offer. This led to a perpetuation of the politics of reaction rather than the politics of vision and insight.

Despite certain claims that the world changed substantially after the Cold War, the effect of this change seems less and less apparent as times goes by. The initial optimism was premature because as long as states remain key players in the international arena, they will consistently display behavior that is inherent to the nature of the state and to its particular interests. The behavior can be and is modified over time, but the basic, fundamental characteristic of the state's nature is not altered. If there is to be a profound change in the international system, it will not occur with states as we know them still around. A profound change would require an extensive transformation of the international system, a much more ambitious makeover than the one made by the end of the Cold War.

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[125] Jean-Marie Guéhenno questions the assumption that globalization equals integration and instead proposes to view fragmentation as a part of globalization. Philippe Schmitter eloquently sums up this argument: "…[I]t seems logical to assume that instead of a uniform trend toward larger and larger units, or the recourse to any 'small is beautiful' tendency, we should expect diversity according to the conditions of individual and collective choice prevailing in the regions…" *International Relations and Democracy,* International Conference, Warsaw, June 25, 1998, the Conference Report, p. 12.

II-1c Interventions bounded

The term intervention is prone to conceptual overstretching, as it is used to describe almost any kind of behavior and thus often does not describe anything. Military assistance to a government, for example, may come in the form of arms supplies or training programs for the domestic combat forces of a target state and may eventually prove more effective than an intervener's direct military deployment.[126] Financial and economic conditionality applied to a target state may also be defined as an intervention, since the conditionality measures are carried out in order to influence and modify a certain government's policies. The media also possess powerful tools with which to influence events in places it focuses on that in itself may constitute a direct interventionist act. Finally, doing nothing is an action that delivers certain results and creates certain effects. [127] Not intervening in an internal conflict, for example, directly influences the balance of power in a state at war. Stanley Hoffmann summarizes the perplexity relating to the term "intervention":

> The subject [intervention] is practically the same as that of international politics in general from beginning of time to the

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[126] An example of training as a form of military assistance is the *Train and Equip* program of the US Army for the Bosniak-Croat Federation Army in Bosnia-Herzegovina.

[127] The record shows that pure neutrality is rare in interventions. The principle of neutrality has long guided the work of intervening forces, traditionally led by the United Nations. The poor peacekeeping record in several cases after the end of the Cold War has seriously brought the principle of neutrality into question. If a peacekeeping mission fails to achieve its objective, the question is why. Some authors claim that the primary reason for failure is the insistence of neutrality in disregard of a number of vital issues that define a conflict. In some conflicts the neutral approach is well suited. In some others, however, it cannot lead to a path of peace because the neutral position is a value-laden position. Not taking a side is taking a side. In some conflicts acting as a neutral force translates into support for one party (or parties) to the conflict against their opponent(s). Because interventionism as such is a contested issue, the intervener attempts to incur the least damage to itself by playing on the card of neutrality. However, neutrality is not a panacea against possible damage. Neutrality translates into a lack of responsibility which is the essential defining element of intervention – without responsibility intervention clings on the verge of triviality.

present… Anything can constitute an intervention, indeed even non-acts can constitute intervention.[128]

However, in the absence of a better term, I use it as a first step in delineating the area I am looking at in this thesis. The second step is to define the type of the intervention I am analyzing, i.e. the post-Cold War multilateral military and civilian intervention in an internal conflict with the objective of halting hostilities and of (re)creating the institutions of a failed state. Thus, what I am analyzing is not a general type of a post-Cold War intervention, humanitarian or not, but a specific type of intervention in which the intervener makes commitments and undertakes a series of tasks that lead to a long-term and intense engagement in a target state.

In this regard, Cold War interventions, which occurred within a crudely defined ideological framework, are no longer relevant. Our case study relates neither to the Cold War Cyprus model (a traditional UN peacekeeping mission to oversee the separation of the warring parties), nor the unilateral superpower interventions like the US intervention in the Dominican Republic, the USSR intervention in Hungary, or proxy wars such as in Afghanistan. Cold War interventions were set within the ideological framework of delineating superpowers' spheres of influence that makes their explanatory power for post-Cold War interventions limited.

Delineating the line between intervention and war creates difficulties for which there is no straightforward solution. Basically, the boundary that defines an act as either war or intervention is determined by the perspective from which it is being viewed. The NATO-led action in Kosovo and the bombing of Yugoslavia or the U.S.-led action in Afghanistan are both instances where the boundary line is obfuscated. The NATO action in Kosovo is treated by most analysts and scholars as an intervention, because it came as a response to the Yugoslav government's treatment of the Albanian population in the province. Bombing of Yugoslavia went without the consent of the Yugoslav

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[128] Stanley Hoffmann, "The Problem of Intervention" in Bull, *Intervention in World Politics*, quoted by MacFarlane, "Intervention in Contemporary World Politics", p. 14.

government (and understandably so) and as such stood as a direct attack on an independent state. The general Yugoslav consensus is that the NATO action represented an act of war on their country.

Policy-making circles in the West, however, are unwavering in their view that the 1999 NATO action in Kosovo (including the bombing of selected targets in Yugoslavia) was an intervention for humanitarian purposes, while academic circles remain less coherent.[129] Bombing of Yugoslavia created yet another precedent: NATO initially acted without the approval of the UN Security Council, which was granted only after the action began. All these questions were again rigorously debated in the context of terrorist attacks on the United States in September 2001 that resulted in a broad, U.S.-led anti-terrorist military campaign. The anti-terrorist campaign has raised additional questions not only about the nature of the military actions, but also about what follows after the military campaign is over. Limits of military engagement and challenges of civilian reconstruction of war-torn societies are issues that preoccupy policymakers, generals, aid workers and academics alike.

II-1d   *Sovereignty and the concept of non-intervention*
Discussion of the concept of intervention is tightly linked to the issue of sovereignty and the question of whether it proscribes interference by one or more states into the internal affairs of another state. Traditionally, sovereignty was understood as the state's right to exercise full jurisdiction over its territory and that this right was to be recognized by other states. States exist as equal members of the international community and, since there is no supreme authority in the international system, it is in the interest of each individual member to maintain this order. This understanding of sovereignty formed the basis for the development of the norm of non-intervention.

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[129] For criticism on NATO intervention in Kosovo see Noam Chomsky, *The New Military Humanism: Lessons from Kosovo* (Monroe, ME: Common Courage Press, 1999); P. H. Liotta, *The Wreckage Reconsidered. Five Oxymorons from Balkan Deconstruction* (Lanham and Oxford: Lexington Books, 1999); Tariq Ali (ed.), *Masters of the Universe. NATO's Balkan Crusade* (London: Verso, 2000).

The norm of non-intervention, which is based upon the concept of sovereignty, can be tracked back to the Treaty of Westphalia and thus has been one of the cornerstones of the practice of international relations since then. Article 2(4) of the UN Charter prohibits the threat or the use of force between states, and other legal international conventions enshrine the principle of non-interference in the internal affairs of states.

However, such understanding of sovereignty does not give a *carte blanche* to states to do whatever they want within their borders, fearing no reaction from the outside world. The sovereignty principle is not an absolute right, as some states would have it. Sovereign states remain the primary political actors in international society, although they appear to be in a condition of relative decline as compared to international institutions, transnational corporate and financial actors, and transnational citizens' associations. However, these non-state actors are not fully independent and are to a varying degree controlled by states. For example, only states can become members of the United Nations and most other international organizations.[130]

For Rousseau, sovereignty rested with the people and his writings gave rise to the terminology of popular sovereignty and the 'will of the people'. Yet, the concept of sovereignty is of primary importance in international relations, not domestic politics. Sovereignty as an idea and practice has persisted in international relations since Machiavelli and Hobbes. However, their idea that each state is a law unto itself, as there is no superstate, and that the state is the ultimate arbiter of its own fate in relation to the outside world, has been challenged extensively. Despite the prevalence of the *realist* school in both the study and practice of international relations, conceptual and policy tensions are increasing.[131]

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[130] Cf. Joel Krieger (ed.), *The Oxford Companion to Politics of the World*, Second edition (Oxford: Oxford University Press, 2001) on the discussion of sovereignty, pp. 789-791.

[131] Realism is the label given to the traditional orthodoxy in political approaches to international relations. It is conventional to counterpose realism to idealism. Realism dominated the discipline in the decades following the Second World War and its intellectual heritage goes back to Thucydides, Machiavelli, Hobbes and Rousseau. *Realpolitik* refers to the realist's determination to treat politics as they really are and not as the idealist would wish them to be.

International law arose to regulate relations among states and has expanded steadily over time in response to the growing complexity of the international system. But an effective international law is not easily reconcilable with the conceptions of sovereignty that underlie realist thinking on international relations.

The recent emphasis on the international protection of human rights is a particular challenge to sovereignty, as it implies that a state is not territorially supreme and does not have absolute jurisdiction over how its government treats those who live within its boundaries. These challenges to the traditional understanding of sovereignty arise from both normative and functional pressures. The normative pressure is based on the notion that no state possesses an inherent and undeniable right to abuse its own citizens. The functional pressure is reflected in the increasing interdependency of different parts of the world as a result of globalization. Thus, for the international system to function properly states can no longer be considered as exerting authority solely within their boundaries, but their authority is expanded due to rapid technological advancement. For example, the capacity to operate in space and in the ocean modifies perceptions of the internal and external. Environmental concerns diminish the territorial delineation of states' authority and instead compel them to loosen their sovereignty principles when issues of well-being and health protection are at stake.

II-1e   Who intervenes

Who are the actors in an intervention? Traditionally, an intervener has been a state, while the recipient may be either an incumbent government or its adversaries. However, in the twentieth century this cast broadened. Communists from different countries intervened to assist anti-fascist forces during the Spanish civil war. Thus, the events of the 1930s raised the possibility that transnational political movements could also engage in intervention. The end of the Cold War particularly facilitated the possibility for various non-state and transnational actors to assume an interventionist role and engage in world politics. Examples of such non-state actors include terrorist organizations, mercenaries, drug cartels and other groups involved in organized crime. These transnational movements provoke a reaction from states that are threatened by their activities. A second category of non-state actors that

are taking on an increasingly significant role is that of international institutions. The capacity of such organizations prior to the twentieth century was minimal, while their capacity to exercise the role of potential intervener during the Cold War was circumscribed by the bipolar division of the world. The end of the Cold War witnessed a substantial change in the way the United Nations and other regional multilateral organizations, such as the North Atlantic Treaty Organization (NATO) and the Economic Community of West African States (ECOWAS), assumed broad mandates in carrying out interventions in a number of places.

II-1f   Why to intervene

Given the assumption that potential interveners do not rush indiscriminately into any state that makes itself available for intervention, let us now discuss the key issues in decision-making prior to the launch of an intervention.

The first task is to define the objectives. The definition of objectives is usually based on the intervener's available resources and its will to employ them, rather than on what the crisis requires to be done. Thus, the intervener is the one who dictates the terms of intervention, not the recipients. It is the <u>will</u> of the intervener that is the main determinant, not the <u>need</u> of the recipient. If the objective is to cease violence and lay down conditions for long-term stability, then it is indeed very important to decide how an intervener will go about it. The decision to intervene or to not intervene is made on the basis of the cost of doing either of the two. If the cost of non-intervention is judged higher than the cost of intervention, the political will of a prospective intervener is reinforced and the intervention is more likely to follow. However, always cost-conscious, an intervener tries to realize the maximum of its objectives with the minimal investment.

The necessity of limiting the cost, although understandable from the position of a decision-maker, is not necessarily conducive to realizing the objective. Quite often the high cost of intervention is incurred in the initial phase, whose design is revealed to be inadequate for the problem at stake. An intervener starts with a lower cost in the hope that a restricted level of engagement might prove sufficient to deliver

satisfactory results. The emphasis in the previous sentence is on the word *hope* because it is purely hope or a miracle that interveners expect when they allocate very limited resources for a mission that sets out to deal with a severe crisis. This statement should not be interpreted as a call for an indiscriminate increase in commitment on the part of the world's well-to-do for the welfare of their less successful counterparts. However, if the intervener is not prepared to bear the cost of intervention, it should not intervene. Otherwise, it may not only worsen the situation for the recipient of the intervention, but may also bring about a loss of credibility for itself. Therefore, some conservatism is well advised in a situation where a potential intervener has the power, but limited interest to make long-term commitments.

Once in, the intervener has to make some strategic decisions. If it judges that it has to up-scale the engagement to achieve initial objectives, it means that the resources allocated in the beginning were quickly spent and/or insufficient to realize the objectives. If the intervener is willing to invest more, it is because doing the reverse would actually incur higher cost. To save time and resources, the potential intervener should stay clear from raising unwarranted expectations. A prior knowledge of the situation and a clear objective are critical in determining the amount of resources the intervener is willing to invest. Time and effort lost in the beginning can be saved if proper entry is made.

The criterion for deciding the level of cost a potential intervener is willing to tolerate is usually based on the strategic interests it has. The definition of strategic interests in literature is far from being clear-cut and uniform, but we can safely say that the strategic interest for a state is securing its well-being and protecting its existence. A conflict that is perceived as a threat to another state or a number of states becomes an issue of strategic interest and threatened states will be required to act. Situations of direct threat are obvious, in contrast to situations where no such direct threat can be established. In situations of a direct threat to a state, the decision to intervene is much simpler for a decision maker. When a state is attacked by another state, it is obvious that its security, stability and prosperity, i.e. its strategic interests, are threatened.

Cases of *indirect* threat are less clear-cut and thus more perplexing. Nonetheless, interventions have traditionally taken place because strategic interests of states have been indirectly threatened. The decision to intervene is based on the perception that a conflict in another place is also endangering the potential interveners. If the threat is interpreted in economic terms (oil, for example) or political interests (the fight against Communism during the Cold War), then deciding whether to intervene is usually a less complicated task. However, if the threat is not measurable on a traditional scale of interests, it becomes much more difficult for a decision maker to decide what to do.

Since decisions to intervene are not necessarily based on transparent and universally understandable criteria, as such criteria do not exist, the room for free interpretation of the nature of intervention is vast. The recent tendency to justify intervention as a humanitarian undertaking expands the category of strategic interest and makes it rather volatile. For analytical purposes it is best to avoid the false dichotomy of interventions falling either in the category of sole strategic interest or pure humanitarian concern.[132]

The experience of the last ten years suggests that once in, the intervener finds it difficult to disengage from a crisis that is not resolved. Should

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[132] As Adam Roberts pointed out in his lecture on the right of humanitarian intervention on April 13, 2000 at the European University Institute, the picture is certainly not clear. The confusion surrounding the dilemma of whether to intervene or not, and if so, when, how and for how long is a real and earnest one. Few cases fit neatly into categories of either pure national interest or selfless humanitarianism. The most often cited case to be found in the first category – the Gulf War – is also believed by some to be primarily a case of upholding the international value of sovereign statehood, while economic considerations are merely an intervening factor (Otte et al., 1995: 177). The pure humanitarian concern as a rationale for 'Operation Restore Hope' in Somalia, on the other hand, is widely upheld. Yet, some argue this was only a pretext for an American-led mission to enter the country in order to "prevent Somalia from falling into the Iran-Sudan camp. Such an eventuality could directly threaten Western economic interests – in this case oil, given the strategic position of Somalia, lying at the back of the Arabian oilfields…" (Mohamoud, 2000: 159). To sharpen analytical tools, research focused on international intervention should, it seems, investigate cases of interest without arbitrarily trying to place them in any category. Rather, findings from each particular case should be directed primarily towards informing the theory and broader debate, so that a more reliable set of assumptions and testable hypotheses can be generated.

this suggest that no intervention in an intra-state conflict should take place? The norm of non-intervention to be reinforced? Choices will continue to be case-based. Conflicts and crises in which an intervener would be willing to bear the cost of the intervention to achieve its objectives or protect its interests seem to remain a feature of the international system.

II-1g How to intervene

Generations of policy elites since Thucydides' time have been learning and revising lessons about war and peace. According to Crocker and Hampson they do this in cycles and spasms in times of profound historical changes or simply when "things are not going well". Inability to make peace work in processes that have started after negotiated settlements to ethnic or intrastate conflicts have been concluded, cause despair from a "strong sense of intervention fatigue and reluctance to risk political capital and devote resources to causes where the chances of success are less than even." This despair is heightened by the fact that since 1945 only one third of civil wars has ended in lasting peace. The major reason for such a poor track record is the easily forgotten fact that "implementing peace agreements is a no less formidable task than negotiating them."

In the view of Crocker and Hampson, the use of third parties like the United States, NATO, and the United Nations plays "a critical role" in sustaining peace and implementing peace agreements. For the foreseeable future, "outsiders will be essential in moving peacemaking forward through direct action and diplomatic initiative and in defining the parameters of tolerable behavior and legitimizing the principles by which settlements and membership in the global system can be achieved."[133] Such a statement, however, is not to be understood as an invitation for the proliferation of interventions. What Crocker and Hampson stress, though, is when the international community decides to act, it should be aware of the challenges inherent to the implementation of any peace plan. In this "trial-and-error phase of modern history" a

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[133] Chester Crocker and Fen Osler Hampson, "Making Peace Settlements Work",
Foreign Policy, 104: 54-71 (Fall 1996), p.55.

crucial part in any implementation process will be "imaginative improvisation and the spontaneous solving of problems that are certain to arise."[134]

According to these two authors there are five fundamental elements for the successful implementation of a peace agreement. First, "controlling the definition of success" implies that decision-makers should be conservative in stimulating excessive expectations of an intervention that is often used for domestic political reasons. There is no firm answer how to define success, but "those who decide to intervene have an obligation to develop their own definition of success and to keep it firmly in mind so as not to become part of the problem and make things worse." The second element is to "defer elections if necessary" because holding elections too early may aggravate the situation by further polarizing already divided and fragile societies, thus watering down the long-term prospects for peace. Experience has shown that most successful agreements typically contain power-sharing formulas, but in the absence of such provisions, an agreement must offer equal and fair access to political life to all groups. The third element implies that "disarmament and demobilization are key objectives" because failure to disarm and demobilize has often led to a resumption of fighting if parties encounter problems in the political process. The fourth element should be an effort to "help promote new norms and codes of conduct", particularly in the area of human rights, but also within judicial and legal systems. Finally, the fifth element is that "economic and social reconstruction is crucial to the success of the peace process."[135] Here, third parties play a crucial role in reconstructing and rebuilding civil society in order to achieve long-term peace and stability. Civil society plays a significant role not only in democratic societies but also in societies that are in transition from war to peace. In this sense coordination of donor efforts is a "fundamental ingredient for success", but in order to undertake reconstruction programs a basic level of security is a prerequisite.

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[134] Ibid., p. 57.
[135] Ibid., pp. 62-70.

In a similar vein, Michael Brown holds that international efforts directed at preventing, managing and resolving internal conflicts face formidable obstacles.[136] The starting point for Brown in assessing international efforts to deal with internal conflicts is first, to distinguish between the main tasks: conflict prevention, conflict management, and conflict resolution. The second step is to distinguish between different kinds of policy instruments: humanitarian assistance; fact-finding; mediation; confidence-building measures; traditional peacekeeping operations; multifunctional peacekeeping operations; the manipulation of arms supplies through embargoes and transfers; the utilization of economic levers, including sanctions and aid; judicial enforcement measures; and the use of military force. The third step is to distinguish between three main types of actors: independent states; international organizations (including the United Nations and regional organizations); and non-governmental organizations.[137]

An intervention has to be well thought over, since even militarily powerful countries may fail to intimidate weaker opponents into giving up their gains and changing their objectives. If the opponent refuses to be intimidated, the coercing power must decide whether to back off or to escalate the use of force. Alexander George identified three necessary conditions for the successful employment of this strategy: The coercing power must create in the opponent's mind (1) a sense of urgency for compliance with its demand; (2) a belief that the coercing power is more highly motivated to achieve its stated demand than the opponent is to oppose it; and (3) a fear of unacceptable escalation if the demand is not accepted.[138]

The success of the strategy also depends on the demands of the coercing power. If it demands a great deal then this can only strengthen the opponent into opposing it. However, if the coercing power can limit its demands to what is essential, without damaging important interests of

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[136] Cf. Michael E. Brown (ed.), *The International Dimensions of Internal Conflict* (Cambridge, MA: The MIT Press, 1996) and idem. (ed), *Ethnic Conflict and International Security* (Princeton: Princeton University Press, 1993).
[137] Michael Brown, 1996, p. 604.
[138] Alexander L. George (ed.), *Avoiding War. Problems of Crisis Management* (Boulder, CO: Westview Press, 1991), p. 385.

the opponent, then it becomes more likely that the strategy will be successful. This relates to the earlier statement that the long-term success depends on the ability to win over the opponent without humiliating him/her. Coercive inducement (or coercive diplomacy), then, is best conceived as a flexible carrot and stick strategy whereby what the stick cannot always achieve by itself, one can possibly obtain by adding a carrot.

Thus, in contrast to pure coercion, coercive inducement typically requires negotiation, bargaining, and compromise. The intervening parties have the potential to strategically influence the domestic setting of another state. The inherent characteristics of interveners is the supremacy of power with which they enter. No rational intervener would intervene in a situation where it itself can become a victim of its own act. If it is weaker than an opponent, then its manipulative capacity is very limited indeed.

Providing that there is a strong military-supported intervention, then the question of success, i.e. creating conditions for either downscaling or up-scaling the mission, largely depends on the commitment of the interveners. The range of issues that can be tackled in an intervention directly depends on the extent of foreign commitment. Short-term engagements address only a certain set of questions. The problem of long-term commitment is, however, painfully obvious. Only specific and highly pronounced interests can induce an intervener to plan a long-term commitment. The record of meager success is directly related to the limit of the foreign commitment. This is not to criticize the lack of commitment, but only to say that the assumption that other societies are impenetrable is inaccurate since the capacity to penetrate other societies is directly related to the intervener's interest and commitment to create an impact in a recipient state.

Barbara Walter forcefully argues for the indispensability of third parties in peace processes.[139] "The greatest challenge (in ending a civil war) is to design a treaty that convinces the combatants to shed their partisan

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[139] Barbara F. Walter, "Designing Transitions from Civil War", *International Security*, 24(1): 127-155 (Summer 1999).

armies and surrender conquered territory even though such steps will increase their vulnerability and limit their ability to enforce the treaty's other terms. Groups that obtain third-party security guarantees… will implement their settlements. If an outside state or international organization is not willing or able to provide such guarantees, the warring factions will reject a negotiated settlement and continue their war."[140]

The most puzzling issue for Walter is "not why civil war combatants are unable to agree on a compromise settlement, but why they would resume fighting after one had been reached."[141] The author argues that implementation of the negotiated terms of the peace agreement is a risky operation which parties emerging from war are not capable of accomplishing on their own. They will return to war "if credible, enforceable guarantees on the terms of their agreement cannot be arranged. Once the underlying issues are resolved, negotiations become a search for guarantees that combatants will be protected as they demobilize and that they will not be permanently excluded from a new government once they have done so."[142] Although some authors see partition as a way out from the problem of recreating the state, rebuilding the institutions and restoring trust, Walter maintains that governments rarely agree to a territorial partition, but rather opt for power-sharing as the only negotiable alternative.[143] However, preoccupied with security issues, fearing marginalization, lacking established, democratic mechanisms through which to channel their grievances, former warring parties will credibly commit to the implementation of the peace agreement only if there is a third party which is equally credibly committed to the peace process.

Walter is straightforward: what is lacking is not the will on the part of the warring sides to negotiate a settlement, but some kind of external guarantee that the terms of the settlement will be implemented and

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[140] Ibid, pp. 129-130.
[141] Ibid, p. 129.
[142] Ibid, p. 133.
[143] On partition see Chaim Kaufmann, "When All Else Fails", *International Security*, 23(2): 120-156 (Fall 1998).

honored. "If outside states expect civil war settlements to endure, they must consider how the institutional parameters of any new government shape groups' expectations about their future security and factor into decisions to fight or cooperate. Military force might be crucial for demobilization, but creative institutional design matters far more in the long run."[144]

In a successful attempt to bring to the fore the main issues concerning the role of third parties in peace processes, Chester Crocker and Fen Osler Hampson offer clear guidelines to policy makers contemplating or designing a mission into a state ridden with internal conflict.[145] They see the quality and content of negotiated agreements as only partially affecting the eventual success or failure of a peace process. "Third parties… have a critical role to play in nurturing peace and helping with the implementation of peace settlements."[146] Because of the difficulties conflict-torn societies encounter after the fighting ends, "for the foreseeable future outsiders will be essential in moving peacemaking forward through direct action and diplomatic initiative and in defining parameters of tolerable behavior and legitimizing the principles by which settlement and membership in the global system can be achieved."[147]

They in no way advocate intervention in every possible conflict; however, once a decision to engage in peacemaking is made, it is essential to face the challenges of implementation in a way that ensures success rather than failure. "Just as conflicts seldom resolve themselves, peaceful settlements do not implement themselves. The role of foreign interveners cannot end on the day that agreements are signed. Implementing mechanisms are essential to keep things on track, to sustain the political chemistry that produced the deal, and to continue the linkages and pressures that led to the breakthrough. As in law or business, statecraft illustrates the maxim that the real negotiation begins

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[144] Ibid, p. 155.
[145] Chester A. Crocker and Fen Osler Hampson, "Making Peace Settlements Work", *Foreign Policy*,104: 54-71 (Fall 1996).
[146] Ibid, p. 55.
[147] Ibid, p. 56.

only *after* the agreement is signed. Outsiders who orphan the settlements they have helped to produce, by getting out too early due to lost interest or political will, will watch the agreements collapse."[148]

The two authors discuss some of the concerns the intervening forces may hold as a result of earlier negative experiences. The "mission-creep" experience from Somalia can be avoided if the initial (humanitarian) intervention is wedded to a political process that can provide the basis for a successful operation and subsequent exit. Another political problem is the lack of an exit strategy on the part of interveners; a problem that clearly manifested itself in the Cyprus conflict. However, the real lesson of Cyprus should be that one can use the interval created by a peace agreement "to cultivate a political process that will produce decent and durable results."[149] In fact, what this experience suggests is that military action alone cannot achieve much unless linked to a genuine political process. Successful examples of third party management in ending hostilities and setting the grounds for a lasting peace in places such as El Salvador, Mozambique, Cambodia, Nicaragua and Namibia show that the international community played a crucial role not only in ending military hostilities, but also in building a durable peace. In these cases the third party remained fully engaged during both the negotiation and the implementation of the agreements in question and, if violence flared up, did all they could to keep the parties to their negotiated commitments.[150]

Why is international crisis management in the post-Cold War period proving to be both inadequate and incompetent? According to Quentin Peel there are a whole host of reasons: inadequate information, or information that is available but fails to percolate through to a high enough level of decision-making; an inability to pay attention until crises are exploding; and an urgent desire throughout the western world to

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[148] Ibid, p. 57.
[149] Ibid, p. 61.
[150] Ibid. p. 71. See also Chester A. Crocker and Fen Osler Hampson with Pamela Aall, eds., *Managing Global Chaos* (Washington, D.C.: U.S. Institute of Peace Press, 1996); Fen Osler Hampson, *Nurturing Peace* (Washington, D.C.: U.S. Institute of Peace Press, 1996); Chantal Jounge de Oudraat, ed., *Coercive Inducement* (Washington, D.C.: U.S. Institute of Peace Press, 1998).

respond to the CNN factor – that "something must be done" to tackle pictures of human suffering. Then there is the desire or inclination to impose solutions designed in western capitals; and unwillingness to pay for those solutions, even when they are imposed.[151]

Stephen Stedman explains that "a defining characteristic of the post-Cold War era has been the disjuncture between its complex, horrifying events – anarchy in Somalia, civil war in the former Yugoslavia, genocide in Rwanda – and the presumption among some foreign policy elites that easy solutions to such disasters can be found."[152] The lack of an agreed understanding about the nature of nontraditional UN peace operations and the problem of command and control led to frustration and failure for several UN missions in the 1990s, most notably in Somalia and Rwanda. As Lt. Gen. Francis Briquemont of Belgium complained when he led UN forces in Bosnia: "There is a fantastic gap between the resolutions of the Security Council, the will to execute those resolutions and the means available to commanders in the field."[153] According to Ruggie "it was the Bosnian conflict that became a defining moment for post-Cold War cooperative security relations, not solely because of its savagery – Rwanda was a far worse human tragedy – but because the conflict took place in Europe, where expectations were highest, and it humiliated not only the UN but also NATO and the West as a whole."[154]

Stedman holds that the greatest source of risk in peace processes comes from "spoilers – leaders and parties who believe that peace emerging from negotiations threaten their power, worldview, and interests, and use violence to undermine attempts to achieve it." In his view, the ultimate success or failure of spoilers depends on the role played by international actors as custodians of peace: "Where international custodians have created and implemented coherent, effective strategies for protecting peace and managing spoilers, damage has been limited and peace has

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[151] Ibid.
[152] Stephen Stedman, "Alchemy for a New World Order", *Foreign Affairs*, 74(3): 14-20 (May/June 1995), p. 14.
[153] "U.N. Bosnia Commander Wants More Troops, Fewer Resolutions", *New York Times*, December 31, 1993, p. A3, reported by Ruggie, p. 92.
[154] Jogn G. Ruggie, *Winning the Peace*, p. 97.

triumphed. Where international custodians have failed to develop and implement such strategies, spoilers have succeeded at the cost of hundreds of thousands of lives."[155] There are combatants in war, but Stedman holds that "spoilers exist only when there is a peace process to undermine." Not all parties benefit from ending the war and signing a peace treaty. Even if they all come to value peace, they do not do so simultaneously.

II-1h   Conditions for success: a summary

The recommendations by the above authors of how an intervener is to handle a peace process represent only a limited part of the literature on interventions. However, my intention has been to show the reader that, although assessments and recommendations are written in different ways, they ultimately share the same key points.

My focus is on an intra-state conflict in which a third party intervenes and exerts pressure on the parties to the conflict in order that they may cease their hostilities and commence the peace process. Once it decides to intervene, the third party has to decide what it wants to achieve and how it will achieve this, taking into consideration certain key points that I shall now list. It is important to remember that the following list is intended to correspond to the specific situation on which I am focusing:

(1)   Interventions are costly and time consuming, they should not be undertaken without a clear goal supported by a strong political will.

(2)   Once an intervener is 'inside', it becomes a party to the conflict. There is no privileged neutrality if one is engaged in ending the conflict. The intrusion distorts the war dynamic and this means that the intervener must share responsibility for the outcome.

(3)   The intervention creates winners and losers, but these are not fixed categories because the intervention is a process, not an end product. Therefore, local actors may shift categories as time passes to the bewilderment of the intervener.

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[155] Stephen Stedman, "Spoiler Problems…", p. 6.

(4)   A robust beginning saves time, commands respect, and gives credibility. Muddling through is the most expensive and least successful strategy.

(5)   People are the key. The staff that demonstrate knowledge and interest in the region are better at recognizing essential issues, establishing better communication channels, making better judgment in policy formulation, and eventually reducing fear and mistrust.

This list of conditions for a successful intervention is intended for prospective interveners, not the recipients of the intervention, who are also equally responsible for the outcome. However, the literature deals primarily with the position and the role of interveners, as they are the ones who decide whether they will enter a target state or not. It also pays considerable attention to the period prior to intervention and focuses on the debate as to whether to intervene or not, and if yes, when and how to do so. Despite skepticism of how influential an external actor can really be in a target setting, the assumption of this research is that no society is impenetrable. The capacity to influence is also determined by the intervener's knowledge, will and commitment.

The next section introduces theoretical literature on states and state building in general and continues by discussing the post-Cold-War state-building paradigm, namely the creation of a market democracy, and what kind of challenges this paradigm encounters in deeply divided societies.

II-2   *THE STATE BUILDING PARADIGM*

Once basic security is restored in a war-torn place, the next step is either to downscale or up-scale the mission. The intervener has to decide whether its objective is realized in the first phase or whether it has to extend its mandate and carry out additional tasks in order to achieve this objective. In a situation in which an intervener is dealing with a failed state, minimal security standards in the post-Cold War period demand more than simply ceasing the hostilities by disarming the rebels, or interposing a foreign military force between the combatants.

The dominant idea is to create a framework in which enemies in a target state can peacefully resolve their problems. Different strategies are employed to create such a framework and they can go either in the direction of separating the enemies into independent territorial units, i.e. partition, or they can be aimed at keeping them together by establishing an institutional structure that will secure for each enemy group the protection of its vital interests. Although some authors argue that partition is the easiest and cheapest way to create a lasting peace in an intra-state conflict, this is not necessarily the case. Frequently, partition may escalate the conflict and reduce the possibility of a lasting peace. The solution a partition offers is additionally weakened by the predominant idea in international relations that cooperation and integration is the main avenue that leads to a lasting peace. However, the strategy of cooperation and integration requires a certain institutional structure to sustain it. The end of the twentieth century has brought with it the almost universal claim that it is democracy coupled with a market economy that serves as the best structure to accommodate conflict and the best framework in which to create the conditions for a lasting peace.

The interventionist paradigm after the Cold War is thus defined along the following lines: **lasting peace in an intra-state conflict is established and sustained through the practice of democracy and a market economy. Democracy offers mechanisms to solve internal disputes by peaceful procedural means as it grants individual and group rights to all members of a society. A market economy fosters competition and cooperation of individuals at the local and international level, thus defining rules and procedures and shifting the focus from war to wealth.**

If the institutions of market democracy are nonexistent in the target state, the intervener may decide to establish them and so embark upon state building. Richard Haass defines state building[156] as "an extremely

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[156] Haass uses the term *nation-building*, although in effect this means the same as state building, since the primary goal of the interveners is to (re)create institutions in a collapsed state, not create a nation. (Although I have to add here at the expense of parsimony that the process of institution building also entails nation-building, but I shall come to this point later in the thesis). The difference that exists between

intrusive form of intervention" in which the intervener sets out to change the institutional and political arrangement in the target state. For the post-Cold War interveners, the goal has been to establish and sustain democratic and free-market practices.

> [State building] is an option for dealing with failed states (that is, those where order breaks down because it has no widely accepted and functioning central authority) once resistance is overcome through peace-making or exhaustion.[157]

According to von Hippel, state building is an external effort to construct a government that may or may not be democratic, but preferably is stable.[158] The differentiation between 'democratic' and 'non-democratic' state building is important when earlier interventions are assessed. The military occupations of both Germany and Japan after the Second World War were intended to build democracies, while in Vietnam and most of Central America during the Cold War the focus was on building anti-communist, not necessarily democratic governments. However, in the post-Cold War world we can safely argue that state building by a third party (usually a multinational force) is not only aimed at creating stability, but also democracy as a way to sustain and strengthen world peace. **We can define the post-Cold War state building intervention as a multilateral military and civilian effort to create the institutions of democracy and a market economy as a basis for sustaining peace.**

Roland Paris calls the interventionist paradigm, which appears to guide most international agencies engaged in state building[159] today, liberal internationalism.[160] He defines the core of this paradigm along the same lines as in the above definition i.e. that the foundation for peace is democracy and the free market, in other words "a liberal democratic polity and a market-oriented economy." In Paris's view, the principal

American scholars and others in the use of the term stems from the particular American situation where "state" refers to the fifty states that comprise the USA.
[157] Haass, *Intervention,* p. 61.
[158] Karin von Hippel, p. 10.
[159] Paris uses the term peace building in the same sense as I use state building.
[160] Roland Paris, "Peacebuilding and Limits of Liberal Internationalism", *International Security*, 22 (2): 54-89 (Fall 1997), p. 55.

flaw of this approach is that it prescribes "market democracy as a remedy to civil conflict" without acknowledging that "creating a stable market democracy is a tumultuous, conflict-ridden, and lengthy process, particularly in the fragile political environment of a war-shattered state." State building should therefore not simply aim at the cessation of hostilities, it should create conditions for peace to endure long after the interveners depart, i.e. a self-sustaining peace. Paris advocates neither authoritarianism nor partition as state-building strategies; interveners, in his view, should "preserve the principal goal of liberal internationalism – the transformation of war-shattered states into market democracies."

What, however, has to be reconsidered are ways in which this goal is pursued. Paris recommends several ways in which liberal internationalism can be made more successful and he labels this alternative "strategic liberalization", which shares the liberal internationalist goals of peace through political and economic liberalization, but aims to minimize the destabilizing effects of liberal internationalism. The main elements of this approach are: "(1) developing a more gradual and controlled process of democratization in war-shattered states – in particular, by delaying elections until passions have cooled, promoting citizen associations that cut across cleavage lines, excluding extremists from active politics, and controlling the promulgation of inflammatory propaganda; (2) designing electoral arrangements that reward moderation rather than extremism; (3) promoting equitable, growth-oriented adjustment policies rather than destabilizing austerity measures; (4) creating effective, central coordinating bodies for peace-making operations; and (5) extending the duration of peace-making operations from the current norm of one to three years, to approximately seven to nine years."[161]

These guidelines stand as a good general orientation of "know how", and at the same time are an important forewarning to a potential intervener about the series of steps that lie ahead. A hope that a quick fix can be found to a complex problem, after which things will go back to 'normal,' is unrealistic. There is no going back to an earlier 'normal' after any intervention. Things can certainly become 'normal' but it is always a

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[161] Ibid., p. 58.

different 'normal' from the previous one. The search for the new normalcy takes place in politically, economically, and militarily vulnerable circumstances. However, it is also because of this vulnerability that intervention has a chance to make a substantial impact. Intervention in a stable setting has limited maneuver and has to be circumscribed to a limited range of possible policy options. In contrast, in situations of fluctuation and uncertainty, the intervener can profoundly influence and shape the local environment, because there is no shape yet that has to be done with. In this sense, an early intervention tends to produce better results than a late one.

The post-Cold War state building experience is not vast, but it can generally be said that, after basic security has been established in a collapsed state, the objectives expand to institution building. However, here is where the real problems of intervention emerge. How far and how deep should this institution building go? How many institutions are sufficient for a state to exist? What determines the extent of involvement of the intervener: the establishment of institutions or their actual functioning? And if functioning is the answer, and knowing that the learning process is rather slow, how long does the intervener have to stay to make sure that the institutions are fully functional?

I am exaggerating the issue on purpose, in order to underscore the fact that state building is essentially about the substance, not only content. Thus, it seems that up to a certain point, the intervention can only expand, to the bewilderment of intervener and those who bear the cost. However, despite these logical fears, the expansion is not endless and unlimited. At a certain moment the scaffolding is removed and the construction remains in place. Removing the scaffolding before the construction is finished could precipitate its collapse. State building intervention extorts commitment from interveners, who soon realize that if they want to claim success, they need to persist – once in, there is no shortcut out.

In the following section I discuss state building in its classic meaning and then proceed to discuss the challenges of state building in a deeply divided society. The main orientation in post-Cold War state building has been to set war-shattered states on the path of democracy and

towards a market economy. However, the process of democratization is not uniform and is particularly intricate in deeply divided societies. Different strategies of how to tackle the challenges of democratization in deeply divided societies are described on the pages to come.

II-2a   State building in classic terms

A state represents a distinct set of political institutions whose specific concern is with the organization of domination, in the name of common interest, within a delimited territory. Since the state is a central concept in the study of politics, its definition is the object of intense scholarly debate. Marxists, political sociologists, and political anthropologists usually favor a broad definition which draws attention to the role of coercion-wielding organizations which exercise clear hegemony in decision-making and claim supremacy in the application of naked force to social problems within territorial boundaries.

The most influential definition of the modern state is provided by Max Weber in the *Economy and Society*. Weber emphasizes three aspects of the modern state: its territoriality; its monopoly of the means of physical violence; and its legitimacy. Without social institutions claiming a monopoly of the legitimate use of force within a given territory, Weber argues, a condition of anarchy would quickly ensue. In raising the issue of why the dominated obey, Weber draws our attention to a fundamental activity of the state, its attempt to legitimate the structure of domination.

There are three main traditions within political science which inform 'theories of the state': the pluralist, the Marxist, and the statist traditions. Robert Dahl, who belongs to the pluralist "camp", either sees the state as a neutral arena for contending interests or characterizes its agencies as simply another set of interest groups. With power competitively arranged in society, state policy is the product of recurrent bargaining. Although Dahl recognizes the existence of inequality, he maintains that in principle all groups have an opportunity to pressure the state. The pluralist approach to economic policy suggests that the state's actions are the result of pressures from diverse organized interests. A series of pressure groups compete and state policy reflects the ascendancy of a particularly well-articulated interest. This approach is often criticized for its over empiricism. Critics argue that any attempt to explain state

policy in terms of the ascendancy of pressure group interests introduces a pattern of circular reasoning.

Modern Marxists offer an instrumentalist view of the state. In *The State in Capitalist Society*, Miliband attempts a literal interpretation of Marx's (in)famous statement that the executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie *(The Communist Manifesto)*. Instrumentalists argue that the ruling class uses the state as its own instrument to dominate society by virtue of the interpersonal ties between, and the social composition of, state officials and economic elites. The main criticism of this approach is its subjectivist view of the state and its unintended reliance on pluralist elite theory.

The realization that the internal structures of states differ has been the dynamic behind the development of post-Marxist approaches to state theory. Whereas there is no uniform agreement on what constitutes Marxian orthodoxy, post-Marxism argues against derivationism and essentialism (the state is not an instrument but at the same time does not 'function' unambiguously or relatively autonomously in the interests of a single class).

Empirical studies of the role of the state in foreign economic policy-making and the theoretical critiques developed by post-Marxists have led to the development of statist theories which conclude that states pursue goals which cannot be derived from interest group bargaining or from the class structure of capitalist societies. An approach has thus emerged whereby states are considered as distinctive structures with their own specific histories, operating in a sphere of real autonomy.[162] Writers influenced by this tradition often utilize the distinction between 'strong states' and 'weak states', claiming that the degree of effective autonomy from societal demands determines the power of state. This position has found favor in the field of international political economy.

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[162] See, for example, Peter Evans, *Embedded Autonomy. States and Industrial Transformation* (Princeton: Princeton University Press, 1995).

All states embedded in an international system face dilemmas relating to internal and external security and legitimation. International relations theorists have traditionally posited the existence of an international system whereby states take into account the behavior of other 'like-units' in making their own calculations when considering whether or not to pursue certain objectives and advance their interests. A recent innovation in international relations has been the concept of an international society (a society of states) to refer to a group of states who by dialogue and common consent have established rules, procedures, and institutions for the conduct of their relations. There is, then, an emerging sense of a world common good and an increasing recognition that the world as a whole faces certain common dangers in relation to ecological disruption, nuclear war and the rising imbalance between the First and the Third World. In this way the foundation has been laid for international law, diplomacy, regimes, and organizations.[163]

In developing his paradigm of state formation and nation building[164] Stein Rokkan relied on Talcott Parsons' schema for the development of political systems. This schema posits four distinct processes of development from the primordial community with a low level of internal role differentiation, a primitive, locally bounded economy and a structurally embedded system of religious beliefs and ritual practices: first, the establishment of regular institutions for the settlement of disputes within and across close lineages and the codification of rules of adjudication; second, the growth of militarily powerful conquest centers imposing physical control over the surrounding populations through exactions of food, manpower, and other resources; third, the differentiation of a distinct class of priests, the divorce of mythologies and ritual practices from the social structure of the local populations, and

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[163] See, for example, Kai Alderson and Andrew Hurrell (eds.), *Hedley Bull on International Society* (Houndmills: Macmillan and New York: St. Martin's Press, 2000).

[164] Since the absolutist period, states have predominantly been organized on a national basis. The concept of the national state is not, however, synonymous with nation-state. Even in the most ethnically 'homogenous' societies there is necessarily a mismatch between the state and the nation – hence the active role undertaken by the state to create national identity through an emphasis on shared symbols and historical heritage.

the incipient growth of world religions and missionary agencies; and finally, the differentiation of technical skills from the underlying social structure and the growth of independent supra-regional networks of craftsmen, merchants, and tradesmen.

With reference to state building in Europe and, in particular, to the relatively late state-builders of recent times, Rokkan underscores the following lesson:

> [T]he European sequence simply cannot be repeated in the newest nations; the new nation-builders have to start out from fundamentally different conditions, they face an entirely different world. But they can learn to develop new combinations of policies from a detailed analysis of the many facets of the European experiences of state building and national consolidation. They may learn more from the smaller countries than from the large, more from the multiculturally consociational polities than from the homogenous dynastic states, more from the European latecomers than from the old established nations: what is important is that these experiences be sifted and evaluated, not just case by case, but within an effort of cross-regional systematization.[165]

Now is the time to look briefly at the *essential features* of the modern state. Charles Tilly defines a state as "an organization which controls the population occupying a definite territory … insofar as (1) it is differentiated from other organizations operating in the same territory; (2) it is autonomous; (3) it is centralized; and (4) its divisions are formally coordinated with one another."[166] Gianfranco Poggi expands Tilly's definition of state, which he sees as comprising only the fundamental (and abiding) features of the modern state in the early stages of its development. Poggi offers a new definition in which he

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[165] Stein Rokkan, "Dimensions of State Formation and Nation-building: A Possible Paradigm for Research on Variations Within Europe" in *The Formation of National States in Western Europe*, edited by Charles Tilly (Princeton: Princeton University Press, 1975), p. 600.

[166] Charles Tilly, "Reflections on the History of European State-making" in *The Formation of National States in Western Europe*, edited by Charles Tilly (Princeton: Princeton University Press, 1975), p. 70.

considers some additional features, reflecting primarily the experience of the last two centuries. According to Poggi, a modern state must have the following properties: it must function as an **organization**, it must exhibit organizational **differentiation**, as well as the capacity for **coercive control**, it must exercise **sovereignty**, its **territory** must be delineated, it must be **centralized**, its parts must be **formally coordinated** with one another, and there must exist a **system of states** in which it is placed.[167] In my view, this definition must be enlarged by one additional element and that is the capacity for **taxation** as a way for the state to finance its existence.

From this brief discussion of the nature of state, its historical development and its modern characteristics, let us move to particular challenges that state building faces when coupled with democratization in deeply divided societies.

II-2b   The exigencies of state building

Historically, state building preceded democratization and was generally accomplished by coercive means through conquests or resisting conquests. Referring to nationalism and state building in nineteenth-century Europe, Lewis Namier, for example, notes that "states are not created or destroyed, and frontiers redrawn or obliterated, by arguments and majority votes; nations are freed, united, or broken by blood and iron, and not by generous application of liberty."[168] The current global democratization and growing concerns about human rights violations have made the option of state building by means of coercion less viable. As a result, state building has increasingly become fused with democratization.

This fusion has serious implications for the way in which the process of state building can take place as well as for the nature of democracy. In regard to state building, it implies that integrating the disparate groups and determining the relations between them and the state can best be

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[167] Gianfranco Poggi, *The State. Its Nature, Development and Prospects* (Cambridge, UK: Polity Press, 1990), pp. 19-24.
[168] Lewis Namier, "The Diversity Myth: America's Leading Export", *The Atlantic Monthly* 275, No. 5 (May 1995), 57-67.

accomplished through consensual decisions by all the parties involved. Democracy entails empowering the general population to control decision making. As such, it implies that integration of hostile ethnic groups to form a state would need to be on a voluntary basis and on carefully negotiated terms that are acceptable to all of them. If such agreements are not reached, ethnic groups may opt for secession, which implies that democratization may facilitate state disintegration.[169]

International interventions in the post-Cold War period, as has previously been said, have been carried out with the goal of setting failed and/or war-torn states on the path of democracy and towards a market economy, although democratization in itself can be a conflict-triggering process, as many authors point out. Philippe Schmitter makes no effort to embellish democracy by only stressing its virtues. As an open-minded scholar of democracy and democratic transitions, he is well aware of the problems that are part of the democratic package. However, despite its shortcomings, Schmitter holds that democracy remains the best system the world has developed so far because of its capacity to deal "with the inevitable dissatisfactions and frustrations experienced by its participants…Democracy manages to prevent too much change from happening by changing all the time" and by doing so it "exists in a perpetual state of imbalance" providing that essential democratic rules are accepted by all participants. In addition, democracy assumes that everyone is the custodian of his or her own good. "It assumes that all actors, including the highest leaders, are condemned to be self-interested and, hence, capable of exploiting each other – if allowed to do so. Instead of relying on the presumption that politics can maximize benefits for all its participants, democracy aims at the more prosaic goal of minimizing the harm that they can do to each other."[170]

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[169] Kidane Mengisteab and Cyril Daddieh, "Why State Building Is Still Relevant in Africa and How It Relates to Democratization" in *State Building and Democratization in Africa. Faith, Hope, and Realities* edited by Mengisteab and Daddieh (Westport: Praeger, 1999), pp. 8-9.

[170] Philippe C. Schmitter, "Instead of a Conclusion"; draft of the work in progress.

The post-War promotion of democracy, or democratization,[171] began with the early efforts after the Second World War towards denazification, demilitarization, and the re-education of entire populations, while during the Cold War it came to be equated with the fight against communism.[172] After the Cold War, democratization has been attempted with the aim of strengthening international peace and stability. The promotion of democracy is based on the assumption that democracies rarely go to war with each other and therefore the underlying rationale is that a greater number of democratic states would lead to a more peaceful world.[173] Anthony Lake described this goal in the following way:

> "Throughout the Cold War, we contained a global threat to market democracies; now we should seek to enlarge their reach, particularly in places of special significance to us. The successor to a doctrine of containment must be a strategy of enlargement – enlargement of the world's free community of market democracies."[174]

Which type of democracy the intervener will pursue in a target setting depends on the internal situation of the target country or region, as well as the predominant preferences of the intervener in general. Wars generally produce havoc and instigate fear and mistrust in the societies in which they take place. And if conflicting issues are not solved in war,

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[171] The term *democratization* describes the process of regime change from a previous form of rule (be it authoritarian, totalitarian, tribal, and so on) to the rooting of democracy.

[172] See Thomas Carothers, *In the Name of Democracy: US Policy Towards Latin America in the Reagan Years* (Berkley, CA: University of California Press, 1991).

[173] Edward D. Mansfield and Jack Snyder qualify this argument by emphasizing that only mature democracies are less prone to war, but countries do not become mature democracies overnight. "In this transitional phase of democratization, countries become more aggressive and war-prone, not less, and they do fight wars with democratic states." Mansfield and Snyder, "Democratization and the Danger of War", *International Security*, Vol. 20, No. 1 (Summer 1995), pp. 5-38. See also Jack Snyder, *From Voting to Violence. Democratization and Nationalist Conflict* (New York and London: W. W. Norton, 2000).

[174] 'From Containment to Enlargement', Address at the School of Advanced International Studies, Johns Hopkins University, September 21, 1993, quoted in von Hippel, *Democracy by Force*, p. 10.

the conflict over given issues may continue into the post-war period. In such circumstances cooperation among former enemies is difficult to achieve, but it is absolutely necessary if the state is not to be partitioned, but instead reintegrated.

As building democratic regimes is the indisputable goal of post-Cold War interveners, then the interveners must decide which type of democracy to apply in a given target state. In ideal circumstances, it would be the people of a target state themselves that would decide what kind of system was to be adopted. However, if they cannot agree, which is usually the case because otherwise they would not have waged war with one another but would instead have resolved their problems peacefully, then the intervener has to make some crucial decisions for the future of the target state.

The next four sections discuss first the nature of a deeply divides society and then look at several strategies of conflict resolution as a basis for state building in deeply divided societies.

II-2c   The nature of deeply divided societies

All societies are differentiated along various lines or cleavages, be they class, ethnic, religious, linguistic, occupational, and so on. Individuals usually feel themselves to be members of a certain community although they may not necessarily share all the values of that community. They can maintain their reservations or demonstrate open disagreement on some issues with other members without necessarily ceasing to identify further with the community or getting engaged in an effort to destroy the community. However, when a sizeable proportion of individuals who share similar beliefs come to value their similarity positively in contrast to others in the community who do not share this similarity, then these social differences result in segmental divisions or segments. "If segments take on a high degree of political salience, as they invariably do in deeply divided societies, they will form the bases of *conflict groups*."[175]

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[175] Eric A. Nordlinger, *Conflict Regulation in Divided Societies* (Center for International Affairs, Harvard University, No. 29, January 1972), p. 7.

Conflict groups develop when a substantial number of individuals believe that their segment's social identity, cultural values, or material interests are incompatible with the segmental interests of other individuals and they organize to carry out political or other action to advance their interests and influence the conflict's outcome. Conflict organizations may be political parties, religious, racial, ethnic, or linguistic affiliations, or trade unions, that is, they can be any associations that are defined by a particular segmental identity. However, not all conflicts lead to violent outcomes and deep divisions within a society. Literature offers various definitions of a conflict's intensity based on several criteria: the distance separating opposing groups' goals; the degree to which two or more segmental divisions are mutually reinforcing or cross-cutting; the proportion of conflict group members belonging to a conflict-promoting organization; the degree of interaction or communication between opposing segmental groups; and the energy expenditure and degree of involvement of conflicting parties.[176] As regards the most extreme end of the spectrum, Nordlinger proposes the following definition of intense conflict:

> A conflict is intense when the issues at stake are thought to be of the greatest importance, involving the segment's social identity, its most sought-after material rewards, its most cherished cultural values, or its perceived inalienable rights. An intense conflict is also present when at least one segment views another according to highly unflattering stereotypes, invidious beliefs, long-standing jealousies, and deep-seated prejudices, which, when taken singly or together, produce strongly felt and emotionally charged antagonisms. Although these two types of intense conflict are analytically and to some extent empirically distinct, the second type rarely occurs without giving rise to the first, and when the first is present over a sufficiently long period of time it is likely to engender the second.[177]

A society is thus deeply divided when belonging to one segment inevitably negates the possibility of belonging to other opposing

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[176] The overview of the conflict theory is given in Nordlinger, *Conflict Regulation in Divided Societies*.
[177] Nordlinger, *Conflict Regulation…*, p. 9.

segments within that society. As segmental divisions harden, they further impair interaction among segments, and this over time leads to strongly entrenched divisions. Deeply divided societies are closed societies, since any opening necessarily loosens up the segmental straightjacket, threatening the interests of those who benefit from the perpetuation of the divisions. Segmental divisions may readily lead to violence and repression when one conflict group manages to assume control of the government or the army at the expense of other segments. However, violence may also occur as a result of opening up, when integrationists enter the conflict with divisionists. Integrationists' goal is to replace segmental politics with the politics of cross-cutting interaction, thus reducing the divisionist political space.

II-2d *Partition as a solution to conflict*

One way to regulate conflict among hostile groups is to eliminate the differences among them that are the cause of the conflict. This can be done in several ways:

- genocide;
- forced mass-population transfers;
- partition and/or secession;
- assimilation.[178]

These are rather heavy-handed strategies that have a long history of application, although their lasting impact on conflict regulation is mixed at best. Since they exert a severe toll in human suffering, they are certainly not peaceful conflict regulating mechanisms. The first two methods ("genocide" and "forced mass-population transfers") are clearly unacceptable, but it is worth considering the second two ("partition/secession" and "assimilation/integration").

The suggestion that populations must be forcibly separated to prevent them from killing each other has inspired both approval and criticism. Chaim Kaufmann elaborated a set of hypotheses on the usefulness of

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[178] For more cf. John McGarry and Brendan O'Leary (eds.), *The Politics of Ethnic Conflict Regulation* (London and New York: Routledge, 1993).

partition as a solution to ethnic conflict.[179] He maintains that separating populations should be the last resort when all other options fail. However, he does not agree with those critics of population transfers and the partitions that accompany them who say that these methods do not reduce suffering and death but actually increase them. In researching four cases of ethnic separation and subsequent territorial partition – Ireland, India, Palestine, and Cyprus – Kaufmann concludes that in all four cases ethnic separation reduced violence.

His analysis suggests three lessons for the management of ethnic civil wars. First, the international community should "identify the threshold of intergroup violence and mutual security threats" at which the only solution would become separation and partition. Although Kaufmann acknowledges that the absence of a fully developed theory impedes defining where this threshold may lie, he still maintains that even with limited knowledge, this policy can be useful. "We should not fail to separate populations in cases that have produced large-scale violence and intense security dilemmas..." Second, he insists that partition should be performed in communities that are already ethnically separate. "Partitions that do not unmix hostile populations actually increase violence..." Third, Kaufmann holds that the international community should stop trying to prevent the movement of refugees away from threats of ethnic massacres and should instead support and safeguard their resettlement. "Concern that facilitation of refugees movements amounts to support for ethnic cleansing is misguided. Ethnic cleansing can only be stopped by an army on the ground strong enough to defeat the cleansers. Otherwise, making it harder for ethnic cleansers to expel their enemies only invites them to escalate to murder."[180] In a similar vein, John Mearsheimer holds that "some borders are untenable and preserving them causes conflict, not peace."[181]

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[179] Chaim Kaufmann, "Possible and Impossible Solutions to Ethnic Civil Wars", *International Security* Vol. 20 (Spring 1996) and idem, "When All Else Fails", *International Security*, Vol. 23 (Fall 1998).
[180] Kaufmann, "When All Else Fails", p. 156.
[181] John J. Mearsheimer, "The Case for Partitioning Kosovo" in *Nato's Empty Victory. A Postmortem on the Balkan War* edited by Ted Galen Carpenter (Washington, DC: Cato Institute, 2000), p. 137.

Donald Horowitz puts forward the argument that if it is impossible for groups to live together in a heterogeneous state, perhaps it is better for them to live apart in more than one homogeneous state, "even if this necessitates population transfers."[182] However, partition is a complex undertaking despite some claims of its almost surgical precision at delivering the desired results. Divorcing populations may take an enormous toll on human life, which could hardly be considered an attractive outcome. Although Horowitz discusses the option of partition on purely pragmatic grounds, he concludes that "if the benefits of partition are not likely to materialize but new costs are, partition can hardly be recommended as a generally applicable solution to domestic ethnic conflict."[183]

Based on a host of empirical tests, Nicolas Sambanis found that partition does not help reduce the risk of the recurrence of war. "Negotiated settlements, a strong government army, and a lengthy previous war all reduce the probability of war recurrence. Thus, if the international community's interest lies in preventing new civil wars, it could manipulate some of these significant variables towards desirable goals."[184] Sambanis proposes a new hypothesis for future research: if border redefinition is on the cards after a civil war (or before the war), then the strategy of supporting ethnic diffusion by combining rather than partitioning large ethnic groups may be worth pursuing.[185]

Christopher Hitchens warns of the dangers of partition. Using the same cases as Kaufmann – Ireland, Palestine, Cyprus and pre-independence India, and adding Vietnam – he concludes that political partitions have rarely worked. Partition "always leads to another war," and it empowers the "most hectically nationalist and religious elements" in the newly divided societies.[186] His conclusions are contrary to those of Kaufmann. The UN partition plan for Palestine, which gave each side three

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[182] Donald L. Horowitz, *Ethnic Groups in Conflict*, p. 588.
[183] Ibid., p. 591.
[184] Nicholas Sambanis, "Partition as a Solution to Ethnic War. An Empirical Critique of the Theoretical Literature", *World Politics*, Vol. 52 (July 2000), p. 24, available at www.wb.org
[185] Ibid., p. 23.
[186] Christopher Hitchens, "Minority Report," *Nation*, August 14-21, 1995, p. 155.

disconnected patches of land, could only generate a bloody civil war.[187] More than fifty years of recurring violence the solution to the territorial division has not been found.[188]

There are, however, positive examples of partitions, or non-violent separations. Czechoslovakia's 'velvet divorce' or Swedish-Norwegian separation are examples of stability of some partitions. The break-up of the Soviet Union was relatively peaceful, as eventually came to be Eritrea's separation from Ethiopia. As we can see, then, there are both successful and unsuccessful cases of partitions. As the goal is downscaling violence, before a partition is considered as an option to an intra-state conflict, it has to be understood under what conditions does partition decrease violence. So far, there are no sufficient data on partitions that could be used to draw inferences about conditions for a successful partition.

Radha Kumar suggests that partition, with its long infamous record, might have become an anachronistic solution to ethnic conflict. Drawing on the historical cases of Cyprus, India, Palestine and Ireland (like Kaufmann), she concludes that partition fomented further violence and forced mass migrations. Kumar indicates that Bosnia will constitute a turning point in partition theory. If partition leads to an indefinitely prolonged commitment, perhaps the international community may invest in reintegration as an easier route to withdrawal.[189]

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[187] Kaufmann, "When All Else Fails", p. 156.

[188] The one-day conference held at the EUI on December 2, 2000 that brought together academics, activists, journalists and officials from both Israel and Palestine was a poignant testimony how difficult it was to try untangling a tight knot of interrelated contending issues, even when all actors shared the common goal: finding a lasting solution. The issue of borders and territorial viability was understood as crucial to creating the basis for long-term stability. Then presented proposals for territorial division deprived the possible Palestinian state of territorial integrity, thus making it unviable. The inability to find a compromise solution on territorial partition was singled out as the cause for the second Intifada. See also EUI Review, Spring 2001 for the report on the conference.

[189] Radha Kumar, *Divide and Fall? Bosnia in the Annals of Partition* (London and New York: Verso, 1997).

The assimilation/integration model for overcoming divisions in a divided society relies on the process of nation building or national integration in which different identities will give way to an overarching single national identity. The task for national integration lies with the leaders within deeply divided societies and this task should be awarded absolute priority according to this view. Nation building entails the eradication of primordial sub-national attachments and their replacement with national loyalty.[190] However, assimilation/integration is unlikely to be successful when sub-national social identities are too strong to be eradicated. A way out for a deeply divided society is either domination by a center composed of one segment of the population or the creation of a national consensus which would encompass the broadest segments of the population, delivering the needed unifying factor.

II-2e Consociational democracy: strengths and weaknesses

The term conflict regulation includes the elimination of differences, as discussed in the preceding section, and the managing of differences. According to McGarry and O'Leary, strategies for managing differences are the following:

- hegemonic control;
- arbitration (third-party intervention);
- cantonization and/or federalization;
- consociationalism or power sharing.[191]

I shall briefly discuss these points here, except for arbitration (third-party intervention) which has been already discussed at length. This thesis assumes a much greater third-party intervention than arbitration and thus the discussion focusing only on arbitration is of limited relevance. Moreover, I do not equate consociationalism with power sharing. Consociationalism is one model of power sharing, but there are also other power-sharing models that do not rely only on consociational arrangements. Thus, at the end of this section I discuss consociationalism and in the next section power sharing based on integrative approach.

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[190] Leonard Binder, "National Integration and Political Development", *American Political Science Review*, 58(3):630 (September 1964), discussed in A. Lijphart, *Democracy in Plural Societies*, p. 20.

[191] McGarry and O'Leary (eds), *The Politics of Ethnic Conflict Regulation,* p. 4.

Hegemonic control, as a strategy for managing differences in a deeply divided society, has been suggested by some scholars. M. G. Smith proposes that domination by one of the segmental groups within a deeply divided society is the norm. According to Smith, deep divisions require that the political order be maintained by domination and force. "Cultural diversity or pluralism automatically imposes the structural necessity for domination by one of cultural sections. It… necessitates non-democratic regulation of group relationships."[192] This is a rather appealing explanation to those who believe that only an iron fist can keep antagonisms at bay in a volatile society.

Federalism is often recommended as the best institutional arrangement where ethnic groups are territorially based. In advanced democracies with divided societies, including Switzerland, Belgium, Canada, and Spain, federalism has helped to keep states unified and democratic in the face of possible secession by territorially based minorities. A federal system exists when there is a layer of institutions between a state's center and its localities, when this layer of institutions has its own leaders and representative bodies, and when those leaders and bodies share decision-making power with the center.

Successful accommodation does not involve the elimination of all conflict but rather the elimination of violent conflict and the lessening of the conditions that might instigate violence in the future. Federal systems provide more layers of government and thus more settings for peaceful bargaining. They also give at least some regional elites a greater stake in existing political institutions.[193] At the same time, federal structures, which initially reduce conflict, may also become a future obstacle to development and precipitate a delayed integration-

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[192] Leo Kuper and M. G. Smith (eds.), *Plural Societies: Perspectives and Problems* (Berkeley: University of California Press, 1969), p. 14, quoted by Arend Lijphart, *Democracy in Plural Societies* (New Haven: Yale University Press, 1977), p. 18.
[193] Nancy Bermeo, "The Import of Institutions. A New Look at Federalism", *Journal of Democracy*, Vol. 13, No. 2 (April 2002), 96-110.

development crisis.[194]   Moreover, federalism is more difficult when ethnic groups are dispersed across the territory.

Consociational democracy, as a power-sharing model, is largely associated with Arend Lijphart, a Dutch political scientist who described and analyzed the Dutch particular democratic system as the one in which divisions within a society are bridged by particular mechanisms that are not present in other democratic systems. What the consociational model does is that it first recognizes the segmental cleavages that exist within a society and then it offers cooperation among segmental elites as an instrument for overcoming the reality of deep divisions within a society. The political problems of any deeply divided society is that it lacks a unifying consensus on the most important issues that pertain to its existence.[195]

The 'classic' consociational democratic model can be defined in terms of four characteristics. The first and most important element is government by a grand coalition of the political leaders of all significant segments of the plural society. This can take several different forms, such as a grand coalition cabinet in a parliamentary system, or a 'grand' council or committee with important advisory functions, or a grand coalition of a president and other top officeholders in a presidential system. The other

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[194] Cf. Albert F. Eldridge, "Introduction: On Legislatures in Plural Societies" in *Legislatures in Plural Societies: The Search for Cohesion in National Development* edited by Albert F. Eldridge (Durham: Duke University Press, 1977), p. 6.

[195] Scholars have traditionally believed that internal ethnic divisions are detrimental to democratic stability. Although few scholars argue that ethnic divisions are a positive force, there is a debate about whether different degrees of ethnic heterogeneity can help or hinder democracy. In its 1998-99 report, Freedom House found that "countries without a predominant ethnic majority are less successful in establishing open and democratic societies that ethnically homogenous countries." Benjamin Reilly has challenged existing theories concerning the relationship between ethnic fragmentation, democracy, and internal conflict. He argues that the conventional wisdom – that the more ethnically fragmented a state, the lower its chances of democracy – is wrong. "In fact, a high level of ethnic fragmentation can actually help democratic consolidation if no group has the capacity to control power alone." "Democracy, Ethnic Fragmentation, and Internal Conflict. Confused Theories, Faulty Data, and the 'Crucial Case' of Papua New Guinea", *International Security*, Vol. 25, No. 3 (Winter 2000/01), pp. 162-185.

three basic elements of consociational democracy are (1) the mutual veto or 'concurrent majority' rule, which serves as an additional protection of vital minority interests; (2) proportionality as the principal standard of political representation, civil service appointments, and allocation of public funds; and (3) a high degree of autonomy for each segment to run its own internal affairs.[196]

The above definition represents the classic model of consociational democracy that was being practiced in several small European states at the time Lijphart described it and that was later implemented in a range of Third World countries with mixed success. All four characteristics of the consociational democratic model defy majority rule and instead offer themselves as mechanisms for bridging divisions within a society. The first element implies that there is a will to cooperate and compromise as a prerequisite for the formation of a grand coalition. Participation in a grand coalition offers each member important political protection, but no absolute protection. A mutual veto must therefore be added to the grand coalition principle, since only such a veto can give each segment a complete guarantee of political protection.

The principle of proportionality serves two main functions. First, it is a method of allocating civil service appointments and scarce financial resources in the form of government subsidies among different segments. Second, the proportionality principle allows that the decision making process in the state is proportionally distributed, thus removing a large number of potentially divisive problems from the consociational government. The final element of the consociational model is segmental autonomy, which entails minority rule: rule by the minority over itself in areas belonging to its own exclusive concern. On all matters of common interest, however, decisions should be made by all segments together with roughly proportional degrees of influence. On all other matters, decisions and their execution can be left to the separate segments.[197]

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[196] Arend Lijphart, *Democracy in Plural Societies*, p. 25.
[197] Cf. Lijphart, *Democracy in Plural Societies* for more detailed explanations of the four elements of consociational democracy, pp. 25-44.

The existing literature suggests that consociationalism has been approached from three principal standpoints:

(1) As a pattern of social structure, emphasizing the degree of religious, ideological, cultural or linguistic segmentation in the society itself;

(2) As a pattern of elite behavior and mass-elite relationships, emphasizing the processes of decision-making and conflict regulation;

(3) As an underlying characteristic of the political culture arising from historical circumstances that may antedate the period of mass politics.[198]

There are two possible sources of weakness for the consociational model. One is that consociational democracy may be criticized for not being democratic enough, the other is that is it not sufficiently capable of achieving a stable and efficient government. Those who argue that this model is undemocratic regard the presence of a strong opposition as an essential ingredient of democracy. From this premise it follows that consociational democracy is less democratic than a government-versus-opposition democratic model.

The other type of criticism leveled against the consociational model is its potential failure to bring about and maintain political stability. Rule by grand coalitions implies that the decision making process will be slow. The mutual veto involves the further danger that decision-making may be completely immobilized. Proportionality as a standard of recruitment for the civil service may be anti-meritocratic in that an individual is not employed on the basis of merit, but by virtue of membership of a certain segment. Moreover, segmental autonomy bears with it a real danger that, because of the creation of numerous governmental offices, the bureaucratic apparatus will become too expensive and therefore financially unsustainable.[199] However, these weaknesses of the consociational model may, in one respect, be regarded as strengths, since

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[198] Kenneth D. McRae (ed.), *Consociational Democracy. Political Accommodation in Segmented Societies* (Carleton University: McClelland and Stewart, 1974), p. 5.
[199] Cf. Lijphart, *Democracy…*, pp. 47-52.

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the model can be discarded with relative ease once it ceases to deliver any benefits to the society that uses it.

Donald Horowitz holds that consociational arrangements can work in societies marked by moderate levels of conflict, but not in severely divided societies. Furthermore, he criticizes consociationalism for assuming that each segmental group is cohesive and has unitary leadership. Consociationalism, Horowitz continues, starts with the premise that political elites enjoy a high degree of freedom of choice and that they may resort to consociational methods of decision-making as a result of the rational recognition of the divisive tendencies in their societies, assuming the consociational model is not imposed from outside.

However, political leadership within conditions of deep social divisions in general has very limited freedom to choose its own path. Horowitz also criticizes the 'grand coalition' technique of accommodation for its claim that it can deliver unanimity in decision-making. "The point is not that coalitions are not possible, for they are. It is rather that, in democratic conditions, *grand* coalitions are unlikely, because of the dynamics of intraethnic competition."[200] The goal of grand settlements is to find a minimal basis for living together; however, the fact that such settlements barely intrude into existing areas of group strength is not evidence that this approach is essential to conflict reduction. According to Horowitz, contractual settlements are likely to impinge as little as possible on the interests of the contracting parties and thus leave many areas of social life unregulated. "Yet, despite its inevitable deficiencies, the grand settlement by itself is usually a worthwhile achievement… Retrospective evaluation of the failings of settlements should not obscure the importance of the short run, the dangerous short run, in ethnically divided societies."[201]

Another way to view conflict reduction, according to Horowitz, is to consider how any given technique or policy actually works. More

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[200] Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 2000, 2nd edition), p. 575.
[201] Ibid., p. 588.

important than any institutional feature is whether it brings into play an effective mechanism to reduce conflict. Horowitz identifies several common mechanisms of conflict reduction. First, interethnic conflict may be reduced by proliferating the loci of power so as to take the heat off of a single focal point. One way to do this is by dispersing power among institutions at the central and regional levels, which in fact is what federalism is all about. Second, interethnic conflict may be reduced by arrangements that emphasize intraethnic conflict instead. Interethnic cooperation may be more likely where intraethnic divisions are present, since links may be easier to forge between portions of groups than between groups that are cohesive and undivided. If intraethnic conflict becomes more salient, this may reduce the energy available for conflict with other groups. Third, interethnic conflict may be reduced by policies that create incentives for interethnic cooperation. Electoral inducements for coalition-making may be one way to heighten the incentives for cooperation, but certain preferential and territorial arrangements may also do this. Fourth, interethnic conflict may be reduced by policies that encourage alignments based on interests other than ethnicity (for example, infrastructural projects, cultural cooperation, etc). Fifth, interethnic conflict may be reduced by reducing disparities between groups so that dissatisfaction declines. This mechanism cuts deeper than other described mechanisms, which in the main emphasize restructuring the incentives for conflict behavior, on the part of political leaders. "To cut deeper takes longer, though in the end the deep cut may produce the more enduring result."[202]

As already discussed, consociational approaches rely on elite accommodation and guarantees to groups that their interests will be protected by safeguards such as the mutual veto, whereas the integrative approach relies on incentives for intergroup cooperation by mechanisms such as electoral systems that encourage the formation of political parties across lines of division.[203] Horowitz concludes that the

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[202] Ibid., pp. 598-9.
[203] Timothy Sisk proposes two sets of conflict-regulating practices in relation to these two power-sharing approaches.
Consociational conflict-regulating practices are as follows:
    (1)   Granting territorial autonomy and creating confederal arrangements;
    (2)   Creating a polycommunal, or ethnic federation;

mechanisms described entail measures to contain, limit, channel, and manage ethnic conflict, rather than to eradicate it. "They involve living with ethnic differences and not moving beyond them."[204]

II-2f   Integrative approach

In every society the problem of integration exists, but the task is much more complicated for deeply divided societies due to the presence of multiple divisions in the social order. Thus, power sharing seeks to establish institutions that will effectively deal with challenges posed by social divisions. The success of power-sharing arrangements for dealing with various antagonistic groups within a deeply divided society must be measured by the success of those institutions and processes that can reduce the conflict and foster social integration.

Power sharing is the result of a pragmatic perception that the failure to accommodate will precipitate wider strife and therefore political leaders and the wider public must be motivated to implement power-sharing practices in order to avoid worsening the conflict. Unfortunately, not every violent conflict leads to the realization that a solution should be found in power-sharing arrangements rather than in escalating the violence.

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(3)   Adopting group proportional representation in administrative appointments, including consensus decision rules in the executive;
(4)   Adopting a highly proportional electoral system in a parliamentary framework; and
(5)   Acknowledging group rights or corporate (nonterritorial) federalism.

Integrative conflict-regulating practices are as follows:
(1)   Creating a mixed, or nonethnic, federal structure;
(2)   Establishing an inclusive, centralized unitary state;
(3)   Adopting majoritarian but ethnically neutral executive, legislative, and administrative decision-making bodies;
(4)   Adopting a semimajoritarian or semiproportional electoral system that encourages the formation of preelection coalitions (vote pooling) across ethnic divides; and
(5)   Devising 'ethnically-blind' public policies.

Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (New York: Carnegie Corporation and Washington, DC: USIP, 1996), pp. x-xi.
[204] Horowitz, *Ethnic Groups in Conflict,* p. 600.

According to Grossholtz, integration is defined in the following way:

> Integration is […] treated as a process and, specifically, as a process leading to political cohesion and sentiments of loyalty toward central political institutions. Integration is not merely unification; it is more than simply bringing diverse groups or political units under central control. Integration implies some level of effective commitment to the commonality of all groups or political levels, but it does not require the obliteration of primary identifications of race, religion, family, or culture. The process of national integration involves the penetration of the primary, occupational, or geographic groups by a broader national identification… The acceptability of the central political institutions and associations depends on the level of security that contending groups feel is provided them and their interests, and on the recognition on the part of the contenders that the interests of other groups are legitimate. Integration is defined as the acceptance on the part of primary bureaucratic and associational groups of the fact that other group interests are legitimate and must also be satisfied.[205]

Integrative power sharing can evolve from peace processes in which parties adopt agreements, or mutual security pacts, that seek to limit the ability of groups to inflict mutual harm. The degree of unity and organizational coherence of the parties, and the ability of political leaders to persuade their constituents to act peacefully, are the most important variables in creating improved relations among ethnic groups. "Conciliatory attitudes must be both broad (including hard-liners) and deep (including key publics as well as leaders)."[206]

The Dictionary of World Politics describes integration in the following way:

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[205] J. Grossholtz, "Integrative factors in the Malaysian and Philippine legislatures", *Comparative Politics*, No. 3 (October 1970), 93-113; quoted in Malcom E. Jewell, "Legislative Representation and National Integration" in *Legislatures in Plural Societies* edited by Eldridge, p. 13-53.

[206] Sisk, *Power Sharing and International Mediation in Ethnic Conflicts*, p. xi.

Integration is both a process and an end state. The aim of the end state sought when actors integrate is a political community. The process or processes include the means or instruments whereby that political community is achieved.[207]

Integration requires at a minimum the existence of a security community, that is a system of relationships which has renounced force and coercion as a means of settling differences. For a political community to exist, the majority of its constituents need to display loyalty to it. The creation of a political community in a deeply divided society, however, requires the double task of providing a new focus of loyalty for the constituents while combating the centrifugal impulses of particular original attachments.

Thus, wide-ranging state building in a post-war environment means not only laying down one's arms or establishing formal procedures according to which opposing groups are to conform, but also a normative element that relies on the perception and persuasion that such a course of action carries with it the vital promise for a peaceful and prosperous future.

II-3   THE SUBSTANTIAL (NORMATIVE) STATE BUILDING

In this thesis I make a distinction between three elements of state building, namely security building, institution building and norm building that take place in the context of a post-war intervention by a multilateral force in a target state. Elements and issues pertaining to both security and institution building have already been discussed. The concept of norm building, as an indispensable ingredient of state building, if reforms in security and institutional sectors are to be made long lasting, needs to be clarified.

The *Handbook of International Relations* identifies two classical meanings of the term 'norm'.

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[207] Graham Evans and Jeffrey Newnham, *The Dictionary of World Politics. A Reference Guide to Concepts, Ideas and Institutions* (New York: Harvester Wheatsheaf, 1990).

On the one hand, norms are identified by regularities of behavior among actors. Norms reflect actual patterns of behavior and give rise to expectations as to what will in fact be done in a particular situation. On the other hand, norms reflect patterned behavior of a particular kind: a prescribed pattern of behavior which gives rise to normative expectations as to what ought to be done.[208]

This thesis uses the concept of norm building to refer to the evolution of state building into the sphere of values and norms. Norm building is characterized by a change in perceptions and beliefs among people (if they occur) in deeply divided societies who are obliged to work across the lines of division and build a framework for peaceful coexistence. Norm building thus relies heavily on constructivism.

The constructivist research program studies the role of ideas, norms and identities, as opposed to material factors, in the integration process. Ruggie has argued that "… at bottom, constructivism concerns the issue of human consciousness."[209] Checkel argues that ideas, norms, and identities are important but not as external constraints. Norms, then, are simply constraints that agents run up against when they make choices. For Checkel, norms can become constitutive of agents, part of who they are, and deeply internalized. When this occurs, the overall interpretation changes from one based on conscious adjustment to changing costs to one based on the enactment of values.[210]

Some authors, perhaps inadvertently, refer to norm building as the third transformation, which takes place in conjunction with political and

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[208] Walter Carlsnaes et al (eds.), *Handbook of International Relations* (London: Sage, 2002), p. 143.

[209] John Gerard Ruggie, *Constructing the World Polity* (London and New York: Routledge, 1998), p. 33.

[210] Cf. Jeffrey T. Checkel, *Ideas and International Political Change. Soviet/Russian Behavior and the End of the Cold War* (New Haven and London: Yale University Press, 1997); J. T. Checkel, "Why Comply? Constructivism, Social Norms and the Study of International Institutions", ARENA (Advanced Research on the Europenisation of the Nation-state) Working Papers 99/24, Oslo University, 1999; J. T. Checkel, "Norms, Institutions and National Identity in Contemporary Europe", ARENA Working Papers 98/16, Oslo University 1998.

economic transformation.[211] Since there are problems or constraints that derive from historical memories of past divisions, any meaningful (re)moulding of a society requires working through these legacies. Fine political judgment and skillful leadership are essential to guide transition within this complex area. For third parties as external sponsors and supervisors of state building, as well as for the local political elites who are encouraged to assume full command of state building in their country, the burden of security and institution building is far greater when the task is also norm building. In essence, norm building is about the substance that fills the institutional structure.

In ideal circumstances establishing new norms should run in parallel with erecting new institutions, but in practice the process is not smooth. Logically, it is easier to make parties to the conflict agree to minimal formal procedures than it is to make them fully endorse cooperation as a way of handling outstanding issues. To make the shift from conflict to cooperation requires the extensive engagement of interveners within a post-war setting and even when such engagement is present, the prospect of replacing conflict by cooperation is uncertain. State building is taxing, especially when attention is focused on constructing a new democracy as well as running it.

In post-war Germany and Japan the intervener, although working under different conditions, recognized what had to be done if both the German and the Japanese societies were to become fully functional and integrated with the rest of the world. Of course, neither of the two societies were as deeply divided as are the societies in which interventions have taken place since the end of the Cold War, but nonetheless post-war interventions in Germany and Japan reveal the significance of focusing on normative, as well as other aspects of state building. In the next section I analyze the experience of these two countries and focus in particular on the normative change that was initiated by the interveners.

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[211] Geoffrey Pridham, *The Dynamics of Democratization. A Comparative Approach* (London and New York: Continuum, 2000); see esp. Chapter Eight, "Stateness, national identity and democratization".

II-3a   State building in Germany and Japan

The urge of the United Sates and her Allies to (re)create West Germany were only made more pressing by developments on the world stage after the war – most notably the polarization between the capitalist West and the communist East at the beginning of the Cold War. In such a setting, post-war Germany was at the frontline of the Cold War, hence its even greater importance. Therefore, one can safely conclude that the right mixture of internal pre-existing and external structural conditions led to the surprisingly successful state building in West Germany.

The experience of the interventions in Germany and Japan suggest that the key to the success was the commitment to vast economic, political, and educational reforms affecting the entire population and most government institutions.   The reforms were facilitated by the unconditional surrender of the two states, and at the same time enhanced by the public who desired a distinctly different government from the imperialistic and militaristic rulers who had brought them to defeat. The fact that these two societies enjoyed high literacy rates, high levels of industrialization and a respect for education contributed significantly to the reforms' success.[212]

The success in both cases is strongly associated with the role of the American military; in the case of Germany, the U.S. military governed one of the four zones into which post-war Germany had been divided, while in the case of Japan the U.S. had unrestricted, sole control of the country.[213]   Even in West Germany the American influence was the strongest as Britain and France, who had control of the two other zones, were preoccupied with rebuilding their own countries after the war. Most studies on modern Germany underscore the key influence the American presence had on the development of post-war Germany.

The Germany and Japan of today attest to the success of externally sponsored state-building. Von Hippel underscores that "the resulting

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[212] Karin von Hippel, *Democracy by Force. US Military Intervention in the Post-Cold War World* (Cambridge: Cambridge University Press, 2000), p. 18.
[213] The United States, Britain and France assumed control of West Germany, while the Soviet Union controlled East Germany.

governments are impressive testimony that it is possible for outsiders to establish relatively benign governments which locals will support for at least half a century."[214]

The task of the U.S. military government in Germany was to prevent "Germany from ever again becoming a threat to the peace of the world… (and to prepare for) an eventual reconstruction of German political life on a democratic basis."[215] The Potsdam Agreement defined the purpose of the occupation to be "to bring about complete disarmament and demilitarization of Germany" and to "convince the German people that they have suffered a total military defeat and that they cannot escape responsibility for what they have brought upon themselves."[216] The occupation period was intended to "prepare for the eventual reconstruction of German political life on a democratic basis and for eventual peaceful cooperation in international life in Germany."[217]

The task of rebuilding and democratizing the country, although primarily under American domination, was carried out in cooperation with Germans. According to Peterson, although U.S. involvement was significant, "the occupation worked when and where it allowed the Germans to govern themselves."[218] This devolution of power was born out of necessity due to the pressing need to feed and sustain 45 million Germans, without the U.S. government footing the whole bill. [219] The

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[214] Roy Licklider, 'State Building After Invasion: Somalia and Panama', Presented at the International Studies Association annual convention, San Diego, CA, April 1996; quoted in von Hippel, p. 12.

[215] Cited in Merritt, Richard L., *Democracy Imposed: US Occupation Policy and the German Public, 1945-1949* (New Haven: Yale University Press, 1995:270).

[216] U.S. Department of State, *Participation of the U.S. Government in International Conferences, 1 July 1945 – 30 June 1946* (Washnigton, 1946), p. 144; quoted in Boehling, p. 29.

[217] "Protocol of the Proceedings of the Berlin Conference of 2 August 1945," *House of Commons, Accounts and Papers,* XXIV, 1946-47 (London, 1947), p. 4; quoted in Boehling, p. 30.

[218] Peterson, Edward N., *The American Occupation of Germany: Retreat to Victory* (Detroit: Wayne State University Press, 1977: 115).

[219] Edward N. Peterson, *The American Occupation of Germany: Retreat to Victory* (Detroit: Wayne State University Press, 1977), p. 10.

British estimated that their zone was going to cost them GBP 80 million (well over a GBP 1 billion in 1990's values) in the first year.[220] From 1945 to 1947 the British found themselves having to spend much of their precious supply of dollars, borrowed under what they saw as harsh terms from the USA, on feeding their zone with food purchased from the Americans.

Democratization in Germany started at the grass-roots level and moved up in an orderly fashion to the top. Local council elections preceded regional elections, which were held before national elections. As General Clay explained, "the restoration of responsible German government from the village to the state within the United State Zones was a systematic, planned, and to a large extent scheduled-in-advance program to carry out our objectives."[221]

Germans refer to the immediate aftermath of the war as the *Stunde Null*, the point in time when the old Germany ceased to exist and the new one began to be built. In Germany in 1945 there was certainly denunciation, resentment, and recrimination, but the Germans also turned to the expectation of the rebirth of civilized life. To dwell on the past would solve little, and perhaps this is one reason why most Germans - after the process of denazification and judicial punishment - focused on hope for the future, rather than on incessant condemnation of each other. [222]

One historian depicts a similar experience in Japan after the war: "So sharp was the break with what had gone before that one is tempted to treat September 1945 as the end, not of a chapter, but of a story, making all that followed part of a fresh beginning. Indeed, in many ways it was. Defeat acted as a catharsis, exhausting the emotions which the Japanese had hitherto focused on their relations with the outside world. It also

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[220] Anne Deighton, *The Impossible Peace. Britain, the Division of Germany, and the Origins of the Cold War* (Oxford: Oxford University Press, 1990), p. 30; quoted in A.J. Nichols, *The Bonn Republic. West German Democracy 1945-1990* (London: Longman, 1997), p. 13.
[221] Lucius D. Clay, *Decision in Germany* (New York: Doubleday, 1950), p. 393.
[222] Dennis L. Bark and David R. Gress, *From Shadow to Substance 1945-1963* (Oxford: Basil Blackwell, 1989), 46.

opened the way for radical changes in social and political institutions, imposed by the victors."[223]

When the western Allies entered Germany, their main concern, as reflected in the American Chiefs of Staff occupation directive, JCS 1067, was to denazify, demilitarize, and decentralize Germany and to deconcentrate German industry - the famous four Ds. Denazification was to take place through the apprehension and trial of those tainted with a Nazi past. By September 1945 66,500 people had been interned in the American zone and by the end of that year 70,000 Nazi suspects were under arrest in the British zone. [224] Major Nazis were tried at Nuremberg, while denazification tribunals were to deal with other suspects, ranging from major offenders to followers and persons exonerated. At one point there were 545 tribunals in the American zone with staffs totaling 22,000. However, the whole procedure was slow due to purges that severely undermined the efficiency of the remaining administration. There was thus an incentive to deal with the minor cases first in order to get them out of the way and help rehabilitate those who were only found guilty of lesser involvement. It began to seem, however, as if the small fry were being persecuted, whereas the bigger fish would be left unpunished. This created a sense of solidarity among Germans and against the occupiers.

Denazification was one of the most heavily criticized aspects of Anglo-American occupation policy. [225] Its delayed impact (in its final form it got under way only in the autumn of 1946), its scale and its perceived unfairness discredited it among the public. Nichols concludes that it did, however, have some advantages:

> The pressure of denazification forced Nazi enthusiasts to keep low profile at a time when the embryonic institutions of a West German state - including political parties, *Land* administrations,

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[223] W.G. Beasley, *The Rise of Modern Japan. Political, Economic and Social Change Since 1850* (London: Weidenfeld and Nicolson, 1995, Second Edition), p. 214.

[224] A.J. Nichols, *The Bonn Republic*, p. 17.

[225] The French adopted a more pragmatic view of the denazification doctrine, thus enabling many competent administrators to help in the work of the zonal rehabilitation. The Soviets, for their part, carried on without much reference to the US-British denazification model.

the press and radio, and the education system - were being established. If they wanted to keep their jobs, or at least stay out of jail, xenophobic German nationalists and racist social Darwinists had to pay lip service to the ideals of pluralistic democracy as represented by the western occupiers. [226]

Denazification, however, did not only take the form of arresting and punishing former Nazis. As General John Hilldring, who headed the State Department's Civil Affairs Bureau, argued: "The very essence of our policy in Germany and Japan is to take control of these countries away from the fascist-minded people until democratic ideas and ideals take root in these countries." [227] The whole project was understood as planting the seed of a new political culture in Germany to replace that of the Third Reich. One way of doing this was through the concept of re-education. There was much discussion of the prevalence of an authoritarian element in German culture and the aggressive and militaristic nature of German politics, which was perceived and explained in terms of family life and schooling. An extreme statement of this position came in a 1946 OMGUS report: "It happens that the German culture is a bad culture which also represents a menace to orderly world society… The German culture is authoritarian and has made real democracy an impossibility."[228]

As in Germany, democratic reforms in Japan were implemented in a relatively autocratic manner by the U.S. military, as General Douglas MacArthur retained tight control of the entire operation. One of MacArthur's political advisors would later comment, "This was heady authority. Never before in the history of the United States had such enormous and absolute power been placed in the hands of a single

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[226] A.J. Nichols, *The Bonn Republic*, p. 19.
[227] John H. Hilldring to Eisenhower, 16 January 1946, Pre-Presidential, Box 42, Dwight D. Eisenhower Presidential Library, Abilene, Kansas; quoted in Frank A. Ninkovich, *Germany and the United States. The Transformation of the German Question Since 1945* (Boston: Twayne Publishers, 1988), p. 34.
[228] Quoted in Ninkovich, *Germany and the United States*, p. 37.

individual."[229]   The overall intention was to change economic and political institutions, but in the case of Japan, this was done indirectly through existing governmental structures, while the focus was on a program of extensive reeducation.   Another important aspect was the purge of tainted Japanese from public life. Overall, von Hippel contends that between two and three hundred thousand Japanese were eventually removed from their positions, including military officers, government officials, party politicians, and business leaders. While over 80 per cent of military personnel were purged, only 1 per cent of civil servants and 16 per cent of the pre-war Diet were replaced (many, however, committed suicide).[230]

There were three significant factors that facilitated the process of state building in general and norm building in particular in Germany[231] and Japan.[232] One, their unconditional surrender after World War II gave the Allies a *carte blanche* to do what they wanted.   Two, the level of development and education in both countries favored and facilitated change. And three, the serious commitment on behalf of the Allies to create democratic states in both countries was evident.

In 1946, Byrnes gave a speech in Stuttgart in which he offered hope to the German people.   Twenty years later, a German historian of the postwar era wrote that the Stuttgart speech "marked the transition of the western occupation policy from the Morgenthau Plan to the Marshall Plan, from the annihilation of Germany to the reconstruction of Germany."[233]

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[229] Karin von Hippel (2000:16) cited from Toshio, Nishi, *Unconditional Democracy: Education and Politics in Occupied Japan, 1945-1952* (Stanford: Hoover Institution Press, 1982:34).

[230] Karin von Hippel, *Democracy by Force*, p. 17.

[231] The Allies (the United States, Great Britain and France) managed separate zones in Germany, although they cooperated on major decisions. The US and British zones were united in 1946, while France joined this bizonal area after the creation of the North Atlantic Treaty Organization in 1949, when the Federal Republic of Germany was created. The Soviets kept their zone of occupation separate.

[232] The Allied occupation of Japan under General Douglas MacArthur was close to an end by 1952, although a number of troops remained.

[233] Ibid.

The occupation of West Germany was officially concluded on May 5, 1955 and four days later the Federal Republic of Germany became a member of NATO. All this could not have been achieved without clear goals and a clear commitment on the part of those who were to supervise this change. In the book *Lucius D. Clay, An American Life*, Jean Edward Smith writes that Clay was truly the father of what became West Germany. By supervising a denazification program, directing the Berlin airlift, instituting currency reform, helping to establish constitutional law and self-government and by standing up to both the Soviets as well as Washington's Western Allies, who wanted to keep Germany divided and weak, Clay was more responsible than anyone for the "creation of a prosperous, stable and democratic Germany."[234] At the foot of his grave in West Point is a memorial from the citizens of Berlin that says, "Wir danken dem Bewahrer unserer Freiheit" – "We thank the defender of our freedom."

The political goal of the occupation of West Germany was to uproot fascism and instill a democracy that would guarantee an anti-fascist political orientation. However, it was precisely through democratic procedures that Adolf Hitler and his National-Socialists came to power, and therefore the goal of the occupying powers was not to instill a value-less democracy, but manifestly an anti-Nazi democracy. In this way the concept of the Zero Hour was practically implemented. Fascism was defeated and the highest *regierungsgewalt* was thus to be exercised by the winners, without much consideration for the defeated. The Potsdam agreement stipulated that the National-Socialist party with its subsidiary organizations was to be destroyed and all *nationalsozialistischen* offices were to be wiped out. Parallel to this was the fact that such organizations could not be permitted to rise again in any form.[235] In such circumstances, the German people had no option but to accept the situation and adapt themselves to it.

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[234] An excerpt from the Cold War Archive on Lucius D. Clay, available at www.cnn.com

[235] "Official announcement over the conference of Potsdam from 17 July to 2 August 1945", p. 2.

The stress is on 'no other option'. Obviously, if some other option was also permitted in Germany after the Second World War, most likely some individuals would have chosen not to subscribe to anti-fascism. Or, to be more precise, if the National-Socialist party had not been abolished but rather permitted to stand for elections after the war, it would have undoubtedly received a certain proportion of votes. By permitting Nazis to stand in elections, the occupying powers would have legitimized their political program and absolved them from responsibility for what they had done in the late 1930s and early 1940s. However, this did not happen. The National-Socialist party was prohibited, while the brutality of the Nazi ideology has been encrypted into the collective mind of post-war generations. The defeat of fascism in the world brought about the creation of a new set of values and principles that would define human existence thereafter. Germany, as one of few countries in which the fascist ideology took root, was subject to a profound change after the defeat. The Zero Hour concept captures the essence of this fracture.

The application of the concept of the Zero Hour facilitated norm building in Germany and Japan. Norm building is ultimately about whether the state that is being (re-)established is going to retain the institutions, norms and procedures after the interveners leave. Can local people internalize the sizeable package of rules, regulations and procedures that are being imposed upon them? Can local people continue to practice democratic power sharing once they are fully in command of their destiny? Can the *habits of the heart* be gradually changed through external manipulation?

II-4   STATE BUILDING IN BOSNIA-HERZEGOVINA

The model of state building in Bosnia-Herzegovina integrates three aspects of the intervention – chronological, functional and normative. The chronological aspect conveys progression from one phase of the intervention to another. More space is devoted to the functional aspect of the intervention, i.e. how much a state building intervention is capable of achieving, what kind of challenges emerge, and which approaches to institution building stand the greatest chance of success? As the intervention in Bosnia-Herzegovina is an ongoing process, there are

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substantial limitations both on which questions can be asked (for example, which approach is most effective in creating conditions to reform the education system that overrides group segregation and provides a non-nationalist curricula?) and on the answers that can be given (was a particular approach successful in reforming the educational system in Bosnia-Herzegovina?). The answer cannot be given in the framework of this thesis as the reform is still ongoing. Finally, the normative aspect of state building represents an altogether separate set of theoretical questions and these are explored to the extent that the Bosnian case permits.

The international community did not enter Bosnia-Herzegovina with a ready-made model of state building applicable to this case of a post-Communist, post-war deeply divided society. State building models do not wait on shelves, ready to be picked up whenever a situation demands. A model is crafted through a *trial and error* process, sculpted by a long succession of moves, deadlocks, and breakthroughs. The will to move forward despite unavoidable obstacles is what sustains the state-building project. Moving forward, however, does not necessarily mean moving in the right direction since the intervener does not necessarily know which policy is the most suitable one. Sustaining the state-building intervention long enough generates an accumulation of lessons learned which represent the building blocks of a later theory.

In the case of Bosnia-Herzegovina the international community started with a strategy that had already been tested in other places – a military presence that was to establish the crucial security framework in which civilian tasks were to be carried out. The civilian implementation equaled the institution building, i.e. the creation of the basic structure of the emerging Bosnian state. However, not long after they entered, the interveners had to face a range of unexpected problems. These problems contributed to the deepening of the international involvement beyond the limit that was initially foreseen. The dilemma was obvious: to pull out early would mean risking the renewal of the conflict, thus losing the investment made, which policy makers tended to view as too high to justify pulling out. The other option was the intensification of engagement. This brought problems of different kind – criticism of imperialistic intentions from one side and criticism of imprudent
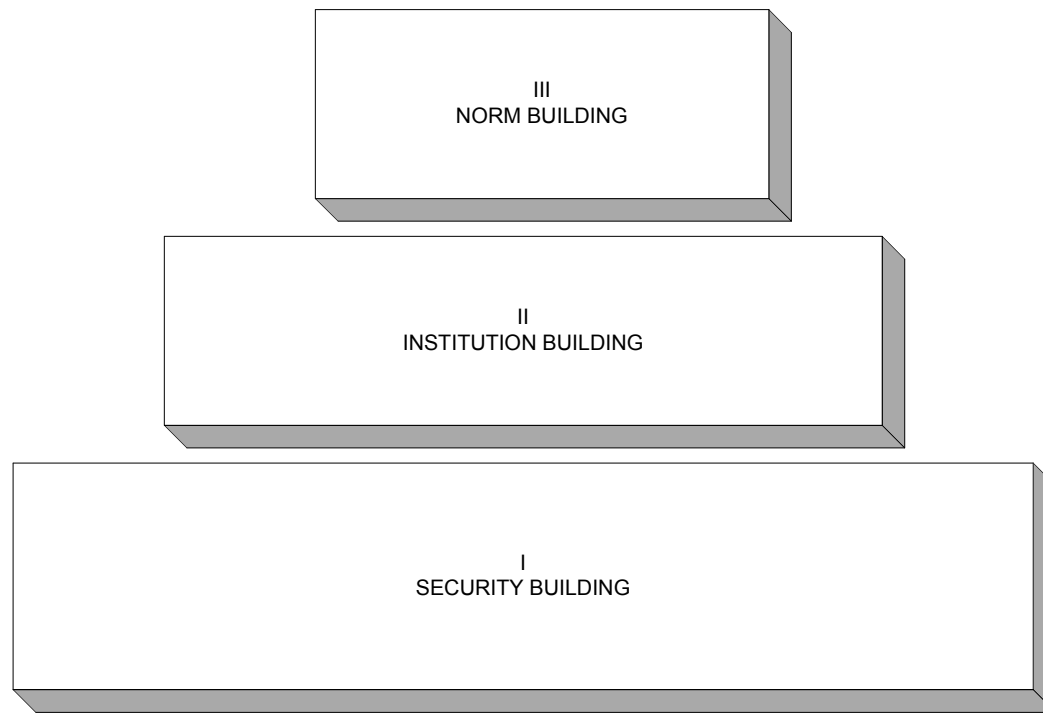
humanitarianism from the other. Cost-conscious critics questioned the price of the ultimate goal arguing that its realization could not justify such high expenditure.

> America has no legitimate interests in the Balkans that even remotely justify baby-sitting that region and becoming obsessed with its parochial disputes. America should view the Balkans as a strategically and economically irrelevant snake pit. The ugly ethnic-group-identity politics of the region and the zero-sum-game mentality of many of the players need be of no concern. (…) Matters are somewhat different for the Europeans. Disorder in the Balkans creates refugee flows and a variety of other problems for EU members. It would not be unreasonable for the EU to conclude that its own security interests require an interventionist role. (On the other hand, it would be equally reasonable to conclude that the costs and risks entailed in peacekeeping missions outweigh any probable benefits.)[236]

II-4a   The model of state building

The intervention, despite criticism, proceeded in the following phases. Each phase is given a name according to its overriding characteristic. Thus, the first phase (1995-1997) is security building, the second (1998-2000) institution building, and the third (2001-) is norm building.

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[236] Ted Galen Carpenter, "Waist Deep in the Balkans and Sinking", Policy Analysis No. 397, *The Cato Institute* (April 30, 2001).

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│              III                │
│         NORM BUILDING           │
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│                 II                    │
│         INSTITUTION BUILDING          │
│                                       │
└───────────────────────────────────────┘
┌─────────────────────────────────────────────┐
│                                             │
│                   I                         │
│            SECURITY BUILDING                │
│                                             │
└─────────────────────────────────────────────┘
```

In the first phase the effort focused on creating a secure framework within which other initiatives could be launched. It was a period in which the stage was set for various actors to participate in the state building process. It is also a phase in which the interveners established themselves vis-à-vis the local actors, when different interests were screened and assessed. Finally, it was a phase that determined the subsequent action – for example, if there was a strong military opposition to the NATO force once it had entered Bosnia-Herzegovina, the logical step would be to concentrate more substantially on security problems than on institution building.
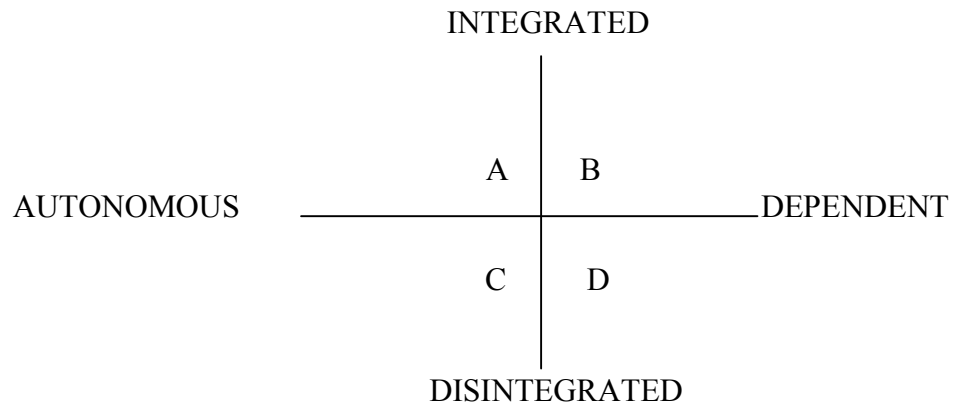
The second phase saw a dramatic increase in the expansion of the international mandate causing the local political structures to be effectively sidelined. It is a phase in which various approaches to institution building were tested and implemented with mixed results. It is also a phase in which the international community spent a lot of time

not only sharpening its strategies to address Bosnian problems, but also devising strategies of how to best address its own internal problems stemming from a lack of coordination, poor information sharing, and competition among different international agencies.

The third phase was marked by the 'recalibration' of the international engagement both in terms of their internal cohesion as well as towards the local structures in Bosnia-Herzegovina. The international community improved its internal organization, bringing all civilian implementation agencies under the same roof, leaving outside only the NATO structure. This improved cooperation and information exchange led to greater efficiency, and at the same time reduced the overall cost. The wide-ranging intrusive approach was replaced by a pillar system – a delineation of core policy areas on which the international community would concentrate, dropping all projects that did not come under this core umbrella. Furthermore, the crisis-driven approach, characteristic of the second phase, was replaced by a goal-oriented approach. This step required that the international community started visualizing the end result of its mission, i.e. the final status for Bosnia-Herzegovina. It also meant that it had to engage local political and economic structures in an intense dialogue about Bosnia's future. The norm-building phase thus reflects the changed attitude of both the international community and the local political elites in recognizing their share of responsibility for peace implementation.

II-4b   Scenarios for the future of Bosnia-Herzegovina

Basically, there are four possible scenarios for the future of Bosnia-Herzegovina. These four scenarios lie between the two axes, integrated or disintegrated, and autonomous or dependent.

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                        INTEGRATED
                            │
                            │
                       A    │  B
AUTONOMOUS  ────────────────┼────────────────  DEPENDENT
                       C    │  D
                            │
                            │
                       DISINTEGRATED
```

Although the terms used in the chart are probably self-evident, I shall explain what I mean by each of them. *Autonomous* means that the state is self-sustaining, independent and sovereign. *Dependent* means that the state depends on others for its survival, either as a protectorate of the international community or as a subject to some other kind of foreign governance. It is economically unsustainable and is not an independent actor on the international scene. *Integrated* and *disintegrated* refer to the territorial and political arrangement in Bosnia-Herzegovina, where the first term implies that the country remains territorially and politically integrated, while the latter term implies that the country is partitioned into two or three separate and independent units. These scenarios reflect the earlier discussed strategies of conflict management according to McGarry and O'Leary. In fact, partition, cantonization/federalization and consociationalism/power-sharing have all been vying for dominance in Bosnia-Hercegovina in the post-Dayton period.

Judging by the current definition of the international involvement in Bosnia-Herzegovina, anything except scenario A would be seen as a failure. Scenario C – autonomous and disintegrated – would be acceptable to the international community on the condition that the three Bosnian groups work out a model for peaceful implementation of this scenario. Scenarios B and D are unacceptable to the international community because of Bosnia's dependent status in both of them. The intervention that would end with Bosnia-Herzegovina that is not self-sustainable would be a failure.

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The next chapter covers the first phase of the international intervention in Bosnia-Herzegovina, i.e. security building. It opens up with the analysis of the Dayton Peace Agreement (DPA) and proceeds to analyze activities and accomplishments of both military and civilian international implementation force in the period 1995-1997. The following two chapters – chapters four and five – analyze the two subsequent phases, institution and norm building respectively.