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From Peace Making to Self Sustaining Peace - International Presence in South East Europe at a Crossroads ?

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"From Peace Making to Self Sustaining Peace - International Presence in South East Europe at a Crossroads"

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PREFACE

Predrag Jureković

For many Balkan analysts it is important to point out that the EU should practise an open door policy towards the countries in Southeast Europe with the goal to strengthen the stabilisation process in the region. Indeed the EU's Balkan declaration at the summit in Thessaloniki in June 2003, in which the countries of the Western Balkans were mentioned as possible candidates for the first time, raising hopes among them that in the near future the past wars and human tragedies could become history and that Southeast Europe would be transformed into a prosperous region.

One should not overestimate the Thessaloniki summit – as we know from history there have been many political declarations which did not become concrete policy. Croatia as a first test will show how serious the EU declaration really was. But regardless whether the Southeast European countries will be accepted in the EU in a medium or long term – before Turkey or after Turkey – Thessaloniki somehow symbolises the changes in the engagement of the so-called international community in the region: Not only in regard of the burden sharing between the relevant international organisations and their goals but also in regard of the relationship between the international community and the Southeast European countries.

During the Yugoslav secession wars in the 1990s the international community had been occupied by more or less successful peace making and peace keeping activities in Croatia, Bosnia-Herzegovina and Kosovo. The international efforts in that time concentrated on the division of the conflict parties and to finding stable peace agreements, which should prevent the outbreak of new fighting. In that period, because of the troubles UN peacekeeping missions had faced in Croatia and Bosnia-Herzegovina, NATO was the undisputed lead organization. The OSCE very early found her niche in the field of democracy building and the monitoring of human rights abuses.

The EU's more substantial engagement in Southeast Europe and the definition of a common EU stabilization policy for the region, which led to the declaration of Thessaloniki, at the beginning of the 2000s created new conditions for the international presence in the region. For nearly every country in the Western Balkans the prospect of a future EU accession has become the most important motivating factor for economic, juridical and political reforms as well as for reconciliation. The EU herself looks at the stabilization of Southeast Europe as the biggest challenge for her Common Foreign and Security Policy.

The ambition of the economic-based EU to take over the responsibility for the NATO-led peacekeeping missions in Southeast Europe is an important indicator that today's issues of hard security in the Balkans have in general less importance – for the optimistic analysts – compared to the goal of European integration. The more pessimistic observers on the contrary argue that ethnic hatred, unfinished nation-building and unresolved status issues still can provoke new crises. For that reason they plead for a strong international military presence under NATO control. Especially the US, as the leading NATO member, is very sceptical towards the military engagement of the EU. The main reasons for this are both due to the specific strategic interests of the US as well as the fear that the EU will not be able to run demanding military missions in the Western Balkans.

Another competitive situation among the international organizations could evolve in a short term period in regard of the relationship between the EU and the UN. This could happen in the case that the EU, as a consequence of the problems the UN Interim Administration Mission in Kosovo (UNMIK) is confronted with, in addition to her economic engagement, tries to play a more important political role in this part of the Western Balkans. The current situation in Southeast Europe generally gives the impression that the relations between the main international organizations involved in the stabilization process are at a crossroads and that a new burden-sharing will develop. At this time it is not clear whether this development will strengthen

the stabilization process or whether it will cause a kind of inter-blocking situation which could produce negative effects for the peace process.

Beside the necessity to optimize and in some fields to improve the relations among themselves the international organizations which participate in the stabilization process have to deal also with the ambiguous attitude of the regional actors towards international presence: on the one hand financial help and international peacekeepers are highly welcomed, on the other hand, in Bosnia-Herzegovina and Kosovo especially, criticism concerning the political role of the international community is increasing.

Maybe it is not more than an accident, but it can be noticed that since the EU has started her political dialogue with the Western Balkan countries in the context of the Stabilization and Association Process, critical intellectuals for instance in Bosnia-Herzegovina have intensified their critique of the de facto protectorate in their country. They accuse the Western European Politicians of being hypocrites. From their point of view it is not compatible that the EU has negotiations with the local politicians about a close political and economic co-operation, while at the same time the EU-based High Representative would behave as a colonial governor. Of course also the opposite opinion can be heard: Without the far-reaching powers of the High Representative in Bosnia-Herzegovina and of the Special Representative of the Secretary General in Kosovo new ethnic conflicts would occur. Regardless which of the two positions one prefer it seems logical that the intensification of partnership between EU/NATO and the Balkan countries has to go hand in hand with the extension of local and regional ownership.

This study deals with the various aspects of the international (post-)conflict management in Southeast Europe. It includes the results of a workshop held by the working group Regional Stability in Southeast Europe of the PfP Consortium in Reichenau, Austria held 7-10 May 2004.

From the NATO-led Mission IFOR in Bosnia-Herzegovina, which deployed in 1996, to the first EU-led military mission "Allied Harmony" in Mace-

donia, deployed in 2003, international security presence in Southeast Europe passed through a lot of changes. The troops were reduced and their tasks became very similar to the tasks of the international police forces that are engaged in the Western Balkans. This led to the situation that some analysts used the term "constabularisation" in regard of the peacekeeping troops. They made the proposal that the military forces deployed in the Balkans in the near future should be replaced by police forces.

These voices became silent after the ethnic riots in Kosovo in March this year, but the issue of constabularisation and of a premature reduction of international military forces in the Western Balkans is still on the agenda. Frédéric Labarre (Royal Military College of Canada) and Tibor Bábos (Hungarian Defense Forces) are two analysts, who by their contributions give an important impetus to the discussion on the issue of the current and future role of the internal peacekeeping troops in the Balkans. They bring in their specific Canadian and Hungarian perspectives.

The indisputable importance international police missions do have for peace and stability in Southeast Europe is described in the study of Klaus Schmidt from the Police Assistance Mission of the European Community to Albania (PAMECA). The UK Defense Academy's Amadeo Watkins' presentation focuses on the NATO co-operation programme PfP as support for co-operative security in Southeast Europe.

The role of PfP has certainly changed during the last 10 years. Before the NATO enlargement its core function was a kind of waiting-room for the East European countries on their way to NATO accession. Nowadays the support of co-operative relations between the armed forces of the Western Balkan countries could become a new core function, supposing that Bosnia-Herzegovina just as Serbia and Montenegro will enter PfP in a short term period.

As it was mentioned before the growing demand of the local forces to give way to "regional ownership" to achieve the goal of self-sustaining peace,

above all in Kosovo and Bosnia-Herzegovina, is still very controversial, although the term "regional ownership" is very often used also by international representatives. The critics of this demand argue that the time for handing over the peace process to the regional forces has not come yet. As support for this thesis they refer especially to the successful election campaigns of nationalist parties and to ethnically-motivated riots that occurred in Kosovo in March this year.

The issue of how to deal with the external driven nation-building in this study will especially be reflected by focusing on the Kosovo and Bosnia-Herzegovina situation. Christian Ebner from the Office of the High Representative in Sarajevo will discuss the topic of the far-reaching powers of the High Representative in Bosnia-Herzegovina as he tries to give an answer to the question of why these powers are still necessary for the stabilization process. The second author who refers especially to Bosnia and Herzegovina is Christian Haupt from the OSCE in Sarajevo. Mr. Haupt is involved in the defence reform process in Bosnia-Herzegovina. He was asked not only to describe the main results of the defence reform, which is an important prerequisite for Bosnia-Herzegovina's integration into the PfP programme, but also to give his impressions whether this reform means progress towards a more co-operative relationship between Croats, Serbs and Bosniaks in Bosnia-Herzegovina.

In Kosovo the relations between UNMIK and the Kosovars have become worse. One important factor in regard of this negative development is certainly the further unresolved status issue. Jolyon Naegele who works for UNMIK gives a first hand information what the influence of the March riots really is on the guidelines for resolving Kosovo's future status. Enver Hasani from the University of Pristina gives an insight in the complicated relations between the "internationals" and the local population from a Kosovar perspective. Srdjan Gligorijević from the Belgrade-based think tank G17 presents his general ideas on the interaction between the local forces and the relevant international organizations in the peace process, especially

the harmonization of policies between NATO and EU, and its relevance for reaching the goal of self sustaining peace in the region.

Another part of this study deals with the role the international presence in Southeast Europe plays in regard to human security issues as the reconciliation process, the strengthening of human rights and democracy building, gain more relevance towards the goal of self-sustaining peace. Drago Pilsel and Igor Bandović give an insight into the very difficult reconciliation process in Croatia and Serbia and discuss the international role in this context. Christine von Kohl, who has a long experience in dealing with human rights matters in the Balkans very critically deals with the international engagement and the problem of human rights. Iulian Fruntasu, who has experience in OSCE field missions, examines what role the OSCE mission in Croatia can still play in the transition of Croatia to a peaceful democracy.

The topic of the European Union's growing role in Southeast Europe – between myth and reality is addressed in the contributions of Dennis Sandole, Franz Lothar Altmann and Urban Rusnak. Fulbright professor Dennis Sandole proposes a strategy and plan of action for the EU to build peace in Post-NATO Bosnia-Herzegovina. But on the other hand there is also some scepticism, whether the EU, who will have to master the big enlargement of the first of May, will be able to fulfil all the expectations concerning the stabilization process in Southeast Europe. Franz Lothar Altmann from the Berlin think tank Stiftung Wissenschaft und Politik in his study comments on this issue.

The EU's Common Foreign and Security Policy (CFSP) of the first of May 2004 is created also by the new EU member states from Central, Eastern and South Europe. For that reason it is very interesting to read Urban Rusnak's analysis about the anticipated impact of the new EU members on the EU policy in Southeast Europe.

The issue of the EU's role in Southeast Europe is closely linked to the discussion about the US's future role in the region. In regard of this topic the general impression is that since the end of the Kosovo war, the Balkans are not anymore an important strategic area for he US. One indicator for that is the continuous reduction of US peacekeeping troops. But on the other side the US government seems to be interested that NATO keeps involved in the regional stabilization process and shows scepticism regarding EU's new military role in Southeast Europe. What is today the real US interest in the Balkans? Mayor Linda Royer, USAF, who is a career officer in the US army tries to give some answers.

Austria is grateful for the contributor's acquiescence of its invitation to present to this study group in Reichenau. In closing, there is a need to stress that the opinions in these proceedings are those of the authors and do not necessarily represent the positions of their respective organizations. I also hope that the debates, of which this publication is testimony, will help the spirit of understanding so necessary for sustained peace in the Balkans.

Finally, we should acknowledge that the publication of the workshop proceedings for the 6th Reichenau study group on Regional Stability in South East Europe (RSSEE), let alone the organization of the conference itself, could not have been possible with the help of some important actors, to which we remain indebted.

First and foremost, Maj. Andreas F. Wannemacher and Capt. Ernst M. Felberbauer for the operational guidance and steering they provide to the Study Group throughout the year. Next, to their staff, 1Lt. Benedikt Hensellek and Ms. Karin Schlagnitweit, for the excellent organization of the workshop. Of course, the gratitude of everyone is expressed to the Bureau for Security Policy at the Austrian Ministry of Defence and the Austrian National Defence Academy for its hospitality, as always. Finally, to the Royal Military College who was gracious enough to lend the services of Mr. Labarre as co-editor to myself, and to Dr. Christian Stangl, National Defence Academy, as facilitating editor.

Their dedication to this important project remains key to a successful study group within the PfP Consortium for Defence Academies and Security Institutes, and to enhance the visibility of the Austrian Bureau for Security Policy, the National Defence Academy, and the Royal Military College of Canada.

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HUNGARIAN PEACE SUPPORT OPERATIONS: THEIR ROLE IN THE BALKANS AND ELSEWHERE

*"If we train to common standards, procedures and doctrine
and at some point put them under a Combined Joint Task Force,
we have created a new NATO, and a new Europe."[1]*

- General George Joulwan

1. Introduction

The fall of Communism in Europe, and the end of the bi-polar order put an end to the artificial and forced separation which had been keeping Hungary out of the mainstream of European development for the last 40-plus years. Once that obstacle was removed, a consensus was reached by all Hungarian political parties to become a modern European country…

> …in the quickest possible way and with the least sacrifice and develop an economy and culture, social and political structure bases on solid grounds by becoming part of the European and Euro-Atlantic co-operative institutions.[2]

The changes that took place on the European continent also brought new challenges, risks and dangers to the surface. The threat of regional crises and spill over, the impact of such crises on neighbouring countries, (refugees, environmental disasters, etc.) international terrorism, and the prolifera-

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[1] General George Joulwan, quoted in *A Force for Peace: US Commander's views of the Military's Role in Peace Operations*, Peace Through Law Education Fund.
[2] www.kum.hu/siwwa/online/10025040.html

tion of weapons of mass destruction all comprise new challenges for security cooperation and new types of military operations other than war (OOTW).

> Hungarian foreign policy, from the start considered Europe and Euro-Atlantic organizations (OSCE, EU, NATO, Council of Europe, and OECD) as part of one and the same "united system as mutually complementing and reinforcing components of the same structure.[3]

Therefore, Hungary set the goal of meeting the required criteria and thus achieving full membership in all of these institutions. But along with full membership comes the responsibility to cooperate and participate in initiatives, agreements and operations set forth by these institutions. Hungary was at the forefront of the former Warsaw Pact countries to meet their objectives and has been proactive in participating in OOTW and Peace Operations mandated by the UN, NATO and the other regional security regimes. This essay will be an examination of Hungary's move from "consumer to provider" concerning security organizations and their peacekeeping efforts.

2. Overview of the Hungary Defense Forces

Beginning with an overview of the Hungarian Defense Forces (HDF), one must remember that the HDF entered a period of radical transformation after the world left behind the bi-polar opposition while Hungary went through a major overhaul of its political and economic system.

> The inevitable reform of the armed forces was motivated by two factors; first the general need for democratic development and modernization, and second, the commencement of preparations in Hungary for NATO membership.[4]

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[3]   Ibid, p. 3
[4]   Ibid, p. 1

In order for the Republic of Hungary to implement its security policy, it must have armed forces that can ensure reliable and adequate defence and can contribute to the common security of NATO. Their additional tasks include participation in other joint allied missions, peacekeeping, and humanitarian missions under the sponsorship of international organizations.

> The HDF consists of two main components: ground and the air forces. The armed forces have three principal categories, Main Defense Forces, Reaction Forces and National Support Forces. It is the Reaction Forces who are combat ready, and provide most of the personnel for Peacekeeping Operations (PKO) and have the following functions: "alert duty, participation in crisis management, the fulfilment of Hungary's international commitment and participation in rescue operations in case of natural disasters."[5]

A Peacekeeping Force Training Center was created in 1994 that had the organizational status of a regiment. To participate, a soldier would have to have completed 12 months of mandatory military service, passed aptitude, medical and physical tests and then pass an interview. Those who meet the requirements must sign a two-year contract.

The assembled Peacekeeping Company underwent a four-month-training period of refresher drills, NBC warfare protections and specific systems training. "A month is dedicated wholly to specialties encountered in peace-keeping scenarios and specific UN producers and English Language Training."[6] The Center has since closed and now peacekeeping training and drilling are completed by the 88th Rapid Reaction Battalion deployed at Szolnok within the Air Force base.

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5   http://www.ekormanyzat.hu/english?kateg=english:1258
6   Hilaire McCoubrey and Justin Morris, Regional Peacekeeping in the Post-Cod War Era, (The Netherlands, Kluwer Law International), 2000, p. 52.

Participation in NATO's Partnership for Peace (PfP) Programme was the first step towards establishing interoperability of the HDF. Hungary joined NATO's PfP in 1994 and has designated units to participate in PfP operations and exercises. The HDF feels a unique responsibility for the security of the region and in accordance with the spirit of PfP, they consistently strive to promote and expand relations and cooperation with the defence forces of the neighbouring countries which will be discussed later in this paper.

> Hungary is represented by its NATO Mission in Brussels. Hungarian officers also serve PfP coordination cells at Supreme Headquarters of Allied Powers Europe.[7]

This Coordination Center was established in 1995 to provide briefing and planning facilities for all non-NATO troop-contributing countries who are participating in Balkan peace-support operations. Hungary falls under the leadership of Allied Forces Southern Europe (AFSOUTH) located in Naples.

3. Hungary in Co-operative Security Institutions

> At the Rome Summit in November on 1989, Heads of State and Governments of NATO member countries established the framework for the co-operation to be developed with countries of Central and Eastern Europe by creating the North Atlantic Co-Operation Council (NACC).[8]

It is a forum for dialogue for NATO and new democracies over issues of security, cooperation, transparency and mutual confidence.

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[7] http://www.ekormanyzat.hu/english?kateg=english:1258
[8] Ibid.

The multi-fold, dynamic and continuous development of relations between Hungary and NATO can basically be traced to three different but interlinked groups. The first is the system of bi-lateral relations between Hungary and NATO. "The establishment of official relations between Hungary and the Alliance is considered as dating from June 29, 1990 when the Hungarian Foreign Minister for Foreign Affairs, Géza Jeszenszky visited NATO HQ in Brussels."[9] Many subsequent meetings between Governmental leaders and NATO high level officials took place in the following six years.

This was taken to the next level with the creation of the PfP in June of 1994. Within this program new opportunities for cooperation and joint endeavours were created. Hungary was eager not just to be a participant in PfP, but a provider as well. Hungary hosted two exercises early on. In 1995 the Hungarian-German-British led staff participated in Exercise Co-Operative Light 95 in Hungary. Also, Szolnok hosted exercise Cooperative Chance in 1997. Later that year Hungarians came to train in American for the first time in history in Exercise Cooperative Nugget.

Second is Hungary's participation in the activities of the NACC have also kept it engaged and informed on issues of security for Europe. Hungary is one of the founding members of the organization.

Last is Hungary's membership to the OSCE, (formerly known as CSCE). In December of 1994 the OSCE Summit was held in Budapest. The central mission of the OSCE is to build a stable and secure community and prevent new conflicts or the revival of old ones in the CSCE region.

> It is meant to be a primary instrument for early warning, conflict prevention and crisis management using *inter alia*, its peacekeeping operations and missions.[10]

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9   Hungarian Ministry of Foreign Affairs online:
     http:/kum.hu/siwwwa/online/100204090.html
10   Conference for Security and Cooperation in Europe 1994 online:
     http://www.osce.org/docs/english/1990-1999.htm

In order to strengthen the OSCE for peacekeeping operations, functions to strengthen the OSCE's capacity and activity in preventative diplomacy, enhance security and stability through arms control, disarmament and confidence and security building throughout regional levels were established. Within the Code of Conduct on Political-Military Aspects of Security, the following objectives concerning Peacekeeping Operations were iterated in §6:

- The participating States stress the importance both of early identification of potential conflicts and of their joint efforts in the field of conflict prevention, crisis management and peaceful settlement of disputes.
- In the event of armed conflict, they will seek to facilitate the effective cessation of hostilities and seek to create conditions favourable to the political solution of the conflict. They will cooperate in support of humanitarian assistance to alleviate suffering among the civilian population, including facilitating the movement of personnel and resources dedicated to such tasks.[11]

In 1995, the U.S. Embassy assessed Hungary's progress toward interoperability and participation in multinational PKOs and MOOTW. Some of the highlights regarding PKOs are as follows:

- Went from minimal to maximal PfP participation, hosting a bilateral search and rescue exercise with the U.S. taking part in "Cooperative Nugget", hosting "Cooperative Light", and participating in all but two other PfP exercises.
- Strongly supported AWACS flights in Hungarian airspace and offered the use of Hungarian airfields and facilities in the event of the withdrawal of UNPROFOR.

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[11] Ibid.

- Sent Peacekeepers – trained at Hungary's new Peacekeeping Training Center – to the MFO force in the Sinai and the UNFICYP in Cyprus.
- Outlined with Romania a 15-point program of military cooperation – including the first ever joint exercises – direct links between border guards, and establishment of a "hot-line" between the two militaries.
- Signed a Memorandum on Military Cooperation with the U.S. and agreements on security of military information (GSOMIA) and exchange of military data.
- Hosted the first planning meeting and pledge to co-sponsor a U.S.-U.K. proposal for an Anti-Personnel Landmine control regime.[12]

During the accession talks Hungary declared its full agreement with the goals laid out in NATO's Strategic Concept and its readiness to assume all the obligations stemming from the Washington Treaty and "that it wanted to participate in NATO's integrated military structure as well as its defence planning process."[13]

Hungary's position was that they did not want to be only a consumer but a provider of security as well, which was taken seriously by NATO. According to Hungary's Ministry of Foreign Affairs, they were able to provide a "particular Hungarian 'surplus' in the case of problems where they have accumulated substantial experience due to their history, set of relations and geographical proximity."[14]

NATO also looked to Hungary as the state most closely situated to the crisis in the Balkans. Keeping the goal of enhancing regional stability in sight, Hungary has established the afore mentioned Joint Hungarian-Romanian

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[12] Newsletter #2 (08/02/86) Hungary and NATO, online: http://mkogy.hu/naato/anews2.htm

[13] http://kum.hu/siwwa/online/10025040.html

[14] Ibid.

Peacekeeping Battalion and the Hungarian-Slovenian-Italian Brigade ready to commit troops to various PKOs in the region.

> During the Kosovo crisis it became evident that Hungarian membership to NATO allowed for a level of security that they could not otherwise achieve, and that they have a tangible say in issues related to European Security Policy.[15]

The Kosovo campaign and the following Peacekeeping operations were the first post-Cold War fulfilment of Article 4 mandate which combined both peacemaking and peacekeeping.

4. Hungary's Participation in Bosnia

The cooperation pursued in the framework of the IFOR/SFOR operations in order to bring about a settlement of the crisis in the former Yugoslavia is a particular and extremely important aspect of relations between Hungary and NATO. Following the conclusion of the Dayton Peace Agreement Hungary reacted positively to the request of the Alliance to provide bases and logistic support on Hungarian soil to the U.S. forces taking part in the IFOR operation and the multinational Nordic Brigade. It also enabled the international forces participating in Operation Joint Endeavour to transit though Hungarian territory as well as take part in the efforts aiming at the settlement of the crisis in Bosnia with an engineering battalion.

Concerning Hungary's participation, H.E. Javier Solana, Secretary General of NATO in 1998 made the following remarks at a speech delivered to the Hungarian Parliament:

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[15] Michta, Andrew, *NATO After the Kosovo Campaign and the KFOR Peacekeeping Operations: What has Changed?*, online:
http://wwics.si.edu/index.cfm?fuseaction=topics.publications&topic_id=1422&group_id.html

From the earliest days of the UN Protection Force, and later the Implementation and Stabilization Forces, Hungary has been a stalwart friend. The Hungarian Government and people have shown their support, cooperation and hospitality to the multinational endeavours to bring peace and democracy to the Balkans. When NATO asked for bases in Hungary, the request was quickly granted. Mounting successfully these large multinational peacekeeping operations could never have been accomplished so effectively without Hungarian support…[16]

The peace implementation/peacekeeping mission on Bosnia-Herzegovina was approved by resolution 1031 of the UN Security Council that set forth a NATO-led multinational peace implementation force (IFOR) to provide for a peaceful settlement of the Bosnian crisis. After the signing of the Dayton Peace Accord NATO and PfP countries contributed to the 60,000 strong IFOR unit.

The Republic of Hungary joined the IFOR mission on December 2nd 1995 based on the following resolutions adopted by the Hungarian National Assembly:

112/1995(XII.2) on the transit and the temporary basing of IFOR troops in Hungary and 114/1995(XII.12) on the deployment of a Hungarian Engineer Contingent deployed to Okucani by January 31 1996. The engineers were assessed to be fully mission capable from February 3rd of the same year.[17]

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[16] Javier Solana, then-Secretary General of NATO at the session of Foreign Affairs and Defense Committees of the Hungarian Parliament Budapest, 26 February 1998 http:/www.kum.hu/siwwwa/online/10025011.html

[17] Peacekeeping Operations, online, http://193.6.238.68/mod/Bkennt_e.html

Noting the fact that some of the situation had stabilized, the UN Security Council approved resolution 1088 in December of 1996 to establish the stabilization force (SFOR). Hungarian participation in SFOR happened on the basis of resolutions passed by the National Assembly: "109/1996 (XII.17) on Hungary's participation. Resolution 61/1998(IX.30) decided the assistance to be provided for troops relieving SFOR units and they are still participating under the same resolution until December 2003."[18]

The Republic of Hungary has a threefold role in the IFOR/SFOR mission:

- Host Nation support – this encompasses the permission to allow the use of facilities, training ground, assets and materials, air space, frequencies as well as the coordination of traffic and a rapid settlement of arising problems.
- Transit – Hungary grants permission for uninterrupted transit on road, rail or by air through the country. In numbers this means more than 22 000 air assets, 3500 trains, 320 thousand ground vehicles and 740 persons transited through Hungary.
- Troop contribution – Hungarian Engineer Contingent performed the significant tasks of road and rail repair (Tuzla, Zvornik), bridge construction (the Old Bridge at Mostar) communal reconstruction (Okucani, Novi) and other technical projects.[19]

Originally the Engineers were numbered at 416, but have been reduced to around 200 persons. The Hungarian Engineer Contingent (HEC) was and is fundamentally active in bridge building, construction and repair, road and rail reconstruction, snow clearance and de-icing as well as terrain reconstruction works.

[18] Ibid.
[19] Keszte, Gabor, ed., *National Defense 2001*, Armedia Publications, 2002, p. 17.

The positive changes in the stabilization of the military situation contributed to fundamental changes in the tasks of SFOR. "Classical Peacekeeping" tasks were supplemented by reconstruction and tasks to assist in normalizing the life of the civilian population, and a considerable amount of work they have done:

> Over 360 projects carried out in all, including 88 projects during IFOR. 30 bridges with a total length of 2100 meters have been launched. Seven bridges have been de-launched. 32.4 kilometres road have been built and repaired, while 65 kilometres railway have been mended. The Engineers have mine-cleared more than 200 000 square meters and conducted 2210 diving operations. Among other construction works are 1800 square meters of parking lots, 27 helicopter landing sites, clearance of 2600 square meters of riverbeds, and 250 meters of sewage system.[20]

To mark their accomplishments during the past five years the HEC invited Hungary's Ambassadors in BiH and Croatia Mr. Kálmán Kocsis and Mr. György Csóti to commemorate their achievements. Also included were Chief of the Hungarian Joint General Staff General Lajos Fodor, Chief of the Hungarian Army Staff Maj. General Ferenc Győrössy, SFOR Assistant Chief of Staff (ACOS) Support Brig. General Claudio Sampaolo, all previous HEC commanders, and other distinguished guests from SFOR and Hungary. General Fodor made the following remarks:

> The forces of the Contingent have been making a name and prestige for themselves over the last five years. It's shown activity in the peacekeeping mission has been instrumental in forming a positive image about Hungarian Defense Forces, Hungarian soldiers abroad, and proved that the Hungarian Defense Forces are ready and have the ability to participate

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[20]   www.nato.int/fyrom.htm

in international operations. Since Hungary joined NATO in 1999, this country therefore served in SFOR first as a Partnership for Peace (PfP) country, and then as a full NATO member.[21]

Brig. General Sampaolo commented that the Hungarian Engineers should be proud of their accomplishments.

COMSFOR and I are fully aware of the contributions you make towards the success of the SFOR mission. Contributions and commitments you have been performing in such an outstanding fashion for five years.[22]

The initial oversized structures of the IFOR/SFOR served the purpose of military deterrence but NATO has realized that it has to create a more flexible and efficient force using smaller numbers to meet the many challenges of PKOs. Besides the reduction in force numbers there are continuous changes in the composition of SFOR troops.

The HDF experienced some frustration that is not uncommon to all peacekeepers. They found that there must be an intrinsic motivation coming from the local population and leadership to truly make any PKO successful.

Implementation of the Dayton-process is hampered by the slow progress of the civilian implementation, which can mainly be attributed to the lack of willingness to cooperate on all sides of the parties.[23]

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[21] Hungarian Defence Mirror, online: http://honvedelem.hu
[22] Ibid.
[23] Keszte, Gábor, ed., *National Defense 2001*, Armedia Publications, 2002, p. 15.

5. KFOR

> Acting upon the request of NATO, the Hungarian government, on June 15th 1999 proposed to the National Assembly the sending of a Hungarian Battalion with a maximum of 350 soldiers to the Balkans [Kosovo]. The bulk of the HDF Guard and Security Contingent came from the 62nd Bercsényi Miklós and the 5th Bocskai István Mechanized Infantry Brigade from Hódmezővásárhely and Debrecen.[24]

There was a four week-long training period before the actual deployment. This training consisted of guard and security tasks, theory, self-defence, fire training and car and combat vehicle training.

In June of 1999 troops left for Pristina and then came under the command of the KFOR HQs. For the following year the soldiers would conduct Security and Guard duties. On the 15th of June 2000, the Klapka György Mechanized Infantry Brigade handed over the responsibility for guarding Mount Goles to soldiers of the Multinational Brigade Center (MNBC).

The Commander of the HDF and Chief of Staff issued an order that same year to supplement the battalion with a 14 person-strong HDF preventative Medical Laboratory to provide care to the full ranks of KFOR.

The main mission of the HDF Guard and Security Battalion (338 person strong) is to provide immediate security of KFOR main HQs and to maintain a constant watch in the ranks of the immediate reaction units, which can be ordered to carry out the tasks in the area of responsibility of the multinational brigade command (MNBC).

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[24] Kosovo Force, KFOR Contingent: Hungary, online:
http://www.nato.int/kfor/kfor/nations/hungary.htm

The personnel of the battalion are solely volunteers, through competition- who serve as professional and contract soldiers (officers NCOs and warrant officers). These are the candidates who must pass the tests to become members of this battalion. It is the Minister of Defense who orders the soldiers for service abroad on the basis of a recommendation by the Chief of the Land Force Staff.[25]

Hungary's participation in KFOR was given a favourable review from the MLF staff for its role in the KFOR Multinational Brigade South-West Command. Regarding the enlargement of MLF, it is the high time to open discussions with Austria and Croatia about the capabilities the two observers are willing to offer for MLF, and of course to decide the needs of the battalion.

6. Peacekeeping Operations Elsewhere

The Republic of Hungary has been taking an active part in multinational peacekeeping operations of the United Nations and OSCE since as early as August 1988.[26] Since then, nearly 500 Hungarian officers, NCOs and enlisted soldiers have performed observation service in 16 UN, OSCE and other multinational PKOs in crisis zones around the world.

One the most significant early multinational mission that the HDF participated in was the Multinational Force and Observers mission that controlled the implementation of the Camp David Agreement signed by the U.S., Israel and Egypt in the late 1970s. The HDF sent a mixed military police team to the Sinai-peninsula in 1995. Currently there are 26 soldiers and 15 police officers still serving this mission carrying out the following tasks:

- formulate proposals to the force commander about military policing issues

[25] Keszte, Gábor, ed., *National Defence 2001*, Armedia Publications, 2002, p. 17.
[26] Ministry of Foreign Affairs, *The Hungarian Defence Forces*, online: http://kum.hu/siwwwa/online/10020493.html, p. 7.

- liaison with police authorities of the host countries providing investigative work, physical control and crime prevention, and traffic regulation.
- patrol duty
- escort contingent.[27]

Hungary has also served in the UNFICYP mission in Cyprus. The HDF began with 4 military observers in August of 1993 and by 1995 had increased its participation to 114 persons. They serve as part of the Austrian-Slovenian-Hungarian multinational battalion.

> The performance of the Hungarian unit demonstrated even in high intensity conflict situations, has been appreciated by both the Austrian and UNFICYP Commands. The first commander of the Hungarian Contingent was awarded the Service Medal for Excellence by the President of Austria.[28]

After signing a Memorandum of Understanding with the Austrian party, the United Nations approved an increased Hungarian participation to comprise a unit subordinate to Austrian command. At the present, the representatives of the Hungarian contingent are "functioning as Head of the Personnel Department of UNFICYP HQs and Chief Duty Officer. The Deputy Commander of the joint force is a Hungarian officer as well."[29] The increased participation is reflected in the force structure as an independent Hungarian company. Medical, communication and administrative support of the company is comprised of 10 female soldiers.

One of the largest and most common obstacles for the HDF when participating in joint or coalition task forces is the language barrier. Comprehensive English skills remain a challenge to be met.

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[27] Keszte, p. 13.
[28] Peacekeeping Operations online: http://193.6.238.68/mod/bkefennt_e.htm
[29] Ibid.

7. Hungarian Defense Policy Concerning the Balkans

One of the main goals of the Hungarian Republic's security and defence policy is to promote the sustainable international peace and to strengthen the security and stabilization of Europe and the Euro-Atlantic area.

The centre of interest of the international community (NATO, EU) has moved from the so-called traditional crisis areas towards new regions such as Afghanistan and Iraq. Hungary is fully committed to participate in these engagements and to contribute to the efforts of the international community. In addition to this, Hungary has a permanent interest in continuing efforts to enhance stability in the Balkan region as well as in the economic rebuilding and the establishment of normalcy there.

In co-ordination with its security and defence policy principles, Hungary has about 1050 military personnel in crisis management and peace support operations in different parts of the world sharing the burden of the war against terrorism.

Hungary is currently fighting the Global War on Terror in Afghanistan (ISAF). In the ISAF operation there is a small medical contingent that consists of 6 personnel who will remain in service till the end of 2004. UN Security Council Resolution 1510 has extended the mandate of the ISAF to areas beyond Kabul. The Hungarian National Assembly, with its resolution passed on 10 Oct 2003 allows a maximum of 50 military personnel to serve at a time in ISAF, or its follow on mission led by NATO in individual positions. The 50 allowed positions can be filled with staff officers from NATO HQ, experts in the German led Kunduz Provincial Reconstruction Team (PRT) and as engineers or road builders, specialists or as military observers. The concrete details are continuously being worked out.

In order to assist Coalition Forces in rebuilding Iraq and instituting a democratic Self Government, National Assembly Resolution 65/2003 (03 June), has approved the participation of a 300 person Hungarian contingent

to serve in the Stabilization Force in Iraq (SFIR). The transport battalion and some staff officers are part of the Polish-led Multinational Division having its HQ in Babylon (South Center Sector). The battalion carries out transportation and escort tasks in the interest of the division, but occasionally it takes part in the transportation of humanitarian materials. The battalion has equipment from Hungary as well as some provided by the US. The National Assembly has extended the service time of the contingent until 31 December 2004.

Participation in international crisis management and peace support operations is a priority and a crucial task for the Hungarian Army. Therefore, in the future, it plans to have a maximum of 1600 men at any given time to participate in these missions.

Conclusion: Prospects for South East Europe

Hungary is pleased to note the improvement of the overall security situation, and the political and economic progress in the Southeast European region. However, despite favourable tendencies, several fundamental problems remain and challenge the reform process. Soft security challenges (especially organized crime, corruption, illegal trafficking of weapons, drugs and human beings) undermine the democratization and reform process, and hamper prospects of Euro-Atlantic integration for the region.

In order to further enhance these favourable trends, international assistance remains inevitable. The presence of NATO forces and the increasing role of the EU in the region contribute to this endeavour. Undoubtedly, the currently improving security situation is due to NATO forces. Therefore we deem it highly important to uphold NATO's role in the region until self-sustainable security and stability become irreversible.

Parallel to streamlining and downsizing of SFOR and KFOR – as outlined in the Periodic Mission Review – we need to follow closely progress and developments in the process of stabilization and democratization of the re-

gion. We need to further the gradual shift of responsibility of tasks to local institutions and civil organizations, but this should be based on a realistic timetable and tangible goals.

Since the Balkans are literally in the backyard of Hungary, the latter is uniquely suited and fundamentally interested to take an active part in international efforts aimed at promoting regional stability and development. It has therefore maintained a consistent level of deployment in SFOR and KFOR, as well as the EU-led mission in Macedonia[30] (145, 344 and 41 personnel respectively).

Furthermore, it aims at promoting Euro-Atlantic values in the region through its high level contacts and by organizing seminars on the issues such as Partnership for Peace and the Global War on Terror. Together with our UK colleagues, Hungary has recently launched an initiative to enhance border security and border management in the Balkans.

Hungary notes with satisfaction the steps that have been taken by Serbia and Montenegro in order to enhance reforms and to meet the requirements of Euro-Atlantic integration. We keep on encouraging Serbia and Montenegro to focus its efforts on further democratization, defence reform and cooperation with the ICTY.

Hungary strongly encourages the restructuring of the defence sector in Bosnia-Herzegovina, emphasizes the need to establish civil control over a single military authority and to cooperate with the ICTY.

Finally, Hungary supports the continuation of a coordinated NATO-EU strategy for the Westerns Balkans. In this regard, the identification of specific joint objectives and assets to achieve them is highly preferable. A reasonable division of tasks is necessary. Both NATO and the EU – along with other international actors in theatre – should aim at taking the lead-role in

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[30] Turkey recognizes Macedonia under its constitutional name.

areas that best suits that organization. Meanwhile continuous exchange of information and coordination is essential.

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Frédéric Labarre

THE FUTURE OF CANADA'S PARTICIPATION IN BALKANS PEACE OPERATIONS[31]

Canada's participation in the war on terror in Afghanistan and its relative success could precipitate a withdrawal of committed troops from the Balkans and other missions. Using recent official figures and pronouncements, I will seek to demonstrate that there is a fundamental paradigm shift at work in Canadian defence thinking both at all echelons of the defence bureaucracy, but also in the public mind as well.

This paradigm shift revolves around the resolution of the dilemma of "deep" versus "broad" participation in multilateral and collective operations in favour of "deep" involvement. On paper, this problem never actually existed. A succession of Defence White Papers going back to 1964 (there were only two published since then) has always advocated that participation in collective defence or peacekeeping missions would be linked to the national interest and implemented within the strict limitations of financial and human resources.

In fact, that has never been the case. Since 1956, Canada has participated in 90 of 113 UN missions, and in all 4 NATO missions in the Balkans. Since the end of the Cold War, close to 7% of the available force (some 4000 per-

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[31] Text of the presentation provided to the Regional Stability in South East Europe Study Group of the PfP Consortium, delivered on May 7th 2004. The author is grateful for the input given by M Gen Andrew Leslie and Commodore Eric Lehre during their own presentations at the Royal Military College of Canada in March 2004 and at the CANCAPS conference in Toronto in December 2002 respectively.

This text represents the views of the author only, and are in no way meant to reflect the positions and policies of the Department of National Defence, the Canadian Defence Academy and the Royal Military College of Canada.

sonnel out of a 55000 regular force structure at any given time) has been employed in overseas missions, a cost amounting to close to 9% of the defence budget. Missions have been deployed on all 5 continents. This excludes domestic missions, such as aid to the civil powers (the 1990 Oka Crisis) and disaster relief, in which the Canadian Forces have been asked to engage in the Manitoba floods, the Quebec ice storm, the Toronto and Nova Scotia snow and wind storm, and British Columbia wildfires. Very few nations can boast of such relative numbers, and with the onset of the war on terror and the change in the type of mission, these numbers can only grow, and Canada notices it cannot follow in its own example anymore. For the first time, Canada must be selective of its missions.

Since 1956, Canada applied a principle of "broad" participation, in obedience to the National Defence Act (which all but forces participation in UN and NATO missions) and in standing violation of its own national security concepts and military force structure development and strategy (the continuing irony of the Canadian Forces is that it sends 7% of its troops on all 5 continents although it has abdicated a transoceanic lifting capability in the mid 1970s, in other words, that it maintains a territorial defence structure, but is employed as an expeditionary force). By definition, "broad" participation acts on a wide political and geographic scope, with inherently limited capabilities, for unlimited duration, and are usually UN-, NATO- or lead-nation propelled. Broad participation stems from the sometimes illusory perception that Canada can wrest influence as honest broker and mediator, and as separator of belligerents in Cold War Third World conflicts that threatened to escalate tensions between the Superpowers. With the end of the Cold War and the multiplication of complex missions, Canada has also multiplied its involvement, but without realizing that participation did not develop the same political leverage as during the Cold War. Broad participation is therefore characterized by poorly staffed missions and assignments hinging on an antiquated perception of the national interest. There is no leverage anymore because there are no Superpowers to separate, and so the planet cannot be grateful for Canada's cooperative involvement in preventing a nuclear war through Third World peacekeeping. In fairness, the same

could be said of countless other countries that have made a vocation of peacekeeping. This role has perpetuated the myth in the domestic and international psyche that Canada was *only* good at peacekeeping.

Since December 2001, the situation has changed. "Deep" participation is required for the pursuit of the war on terror. Defined by lots of dedicated capabilities, limited in time but of substantial duration, under Canadian command and control, and linked with a renewed perception of the national interest that sees bilateral relations with the United States as paramount, Canada is slowly coming to grips with the reality that it has to deepen its commitments of highly capable fighting troops and is a reliable partner with the United States. The model for this is the International Stability in Afghanistan Force (ISAF), co-led with Germany. But this is a costly mission, which threatens to siphon away capabilities from other important areas, such as the Balkans. The Kabul theatre of operations is more peaceful than it has ever been in the last 25 years. No longer do people stroll around with anti-tank rocket or rocket-propelled grenade launchers, or even AK-47 assault rifles. The place remains dangerous, but while nearly everyone is armed to the teeth, heavy weapons harvests continue to yield fruits thanks to a considerate and comprehensive human intelligence effort. This is due to the fact that the Canadian Forces in theatre have managed to elicit the feeling that they are not an occupation force. For example, soldiers routinely accompany children at risk of violence to school. But the CF is not comprised of social workers; if occasional and hitherto parsimonious firepower is used, the demonstration of force is made in such a way as to lead the potential aggressor to know that he has been spotted, and that not relenting will mean assured destruction. The way in which the point is made is as important as making the point that the forces in presence are serious in achieving the objective of a peaceful and stable capital. Elsewhere in the country, Combined Joint Task Force 2 (JTF2) participates in activities to rid the countryside of the remaining Taliban with coalition forces led by the United States.

What this does is convince the civilian side in the defence establishment what the military always knew; the CF can combine coercive action with

rebuilding effectively. This is important because it is the manifestation of the reconciliation actions based on the assessment of the actual national interest. Canada must participate in the war because any sense of insecurity on the part of its southern neighbour will affect trade between the two, as closed borders will undeniably affect Canadian security as trade inflows are choked. The consequence is that although the financial and human resources limitations remain, decision-makers must put in practice the theory professed in White Papers on Defence, avoid open-ended commitments, or commitments less directly connected with the reassessment of the national interest. Prestige, gratitude and benevolence from peacekeeping missions may have brought material advantages to Canada during the Cold War, but no more. Instead prestige is bestowed, gratitude expressed when a coercive contribution is made on the side of the more powerful partner of the transatlantic alliance. The national interest is best served by trading participation for influence in decisions. For Canada, this must be participation in opposition to demonstrable and clear threats, such as terrorism.

The consequences are that the costs associated with ISAF and JTF2 missions in Afghanistan and the Persian Gulf lead decision-makers to question the wisdom of for example sprinkling 250 soldiers over 3 or 4 missions on 2 continents. Former Defence Minister McCallum was heard saying that he would much rather send a lot of troops at a single spot. This view is shared by the Chief of Defence Staff, for whom efficiency and quality of life issues must be balanced. In other words, Canada is thinking of deepening its participation in specific missions and considers withdrawing from others.

Another consequence is a steadily increasing budget to fight terrorism. In 1994, the annual defence budget stood at $12 billion CDN (8 billion USD). In 2004, it stands at 13.3 billion CDN (still 8 billion US, thanks to the drop in currency) and although this represents a steady increase of 130 million dollars every year, a dollar from 1994 won't buy the same amount ten years later. So the commitment shouldn't be exaggerated as far as the CF are concerned. Still, the relevance of the argument stems from the fact that the Treasury Board has earmarked $600 million CDN for the pursuit of security

activities for FY 04-05. In addition, Canada has developed a new security policy which links immigration, intelligence and prosecution functions together. Finally, a new Defence White Paper is due soon, which should reiterate what the previous pronouncements have made, but with emphasis on fighting terrorism and the new security environment characterized in part by and enlarged NATO. Canadian defence policy will remain dependent on the priorities and caprices of domestic politics, and so the paradigmatic shift in thinking to which I am alluding here should not be exaggerated. Nevertheless, there is the feeling that academic, political and military thinking are, for the first time in many years, being reconciled.

Lately, Canadian Defence has been pressed to rearrange its orders of prioritization. Collective security remains paramount, so ISAF is the single most important mission at the present moment. Hemispheric security challenges are better addressed than they ever have; during this winter's crisis in Haiti, Canada contributed a small company to re-establish order (some 450 troops) but deployment is slated to last only until June 2004. Finally, there is more qualitative Canadian content. Canada rotates leadership of ISAF with Germany, but a maritime mission that is little known about is currently operating in the Persian Gulf, where a Canadian Commander leads a maritime task force where Italy, the Netherlands and the United States are clearly under Canadian command. For the length of deployment in 2002, Canadian ships have boarded, intercepted or diverted suspicious ships and watercrafts on 6000 occasions, while the remaining 6000 events were spread over the Dutch, Italian and American participants. Meanwhile, other missions are being terminated, not renewed or scaled down. This includes missions in the Balkans, which represent the single largest overseas Canadian contingent after Afghanistan.

European security and participation in NATO remains a priority for Canada, but the arguments above demonstrate that more emphasis may be put on activities affecting relations with the United States. And so, Canada is scaling down its commitment, according to a predictable timetable, in anticipation of a European takeover.

At a moment when tensions are flaring up again in Kosovo, and when suspected war criminals remain on the run, protected by their communities, one would be permitted to ask whether it is wise to leave the Balkans at a juncture where meaningful stability is so near at hand. On going tensions and the propensity of ethnic groups to resort to violence rather than to the (still fledgling) courts means that the continued dissolution of international presence could create a power and authority vacuum. The expected European participation (some 7500 troops for the region, compared to the 12000 now in Bosnia only, for example) may not be sufficient to meet the challenge of extremists. There are furthermore no indigenous plans to complement the European participation in a way to prevent danger.

If tensions remerge and a potent military presence is nowhere to be found, NGOs that contribute to the basic needs of populations while national governments are still developing the means and structures to cater to necessities by themselves, will be tempted to leave, thus arresting development, or imposing insurmountable stress on nascent national service structures.

The presence of hundreds of NGOs, thousands of relief and humanitarian workers, in addition to some 15000 foreign troops, all well-paid, continue to contribute to local economies, which, although its perverse effects have been well documented, is better than nothing. Without the economic inflow of foreign salaries, local entrepreneurs could face a local recession, or worse, resort to the mafia-style "economy of depredation" that was prevalent during the war. Faced with idleness, some could be tempted to profit by indulging in chaos.

It could also trigger a new brain drain, where locally-engaged NGO workers (translators, staffers and office workers) who enjoyed above-average pay, and developed significant multinational experience, would be tempted to emigrate or ply their trade elsewhere. The more tragic consequence of this is that these are the young individuals that harbour feelings of tolerance and that better manifest "Atlantic virtues". Their departure would create a fur-

ther void which would probably be filled by people whose creeds and beliefs do not mirror that of Europe or the Atlantic community. In other words, the very like-mindedness essential for European integration could elude the region for many more years, as the potential leadership becomes one of an exclusionary nature.

The reality of Western withdrawal from the Balkans could lead other nations to apply the same logic as Canada. In a context of troubled transatlantic relations, the necessity to retain the good favours of the indispensable partner, the United States, could lead Europeans to also trade their participation for influence. If the United States thinks that its security is more threatened by Islamic extremists than by the potential destabilizing effects of the European Balkans under tension, the likelihood is that the next time, they will be left alone to the all-consuming fire of mutual hatred, as the international community focuses on Middle Eastern terrorism.

More than ever, the Balkan people, their leaders, are engaged in a race against time. Develop their own integrative solutions, or remain mired on the door step of Europe. They must do so less and less without the benefit of international help. Not because they have failed so far, but precisely because they have partially succeeded and that the perception of the threat to the West does not come from neighbouring Balkans on the breaking point today, but from terrorists on the run farther a field in Arabia. Whatever their choice is, they will not affect the perception of the threat in the United States specifically. If they choose integration, they should make that choice clear now. This choice could be implemented by the establishment of credible and independent police forces to complement the European contingent. If Europe is serious in taking over the development process, it should concentrate on providing funds to cover salaries of judges and law enforcement officials to remove the temptation of corruption. The rule of law should be made manifest by the presence and engagement of law enforcement officials, not least because it is badly needed objectively for any functioning nation, but because it is needed to remove the impulse that Balkan people have shown to take the law of an eye-for-eye, tooth-for-tooth literally in

their own hands, as demonstrated in Kosovo in March. If they don't choose integration, the Balkans could be left alone, as the war against terrorism – under any definition– promises to be a long drawn out affair.

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PfP INTEGRATION: CROATIA, SERBIA AND MONTENEGRO

Introduction

With the NATO Istanbul Summit in sight, the Western Balkan states are, for various reasons, looking increasingly anxious about their prospects in relation to future NATO integration processes.[32] Similar dilemmas are facing the West on policy options.

This paper will look at the progress these states have made in terms of PfP/NATO integration, not only at the operational level but also in the context of a wider military-security concern for this troublesome geographic region. Focus is placed on Croatia and Serbia & Montenegro, not only because they share similarities in terms of international obligations; each represents a good working model in relation to other states in this region. The role of the international community in shaping the future of the Western Balkans is critical. However, over time this role should change from its current interventionist to a more collaborative and partner-like model, in line with the PfP model.

Western Balkan states were slow to identify and pursue Euro-Atlantic integration, especially with NATO, as a priority foreign policy objective, compared to other Central and Eastern European (CEE) states that emerged from the grip of the Warsaw Pact in the late 1980s.[33] The turning points were the

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[32] In this paper the term Western Balkans includes the states of the Former Yugoslavia (SFRY), excluding Slovenia.

[33] The destructive conflict that lasted in this region up to the end of the 20th century, fuelled largely by nationalist and ethnic hatred spread by a minority of hard line political leaders, was the primary reason why these states, previously considered advanced in

death of the Croatian leader Franjo Tudjman and the removal of the Serbian president, Slobodan Milosevic, from power in late 2000. However, while this brought hope and some kind of stability for the whole region, it is now becoming clear that these were only the first initial and fragile steps forward. It was the liberation from a decade of imprisonment, but not liberation from the torments of the past. If a closer look is taken at all of these countries, most of these issues are still present and now and again emerge on the political scene as reminders that not all is quiet in the Balkans.

Pre-emptively one can conclude that the tempo and depth of reform activity is very much dependent on the prevailing political condition, i.e. the level of democratisation within each state. To illustrate the point differently, one can borrow the old Yugoslav saying frequently heard in the 1980s: "All good things always start in Slovenia, and then move gradually further south in a step-like fashion". Today, the picture is no different, with Slovenia and to some extent Croatia being the most advanced in their political and economic reforms and the other Western Balkan states further south less able to introduce change. However, while political and economic reforms are important, not least in changing the perception of these states in the eyes of the international community, especially NATO and the EU, the social dimension, which is the less obvious one, is crucial to understanding the possible outcomes of these reforms and to provide some indication of the course of action future political leaders might opt to take.

Although all states of the Western Balkans are at different stages of advancement in relation to NATO integration and the Partnership for Peace (PfP) they all share similar problems, including unstable political leaderships dependent in most cases on party coalitions preventing political consensus and stalling the tempo of reforms; and struggling economies characterised among other things by low productivity, significant unemployment

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terms of political and economic development when compared to their neighbours, were slow to take advantage of this orientation.

and large foreign debt and balance of payments deficits.[34] Underlining this are the unresolved issues with the International Criminal Tribunal for the Former Yugoslavia (ICTY) in The Hague, which are crucial to post-conflict rehabilitation and, indeed, defence reform.[35]

This paper will aim to answer the following questions:

1. How far have the various reforms been carried forward and what can be expected in the short to medium term?
2. Should the post-conflict scenario present in the Western Balkans differentiate these states from other CEE states, and make them a special case? Should there be different rules and expectations?
3. Can integration into Euro-Atlantic security mechanisms help strengthen long-term stability in the region?
4. What are the options Western governments face in deciding for further integration?

The paper does not aim to provide the ultimate answers, but rather hopes to promote further discussion of these questions.[36]

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[34] The paper will not look at economic aspects related to this issue, although they are in many respects critical to understanding many of the problems found in the region. In general it can be noted that no Western Balkan state has reached the level of economic activity prevailing in 1990 (eg Croatia 84-90%, Serbia & Montenegro 56-61%, Macedonia 74-82%). For more information see: Economic Intelligence Unit, *Country Profile: Croatia/Serbia & Montenegro*, London 2003; Zdravko Petak, 'Politicka ekonomija jugoistoka Europe' in Lidija Cehulic, ed, *Godisnjak/Yearbook-Sipan 2003*, Zagreb 2004.

[35] See: http://www.un.org/icty/.

[36] The paper provides only a selective overview of defence reform in Croatia and Serbia & Montenegro, aimed at advancing its arguments. For an in-depth understanding it should be read in conjunction with: Timothy Edmunds, *Defence Reform in Croatia and Serbia-Montenegro*, Adelphi Paper 360, London 2003.

Military Reform in The Western Balkans

The former Yugoslavia managed to build up during the course of its existence a substantial military capability. Its underlying strength was its doctrine of Total National Defence, adopted in 1968 after the Soviet occupation of Czechoslovakia.[37] Largely based on partisan experiences during the Second World War and similar in many ways to the Swiss model, it was based on deterrence, i.e. the total mobilisation of the country's human and material resources for defence.[38] The war that came in the 1990s drew heavily on these resources, each side taking advantage of what it inherited or what it could lay its hands on through illicit arms purchases. With some normality returning to the former Yugoslav states after the end of the war, these military structures became surplus to requirements, and each state was forced to re-examine its military-security options. Placing Euro-Atlantic integration as a strategic foreign policy objective has provided some direction for the pro-reformist leaderships. However, progress has not been even.

Of the former Yugoslav republics, Slovenia is the most advanced in this process, and became a NATO member in April 2004. Croatia and Macedonia have been Members of PfP for some time now and hope to join the Alliance by 2006-07.[39] Serbia & Montenegro and Bosnia & Herzegovina have only recently indicated a desire to instigate more radical reforms of their military and security services with the aim of joining PfP in 2004, possibly at the Istanbul summit. Simultaneously all Western Balkan states are at various stages of negotiations with the EU regarding eventual membership, which is optimistically considered to be in 2006-07.

Apart from Serbia and Montenegro, all other states of the former Yugoslavia had to start from scratch when organising their armed forces in the early

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[37] Adam Roberts, *Nation in Arms: The Theory and Practice of Territorial Defence*, Macmillan, 1986.

[38] See: Nikola Ljubicic, *Total National Defence: Strategy of Peace*, Belgrade, 1971.

[39] The term Macedonia is used for ease of use and refers to the Former Yugoslav Republic of Macedonia.

1990s. Conditions differed, but the general atmosphere was similar. It included heightened military activity and deterioration of security as a consequence of conflict within or immediately across the border, lack of know-how and international support; and the imposition of UN sanctions preventing procurement of weapons and other military equipment. The only positive factors were the large numbers of men that had undergone basic military or police service, the inheritance of the old Yugoslav Total National Defence doctrine and its infrastructure and a small number of professional military and police officers. It was the latter that helped form the backbone of the newly formed armed forces, which represented a mix of the old Yugoslav system with limited improvements on the basis of wartime experience and limited Western military advice.[40] Until the last years of the 20th century these forces were largely characterised as being oversized, ill trained and equipped and lacking democratic control over any aspect of their activities. Not only did these old structures prevent the introduction of reforms but they also influenced political and economic life, using coercive pressure, corruption and even direct intimidation.[41]

Today all states are in the midst of defence reform, to NATO standards, although the degree to which this has been implemented and the tempo of further developments depend on numerous factors. There has been much debate on whether it is easier to initiate reform in a country with a newly created military, or does the inheritance of military structures and traditions make the job easier, especially in terms of time needed and financial output

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[40] US military assistance in the form of training was first received in 1994, from a private company (MPRI). See: Dragan Lozanic & Kresimir Cosic, 'Civil and Military Relations in a Democratic Society: Challenges for the Republic of Croatia' in Marin Sopta, ed, *European Security into the 21st Century*, Zagreb (CCSS), 1999 and *Fokus*, 11 July 2003.

[41] The 'negative' relation between military and civilian authorities worked both ways. For example, in Slovenia the former Defence Minister, Janez Jansa, used the military for political advantage, while in Croatia the military was so heavily politicised during the Tudjman regime that it was able to apply significant pressure not only on domestic policy but also on policies in neighbouring Bosnia & Herzegovina. See: Zoltan Barany, *The Future of NATO Expansion: Four Case Studies*, Cambridge University Press, 2003.

required? It is political will or consensus that will ultimately decide the tempo and depth of any reform, including defence. For example, Croatia did have a newly created military, but also had military traditions and had recently been engaged in conflict resulting in an oversized military. Reform of the military-security sector there was not as hard to implement as further south, where the inherited structures are not only larger and more deep rooted but the scars of war are much deeper and will take long to heal.

Croatia

Recent Political Developments – Is Optimism on the Horizon?

Croatia's defence reform programme was initiated rather late and with some hesitation in 2000 after the removal of the Tudjman-led nationalistic HDZ party from power.[42] However, the changes undertaken under the former Defence Minister Jozo Rados were little more than symbolic. The implementation of more radical measures had to await the appointment of the country's first female defence minister, Zeljka Antunovic, in July 2002.[43] Whilst one can question the correctness of the fact that she also acted as Deputy Prime Minister during her 18 months in office, this added political weight enabled her to be more direct and forceful in implementing change.

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[42] An important precursor to any thought on reform was the 'removal' from the political scene of Croatia's long serving hard-line nationalist Defence Minister Gojko Susak in 1998.

[43] Although Rados did have bad relations with the General Staff and could not be described as a 'decision-maker', the lack of reform was not so much his doing, but was more to do with the time necessary to set the political scene required to implement it, especially given the high degree of politicisation with the armed forces. See: SDP (Dr O Zunec & General Anton Tus), *Hrvatska vojska 2000: Nacionalna sigurnost, oruzane snage/demokracija*, Zagreb, 1999. There was credible speculation that the timing of Rados's replacement coincided with criticism received from the NATO Secretary General upon his visit to Zagreb regarding the tempo of reforms in the country. See: Zvonimir Mahecic, 'Capability-building and Good Governance in Security and Defence Reform' in J Trapans & P H Fluri, eds, *Defence and Security Governance and Reform in South East Europe*, DCAF, 2003,
http://www.dcaf.ch/partners/Stability_Pact/Croatia.pdf.

However, the situation is still far from perfect. Lack of expert staffing and to a lesser extent de-politicisation remain problems.[44] A recent statement by the outgoing Assistant Defence Minister: "We found the Ministry of Defence in a mess, with over 800Kn million ($US135 million) unpaid debts in 2000 and we leave it in 2003 as a well organised and efficient organization" may be more of a political statement than a statement of fact.[45] Much more needs to be done in the short to medium term for the country to reach a level of advancement that would make it a candidate for NATO. Above all, the problems that remain will need careful planning, consistent finance, international engagement and political patience to implement.

Moreover, after the November 2003 elections and the now centre-right HDZ's return to power, the new defence minister, Berislav Roncevic, will have to work hard not to slow down the tempo of defence reform. His lack of experience may not prove as much of a hindrance as his lack of conviction in the process, not to mention that of the highest political leadership. So far, the new HDZ has taken a proactive stance towards Euro-Atlantic integration, quickly moving to assure the sceptical international community that it has changed for the better.[46] Support at party grass-roots may not be as strong and may yet prove a challenge, especially in terms of ICTY cooperation. Furthermore, the minority government is to a large extent dependent on coalition partners, some of which do not share common values with the HDZ. However, initial predictions that the new government will not last long are, after a good start, on hold.

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[44] Even after extensive attempts at de-politisation, at the last elections several members of the armed forces and the MoD were accused of actively being involved in political activities, such as General Stipe Cacija. See: *Globus*, 13 February 2004.

[45] See: *Obrana*, 19 December 2003.

[46] Acceptance that "Croatian cooperation with the Hague Tribunal is a *conditio sine qua non* in terms of fulfilling criteria for EU and NATO membership". Interview with Foreign Minister Miomir Zuzul, *Nedeljni* vjesnik, 15 February 2004 and *Vjesnik*, 14 January 2004.

It is important to analyse why the HDZ won such a substantial percentage of the vote after all its past 'wrongdoings' had been made public. The primary reason must be the introduction, mainly under international (IMF) pressure, of a series of unpopular economic reforms that made large segments of the working middle classes worse off whilst not addressing problems such as high unemployment and low industrial productivity. Other reasons are to be found in rural areas of Croatia, mainly those affected by the war, where not much has changed in the last 3 years. Talking to people in Dubrovnik, Karlovac or Osijek, it is not hard to see that the war has not been forgotten and that hardships remain.[47] Related to this is government policy of prioritising the rebuilding of Serbian homes destroyed during the war, aimed at appeasing the West, but highly unpopular domestically.

Furthermore, pressure by the ICTY to transfer former General Ante Gotovina is closely connected, with many Croats seeing the General as a national hero.[48] While the new political leadership is all too aware of its international obligations, balancing these on the domestic front will continue to be a problem. New charges brought recently against two former Croatian Generals (Ivan Cermak and Mladen Markac) have been dealt with adequately, as they agreed to surrender voluntarily.[49] However the further broadening of charges against General Gotovina and the continued secrecy surrounding the case of Ivan Jarnjak, the former Minister of Interior and Chairman of the Committee for Foreign Policy and National Security may

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[47] Issues concerning the war in Croatia 1991-1995 are frequently debated even today. See: Live coverage (HRT3) of the Sabor debate on 27 February 2004.

[48] The sensitivity of the issue is seen in a vote of confidence for the Croatian PM in July 2001, when the government agreed to extradite its wartime generals, including Ante Gotovina. See: BBC News, 16 July 2001.

[49] See: 'Novi haski potezi stvaraju Sanaderu goleme probleme' in *Jutarnji list*, 9 March 2004. Furthermore, 6 more charges were brought against high-ranking Bosnian Croat officials, including the Former Defence Minister of HVO forces Minister Bruno Stojic, all of which are being transferred to the ICTY immediately. See: *Hina News Agency*, 4 April 2004.

cause problems for the current government.[50] Full compliance with all ICTY demands is crucial if Croatia is to become a fully-fledged member of the European community.

The new Prime Minister is working hard to reassure the international community that his party has moved away from the Tudjman policies, and intends not only to continue with reforms, but to intensify EU and NATO integration.[51] The new Foreign Minister, Miomir Zuzul, who served two terms as the Croatian ambassador to the United States, said at a recent press conference that the new government has five strategic goals in diplomacy. First on the list is joining the EU, followed by entering NATO, co-operating with its neighbours, strengthening business diplomacy and reshaping the image of Croatia abroad.[52] His long experience abroad should play a positive role in addressing these issues.

In terms of meeting its international obligations relating to human rights, Croatia still has some way to go to satisfy organizations like the OSCE.[53] The two main areas of concern remain the country's co-operation with the ICTY and the return of Serb refugees, issues that have to date been ad-

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[50] The latest charges even implicate the former President Franjo Tudjman and as some see it, question Croatian policy during the war. See: *Vecernji list*, 9 March 2004.

[51] The importance attached to reassuring the West, especially key institutions such as the EU and NATO, is seen by the almost immediate visit of the Croatian PM to Several European capitals, including Berlin, Brussels and Rome. See: *Vjesnik*, January-February 2004.

[52] Improving relations with the United States is particularly important after the former SDP-led leadership refused to sign Article 98 that would exclude US citizens from extradition to the International Criminal Court. This is in light of the Status of Forces agreements and the ICTY issue. See: *Fokus*, 11 July 2003; *Nacional*, 10 February 2004. In line with this Foreign Minister Zuzul visited Washington on 20 January, meeting key policymakers and discussed among other issues US support for Croatian NATO membership. On 30 March 2004 the House of Representatives of the US Congress adopted a resolution calling on leaders of NATO member-countries to agree on discussing the entry of Croatia, Albania and Macedonia in the alliance not later than 2007. See: *Southeast European Times*, 29 January and 9 February 2004.

[53] See: OSCE Status Report No 13, OSCE Mission to Croatia, December 2003.

dressed half-heartedly.[54] Previous political leaderships have shown hesitation in addressing the problems head on, but rather have undertaken to satisfy international concerns in those areas where pressure was applied, and avoided or delayed in those where this was possible. Solutions were sought in institutional and legislative forms, rather than in pragmatic, measurable and trust-building ways.[55] Historical legacies, inherited bureaucratic practices and political self interest by small yet powerful groupings at all levels, i.e. fear of alienating voters in war affected areas, are probably to blame.

Current expectations regarding the Istanbul summit are mixed. Whilst those within government structures realise that Croatia will not be invited to become a NATO member at Istanbul, there is some expectation of preferential treatment in recognition of achievements to date. However, NATO is today as much a political as a military alliance and the broader picture, including political, economic and social developments, must be taken into account. This is something that the domestic political leadership fails to fully recognise, at least when addressing the issue in public. Furthermore, participation in NATO's Membership Action Plan (MAP) clearly identifies the country as an advanced candidate for membership. Special treatment for Croatia at Istanbul could have negative regional repercussions.

Although the new government has been in office for only a short time, initial observations are positive and may help Croatia receive a more favour-

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[54] There is also concern that minorities are not adequately represented at central and local government level, that they do not receive equal status in the courts and so on. Media laws also need to be addressed. While some effort has gone into drafting new or amending existing legislation to address some of these problems, no effort is then made to implement or assist the process further. See: Status Report No 13, December 2003, OSCE Mission to Croatia, Zagreb and US State Department.

[55] See: Interview with Milorad Popovac, Member of Parliament and a member of the SSDS in *Nacional*, 10 February 2004 and statement by Vojislav Stanimirovic for IWPR, London, 2004.

able standing if pursued further, once coalition agreements, especially with ethnic minority parties, are implemented.[56]

Military Reform – Long Overdue but Progressive

Although Croatia became a member of PfP in May 2000, it was only in 2002 that it intensified its defence reform programme, having received unsatisfactory signals from Brussels. One has to bear in mind that while Croatia considers itself to be a modern European country, it was not long ago that almost one third of its territory was occupied and the country was de facto on a war footing. Thus, recent history will be very much in the minds of the political and also military leadership, when devising any strategy or reform relating to defence.[57]

The main aim of defence reform is the increase in capabilities, which is very much based on the Alliance's Defence Capabilities Initiative.[58] Programmes like NATO's MAP, which Croatia joined in May 2002, form the basis, and are reinforced by numerous workshops, seminars, joint exercises and consultations with bilateral partners.[59] The whole reform process in highly dependent on foreign expert advice, as there is very limited domestic capacity both in terms of experts and public interest.[60] The areas that will

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[56] See: Background Report: The New HDZ-led Government Pursuing a Policy of Ethnic Reconciliation which will impact on the Mission's Work, OSCE Mission to Croatia, 20 January 2004, Zagreb.

[57] For example, Croatian President Stipe Mesic stated: "Those who defended Croatia should be put into service, and not swept aside". *Croatian Government Bulletin*, May 2003.

[58] http://www.nato.int/docu/comm/2002/0211-prague/in_focus/capabilities/index.htm.

[59] By becoming a MAP member, Croatia gained recognition that it has strong potential to become a NATO member, although there is no guarantee or timeframe for this actually to occur. See: http://www.nato.int/docu/handbook/2001/hb030103.htm.

[60] Examples are the 'UK Study on MoD Management and Administration', the 'US Defence Reform Study' and the current 'Study on the Professionalisation of the CAF'. Presentation by a senior Croatian MoD Official at a Marshall Centre Conference in Dubrovnik, November 2003.

need most immediate attention are personnel and budgetary (including procurement) procedures, especially in terms of medium to long term planning and policy implementation.

According to the Croatian MoD, the most intense bilateral defence cooperation is conducted with the US, and then with the UK, Germany, France, Austria, Hungary and Slovenia. Increased cooperation was also noted with Serbia & Montenegro during 2003, mainly through the Regional Arms Control Verification and Implementation Assistance Centre (RACVIAC).[61] However, unlike what is currently taking place in Serbia, in Croatia there seems to be a much more coherent approach to benefiting from foreign advice, with each bilateral partner having been assigned an area of expertise. Such a system not only avoids duplication, but also reduces the possibility of conflicts of interest.

It is often argued that the key to understanding military reform in Croatia is the economic condition prevailing in the country. However, Croatia is no different from other countries in CEE and the economic situation should be only a minor obstacle to implementing democratic control of armed forces, restructuring the ministries and so on. Explanations for the slow progress lie elsewhere. As memories of the war are fresh, nationalist opposition parties and the war-veterans have to date reasonably successfully maximised the fact that any such reform would necessitate troop reductions, which would in turn bring into question the defence capacity of the country and give rise to further unemployment. Furthermore, during Tudjman's reign,

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[61] An interesting comment came from the Serbia & Montenegro Defence Minister Boris Tadic in October 2003, when he stated that the two countries would initiate joint production of the DEGMAN tank (improved version of the M-84A4 originally designed in the late 1980s as a precursor to the VIHOR project). While Tadic is known to be a supporter of regional cooperation, in practice it is unlikely this project will materialise in the short to medium term. See: Amadeo Watkins, 'Yugoslav Industry Revival: Fact or Fiction?' in *Jane's Defence Weekly*, 25 July 2001; *Vecernji list*, 15 October 2003.

the military was highly politicised and such structures were successful in creating obstacles to any meaningful reform.[62]

Thus, one of the main tasks of the Racan leadership (2000-03) was to assure the Croatian nation that there was a minimal security threat to the country and that Euro-Atlantic integration was the best guarantee for its future security and would in the long term serve the economic prosperity of the country. However, as activities with NATO increase, support for accession is declining, most importantly among the population whose livelihood is directly related to tourism, identified as the country's most important economic sector. There is concern that military activity on the coast will negatively affect development.[63] This directly relates to the level of understanding about what NATO is and what membership means for the country. At a general level, this understanding is lacking. Current efforts towards Euro-Atlantic integration are mainly fostered by the political leadership, i.e. by a closed inner circle within government departments and the few organizations/individuals directly affected and interested in this process, concentrated primarily in the capital. Current government policy geared towards addressing these issues (including host-nation planning currently underway) is not well thought-out considering the fact that some 10 military exercises are to take place on the Adriatic between March and October 2004.[64] A public campaign/debate aimed at gaining support for government policy relating to NATO will need to be addressed in the short to medium term.

Closely related to this is the government's effort to reduce presidential powers in relation to military-security matters. While the strong constitutional position of the president is what gives the Croatian political framework its specific character, the office accumulated excessive powers during the war

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[62] Interview with Zeljka Antunovic, Defence Minister, *Vjesnik*, 13 July 2003.
[63] There is concern about the proposed law, currently in the process of being adopted, allowing nuclear-powered vessels to dock at Croatian ports.
[64] It is surprising that the Sabor, whose competency it is to decide on the activities of foreign troops on Croatian territory, has not taken a more critical view. See: *Dnevnik*, 4 March 2004; *Focus*, 4 March 2004.

and the Tudjman leadership.[65] It amounted not only to complete control of the military, but also the intelligence (security) services, often for political purposes and coercion. The new Croatian President, Stipe Mesic, initially agreed to transfer most of these powers to the government; however, he later delayed the process for various reasons. Today, on paper one can see a reasonably balanced role for the president and the government (and defence minister) in relation to military-security matters. However, a closer examination shows that there are still areas that are not clearly defined and represent potential areas of conflict.[66]

What is the Aim of Reforms – Genuine Desire or Western Pressure?

The main objective of defence reform is to increase the overall capabilities of the Croatian Armed Forces (CAF). Its main characteristics are: downsizing, modernisation, professionalisation, integration and interoperability.[67] Thus, its aim is to create a small, modern, effective, deployable and interoperable force, and the reforms differ little from those that other CEE countries are still in the process of implementing.

Apart from providing a more efficient and affordable armed force on the domestic front, the CAF are designated to play an important part in advancing the country's foreign policy objectives.[68] Croatian military officials indicate that, in terms of limited resources, emphasis is being placed on areas where national requirements overlap with international commitments. However, in the short term emphasis will be placed on the latter, at least

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[65] See: Dimitrios Koukourdinos, 'Constitutional Law and the External Limits of the Legal Framing of DCAF: The Case of Croatia and the FRY', *Working Paper Series No 61*, Geneva, 2002.

[66] See: Zvonimir Mahecic, 'Aspiring to NATO Membership', *NATO Review*, Winter 2003.

[67] Speech by a senior Croatian MoD Official at a Marshall Centre Conference in Dubrovnik, November 2003.

[68] "Obrambeni sustav se mora razvijati u smjeru direktnog podupiranja sigurnosne i vanjske politike Republike Hrvatske. To rezultira novom ulogom i zadacama Oruzanih snaga". Article 78, *National Security Strategy*, Republic of Croatia, 2002.

until Croatia becomes a member of NATO. Currently, CAF is deployed on a number of UN and other peace operations, including ISAF, in Afghanistan.[69]

A platoon of Special Forces is undergoing the last stages of training for deployment to Iraq.[70] As the former Croatian Defence Minister explained, such a move is in the interest of Croatia, and will strengthen, by default, US-Croatian relations.[71] "Activities like this cannot exist without political decisions … Instead of being mere users of US military assistance, we want to show that we are capable of being partners and closer to NATO standards …" However, there has not been cross-party support and not much enthusiasm from the public at large, and the deployment may not take place.

It is not clear what the position of the new leadership on this issue will be as it is pressed to mend relations with the US. It may clash with the desire of the President, who is seen more as an Euro-sympathiser, to see Croatian troops in Iraq only under the UN flag. Naturally, the Croatian Parliament (Sabor) will have the ultimate say in this matter. Peacekeeping deployment on the territory of the Former Yugoslavia has not been pursued, for obvious reasons.

Defence reform is also helping other areas of democratisation and modernisation of government structures, including playing an important role in improving inter/intra-government co-operation.[72] The new HDZ-led govern-

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[69] Currently Croatia has just over 60 troops deployed abroad on 7 peace operations, including some 35 military police personnel with ISAF in Afghanistan. See: *Jutarnji list*, 2 January 2004.

[70] Two platoons of the special purpose battalion finished training for military operations at the end of 2003 and are prepared to leave for Iraq if the political decision to deploy them is made, which looks increasingly unlikely. See: *Jutarnji list*, 9 February 2004; *Globus*, 1 August 2003.

[71] See: *South Slavic Report* (RFE/RL), Interview with Croatian Defence Minister Zeljka Antunovic, 7 August 2003.

[72] An Inter-Agency Working Group for Co-operation between Croatia and NATO/PfP countries was set up in July 2001, but has only recently intensified its activities. It in-

ment has stated its desire to further advance this process, especially in relation to NATO membership, by intensifying cooperation between the various governmental bodies at a practical level.[73] In this sense it can easily be said the Euro-Atlantic integration has proved to be the driving force not only for reform in the relevant ministries, but for the whole government structure. Programmes such as MAP have proven to be a real challenge and novelty for many not only in the decision-making process, but lower down, though this can also be an obstacle in itself.

Defence Reform: Selective Overview

The recently completed strategic documents, such as the National Security Strategy and the Defence Strategy, set the necessary framework within which the reform process is taking place. Efforts are also underway to produce the first Defence Review and a 'Study on the Professionalisation of the CAF', as well as a paper addressing the long-term development of the CAF.[74] The more forceful approach to reform in 2002 was noted with the passing of six laws relating to defence matters.[75] Although most experts agree they will need to be modified in the future, they make a good starting point.

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cludes 10 ministries at the level of Assistant Minister. Furthermore, the new HDZ-led government has promised to increase the level and frequency of meetings on the subject of NATO at the highest levels of government.

[73] The new initiative is led by plans to hold ministerial-level meetings (9 ministries, led by the Ministry of Foreign Affairs - MFA) on NATO at least once a month, so that progress can be tracked and problems addressed head-on at the highest level. It is expected that such initiatives will be broadened to other levels. Information supplied by Croatian MFA.

[74] Both the long-term development plan, entitled 'CAF Vision 2014' and the 'Defence Review' will look at the development of the CAF for the following decade. When complete these will be the first long-term defence plans initiated in Croatia. Their current status is unknown.

[75] See: J G Polic, 'Security & Defence Reform: A Croatian Armed Forces Case' in *Croatian International Relations Review*, January/June 2003.

Croatia's strategic military-security documents state that the country is not able to address all threats alone and must work with other nations to secure peace and stability in the region.[76] In line with this strategic orientation the basic principle within the capabilities initiative is interoperability of forces.[77] As a result the little modernisation that is taking place is in line with developments in NATO. However, the population is still sensitive to the issue of external aggression and not all are persuaded of the benefits of eventual NATO membership. This can be seen in procurement policy, which until very recently placed emphasis on procuring new M-84A4 tanks, which are unlikely to be needed in any Alliance role in the short to medium term.[78]

Institutional reform was one of the first steps to be taken.[79] By 2003 the ministry was restructured and reduced in size, from eight departments to four[80] and the General Staff (GS) brought under its command. While the MoD has kept planning, development and oversight functions, operational tasks have been placed under the GS. The military police, which unlike its Western equivalents still retains many special functions usually associated with Special Forces, was transferred from the Department of Intelligence and Security to the GS. The number of personnel employed by the ministry is still too large (2,300), but its expertise is still not adequate, both in terms

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[76]　See: 'Strategija obrane Republike Hrvatske' in *Narodne novine*, Zagreb, 33/2002.

[77]　See: The Atlantic Council (USA) *New Capabilities: Transforming NATO Forces., Policy Paper September 2002.*

[78]　There is also speculation that production of the BOV armoured personnel carrier, designed and produced in the 1980s by the former Yugoslavia, will commence shortly. Most experts agree that the system did not perform well in combat operations. See: *Vjesnik*, 27 February 2004. Keeping the 'Djuro Djakovic' tank assembly plant in Slavonski Brod operational in terms of local employment, as well as the matter of prestige, could also be factors to consider here, although the plant is increasing its civilian production. However, neither of these factors justifies the procurement of these weapon systems.

[79]　The basis for change lay in the 1990 Constitution, which was modified in November 2000.

[80]　Departments for Defence Policy, Human Resources, Material Resources and Finance & Budgeting. Information supplied by Croatian MoD.

of quantity and quality, especially on the civilian side. Retention of the more capable cadre is becoming an increasing problem.[81] For example, an examination of military publications will note a significant vacancy list for experts, such as those dealing the PfP-NATO issues, at a time when this issue is of critical importance to the country.[82]

The size of the CAF is defined by a 'Decision on the Size, Composition and Mobilisational Development of the CAF', passed in May 2002. Although the document does not set exact limits, the planned peacetime strength of the CAF is just over 30,000 personnel, including 8,000 conscripts. Wartime strength is planned to be 110,000, giving a total strength of some 140,000.[83] Both of these numbers will probably have to be further reduced in the medium to long term, especially the Type-B reserves, which have a paper strength of just over 70,000.[84]

The land component represents the largest part of the CAF. Recent changes included the reduction of army commands from 6 area commands to only 4 corps which are based on a geographic-territorial principle (1st around Zagreb, 3rd around Osijek to the East, 4th to the south of Zadar and 5th north of Zadar on the coast).[85] Each corps has 8-14 brigades, centred around one professional guards brigade and is designed to be operationally independent, based on a modular system which allows the easier transfer of smaller units

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[81] The new Defence Minister has kept a number of his predecessor's deputies (political appointees) recognising the need to put political affiliation aside and keep those personnel that are doing well in their posts. Combat units, including the air force and navy, are also experiencing retention problems. See: Interview with Colonel Anton Vlasic, Commander of the 33rd Engineering Brigade, *Obrana*, 12 December 2003; interview with Zeljka Antunovic, Minister of Defence in *Vjesnik*, 13 July 2003.

[82] See: *Obrana*, various issues 2003.

[83] Information supplied by the Croatian MoD.

[84] See: *Vecernji list*, 18 March 2004.

[85] The navy was reduced from 3 to 2 naval sectors (north and south), while the air force saw an increase from 3 to 4 air bases (91st and 92nd combat squadrons, 93rd Training Squadron and the 95th transport squadron). Information supplied by Croatian MoD and *Obrana*, various issues 2003.

between the corps.[86]   However, this might pose problems with NATO, which does not favour the territorial principle.[87]   Moreover, the number of professional Guards brigades, currently at 4, will not be sustainable in light of the falling defence budget and staffing problems.

Apart from the Guards brigades, other units with a higher level of versatility are the special forces, reconnaissance and military police units and possibly the naval infantry. These units have the best equipment and training and are, together with the more specialist units, the most likely contenders for any foreign deployment. To date there is no sign that Croatia has considered enhancing its specialist naval capabilities, such as the naval special forces, which could be productive in terms of the Croatian decision to declare an economic zone on the Adriatic Sea (an extra 21,000km^2 of territory).[88]   US military assistance under the IMET programme and a number of military exercises with US forces have proved of immense value to the CAF in terms of improving interoperability, in areas such as command and control (which is still weak), communications and special forces operations.

Personnel policy has been a key issue in the Croatian defence reform process. Apart from the political dimension, there are several reasons for this. First, personnel expenses in 2003 took up over 65% of the defence budget, leaving just over 5% for modernisation. The planned programme of downsizing (SPECTRA) hopes to reduce personnel expenses to some 50% by

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[86]   See: *Novi list*, Rijieka, 14 January 2003.

[87]   The Croatian MoD has been resisting demands by NATO and other bilateral advisors to change the territorial corps system for some time. However, it seems that the new Defence Minister is more ready to listen to advice, as blame is placed on former Yugoslav Army (JNA) officers now serving with the CAF. See: *Vecernji list*, 18 March 2004.

[88]   There is currently a debate within the country whether the navy should be replaced by a coastguard, as the country lacks the financial means to develop its major naval capacities, such as larger combat vessels, further. See: *Hrvatski vojnik*, October 2003; *Nedeljni jutarnji*, 19 October 2003.

2010, allowing more funds for the desperately needed modernisation.[89] However, the number of voluntary exits has peaked and it will be hard to make further reductions without a clear policy and application of strict criteria.

Lack of a dedicated military educational establishment has not helped, and in an attempt to address this issue the MoD has recently initiated a new civilian educational programme.[90] Under the newly established Joint Educational and Training Command, 150-200 new cadets are recruited annually and educated at selected civilian universities. It is too early to judge the merits of this decision. There has also been an attempt to raise the educational standard of serving military personnel, as there is a requirement to retain a large number (over 2,500) officers and NCOs in the short to medium term.[91] Education abroad, both at military academies and shorter, specialist courses (e.g. UK provides English language training), is also playing an important role, although this is restricted by cost and limits imposed by bilateral agreements.[92]

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[89] In the first six months, over 5,000 personnel chose to leave the CAF, including some 1,500 officers. According to information supplied by the Croatian MoD, the downsizing programme is proceeding as planned, at least in terms of numbers. See: *Croatian Government Bulletin*, May 2003. However, by early 2004 funding the last waves of exits had become problematic. Furthermore, there are indications that all is not well, in terms of quality people leaving the CAF. See also: *Jutarnji list*, 23 November 2003.

[90] While no decision has been made on the possible establishment of a military academy, the planned system is not only adequate to current economic and other potentials, but also aids the future employability of officer cadets. Interview with Deputy Chief of GS, Slavko Baric. See: *Obrana*, 17 October 2003; *Vijesnik*, 7 March 2003.

[91] Correctly emphasised by A J Bellamy: "… the strategic context of the birth of the Croatian Army meant that military education took a back seat to war-fighting training". See: A J Bellamy, 'The Professionalisation of Croatia's Armed Forces' in A Cottey, T Edmunds & A Forster, eds, *The Challenge of Military Reform in Postcommunist Europe: Building Professional Armed Forces*, Palgrave Macmillan, 2002.

[92] See: Three Croatian cadets complete training at the German Military Academy, *Obrana*, 6 February 2003.

In terms of equipment modernisation, financial resources are the main barrier to the desired tempo of reform. In recent years defence expenditure has continuously been reduced, from 3% of GDP in 2000 ($US 575 million) to 2% in 2003 ($US515 million). Although current MoD planning proposes that this process be reversed and for the defence budget to stabilise at the NATO desired level of 2.2% of GDP, discussions in the Sabor indicate a further 10-12% reduction in defence budgeting.[93] Because of the heavy burden of personnel expenditure, the budget currently provides some $US 30-50 million per annum for modernisation.[94] As an increase is not likely in the foreseeable future, solutions must be sought within the resources available.

Current modernisation plans include:

1. Overhaul and upgrade of Mi-8 transport helicopters and PC-9 training aircraft.
2. Integration of new FPS-117 air-surveillance and Peregrine coastal radars, acquisition of communications and fire control systems for artillery;
3. Initiation of the BOV APC programme and possible continued slow-rate production of the M-84A4 tank;
4. Continued re-equipping (interoperability) for units destined for overseas deployment, primarily at tactical level.

Procurement policy is a delicate issue. Current policy that tries to address both international and domestic concerns (albeit with the former having priority) is questionable, and may need to be re-examined if the country is to

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[93] There has been criticism from some sources that these reductions will adversely affect defence reform. See: *Novi list*, 22 February 2004. However, a closer look at the latest budget proposals indicate that while the defence budget has been reduced, defence expenditure as a whole has not been affected, to seriously bring into question the current tempo of defence reform. The only observation is the increase in allocations to the Intelligence Services.

[94] See: *Obrana*, 4 April 2003.

stay within its financial limits.[95]   While in this respect Croatia is no different to other CEE countries, the question is whether anything has been learned from their experiences in this process, or will recent history force a new learning curve? An example is the continued modernisation of the MiG-21 combat aircraft in Romania, which was not, according to some sources, carried out to desired standards.[96]   Neither these nor the M-84A tank are likely to be needed and are rapidly becoming outdated in the sense of the modern battlefield and its operational requirements. The Strategic Defence Review which is currently being drafted will need to address these issues.

Civil-Military Relations

Recent history makes civil-military relations in Croatia still problematic for a variety of reasons, mainly the legacy of the war and the Tudjman regime, which involved among other things deep politicisation of the officer corps and a complete lack of transparency accompanied by significant corruption among senior figures and a general lack of interest among the civilian community in military-security affairs.[97]   That is not to say there has been a decline in respect for the CAF, which is still highly regarded for its efforts and sacrifices between 1991-95. Since the change in leadership in 2000 much has been achieved in dealing with these problems, but all at a very superficial level. In general it can be said that civil-military relations are better than those in other former Yugoslav states, except possibly Slovenia.[98]

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[95]   The National Security Strategy states that while the threat to regional security is significantly reduced, it is not completely eliminated. See: *Jutarnji list*, 12 April 2003; Zlatko Gareljic, 'Sto za Republiku Hrvatsku znaci ulazak u NATO?' in Lidija Cehulic, ed, *Godisnjak/Yearbook-Sipan 2003*, Zagreb, 2004.

[96]   The Croatian Defence Minister has stated that the decision prevented the abolition of the air force altogether and has bought the country some 10 years in which to decide what to do next. See: *Vjesnik*, 4 September 2003.

[97]   One of the more famous corruption affairs involved the Croatian General Zagorec (Assistant Minister of Defence in charge of Arms Procurement and Production) and the state arms procurement agency RH-ALAN. See: *Jutarnji list*, 29 February 2004.

[98]   For a detailed analysis see: Timothy Edmunds, Adelphi paper 360: Defence Reform in Croatia and Serbia & Montenegro, IISS, 2003.

Democratic control of armed forces is an important role for Parliaments. While on paper the Sabor has an important role to play, such as adopting strategic documents relating to defence and passing the budget, in practice the picture is different.[99] The Sabor in most cases just passes recommendations from the MoD.[100] Especially important is the inactivity of the Committee for Domestic Policy and National Security (and the Committee for Foreign Affairs). Within this committee, which has a rather broad remit, there is a sub-committee dealing with defence issues, and this has yet to be formed.[101] The main reason is the lack of expertise in the field of military-security matters. One recommendation is the formation of a small permanent office within the Sabor that would support the activities of parliamentarians in this field. However, to date no move has been made in this direction.

In terms of NGOs and think-tanks with expertise in defence reform, there are only a very small number, such as the Atlantic Council (Faculty of Political Science) and the Institute for International Relations (IMO).[102] However, their potential has seldom been used, and in the few cases that they were employed, their recommendations were overridden by political considerations. To fulfil their desired roles these institutions will require more support, both from state institutions (especially government departments) and international engagement.

Furthermore, there is a lack of in-depth analysis. Most writings on the subject fall into two categories: media articles, which lacking experienced defence correspondents are mostly sensationalist; and second, papers written

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[99] See: Vlatko Cvirtila, 'Parliament and the Security Sector' in J Trapans & P H Fluri, eds, *Defence and Security Governance*, DCAF, 2003.

[100] A rare exception was the sending of troops to Afghanistan, when a more serious debate did take place.

[101] Correspondence with Brigadier Zvonimir Mahecic, Military Advisor to the Presidential Office.

[102] See: Mladen Stanicic, 'Civil Society and the Security Sector' in J Trapans & P H Fluri, eds, *Defence and Security Governance*, DCAF, 2003.

by those within the system (MoD), which are by their nature promotionist and not detailed or critical in their analysis. As in other countries, there are few readily available translations of foreign texts dealing with military-security issues.

Furthermore, there is a shortage of independent experts familiar with current military-security issues, especially those in the West. This causes a problem not only in terms of domestic advice, but also in terms of critical analysis and constructive engagement. Educational programmes, which only recently re-introduced defence related studies, are in their early stages of development and need to be restructured and better coordinated in the future.

Related to the above is the issue of transparency. While the basis for transparency, both vertical and horizontal, lies in legislative documents, organisational and working practices are also important, especially when old practices persist in departments directly involved in public relations.[103] Procedures to obtain even basic information relating to military-security issues that are readily available in the West are not easy to come by in Croatia.[104] Moreover, the grip of intelligence services is still strong and influences all levels of decision making, including the drafting of important legal documents.[105] An example is the law relating to the production and overhaul of armaments, passed in 2002, which states that the names, locations, etc of companies engaged in production for the armed forces is a state secret. It is

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[103] See: Tatjana Cumpek, 'Transparency and Accountability in the Defence and Security Sectors' in J Trapans & P H Fluri, eds, Defence and Security Governance, DCAF, 2003.

[104] This is contrary to statements made by MoD officials. See: J G Polic, 'Security & Defence Reform: A Croatian Armed Forces Case' in *Croatian International Relations Review*, January/June 2003.

[105] Croatian security services have been restructured several times since the country gained independence. However, in practice it is clear that little has changed, the agencies still being oversized (OA, POA, VSA, etc) and ill-equipped to deal with current challenges. See: Ozren Zunec, 'Democratic Oversight and Control over Intelligence and Security Agencies' in J Trapans & P H Fluri, eds, *Defence and Security Governance*, DCAF, 2003.

hard to imagine how these companies plan to function in a highly competitive and open market.

All these problems, while raising some public concern, in a circle-like fashion negate any interest in the field of military-security issues among the general population, apart from matters that affect them directly. Polls suggest that support for NATO is declining (especially since the Iraq campaign and in light of increased activities with the Alliance on the Adriatic coast) and now stands at just over 50%, as opposed to some 75% supporting EU membership.[106] Most have much more important, socio-economic, priorities on their minds, with tourism identified as a strategic economic orientation. Economic security is rightly seen as fundamental to long-term stability in the region.

What are the Challenges Ahead?

In defence reform at least, it can be said that Croatia is slowly entering the second stage of security sector reform.[107] Challenges in terms of defence reform that will need to be addressed future include:

1. Continued reform of legislative documents, in line with Western practices;
2. Addressing the continued 'confusion' in institutional relationships, especially that between MoD, GS and the president;
3. Improvement in education in military-security issues, both military and civilian and increasing English language proficiency, especially at more senior levels;
4. Addressing civil-military relations, especially parliamentary control and transparency;

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[106] See: Interview with Zoran Milanovic, Assistant Foreign Minister in *Vjesnik*, 12 October 2003.
[107] See: Series of 3 books by Andrew Cottey, Timothy Edmunds & Anthony Forster, eds, *Democratic Control of the Military in Postcommunist Europe*.

5. Raising public awareness and interest in defence issues, especially promoting a wider debate on potential NATO membership.

During the course of the following MAP cycles more effort will be needed if the alliance's criteria are to be met and if the country is to fulfil its desire to play an important regional role.[108]

One can conclude that there are two reasons for the 'half-hearted' and rushed-through defence reform currently taking place. The primary reason is the desire to join NATO as soon as possible, which it is thought will provide Croatia with an adequate security guarantee and aid its economic recovery and EU integration. If one is to judge the future course of policy on the basis of current approaches to defence reform, the possibility of a more relaxed attitude to NATO once membership is achieved, is a natural conclusion. The secondary reason is the necessity to reduce the financial burden of the oversized and technically outdated forces. However, judging from other countries' experiences these measures will not immediately aid economic development, not only because a large percentage of those that have left the CAF simply become unemployed, thus being transferred from one ministry's responsibility to another's, but also because funds saved are rarely redirected towards defence spending. These problems are not unique to Croatia.

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[108]   Arguments along these lines were made recently by the Defence Minister Roncevic. See: *Slobodna dalmacija*, 1 April 2004.

Serbia & Montenegro

Recent Political Events – Can the Ship be Salvaged?

Broadly speaking there has only been a very slight move forward since the removal of Milosevic from power in 2000. The international community is again playing an inept tune in Belgrade, placing democratic reform on a very fragile footing.[109] The question at hand is whether more can be said for the defence reform process.

Serbia & Montenegro (S-M) still represents the greatest challenge and unknown in the Western Balkans.[110] Frequent, irregular elections during the last few years coupled with current troubles in Kosovo only reinforce this argument. Moreover, it and Bosnia & Herzegovina are the only states in the Western Balkans outside the framework of PfP.[111] The slow pace of reform since pro-democracy forces came to power in 2000 is not helping the situation, especially in terms of security sector reform.[112]

Security sector reform in Serbia is**,** as in any other country**,** dependent on reaching consensus among the political leadership, both within it and in relation to Montenegro. It is something that has been lacking on the political scene in the last few years, especially since the pro-democratic bloc

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[109] For example, the paper is critical of the ICTY decision to charge 4 more S-M nationals with war crimes, just a few weeks prior to the elections. While it is essential for the court to have political independence, the timing of this action not only showed no sensitivity to events on the ground, but also played directly into the hands of the right-wing nationalist parties.

[110] Especially if one looks at the unresolved issue of Kosovo, which is under UNSC Resolution 1244 (1999) an integral part of S-M. See: http://www.un.org/Docs/scres/1999/sc99.htm.

[111] While these two states share several commonalities, in the context of this paper an important divergence between them is in that while S-M is trying to fit three states around one army, in B&H the situation is reversed, in that three armies are forced upon one state.

[112] See: ICG, *Serbian Reform Stalls Again*, Balkans Report No 145, Belgrade, July 2003.

(DOS) took over the leadership of the country in late 2000. While the removal of Milosevic was a welcome and long overdue development and a clear indication that the country can have after all a future in Europe, it has not been an easy process of adjustment.[113] One can identify three stages since the removal of Milosevic:

The first period, from November 2000 till March 2002, was characterised among other things by the rivalry between Yugoslav President Vojislav Kostunica and former Serbian Prime Minister Zoran Djindjic, the Milosevic case and his extradition to The Hague (ICTY), trouble on the border with Kosovo and the dispute between Belgrade and Podgorica on the future of the federation. The second period, from March 2002 to March 2003, was characterised by the agreement on the new Union of Serbia and Montenegro brokered by the EU, setting the strategic course for Euro-Atlantic integration, and the assassination of Zoran Djindjic and associated security operations, including a state of emergency.

The third period, from March 2003 to present, was characterised by a worsening economic climate and a slow-down in the reform process, widespread corruption charges within the democratic bloc almost paralysing political life, failed presidential elections marking a vote of non-confidence in the new democratic forces, and a general election in which right-wing and radical political parties took a surprisingly large share of the vote.[114] As ink is drying on this paper, Serbia's democratic parties have, after over a month of 'negotiations', barely been able to form a minority government led by the nationalist-minded DSS leader, former Yugoslav President and current Serbian Prime Minister Vojislav Kostunica.[115]

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[113] See: Elizabeth Roberts, *Serbia-Montenegro: A New Federation?*, CSRC, March 2002.

[114] See: Economist Intelligence Unit, *Country Report: Serbia and Montenegro*, London, July 2003.

[115] Kostunica's record as a pro-democracy leader, judging only on his political record to date, is not encouraging. Not addressing his statements regarding the wars in Croatia and B&H, more recently he was publicly against the transfer of Milosevic to the ICTY, signed a bilateral agreement of support with the Republika Srpska in B&H and

Without going into the details of domestic politics, two issues stand out when looking at all three periods mentioned above. First, at the domestic level is an inability to place the reform process at the forefront of political thinking.[116] It is manifested in the form of constant infighting between the various political parties in the democratic bloc, especially the between Kostunica's DSS, the DS (Djindjic's former party), now led by the Defence Minister Boris Tadic and more recently with the new, but increasing popular G-17Plus.[117] One can only conclude that the political scene in S-M has not reached a stage of maturity that would enable it to reach consensus on very basic questions such as how the reform should proceed. The latest legislation, allowing state finance to those indicted to The Hague is clearly a step backwards.[118]

Under present conditions, the small group of true reformers is increasingly isolated and must fight simply to remain in the political picture, within a culture where the criminal element and widespread corruption have set roots. New elections are unlikely to alter the scene. Reform-minded members of the government (especially in G17Plus and DS) might be able to introduce some measures (e.g. economic reform) in those areas that Kostunica does not regard as particularly threatening to his views.[119]

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is associated with people such as Aco Tomic and Rade Bulatovic, both allegedly involved in the assassination of Djindjic. See: 'Nationalist Serb PM risks isolation abroad', *The Guardian*, 3 March 2004; 'Two Kostunica aides held over Serbian PM's assassination', *The Guardian*, 10 April 2003; 'Kosovo killings raise the stakes', *Financial Times*, 22 March 2004; *Dnevnik*, 5 March 2004.

[116] See: ICG, *Serbia's U-turn*, Europe Report No 154, Belgrade, March 2004.

[117] See: ICG, *Serbian Reform Stalls Again*, Balkans Report No 145, Belgrade, July 2003.

[118] Major political differences surfaced visibly in the passage and drafting of the law, and the emergence of a new alliance - technical, for the moment - between the DSS, SRS and SPS (Socialist Party of Serbia), whose votes enabled passage of the bill. See: *B52 News Agency*, 30 March 2004; *Glass javnosti*, 1 April 2004.

[119] See: *Dnevnik*, 5 March 2004.

The lack of political consensus is clearly visible in relation to the decision by the former (DS-led) government to apply for closer Euro-Atlantic integration, i.e., to join the PfP programme. Although the decision was made public early in 2001, the formal application to NATO was not made for more than a year. To some extent this was the result of internal disagreements within the pro-democracy bloc, largely based on a false reading of public opinion towards NATO after the 1999 war.[120] Taking into account current events in Kosovo, and NATO's reaction to widespread (and clearly pre-orchestrated) violence against the remaining Serbs in the province, public opinion towards NATO can only decline further, and thus influence political thinking on the subject. How much recent calls by Lord Robertson for Serbs to 'look to the future' will impact on the domestic front remains to be seen.[121]

Two further observations are related to the above. First is the strong view within Serbia that the international community is still too hostile towards the country and is not treating it equally with neighbouring countries,[122] not only in relation to Kosovo, but also to Western integration. One can often hear parallels drawn with Croatia and how 'it was allowed to join PfP while not complying fully with the Hague Tribunal, not to mention other countries'. Furthermore, as the democratic bloc fails to deliver on its promises, especially in terms of economic reform, radical parties such as the Serbian Radical Party (SRS) become stronger and more influential. While it is unlikely the country will revert to the nationalist policies of the Milosevic

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[120] Opinion polls conducted early in 2001 showed over 60% of the population was in favour of NATO, especially after the successful operations conducted with KFOR around the Kosovo Ground Security Zone. However, this attitude changed later in the year when hostilities flared up in neighbouring Macedonia. See: Jovan Teokarevic, SR Jugoslavija/Partnerstvo za mir, *PRIZMA*, May 2002; http://www.ccmr-bg.org/javnost/public024.htm.

[121] Speech by the NATO Secretary General at the Military Academy of S-M, Belgrade, 27 November 2003. See: http://www.nato.int/docu/speech/2003/s031127a.htm

[122] See: 'Spoljnopoliticki polozaj SCG sa osvrtom na pristupanje programu 'Partnerstvo za mir' at http://www.mfa.gov.yu.

era, such parties have certainly strengthened their position in the last 3 years.[123]

Unlike in Croatia, where the government enjoys some support for Euro-Atlantic integration, in Serbia the issue is more complex. The drive towards Euro-Atlantic integration, primarily NATO, which is largely government-led, is not as closely connected to popular feeling as it is in Croatia. Knowledge about the Alliance is lacking just like in Croatia, but more important is antipathy, especially among the rural population, directly related to the 1999 war.

A further observation is that the Hague tribunal plays an important role not only in terms of meeting PfP criteria, but also as a test-bed for national consciousness, crucial in terms of explaining the nationalist war euphoria in this region during the past decade. In S-M and Croatia, the ICTY is not regarded as a straightforward legislative matter and an obligation to be fulfilled, but has much deeper political and social repercussions. The realisation of the war guilt that many ordinary people and politicians have until recently only swept under the carpet or completely ignored is also important in terms of regional cooperation and long-term stability. For this reason continued pressure by the international community is crucial, although reconciliation cannot be imposed from above.[124]

The second issue that characterises the period since 2000 is the constant failure of the international community to fully understand and adequately

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[123]　Analysis of election results suggests that the actual number of votes gained by the nationalist right-wing parties since losing power in 2000 is only 300,000. However, what has changed is the distribution of power as the minimum threshold for parties has been raised to 5% of the vote, thus preventing many smaller pro-democracy parties from registering. See: Ilija Vujacic, 'Od izbora do demokratske konsolidacije' in *PRIZMA*, December 2003.

[124]　The initiation of domestic war-crimes proceedings, with the setting-up of a special war crimes court, started in October 2003. See: Amnesty International, *Amnesty International's concerns and Serbia and Montenegro's commitments to the Council of Europe*, March 2004.

react to developments within the country (and the region), which has led to over-optimism followed by disappointment and fast-track solutions.[125] One can look at the current tragic events in Kosovo as a good illustration of over-simplification of matters, where the most expedient policy is always the best policy. Overall, however, the international community has been cautiously supportive of reforms in S-M, playing a 'carrot and stick' approach with some success in dealing with the Milosevic regime, but now proving increasingly questionable.[126]

However, there is a divergence of thought on how support towards the democratic bloc, and more specifically reform, should best be pursued. On the one side is the belief in the continued applicability of the 'carrot and stick' approach, i.e. that S-M must be given strict guidelines which it must meet before any further steps are taken to integrate the country into any NATO or EU structures. This relates especially to meeting ICTY requirements in term of recognising the importance of full co-operation with the court. On the other side is the opinion, supported in this paper, that continued international support to the democratic forces in the country should be the ultimate guiding principle as they are rather fragile at this time. PfP is, by its very nature, not the ideal tool to use for applying pressure on the country. Like the Hague Tribunal, it strives towards advancing regional co-operation, although the method is not reconciliation but rather co-operation. However, that is not to say that pressure on the country to abide by its international obligations must be dropped, but that there is sufficient room to apply it through other channels, such as EU accession negotiations.[127]

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[125]   While this failure was even more obvious and damaging during the period 1991-1999, it is surprising that it has not been corrected to any great extent.

[126]   For example, while the US lifted remaining sanctions on the country and recently certified that Serbia is eligible for some $US110 million in aid (2003) the EU was more cautious and refused to commit itself on any accession dates, suspending SAA negotiations. See: Economist Intelligence Unit, *Country Report: Serbia and Montenegro*, London, July 2003. Following post-election developments in S-M, the US has cancelled aid for 2004.

[127]   A good example can be taken from Croatia, where several countries (UK, Italy and The Netherlands) have refrained from ratifying the SAA agreements with the EU.

Military Reform – What Reform?

In terms of military-security matters, S-M remains potentially the strongest partner in the region for the Alliance, but also potentially the most troublesome, at least in the short to medium term. There is not only the unresolved problem of statehood between Serbia and Montenegro which seems to touch on every issue of reform; but also the future of Kosovo; significant nationalistic public opinion manifested in recent elections; the critical state of the country's economy and possible future trouble in Sandjak. These are important not only in terms of affecting the tempo of any attempts at reform, but in terms of influencing the state's security concerns and thus indirectly defence reform.

In a recent speech Defence Minister Tadic stated that he was dissatisfied with the speed at which the defence reforms in the country were being implemented.[128] He went on to criticize the fact that S-M is not yet in PfP, denying the country much needed help. Such a brave statement, especially just a few weeks before elections, aimed at both the domestic and international audience, comes as a calculated surprise. However, he did say that very important results had been obtained during his time in office and that the stage for the military reforms to begin in 2004 was set. As the greatest achievements he mentioned placing of the GS and the military security services under the jurisdiction of the MoD, thus contributing to civilian and democratic control. This statement alone explains the tempo of reforms, while depth at this stage can not really be expected.

The MoD in Belgrade has been involved in several reforms since the early 1990s, mainly aimed at downsizing, with little impact on operational capacity.[129] The first serious attempt at tackling the latter took place in mid-2001,

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[128]   Speech by Defence Minister Boris Tadic made at the 'Military Club' in Topcider, near Belgrade, on 19 December 2003.

[129]   Some success was achieved, especially in terms of downsizing, when personnel was reduced from 106,000 in 1999 to below 80,000 by 2002. See: UNDP, *Fact-finding*

with the 'rationalisation and limited reorganisation' programme.[130] This concentrated on the reduction of institutional and operational structures so that by the end of 2002 the military was restructured from the old 'army' structure to a 'corps-brigade' structure, which although more flexible is still based on the territorial concept of defence and an oversized command structure.[131] Further changes had to wait for the clarification of relations between Belgrade and Podgorica and the removal of General Pavkovic by mid-2002. This was followed by the government's declaration in support of Euro-Atlantic integration, allowing for initiation of a radical defence reform programme based on Western principles. However, while this has removed the most visible obstacles to change, it has not been followed by a speedy defence reform process, as some anticipated.[132]

Prior to its drafting, the **Constitutional Charter** was considered the fundamental basis for any defence reform. However, this document did not, in reality, change much. The document, written in haste under pressure from the EU, is not only ill-written, with numerous ambiguities, especially in legal terms, but also leaves many strategic questions open. Most importantly in this context is the possible referendum in 2006 regarding the future of the Union. One can easily argue against any substantive reform if there is a strong possibility that the Union will not survive for more than 3 years.

In term of defence reform, the relationship between executive branches of government responsible for defence is not clear, and in reality does not allow for democratic control of armed forces. While institutions at Union level are 'on paper' responsible for defence issues, the real power is with the

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Mission for Military Conversion as an element of SSR-Final Mission Report, Belgrade, 29 April 2002.

[130] Western influence was not the only factor, but also experience from combat operations during the wars 1991-99. See: *Glas javnosti*, 14 January 2003.

[131] For a reasonably accurate picture of the system prior to the reforms of 2001 see: Charles Heyman, ed, *Jane's World Armies – Yugoslavia*, London, 2002.

[132] See: Bojan Dimitrijevic, *Fazno reformisanje Ministarstva odbrane/vojske SCG*, CCMR–Analize: http://www.ccmr-bg.org/analize/analize.htm.

Serbian government, which finances over 95% of the defence budget. Furthermore, accountability is not clear, especially that of the Defence Minister. While the armed forces are a Union institution, his only real accountability is to the Serbian Parliament.

The problems that persist between Belgrade and Podgorica seem to prevent the writing of a National Security Strategy for both states.[133] Rather, Serbia is pushing through its own Defence Strategy as a starting point for defence reform.[134] While this is contrary to logic and has received criticism, under present political circumstances it may be the only viable option, as long as it supports the main provisions of the Constitutional Charter, and allows for some flexibility.[135]

Nevertheless, each country has different national security concerns and interests, resulting in different views on defence reform.[136] This is best manifested in the differing views of General Blagoje Grahovac,[137] supporting rather radical and rapid downsizing of the S-M Armed Forces to not more than 25,000, and those of the Defence Minister, who seems to favour a more gradual reform process with a ceiling (economic) of some 40,000, taking into account troubles in the south.[138]

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[133] See: *Glas javnosti*, 14 January 2004 and *Dnevnik,* 8 September 2003.

[134] This document was first drafted by the MoD in mid-2003 only to be sent back to the drawing board after heavy criticism at all levels. The current effort includes expertise from a wider base. See: *Nedeljni telegraf*, 10 September 2003; interview with Deputy Defence Minister Vukasin Maras, *Vojska*, 27 November 2003.

[135] See: *Nedeljni telegraf*, 8 June 2003.

[136] See: Radosav Martinovic, 'Security Priorities of Montenegro', Miroslav Hadzic, ed, *Armed Forces Reform-Experiences and Challenges*, Belgrade (CCMR), 2003.

[137] The most important criticism one can place on General Grahovac's proposals are for not taking into account the realities of the situation, ie the political scene in S-M, although this is the starting point of his argument. See: Presentation by General Grahovac, Defence Advisor to the President of S-M, at the G17 Second School on SSR, Belgrade, 15 October 2003.

[138] On the domestic front the Defence Minister has emphasised that South Serbia and the border with Kosovo are the primary concerns for the armed forces. See: *Vojska*, 25 December 2003. However, this might be designed for domestic consumption, and the

The Constitutional Charter continues with the old system which places the supreme command of the S-M armed forces in the hands of the Supreme Defence Council (VSO), an institution inherited from the Milosevic era.[139] Its executive members are the two State Presidents and the President of the Union.[140] It reaches its decision on the basis of a consensus, something that was criticised by domestic experts as unworkable in times of war. In practice decisions of this body are largely based on a negotiated political settlement between its members, leaving little room for parliamentary or any other scrutiny.[141] Although a remnant of the past, conceptually it is not a bad idea as it guarantees the equality of member states in this domain, and could form part of a workable model in the future if all legislative reforms are carried out adequately.[142]

Organisationally, the most important recent change was placing the GS and military intelligence under Ministry of Defence.[143] Domestically, this is described as a major change, not only providing much needed credibility to the MoD, but also placing for the first time in history the GS and the army

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pursuance of this policy may become questionable as the strategic benefits of international deployments prove too great to resist.

[139] See: Article 56, *The Constitutional Charter of the State Union of Serbia and Montenegro*, available from www.mfa.gov.yu.

[140] According to the Charter, the Defence Minister, apart from being a civilian shall "coordinate and implement the charted defence policy and command the military in accordance with the law and the powers of the VSO". See: Article 41, ibid.

[141] See: Zoran Pajic, 'Legal Aspects of SSR in the FRY', *Working Paper No 18*, DCAF, April 2002.

[142] For example, The Serbian Constitution stipulates that the President of Serbia is the Supreme commander of the armed forces, with is not in conformity with the new Constitutional Charter. Miroslav Hadzic, 'New Constitutional Position of the Army', *Working Paper No 112*, Geneva (DCAF), 2003.

[143] Prior to this change, the MoD was a second rank institution, whose main aim was securing economic and administrative prerequisites for the functioning of the defence system. See: Dimitrios Koukourdinos, 'Constitutional Law and the External Limits of the Legal Framing of DCAF: The Case of Croatia and the FRY', *Working Paper No 61*, Geneva (DCAF), 2002.

under civilian, if not democratic, control. However, while this move did take political courage, all preconditions were there for it to occur.[144] Moreover, these are in reality only cosmetic changes, especially in the case of intelligence services. S-M MoD structures remain unchanged, characterised by an oversized, bureaucratic and complex system of command and control with significant segments of duplication and competition.

It is important to try to understand the nature of these institutions. In many ways they are similar to those in other CEE states. However, the former Yugoslav army was never reliant on Moscow, thus allowing its leadership freedom and expertise in developing indigenous structures and plans.[145] The problem is that most of this potential is in the hands of military personnel that still overcrowd the MoD, a significant portion of whom are not keen to rush any reforms through.[146] Civilian personnel are very few and in most cases lack expertise, thus being marginalised in the decision-making process. An exception might be the growing number of civilian advisors, directly subordinated to the Defence Minister, brought in as a measure of burden-sharing (as Defence Minister Tadic has become Leader of the DS party since the elections) and whose selection criteria, as a result, were based on political loyalty rather than expertise.[147]

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[144] See: 'Novi bezbednosni rizici', *Vojska*, 12th June 2003.

[145] An example were the 'Rudo' and 'Snaga' military reforms of the 1970s and the 'Strategija oruzane borbe' doctrinary document from 1983, which were in those days 'significant' compared to Soviet thinking at the time. See: Grupa autora, Interno, *Naucnoistrazivacka/razvojna delatnost*, Beograd, 1989.

[146] See: Dr Predrag Simic, 'Reforma sektora bezbednosti u SCG', *Vojna Delo 3*, Beograd, 2003.

[147] Considering post-election political developments in S-M, it would not be surprising to see Defence Minister Tadic leave the MoD for higher office pending presidential elections on June 13th. While it would be desirable for him to stay in terms of defence reform, this may be counterproductive in a strategic sense, weighted against the overall delicate political climate in Serbia and the need to counter-balance the more nationalistic elements, including those within the current government.

The military was comfortable within its own world, separated from the civilian population at the highest levels of decision-making for the past 6 decades. The political leadership (and populace at large) virtually accepted the view that the military-security sector could reform itself, continue writing its own doctrines and so on.[148] Downsizing could be the tool used to tackle this problem, at least partially. However, it will need to be conducted with care, according to pre-selected criteria, rather than ad hoc and according to personal likes and dislikes.[149] In recognition of these weaknesses, foreign expertise was initially sought in the form of defence advisors.[150] However, while Defence Minister Tadic has established good working relations with numerous Western countries during his year in office, it now seems that a more cautious approach to foreign defence expertise is being taken, most likely under pressure from the still influential GS.

Meeting normative and legislative aspects of defence reform, which is far from complete in S-M, is only the beginning of the process. However, the importance of these acts for the initiation of reform has been exaggerated on the domestic scene, most likely for political reasons, thus causing unnecessary delay. However, it is not surprising that it has taken so long to get the process rolling.

Changes on the Ground – Tactical Manoeuvring with a Smoke Screen

Current reform initiatives are not conducted in direct cooperation with NATO, but are rather self-developed, based on domestic expertise within the GS and limited foreign military advice. As the situation stands now, almost every decision has to involve the Defence Minister, and there is little

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[148]   See: Miroslav Hadzic, 'Original Reasons for Reform', Miroslav Hadzic, ed, *Armed Forces Reform-Experiences and Challenges*, Belgrade (CCMR), 2003.

[149]   See: Bojan Dimitrijevic, *Fazno reformisanje Ministarstva odbrane/vojske SCG*, CCMR–Analize: http://www.ccmr-bg.org/analize/analize.htm.

[150]   Principal advisors are provided by the UK and the UNDP (Change Management Team), on the basis of bilateral agreements. NATO has also established semi-official relations with Belgrade.

initiative within the GS, apart from a select few. As elsewhere, it is obvious that defence reform can not be implemented by the military alone, but requires a much broader involvement of all state actors, including the public, an issue that is only gradually being applied. Thus changes currently being planned are not adequate and resemble to some extent those that took place in Croatia between 2000-2001. Eventual PfP membership should help to adjust these in line with NATO standards, although a degree of ingenuity (based on domestic factors) is desirable. On the basis of what can be observed it can be concluded that advice received from bilateral partners, through defence advisors, together with experience and knowledge gained on courses, seminars and workshops, as well as from neighbouring countries, is not systematically analysed and applied. Rather, a more selective approach is being applied.

According to recently published MoD data, under the current working plan the reform will take place in three stages, lasting up to 2010. In addition to building a smaller and more mobile force, emphasis is also placed on 'professionalisation', i.e., the gradual removal of conscripts from the armed forces by 2015 at the latest.[151] S-M certainly needs to increase the number of 'professional all-volunteer' personnel, not only in terms of planned deployments abroad, but also in relation to the security situation in South Serbia. While there is criticism, both domestic and international, of the long period of time planned for reform overall, this may be a realistic tempo of development, based on experiences in the neighbourhood and the realities of the domestic political and economic scene.

S-M has the largest military potential among the former Yugoslav republics not only in terms of manpower, but in combat experience, know-how and strong military tradition. However, a closer examination of its military strengths shows deep-rooted weaknesses that cannot be addressed in the short term. These stem from a number of sources, the main one being the

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[151]   Interview with Chief of General Staff, Branko Krga, *Vojska*, 1-8 January 2004.

detrimental rule of Slobodan Milosevic.[152] Lack of adequate finance, most of which is spent on personnel, is a further factor preventing adequate training of soldiers, the servicing of equipment and so on.[153] For example, tanks are simply sitting in barracks, not being maintained; troops hardly experience live firing of artillery or manoeuvres above company level, and so on.[154] Apart from a few units that maintain higher combat readiness for deployment along the border with Kosovo, the armed forces are in desperate need of funds to revitalise key areas that would enable the maintenance of adequate operational levels.[155]

As shown in Map 1, the S-M military is still organised on a territorial principle, comprising 6 corps (KoV), plus 3 corps for anti-aircraft defence (PVO), air force (RV) and navy (RM). Although many improvements have been made, making them more flexible and operationally independent, this organisational structure is outdated and not suited to current operational needs, nor to military thinking in the wider global context.

According to plans, the battalion will become the mainstay of the armed forces.[156] In line with this, the number of regular corps could profitably be decreased to not more than 3 in total (two for Serbia and one for Montenegro).[157] In the medium to long term the territorial system should probably

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[152] See: Mihajlo Basara, 'Problems in Establishing of Morale in the Army of S-M', Miroslav Hadzic, ed, *Armed Forces Reform-Experiences and Challenges*, Belgrade (CCMR), 2003.

[153] This can be seen in the recently introduced changes in training methods for both conscripts and NCOs, characterised by shorter training times with emphasis on core skills and amalgamation of training plans and joint exercises for various generations of conscripts. See: *Vojska*, 2 October 2003 and 1 January 2004.

[154] See: *Blic*, 14 April 2004.

[155] See: 'U skladu sa uslovima', *Vojska*, 5 February 2004.

[156] Presentation on 'Defence Reform in S-M' by senior MoD official at the OSCE/CCMR International Conference on the Role of Parliament in the SSR in Countries of the Western Balkans, 12 March 2004.

[157] It would be advisable to have a 4th corps of reserve units, especially considering security concerns in South Serbia and planned deployments abroad.

be abandoned altogether and a more direct line of command established with the forces. The process of barracks closures and relocations has already begun, and some 4-5 locations, noted on Map 1, will be closed and forces restructured. The rationale for these changes is not clearly known, however. If the concept of collective security is adopted, then this together with a cost-benefit approach (including the social aspects), should be the guiding principle in the decision-making processes.

Officially the Serbian military numbers approximately 78,000 personnel, of which some 30-35% are conscripts and 20% are civilians.[158] However, it is likely that this is the figure for full formation strength, and that current numbers are at least 10% less. Manpower needs to be reduced, not only because of the reduced threat of a conventional war in the region but also because of the severe economic problems the country faces, and not least the issue of resolving the financing of this federal expense between Belgrade and Podgorica.

Compared to NATO members Serbia still spends a higher than average percentage of its GDP on defence. For the past few years this has averaged 3.5% of GDP, and according to projections for the following three years, it is likely to stay at some 2.9%. However, at a GDP under $US 20 billion, this amounts to some $US 700 million, or approximately $US 6,200 per soldier, which is one of the lowest in Europe.[159] As in Croatia and other CEE countries, the problem is not so much the defence budget per se, but rather the distribution of funds with it. Currently, over 70% of the budget is spent on personnel expenses, leaving under 10% for modernisation and

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[158] Furthermore, the terms of officer cadre, it can be said that the army is 'old'. This is obvious just by examining the structure of ranks, with 46% being senior officers, ie above Lt-Colonel. See: *Defence & Security*, Belgrade, 18 September 2003; Dr Radisa Dordevic, 'Refroma sistema odbrane, budzeta za 2004.g.', CCMR–Analize: http://www.ccmr-bg.org/analize/analize.htm.

[159] See: Economist Intelligence Unit, *Country Report: Serbia and Montenegro*, London, July 2003; ibid.

other qualitative improvements, not taking into account the added costs of future PfP membership and the deployment of troops abroad.[160]

Map 1 - Territorial Distribution of S-M Armed Forces in 2003[161]

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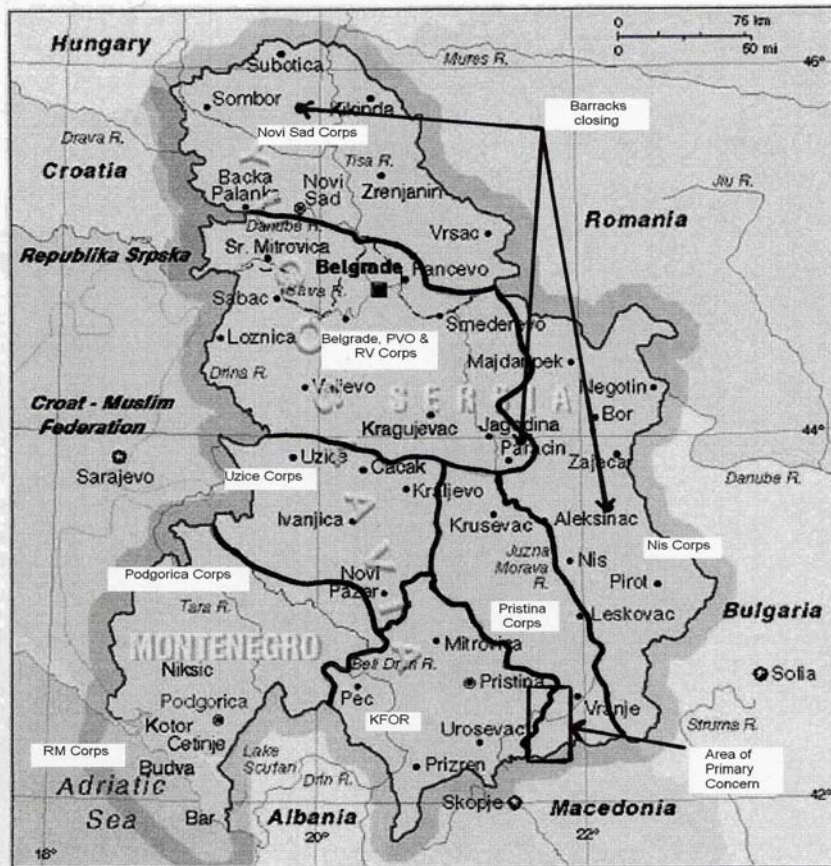
[160] Funding problems have meant that officer salaries are not paid on time, resulting in a massive legal bill against their employer, the MoD. This affects areas such as recruitment and retention of quality personnel, morale and so on.

[161] http://www.vj.yu/odredbe/granica.htm, adapted (not to scale).

According to the President of S-M, Svetozar Marovic, defence reform has three priorities: reduction in the conscription period from its current 9 months, downsizing the armed forces and finding a solution to the question of the navy. The reduction in conscription has so far not had a major impact on training standards. However, further reductions could change this, or more funds are made available to allow intensified training. Downsizing is currently the main focus of debate in Serbia, and is seen as the most important challenge, primarily in economic terms, in the short term.[162] It is exacerbated by the fact that some 14,000 active personnel do not have housing, and by the problem of the defence industry, both of which have significant political repercussions at all levels (or at least are claimed to have, by domestic politicians).

A major short-term priority for S-M will be restructuring its outdated and oversized military educational system. Some progress has been made, but more radical measures are needed. A priority should be enhancing interoperability with NATO, especially in areas such as command and communications, logistics and airspace management. The low level of English language knowledge among soldiers, and in particular senior officers, is a major problem. Facilities for language training are inadequate and soldiers are mostly left to use their own means in private language schools if they wish to advance their skills.

Modernisation – In Doubt for Serious Lack of Money

S-M has a large but outdated military.[163] Most of its weapons are from the 1970s and 1980s, although the habit of conservation has resulted in systems that date as far back as the 1950s. Only very recently has there been an attempt to phase out these weapons. A recent statement confirmed the reduc-

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[162]   Current thinking in the MoD seems to favour establishing a special fund to deal with this issue, financed by the sale of surplus weapons and other military property, directly by the state's and foreign donations. See: *Vojska*, 14 August 2003.

[163]   See: Aleksandar Radic, 'Modernizacija Vojske Jugoslavije', CCMR-Analize: http://www.ccmr-bg.org/analize/analize.htm.

tion of 200 T-55 tanks, 72 APC, 152 howitzers etc.[164] However, while these are welcome, they are far from optimal in line with modern thinking. The situation is exacerbated by the existence of a large number of different calibres and little standardisation.[165]

In the context of understanding reform in S-M, two issues are important. First is the desire to maintain all services of the armed forces operational, even those that have little perspective in the short to medium term. As in other states in the region, it will take some time for the political and military leadership to realise that no matter how much desire and will there is, it will simply not be possible for the country to afford modern front line combat aircraft in any great number, a submarine force and so on.[166] The most important in this respect is the navy, whose future is in doubt not only for lack of funds but also because of the future of the Union and Montenegro's desire to see the navy replaced by a smaller and more cost-effective coastguard.[167]

The second issue is the large but outdated defence industry. S-M inherited over 40% of the former Yugoslav defence related industrial capacity, mainly in the areas of small arms/light weapons, mortars and artillery, unguided and guided tactical rocket systems, light training aircraft and so on.[168] Although the NATO air campaign inflicted damage to these facilities, there still re-

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[164] Method of disposal is not clear, although cutting and melting down is suggested. See: *Glas javnosti*, 14 January 2004; *Vojska*, 1 January 2004.

[165] Just in artillery, there are 33 types of weapons system in 13 calibres. See: *Defence & Security*, Belgrade, 18 September 2003.

[166] In this respect surprising is the recent announcement that one (P821) of the three larger diesel-electric submarines, commissioned in the 1970s, is to complete an overhaul programme, having spent a number of years in dry-dock at the Tivat shipyard. See: *Vijesti*, 10 January 2004.

[167] Montenegro diverges from Serbia on this issue. See: Radosav Martinovic, 'Security Priorities of Montenegro' Miroslav Hadzic, ed, *Armed Forces Reform-Experiences and Challenges*, Belgrade (CCMR), 2003.

[168] For a more detailed overview of this subject see the forthcoming book: Amadeo Watkins: *Yugoslav Military Industrialisation 1923-2003*, Frank Cass, 2004.

mains significant capacity.[169]   The country will want to keep some of this, especially those factories considered of strategic importance such as small arms, ammunition and explosives.   Furthermore, there is solid research & development experience in specific areas, mainly based within the military-technical institutes and Belgrade University.[170]   Whilst a large number of personnel has left these establishments, a critical mass remains that could enable progress in this field.   Financial constraints, a decade of sanctions and most importantly Milosevic's lack of interest in modernising the armed forces has meant that most of their work ended on the drawing boards or at a prototype stage of development.   Only recently have some new systems emerged, although most are slight improvements of work undertaken during the late 1980s or early 1990s.[171]

According to the latest information, current modernisation of forces is going ahead on the basis of a plan designed during the late 1990s known as Model-21.[172]   It envisages upgrading personal equipment in 26 different categories, of which only five will be imported from abroad.   The most important novelties are the introduction of a series of domestically developed systems such as the 5.56mm M21 assault rifle (production status of this AK-based model is still in doubt over speculation that a similar Israeli model will be produced under licence at the Crvena Zastava plant in Kragujevac), the M91 7.62mm sniper rifle (elimination of the 7.9mm calibre), an improved 12.7mm Black Arrow anti-material sniper rifle, a 30mm grenade launcher and so on.   The future of these programmes is in doubt primarily

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[169]   See: Amadeo Watkins, 'Yugoslav Industry Revival: Fact or Fiction?', *Jane's Defence Weekly*, 25 July 2001.

[170]   Examples include the modernisation of the SA-3 (NEVA) air-to-surface missile system by integration of new optical (thermovision/laser) sub-systems, continued modernisation of the Galeb G-4M aircraft (electronic suite, missile systems, extended range etc) and the building of a new testing station for Mig jet-engines at Batajnica near Belgrade.   See: *Vojska,* 18 December, 29th January 2004; *AEROMagazin*, August-September 2003.

[171]   See: 'Vise of pogleda', *Vojska*, 19 February 2004.

[172]   See: *Vojska*, 13 November 2003.

for financial reasons despite the export market, which S-M plans to re-enter, optimistically, in the short-term.[173]

Civil-Military Relations

These are problematic for a variety of reasons, largely influenced by the turbulent events of the past decade or so. While on the whole the armed forces still enjoy much public support, largely for their perceived positive role in defending the country against NATO in 1999, Milosevic's shadow still prevails in several respects. This has created a strange mix of views among the population and a delicate task for the government in addressing them. Feelings among the populace range from the liberal pro-Western views that the military and security services need to be transformed into a small, professional and accountable force to the hard-line nationalistic view that the military is responsible for the loss of 'Serb lands' in Croatia, Bosnia & Herzegovina and Kosovo.

However, in the last two years has there been a wider and more transparent debate on military-security matters, including defence reform, especially amongst the wider populace. The media has played a role in promoting this which while welcome, is not always expert-led, but rather based on sensationalism or political favouritism.

The NGO sector also shares some responsibility for this positive development, because unlike in Croatia, there is a wider base of NGOs dealing with military-security issues. Yet apart from the few that have managed to establish some credibility in this field, especially in terms of western finance and resulting output, there continues to be a general lack of expert knowledge in

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[173] There has already been some success with export of ammunition and small arms to the US. However, following the 'ORAO' affair, a new Law on the Trade of Armaments and Associated Equipment is being drafted. See: ICG, *Arming Saddam: The Yugoslav Connection*, Balkans Report No 136, Belgrade, December 2002; Zoran Kusovac, *Arms Scandals Reveal Illicit Serb Sales*, Jane's Intelligence Review, January 2003.

this specialist subject.[174] Furthermore, only recently have civilian universities started to re-engage more actively in military-security studies, such as the Faculty of Civil Defence at the University of Belgrade.[175] Problems are similar to those in Croatia. One can only emphasize the lack of a co-ordinated approach towards objective realisation not only amongst them, but by the international community that finances most of their projects, possibly explained by the lack of long-term strategic vision at both these levels.

Parliamentary control over any aspect of defence reform is non existent at the Union level and is unlikely to become functional in the short term. The only 'good news' in this respect is that the Serbian parliament has managed to establish a committee dealing with defence issues, paradoxically headed by a member of the radical SRS. While this move is not enough, it has received cautious support from international organizations such as the OSCE, as a move in the right direction.[176]

Transparency in military-security issues is a major problem that continues to persist in S-M. The long tradition of secrecy where only the select few know and are responsible for state secrets at all levels has still to be overcome. Although some movement has been made in this area, it is still largely cosmetic and ineffective in terms of influencing a more open analysis of key areas such as the defence budget, defence and procurement policy and so on. As a result it precludes not only any serious engagement of civil society, but is also manifested in a reluctance of those within the system to

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[174]   The most active NGOs include the Centre for Civil-Military Relations, the G17 - Defence and Security Studies Centre and the Atlantic Council of Serbia. The last has the potential to play an important role once the country joins PfP. See: http://www.ccmr-bg.org, http://www.g17institute.com/Default.aspx, http://www.atlanticcouncil.org.yu.

[175]   See: http://www.fco.bg.ac.yu.

[176]   There are two ways to support this argument: one is that some control is better than none, and second is the fact that real power in defence matters rests with the Serbian Parliament.

actively participate in discussions and actions relating to advancing these arguments.[177]

What are the Challenges Ahead?

As can be seen from the above, while there are points of similarity between Croatia and S-M, problems facing the latter are fundamentally different and will be much harder to address than is the case in Croatia.[178]

Looking 18 months back, one can say with comfort that defence reform, although slow, is one of the most significant areas of change in S-M, when compared to other sectors such as justice, finance, etc. It is also not hard to see this sector advance slightly further, as increased levels of cooperation develop with various partners, including NATO. However, in terms of PfP, and closer Euro-Atlantic integration in general, defence reform is not the only factor of relevance. But it is here that a more dramatic change in the short to medium term is not in sight, especially bearing in mind the strong standing of nationalist and conservative forces, including those of the cur-rent Serbian Prime Minister. This is a fundamental difference from Croatia, in that the drive towards Euro-Atlantic integration is more government-led than in the former.

In terms of defence reform, the first area of concern is who will lead the process through the next stage if current Defence Minister Tadic leaves his post.[179] Furthermore, as reform is not possible from the grass-roots level in the short to medium term, radical change in the MoD, including the GS and

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[177] The European Union expressed concern at a decision by the military authorities in Belgrade to seize copies of a book alleged to contain military secrets. See: *B52 News Agency*, 4 April 2004.

[178] See: Judy Batt, 'Serbia and Croatia: After the elections', ISSEU Newsletter no 10, April 2004.

[179] See: 'Democratic Party leader Boris Tadic announces that he will stand in Serbia's coming presidential elections'. See: *FoNet News Agency*, 3 April 2004. The most likely candidate is Pravoslav Davinic from the G-17Plus party, whose experience in this field should positively impact on defence reform.

intelligence services, is crucial to a more cost-effective and reform-minded attitude. Concrete tasks for the short term are similar to those in Croatia and include finalising the Defence Strategy and other strategic documents, initiating a downsizing programme including dealing with social aspects of this process, restructuring and privatising the defence industry, reduction of surplus weapons and a greater degree of standardisation in weapon systems, and so on. In all of these there is the continued need for Western assistance, which must learn to be more patient and focused and better coordinated.

PfP & Beyond

The primary aim of PfP is to help achieve interoperability of those forces working with NATO on peacekeeping operations. More importantly, the Alliance's handbook states that PfP was established as an expression of a joint conviction that stability and security in the Euro-Atlantic area can be achieved only through cooperation and common action.[180] In the words of Charles Crawford, the former UK Ambassador to Belgrade, "it was set up to help countries on both sides of the divide get used to dealing with each other".[181] As such, it commits states joining the Partnership to the preservation of democratic societies, freedom from coercion and intimidation, and the maintenance of the principles of international law.

It is important to note that PfP does not directly prepare countries to join NATO. What it does is to assist in the modernisation of the armed forces of partner countries and the development of capabilities that would enable deployment in NATO-led search and rescue, humanitarian or peace support operations carried out under UN or OSCE auspices. Focus is on establishing friendly neighbouring relations and on the establishment of joint forces. A good example is the recent formation of a multinational CBRN Defence Battalion, headquartered in the Czech Republic and to be operational by

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[180] All basic information and documents on NATO are best viewed at the organisation's official website. See: http://www.nato.int.

[181] See: Charles Crawford, 'Courses of Euro-Atlantic Integration', Miroslav Hadzic, ed, *Armed Forces Reform-Experiences and Challenges*, Belgrade (CCMR), 2003.

July 2004, in which 13 nations will be participating, including the US, UK, Spain, Turkey and Poland.

The notion of voluntary engagement that PfP offers is attractive to many countries, as it allows them to choose the level of engagement that suits their needs rather that those of NATO. Western Balkans states have decided to engage on a more active level, although this level differs from state to state, and depends not only on their willingness but also capability to engage, both with NATO and between themselves.

Croatia first applied for PfP in March 1996, yet was admitted only in May 2000 once a more democratic government was elected. Since then the level of activities with NATO has constantly increased, from 47 activities in 2000 to 290 in 2003. In 2002 the country for the first time acted as a host nation within the PfP programme, with the civil-military exercise 'Taming the Dragon', while the first military-only activity took place in 2003, with the exercise 'Cooperative Engagement'. At the same time PfP related expenditure increased from $US200,000 to $US900,000 in 2003, representing a small percentage of the total defence budget.[182] Although Croatia is in its second cycle of MAP, participation still plays an important role for the armed forces, especially in areas such as interoperability, command and control and so forth.

S-M is not yet a PfP member, and whether it will be invited at Istanbul this summer is still an open question.[183] However, the country's relationship with NATO has steadily increased in scope, positively affecting defence reform. Yet this relationship is still very elementary, and more emphasis is placed on direct bilateral cooperation with countries such as the UK, which

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[182] See: Zlatko Gareljic, 'Sto za Republiku Hrvatsku znaci ulazak u NATO?' Lidija Cehulic, ed, *Godisnjak/Yearbook-Sipan 2003*, Zagreb, 2004.

[183] NATO has entrenched itself in the stance that full ICTY co-operation is a key precondition for joining PfP. For Example, during the Serbian PM visit to NATO HQ, Secretary General de Hoop Scheffer reiterated this stance. See: http://www.nato.int/docu/update/2004/03-march/e0323a.htm.

is also acting as the first NATO contact point. Preparations for PfP in the MoD are taking shape, especially since the announcement in 2003 that S-M is planning to send troops abroad on peace-support operations.[184] For the first time since the 1950s the S-M Armed Forces will be holding a joint military exercise with a NATO member country.[185]

Strengthening Regional Co-operation

Practical experience and skills accumulated in the course of PfP co-operation have played a crucial role in fulfilling expectations in relation to NATO membership and in achieving a minimal level of interoperability and compatibility. Moreover, PfP can create an important practical framework for confidence building and development of relations not only between the armed forces of NATO and the new PfP member states, but also between those of potential members themselves. Whilst vertical integration with NATO structures, through joint exercises, courses, seminars and so on, is well developed, much more needs to be done in terms of horizontal integration, taking into account the principle of voluntary engagement. This is especially important in the Western Balkans as a way of strengthening relations among the states in the sensitive military and security sector.

This argument is supported by the fact that contacts between the various sides have taken place, although on a very small scale, and have only helped to strengthen the conviction that the past is behind and a new, more cooperative working relationship is possible in light of the common goal they all share. Backing at the highest levels of decision making, especially in Za-

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[184] Planned anti-terrorist exercise, code-name 'Blue Road 2004' is to take place in May 2004 with Romania on the hydro-electric power plant on the Danube. See: *Vojska*, 11 March 2004; Amadeo Watkins, 'Serb SF Prepare for Overseas Deployment' in *Jane's Intelligence Review*, November 2003.

[185] According to records, the last such exercises were conducted in 1955 with HM Navy. See: Radosavljevic, M., Stanisic, T., Viskovic, B. & Antic, B., Interno, *Ratna morna-rica: razvoj oruzanih snaga SFRJ 1945-85*, Beograd, 1988.

greb and Belgrade, will be required for any such initiative to succeed, and PfP proves an ideal platform to make such an idea publicly acceptable.

There are a few existing examples. The RACVIAC centre in Croatia is a good starting point.[186] This is a multi-national centre which was created in 2000 to act as a forum for regional dialogue and co-operation in arms control and confidence and security building measures. In other words its purpose is to assist in the process of creating greater transparency, openness and predictability in the area of military-security issues, as well as increased co-operation and dialogue among the member states. As the primary aim of setting up this centre (arms control) is becoming questionable, the initiative proposed above might shed new light on its future. However, one must avoid the 'mentality of competition' in this field (for political point-scoring) one can sense between Croatia and S-M at the moment. Rather, in character with the values promoted by PfP, emphasis should be placed on co-ordination of efforts and the application of cost-efficiency in areas such as opening and maintaining peace-keeping training centres.

A further example might be the Adriatic Charter, supported by the United States and signed between Croatia, Macedonia and Albania. Although this emphasises that it is a political process, it does have a military component, which could be extended within the PfP framework. Involving other countries, such as S-M, in this initiative would help build a solid foundation for increasing horizontal integration. Although this is politically a sensitive issue, considering the recent past the benefits of such a move easily outweigh political barriers.

Recognising the difficulty of direct engagement of military units in the short term, a good starting point could be initiatives in the areas of the fight against terrorism, organised crime or crisis management. These 'soft options' would help build up the necessary preconditions for more substantive military engagement, one that will be inevitable in the medium to long term,

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[186]   See: http://www.racviac.org/en/index.asp.

as all states work towards Euro-Atlantic integration. NATO and especially EU personnel stationed in the region could play an important role. For example, an exercise in Macedonia, involving Croatia, Bosnia & Herzegovina, S-M, Macedonia and Albania in the area of disaster management, as a practical follow-up to the "Lesson Learned Seminar" in May 2004 in Dubrovnik, Croatia under the auspices of the Euro-Atlantic Disaster Response Coordination Centre might be a good starting point. The Adriatic Sea, which has during the past decade turned into an important route for various criminal activities, is also an area where regional cooperation will be important.

For NATO the Western Balkans is still a troubled area. Militarily, there is little the Western Balkans states can offer the Alliance that it has not got elsewhere, apart from peace and stability in the region and a belief that they too have a place in Europe and its future development.[187] For this reason, achieving these aims should be at the forefront of NATO decision-makers' thinking, especially in relation to S-M and Macedonia where the greatest danger lies in the short to medium term. After all, such a commitment was made at the last Alliance Summit in Prague.

The Broader Picture

The paper has briefly and selectively looked at the most important political and military issues facing Croatia and S-M since pro-democratic forces came to power in 2000. It has argued that while these two countries share many of the problems found in other CEE countries, they are also distinctly different in terms of implementing reform in a post-conflict environment. As a result there is a general feeling in the region that progress is taken for granted, with little understanding of how hard it is to implement change under such circumstances. All the countries in the region differ in the complexity of problems they face. This necessitates a separate approach to each of them, while keeping the aim of regional stability in mind.

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[187]   See: Thomas S Szayna, *The Future of NATO and Enlargement*, Testimony for the Subcommittee on Europe of the Committee on International Relations, US House of Representatives, on 17 April 2002.

Much of the debate currently focuses on how should PfP, and NATO, evolve further now that the second stage of enlargement has been completed and the Western Balkans remain a 'question mark' on the Alliance's map. Some of these issues will be discussed and choices made at the Istanbul summit in June 2004. Stakes and rewards are high, and governments in the region must realise that pre-determined standards and criteria are important. NATO for its part, however, should not focus on a narrow application of roles and procedures and take a broader view, with regional peace, stability and development as a raison d'être of the whole process of expansion.

Furthermore, there is debate on the future role of the EU in relation to NATO and how its increased, yet natural, interest in military-security affairs will affect new and potential member states, such as those in Western Balkans.[188] Currently, there are two schools of thought on these issues, The first school promotes the idea that the split between US and EU is inevitable and is only a matter of time as the technology gap is further increased and associated policy objectives diverge as a result. The second school maintains that the disagreement is only a temporary matter, resulting from a lack of shared strategic interests and will mend itself in due course as long as there are no further disturbances, such as the US-led Iraq campaign. While it is not the subject of this paper to analyse these further, potential NATO members will be forced to make difficult policy choices, some of which are already visible on two fronts. One is political, as states are forced to choose for or against US policy towards the International War Crimes Court. The second is economic, in terms, for example, of major arms procurement with each camp fiercely advocating its own system with little respect for national requirements. Because these issues are of strategic importance for the countries analysed here, political debate, while not so visible in Washington or London, can on the domestic level make headline news for weeks and affect policy and even the course of elections.

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[188]   See: Daniel Serwer, 'The Balkans: from American to European Leadership' in G Lindstrom ed, *Shift or Rift: Assessing US-EU Relations after Iraq*, ISSEU 2003.

There is also a danger of diverging policy objectives between the NATO 'Altanticists' and potential NATO members, which will be less interested in the US global approach and more persistent at pushing what they will term as local interests, such as 'finishing the job' in the Balkans (especially Kosovo), advancing relations with Russia, Belarus and Ukraine and possibly addressing security concerns in the Caucasus at the furthest.

For potential members the increasing US focus on a 'global approach to security' is something that is hard sold to the domestic public, especially in light of the increasing US view that new and potential NATO members in reality provide little of what NATO might need in the future. This theory, often termed 1+0+0=0, questions not only the capability of the major European counties to provide sizable, deployable and sustainable forces in line with the Prague Capabilities Initiative, but completely negates the capacity of new members to do so. Such an attitude does not help promote NATO's credibility and raison d'être among new or potential members. Although Marc Houben argues that NATO is an alliance between states, the social component, i.e. the system of common values shared by the whole populace is at least as important for a properly functioning mechanism. Encouraging change in the Western Balkans from the top down can therefore be called into question, unless it is partnered by an effort by NATO to engage pubic opinion across the board.[189]

The Way Forward

Both Croatia and S-M have accepted that closer Euro-Atlantic integration is a major foreign policy objective. The cases of General Gotovina in Croatia and General Mladic in S-M are clearly the most important outstanding issues in relation to their integration aspirations. Although Croatia has accepted that it will not be joining NATO in the next few years, the ICTY issue is affecting other areas of foreign policy, especially the EU Stabiliza-

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[189]   See: Marc Houben, 'Changing Patterns and Perceptions of Security' in Miroslav Hadzic ed, *Armed Forces Reform - Experiences and Challenges,* Belgrade (CCMR) 2003.

tion and Association Agreement (SAA) negotiations. In S-M it is quoted as the last major obstacle to PfP membership. As each new government is elected it finds new ways of dealing with the issue. In Croatia, the new leadership has placed responsibility firmly under the jurisdiction of the Ministry of Justice and has emphasised its resolve in moving ahead in terms of finding solutions. In Serbia the solution, at least in theory, is not so encouraging, as the new Serbian Prime Minister Vojislav Kostunica has stated that co-operation with the ICTY will not be on the list of his government's priorities. In their approaches to this delicate matter, both countries emphasise that they must be judged not on the basis of individual cases, but rather on a much broader basis, taking into account the full extent of cooperation.

If the common premise that partnerships create security through cooperation is accepted, then Western policy of conditioning closer Euro-Atlantic integration in Croatia and S-M on complete ICTY cooperation is questionable. Admittedly, however, this body is among other things working on achieving peace and stability in the region, albeit through different means (reconciliation). By allowing S-M membership in the PfP programme, at least three objectives could be met. First, such a move would not give away much, but will help to reinforce the pro-democracy forces at a crucial time. Secondly, it would enable a more rapid and focused defence reform initiative, which would indirectly help change throughout the system. And lastly, it would allow a greater role for S-M in the region, enabling it to interact with its neighbours and thus build trust and aid reconciliation in the region. In addressing this issue, the ultimate question that has to be asked is: will keeping the country outside Euro-Atlantic integration processes aid or hinder the further development of peace and stability in the region?

In light of past experience and current problems, international involvement in the Western Balkans will remain crucial in the short to medium term. Accepting this argument entails a recognition that international involvement needs to be transformed. It must take a new dimension, one of support and co-operation, requiring a more focused and co-ordinated approach at all levels. Current NATO involvement in the region should serve as a basis for

achieving this. An example is the KFOR working relationship with the S-M military-security services in South Serbia (Kosovo border) since the latter entered the Ground Security Zone in 2001. Another example is the EU policing mission in Macedonia, which is among other things a confidence building measure within the local context.

Western Balkan states may in the eyes of an outsider, not familiar with the region, conveniently fall under the same umbrella in terms of policy solutions and long-term strategies. However, while this view has some advantages in terms of expedience, it goes contrary to the desires of the people in the region. All states in the Western Balkans, while sharing many similarities, are distinctly different and need to be treated individually in terms of international support and Western integration. Any other approach would discourage the more progressive forces, who have made some achievements, and they will lose a sense of urgency. It could also play into the hands of nationalist and radical forces, thus slowing down or reversing scheduled reform. This in turn can negatively impact on economic aspects of security, which are critical in this region. Continuing to offer the hand of friendship, and placing the 'carrot and stick approach' on hold, might just be enough to strengthen their fragility and provide a more lasting peace for this region.

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Klaus Schmidt

STRENGTHENING PEACE AND STABILITY THROUGH POLICE ASSISTANCE IN SOUTH EAST EUROPE: THE CASE OF ALBANIA[190]

1. Albania in 1997

The year 1997 was a tumultuous and tragic one for Albania, in which approximately 2000 people lost their lives during a popular revolt, powerless government's response, and the chaos that ensued. The spark for the mass protests was the collapse of pyramid investment schemes in January 1997, in which large sections of the population lost their life savings. The total fraud exceeded $2 billion US, or 80% of the country's Gross Domestic Product. Beginning in February thousands of citizens gathered daily, demanding reimbursement by the government, which they suspected of profiting from the schemes. By March 1997, the protests had turned violent in the South, where numerous residents armed themselves with weapons looted from army barracks. The state of emergency was declared, but rioting and destruction spread throughout the country, gripping the capital, Tirana.

Fearing the spread of unrest outside Albania's borders –and alarmed by another wave of refugees from the country in a decade, the UN Security Council on March 28[191], established the Multinational Protection Force in Albania for a three-month period and authorized it to ensure the security and freedom of movement of its personnel, to direct relief efforts and to restore order. The military force consisted of 7000 troops from eight countries and

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[190]   In delivering this paper the author has made use of recent periodical reports of PAMECA and the websites of some of international communities present in Albania.

[191]   UNSC Resolution 1101 (1997).

was led by Italy. On 19 June[192], it extended the force's mandate for 45 days, from 28 June. Its presence has also helped to create a secure environment for the missions of international organizations in Albania, as part of the efforts of the international community, particularly the Organization for Security and Cooperation in Europe (OSCE) and the European Union (EU), to find a peaceful solution to the crisis and to assist international organizations in their role in the electoral process in close cooperation with the Albanian authorities.

2. European Presence in Albania

The European Commission Delegation (ECD) in Albania was established in 1993, when the European Commission decided to upgrade its Office of the Special Envoy to a full Delegation (a permanent diplomatic mission) in the light of the positive democratic development which had taken place.
The Delegation's main task is to facilitate the development of political and economic relations between the EU and Albania in the framework of the Stabilization and Association Process (SAP), which is the strategy for helping Albania in its path towards integration into the EU. ECD manages EU Assistance Programs such as CARDS and PHARE. It also disseminates information on the EU, informing the Albanian general public, decision makers and opinion formers about the integration process, EU institutions and its policies.

Albania became a member of the Council of Europe (CoE) on 13 July 1995. To date, 10 of the 60 treaties that Albania has signed remain to be ratified. The co-operation programs of the CoE in the field of legal assistance are designed to help new member States to press ahead with their institutional, legislative and administrative reforms. Furthermore, specific programs, jointly funded by the European Commission and the Council of Europe, have been –or are being–implemented in Albania, the aim being to establish an institutional and legal framework consistent with European standards.

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[192]   UNSC Resolution 1114 (1997).

In response to the breakdown of law and order throughout Albania at the beginning of 1997, the Permanent Council of the OSCE decided to establish its presence there on 27 March 1997.The OSCE started work in April 1997 with a mandate to give advice and assistance to the Albanian authorities on democratization issues, development of free media, and promotion of respect for human rights and preparation and monitoring of elections. In December 1997, the Permanent Council extended the OSCE's mandate to include the provision of a co-ordinating framework for other international organizations to support a coherent stabilization strategy for Albania. Furthermore, the OSCE explored other possibilities, including monitoring the harvesting of weapons.

Albania has been in receipt of Danish International Development Agency (DANIDA) assistance since 1994, which continued until 2002. Denmark's development assistance to Albania focuses on anchoring and furthering the democratic process and the development towards a constitutional state. State cooperation is targeted at supporting reforms within the legal system, the office of the public prosecutor, the ombudsman, the police force, the Faculty of Law in Tirana and reforms of the media area. Some projects were concentrated in the impoverished Dibra region in the northeast. In this region attempts were made to simplify procedure in court cases and improving the processing of criminal cases by the police and the prosecution.

Swedish International Development Agency (SIDA) has mainly focused its efforts on support to public administration, democracy and human rights, rural development, health, environment and trade and industry. One of the objectives of SIDA in Albania is to strengthen municipal and central administration. SIDA has supported a program to fight corruption and organized crime in Albania. SIDA has funded a UNDP-headed program to lower the number of weapons among the civilian population. SIDA is currently funding a project to upgrade the maintenance of hospital equipment. In 2000, SIDA carried out an environmental study of the Balkans and decided to give priority to three countries, one of them being Albania.

3. European Police Assistance in Albania

3.1 MAPE (May 1997 – May 2001)

Albanian police after the massive civil unrest in 1997 clearly demonstrated the need to reinforce its operational capacity. The European Union assisted in the establishment of the Multinational Advisory Police Element (MAPE) led by the Western European Union (WEU) to provide training, assistance and advice to the Albanian police and to certain Ministries (Ministry of Public Order, Ministry of Defence, Ministry of Finance, Ministry of Justice and General Prosecutor Office).

MAPE started its operations in 1997 by evaluating the police and law and order situation in the country. Twenty-three WEU officers worked on a day-to-day basis with their Albanian counterparts. Considering the most urgent training needs of the Albanian State Police, in 1998 MAPE embarked on a new approach to deal with them in particular at Tirana Training Center, by renovating and equipping it to host intensive training sessions. In 1999, when the country was coping with a refugee crisis, MAPE began field training by opening the Durres Training Center. By the end of the year 2000, the MAPE had trained 1300 Albanian police officers, apart from providing new uniforms, police vehicles, spare parts and protection devices.

To enable the police to make best use of modern technologies, an Information Technology Master plan was developed. MAPE also assisted the Albanian authorities in the preparation of a strategy for medium-term development of the Albanian police. This included drafting legislation on professional police regulations as well as on policing economic crime.

3.2 Italian Interforze Mission

The installation of this mission in Albania was done nearly at the same time with MAPE Mission. The first visit of the representatives of the Italian Interior Ministry took place in May 1997. The activity of this mission began based on the Memorandum of Understanding (advise and assistance on re-organizing the Albanian Police forces) signed in Rome on 17th September, 1997.

Interforze Mission collaborates operationally with the Border Police in the fight against illegal trafficking of human beings, as well as through the exchange of information with the Criminal Police. The Memorandums of Understanding have followed each other in 1997, 1998, 1999, 2000.

3.3 ECPA (October 2001-August 2002)

The MAPE Mission in Albania terminated on May 31, 2001. A PHARE-funded EC project of Police Assistance (ECPA) was set up in the autumn of 2001 in order to ensure bridging between MAPE and the start of a full program under CARDS (PAMECA), so that continuity would not be lost. As a bridging mission, the European Commission designed ECPA for the period October 2001-August 2002. Spain led this new project and countries such as Denmark, Finland, Germany, Great Britain, Greece, Holland and Sweden participated in it.

The ECPA Project aimed to continue the support to the Albanian State Police by providing: 1) Short Term Assistance, 2) Medium/Long term Programs, 3) Advice, 4) Training, and 5) Evaluation. ECPA drafted projects and performed respective activities as follows:

1. Standard Procedures Project: (It audited and developed the inspectorate function)
2. Academy and Training Project: (It developed the course content)

3. Logistical Support and Equipment Project: (It evaluated the overall IT situation and jointly assessed the most urgent necessities of procurement)
4. Border Police Project: (Joint group, CAM-ECPA, to achieve cooperation between the Albanian Border Police & Customs)
5. Personnel Support Project: (It worked on the implementation of Law on Ranks, Appraisal System, and Welfare Management)

ECPA attempting to reach the objective achieved the followings:

1. Code of Ethics for the Albanian State Police;
2. Draft Law of Precursors for the Commission of Public Order in the Parliament;
3. Assistance to the PHARE Program Manager, to speed up the process of the renovation of the Police Academy;
4. Installation of a 'workroom' and a 'language laboratory' in the Police Academy.

3.4 PAMECA

3.4.1 Historical account

The Police Assistance Mission of the European Commission to Albania (PAMECA) was instituted on 21st December 2002. The Mission continues the efforts undertaken by the MAPE.
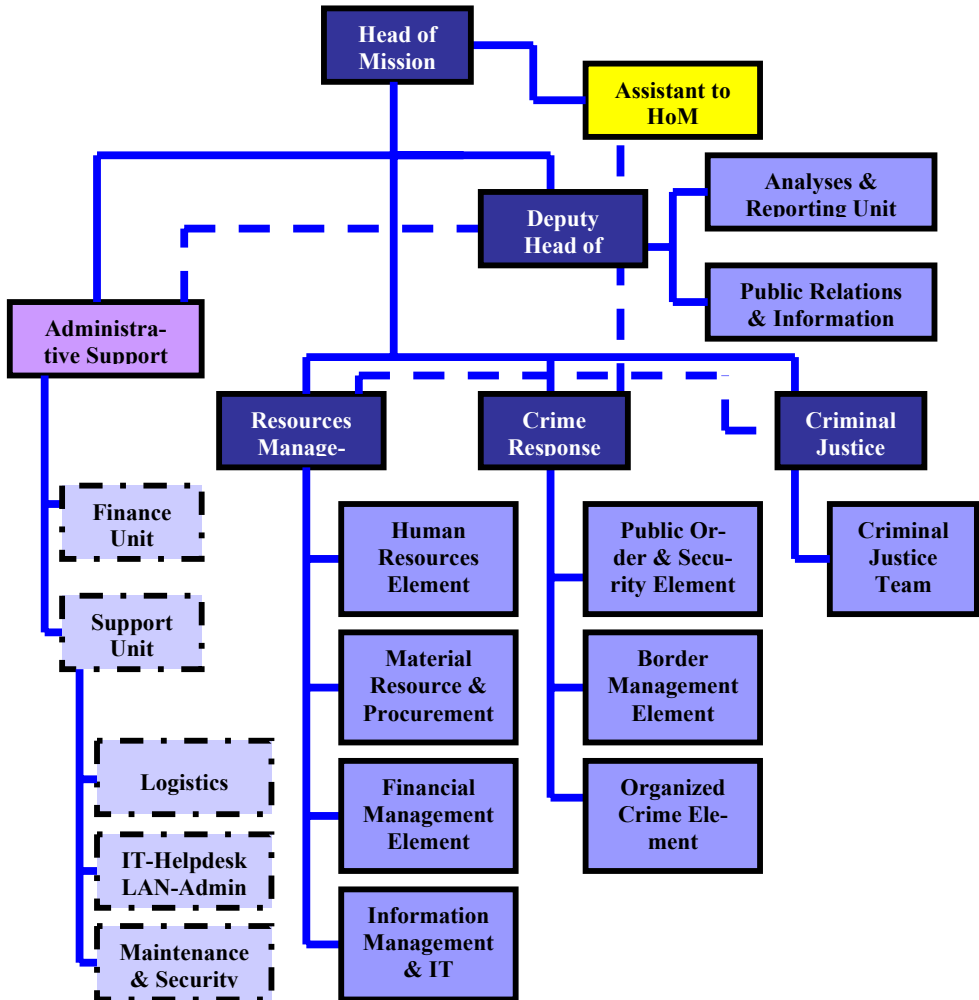
3.4.2 Mission goal

The wider objective of the project is to help establish a more effective police service in Albania, able to professionally and accountably investigate and counter criminal activities and ensure public order in the country, and working in full cooperation with the judiciary. In order to meet it, PAMECA aims to:

1. Improve police cooperation with prosecution and the criminal justice system, making it an effective part of the administration of justice;
2. Produce concrete, reliable and readily available indicators both of the levels of criminal activities in these three key areas and of the response capacity of the Albanian Police thereto;
3. Improve the management of financial, material, information and human resources of the Albanian Police (including internal management, internal controls and disciplinary standards);
4. Improve the professionalism and accountability of the Albanian Police and ensure the exercise of their duties in full accordance with relevant legislation and democratic standards;
5. Strengthen the citizens' confidence in public order and in an impartial and democratic public service;
6. Improve the investigative and response capacity of the Albanian Police Service in the key areas of organised crime, border management, and public order and security.

3.4.3   Structure

The mission is organized around two main police teams (a thematic "crime response" team and a horizontal "resource management" team), a separate criminal justice team, and an administrative support unit. The thematic "Crime Response" team consists of three elements: Public Order & Security Element, Border Management Element and Organized Crime element. The Horizontal "Resource Management" team consists of 4 elements: Human Resources, Material Resources & Procurement, Financial Management and Information Management & IT. The Head of Program is responsible for the overall management of the program and the attainment of the program objectives, while The Deputy Head of Program is in charge of reporting and analysis.

Figure 1: PAMECA Organizational Chart

Head of Mission	**Assistant to HoM**

Deputy Head of

- **Analyses & Reporting Unit**
- **Public Relations & Information**

Administrative Support

Resources Manage-	**Crime Response**	**Criminal Justice**

- **Finance Unit**
- **Support Unit**
- **Logistics**
- **IT-Helpdesk LAN-Admin**
- **Maintenance & Security**

Human Resources Element	**Public Order & Security Element**	**Criminal Justice Team**
Material Resource & Procurement	**Border Management Element**	
Financial Management Element	**Organized Crime Element**	
Information Management & IT		

There are 15 international staff, selected from the 15 member states, and 21 local staff working at the premises of PAMECA.

Figure 2: PAMECA Personnel
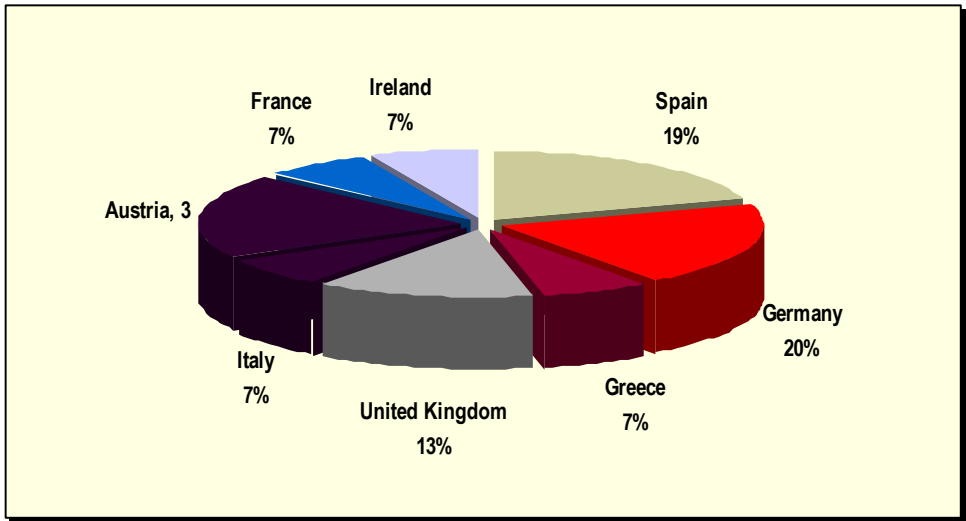
3.4.4   PAMECA Partners

The PAMECA project will be closely co-ordinated with the other actions undertaken in support of the Albanian Police. This includes past and on-going EC (PHARE or CARDS) assistance in equipment and material, bilateral programmes of EU member states such as the Italian Interforze programme, and programmes of the donors such as the US-funded ICITAP program. Structured donor co-ordination in this area was already initiated under the form of an International Consortium, which started operating in early 2002, and in which the PAMECA Mission takes an active part.

The PAMECA project will also be co-ordinated with related EC programmes, such as the customs assistance mission (CAM-A) and other foreseen programmes in the area of Justice and Home Affairs (including asylum and immigration, correctional services, justice, etc.)

3.4.5   Activities, achievements and future activities

Below are given some of the main activities, achievements and future activities of each element of PAMECA.

1.   Organised Crime Element

Activities include the development of the Specific Action Oriented Measures Against Organized Crime, drafting assessments for the ECD and providing information for SAA and CTF reports, participation in the working groups for Reorganization of the CID and OC structures and State Police Law.

Achievements have centred on the restructuring the CID directorate at the central level and provided the basis of a future structure of a new organised crime directorate, the provision of training to the Organised Crime Task Force and Economic Crime Unit and, finally, support to the multi-agency working group for drafting a national strategy against narcotics.

2.   Border Management Element

Activities here include the provision of advice and assistance to the ministry of public order border police directorate, assistance to land, sea and border crossing sectors and general training.

Achievements here include the evaluation of the border situation in Albania, equipment needs assessment and assessment of the MoPO Statistic/Analysis Office and currently applied procedures and practices.

3.   Public order & Security Element

Activities, participation and achievements focus on advice on public policing, public relations and support to municipal elections.

4.   Criminal Justice Element

Activities focus on the organisation of seminars at the Albanian School of Magistrates on the subjects of anti-corruption, cooperation between judicial police, prosecution and the criminal justice system, mutual assistance in criminal matters; and environmental crimes. Workshops on different up-to-date operational issues at the General Prosecutor's Office and the Durres Training Centre have also been organised. PAMECA also coached the Economic-Crime and Corruption-Unit at the Tirana Prosecution Office in cooperation with the General Prosecutor's Office.

Achievements include the principal support by PAMECA of training for Albanian judges, prosecutors and judicial police officers at the School of Magistrates of the Republic of Albania in the field of criminal law during winter term 2003/2004. PAMECA also established permanent co-operation with the General Prosecutor's Office of the Republic of Albania and the Tirana Prosecution Office and permanent cooperation with the Serious Crimes Court Prosecution Office.

5.   Financial & Material Resources Element

Activities include the development of skills and competencies for the efficient and effective management planning and monitoring of assets and the financial aspects to ensure a quality Police Service.

PAMECA managed to have the Albanian State Police/Logistics and Finance as service provider. Encouragement of the use of new methods in planning and monitoring of projects and cooperation between logistics and operations are among the major achievements in this element.

6.   Information Technology & Information Management Element

Projects include the development of data communication infrastructure, power supply and refurbishment/procurement through the implementation of dedicated programs.

PAMECA completed the design and technical specifications for EU-standards IT infrastructure so that tenders could be launched in the Spring of 2004. 15 communication sites equipped by ICITAP and EU-US TIMS are now up and running.

7.   Human Resources Management Element

Activities include the ongoing implementation of the Law on Ranks, the development of performance-based staff appraisal systems through pilot projects in the Commissariats of Korca and Durres, and review to the State Police Law to allow amendments to personnel and discipline regulations and adequate structure for Albanian State Police.

Achievements include implementation of the first stage of the Law on Ranks, cooperation with the Minister of Public Order and Deputy Prime Minister to reassess the decision of the Council of Ministers on the implementation of the Law on Ranks and an agreement with the international community to work on the amending the State Police Law in conjunction with the Minister of Public Order.

Conclusion

Apart from the positive developments Albania has made after the turmoil in 1997, it remains a country very much in the process of transition from the strict controls of Communism and the norms expected in a democratic society. There is no doubt that self preservation and self interest was necessary during the period of Communist control and this phenomenon remains in the post-Communist era as well. In many occasions self preservation has

changed to absolute greed. Lack of accountability in government institutions in general has mainly resulted in fraud and corruption. Remuneration have not been sufficient to avoid the problem of corruption and because of it motivation is lacking on many occasions.

In Albania, even if laws require it, there is very little (if any) cooperation between the different Ministries/Public Institutions and almost no communication with Civil Society. This is still apparent as far as the cooperation between police, prosecutors and the judges is concerned. A poor communication between high police officials and lower ranks is also being observed.

The activities of the respective government structures are mainly based on immediate reaction without further consideration. There is the continuing tendency to solve the symptoms and not the problem. Focus is on inputs rather the outcomes. For example government officials believe that almost all problems can be solved by additional resources (i.e. cars and computers). Everything is produced in haste, neglecting the need of proper development. They do not allow time to analyse the situation and identify the real problems. There is no structured approach to implement solutions. Project management tools are relatively unknown.

The Albanian laws are mostly "copied and pasted" from other Western countries without adequate adjustments to the local conditions. Many of the laws and regulations, including those which refer or impact on human resources have been drafted with the self interest of the authors paramount. Albanian officials believe that if they adopt a Western piece of legislation, the situation will automatically change in the country. When facing the need to reform the functioning of an institution, the officials immediately address the issue in terms of changing the laws and sub-laws but not in terms of changing their approach and way of behaving.

The process of establishing new structures and/or drafting laws and amendments, however, will not lead to the desired results without a strong willingness to implement them. This is more starkly evident in the police, where

there is still a considerable number of officers have never received training. Because of their recent history and the Communist regime under which the Albanian State Police operated there is a serious lack of capacity and professionalism to deal with the major policing issues in the country.

Rotation and reshuffling of personnel at government organizations from lower to upper levels is a common phenomenon in the country. It is essential that international missions have stable counterparts at all levels of an organization they are dealing with. Otherwise, the investment and efforts made by resource management teams will get lost and will not serve proper institution building.

Lack of funds on the part of international assistance to cover certain activities in specific areas during the project implementation phase is another crucial element. It means that it is often impossible to provide "immediate" assistance. The uncertainty of the availability of money jeopardizes the success of European assistance missions in Albania.

This is the overall situation in which the assistance missions are working in Albania. Therefore it is of paramount importance to ensure the continuity of assistance missions in the country. In order to contribute to the institutional capacity building, eliminating corruption and improving the professionalism of government organizations in general and the Albanian State Police in particular, one must work on a long term basis with them on the real and present problems they are experiencing. The development of different European projects should be undertaken allowing more time than usually needed for comparable projects. Moreover a closer cooperation and coordination among all international organizations operating in Albania is indispensable for achieving the desired outcomes and shorten the time Albania needs to join the ever increasing family of the European Union.

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THE BONN POWERS – STILL NECESSARY?

Introduction

Bosnia-Herzegovina (BiH), as well as the entire region of South East Europe, is indeed at a crossroads. It has only been very recent since new members from the wider region joined the European Union (EU) as well as NATO. This, coupled with the European Community's (EC) recent positive avis regarding Croatia's status as a formal candidate country, has moved Bosnia and Herzegovina both geographically and politically closer to Euro-Atlantic structures.

In the 9th year of Dayton peace implementation, the academic and political discussion about the present international structure and set-up of BiH as a *de facto* protectorate has gained momentum.[194] Not surprisingly, there has been a great deal of calls for more ownership.[195] The discussion ranges from more or less radical views that call for the phasing out or even immediate abolishment of the "Bonn powers" or the High Representative (HR) as such, [196] to the other end of the spectrum where a "policy drift"[197]- defers a definite decision by the International Community (IC) about an end-date of the HR and/or his powers to an unforeseeable date in the future.

Before addressing the "necessity" of the special supranational powers of the international arbitrator in BiH it is useful, in a more retrospective way, to address first the origins and evolution of these powers.[198] This also helps to

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[194] There appears to be a wide recognition that BiH can be considered as *de facto* or *quasi* protectorate. *See* Christian Steiner/ Nedim Ademovic, *Kompetenzstreitigkeiten im Gefuege von Dayton*, in Wolfgang Graf Vitzthum/Ingo Winkelmann (Eds.), Bosnien-Herzegowina im Horizont Europas, Tuebinger Schriften zum Staats- und Verwaltungsrecht, Band 69, Duncker & Humblot, Berlin (2003), p.118.
Some authors qualify BiH as a trusteeship. *See* Elizabeth Cousens and Charles Cater, Towards Peace in Bosnia, Implementing the Dayton Accords, International Peace Academy Occasional Paper Series, Lynne Rienner, Bolder-London (2001), pp. 130. Surprisingly, many BiH authors and constitutional law experts do not even mention the constitutional existence of the High Representative. *See e.g.* Snezana Savic, *Die Staatsorganisation von Bosnien-Herzegowina*, in Vitzthum/Winkelmann (Eds.), Bosnien-Herzegowina im Horizont Europas.

[195] *See* Wolfgang Petritsch, *Das »Ownership« Konzept*, Bosnien und Herzegowina 5 Jahre nach Dayton. Hat der Friede eine Chance? Wieser Verlag, Klagenfurt (2001) pp. 243. *See also* Christophe Solioz/Svebor Dizdarevic, Ownership Process in Bosnia and Herzegovina, Nomos Verlagsgesellschaft, Baden-Baden (2003).

[196] For one of the most critical (although partly exaggerated and tendentious) articles *see* Gerald Knaus and Felix Martin, *Lessons from Bosnia and Herzegovina, Travails of the European Raj*, Journal of Democracy Volume 14 Number 3, 3 July 2003.

[197] Interview with Mark Wheeler, former Director of the Sarajevo Office of the International Crisis Group, Sarajevo, 29 April 2004.

[198] This article does not discuss the interventionist powers and practices of other international actors in BiH such as the Commander of the NATO-led Stabilization Force (SFOR), the former United Missions in Bosnia and Herzegovina (UNMIBH) and its

understand and to clarify what these powers actually are and should address some of the existing myths. Such a description demonstrates the development of the special powers as a strategic tool of the IC to address state and identity building issues in the early days of BiH statehood, to a less frequently used and "soft" instrument for initiating and accelerating reforms that are considered vital for the self-sustainability of BiH.

The second part of this article attempts to put the issue into context of BiH's integration into Euro-Atlantic structures. By choosing this approach, it is hoped that the paper will constructively and without polemic, contribute to the discussion on the necessity of the Bonn powers and when the internal sovereignty of BiH shall be fully handed back to the domestic authorities and its citizens.[199]

Origins and development of the Bonn powers

December 1995: the Dayton system

The general mandate given to the HR was defined in Annex 10 to the General Framework Agreement for Peace in Bosnia and Herzegovina (DPA)[200]. Initially, there were no explicit mention of any extraordinary powers of the HR. The position was defined to "facilitate the Parties' own efforts and to mobilize and, as appropriate, coordinate the activities of the organizations" which, involves monitoring the implementation of the peace settlement, the

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International Police Task Force (IPTF), or the former Provisional Election Commission.

[199] Sarcevic argues that BiH, while having full external sovereignty, has limited internal sovereignty and is hence in a "state of antinomy" of its sovereignty. Edin Sarcevic, *Verfassungsgebung und «konstitutives Volk»: Bosnien-Herzegowina zwischen Natur- und Rechtszustand*, in Jahrbuch des oeffentlichen Rechts, volume 2001, p.529.

[200] Initialed in Dayton on 21 November 1995 and signed in Paris on 14 December 1995. For the full text of the DPA *see* OHR, Bosnia and Herzegovina, Essential texts, 3rd revised and updated edition, Sarajevo 2000. *See also* www.ohr.int

"resolution of any difficulties", but most importantly makes the HR himself the "final authority in theatre regarding interpretation" of Annex X. [201]

In November 1995, at the time when the DPA was hammered out within 2 weeks in a remote military base in the US state of Ohio with the primary purpose of stopping the war in Bosnia, the "fathers of the accords" were not occupied about defining the distinct role of the international arbitrator. It was more about striking the balance between diverging territorial interests and the "Landkarte." Stopping the bloodshed and military aspects were the focus of the negotiations by the parties.[202]

Consequently, the primary job of the civilian "watchdog" in BiH was to assist the military in securing the grounds during an initial "one year transition period" for the first democratic post-war elections, which were eventually held in September 1996. It was not intended to establish a post-war BiH in the form of a full-fledged protectorate headed by a strong European authority with the objective of monitoring and fostering the setting up of a state that had emerged from a former Yugoslav republic and which, in its first years of existence, went through a war that cost 250,000 of its citizens their lives and expelled around half of its population from their homes.

1995-1997: "Continuation of war by political means"

The first months after the DPA entered into force were dominated by physical reconstruction and humanitarian aid. It soon became clear that the political representatives of the three "constituent peoples" were not as cooperative as expected. Evidently, a more vigorous - and more interventionist - approach was needed to address and counter obstruction from nationalist hardliners.[203]

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[201]   DPA, Annex X.

[202]   S*ee* Petritsch, Bosnien und Herzegovina 5 Jahre nach Dayton, p.52.

[203]   Aida Omerovic calls this assumed cooperation "wild optimism." Aida Omerovic, The role of the High Representative in the politics and administration of Bosnia and Her-

It was in this climate of continued fuelling hatred by nationalist hardliners that in May 1997 the Sintra Peace Implementation Council (PIC) confirmed the HR's "right to suspend any media network or programme whose output is in … blatant contravention of either the spirit or letter of the <u>Peace Agreement</u>."[204] At the time, this was the first explicit instrument the HR received and used, together with SFOR's assistance, to counter nationalist rhetoric by occupying the transmitters of the Pale-based public broadcaster of the Republika Srpska (RS) Radio and Television Station.[205]

The Sintra mandate paved the way for turning the HR into a more robust actor and thus was the precursor for the December 1997 PIC in Bonn which welcomed "the High Representative's intention to use his final authority in theatre regarding interpretation of the Agreement … in order to facilitate the resolution of difficulties by making binding decisions, as he judges necessary."[206]

The December 1997 PIC was the birth of what is commonly referred to as the "Bonn powers." These powers were further specified by making explicit reference to the following issues: (1) timing, location and chairmanship of meetings of the common institutions; (2) interim measures to take effect when parties are unable to reach agreement, (which were to remain in force until the Presidency or Council of Ministers has adopted a decision consistent with the <u>Peace Agreement</u> on the issue concerned); (3) other measures to ensure implementation of the <u>Peace Agreement</u> including actions against persons holding public office or officials who are absent from meetings

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zegovina, 1996-2001, MPhil dissertation, Downing College, Cambridge, 2002 (pp.7, 14).

[204] Steering Board of the Peace Implementation Council, Political Declaration, Sintra, 30 May 1997, www.ohr.int

[205] Petritsch, Bosnien und Herzegovina 5 Jahre nach Dayton, pp. 94, 164.

[206] PIC Bonn Conclusions, Main Meeting, XI, Bonn 10 December 1997, www.ohr.int

without good cause or who are found by the High Representative to be in violation of legal commitments made under the <u>Peace Agreement</u>.[207]

Obviously, these were still the early days of shaky peace curfews at night, the practical inability to cross the inter-entity boundary line (IEBL), and a general political atmosphere of mutual distrust when actually keeping the members of the tri-partite BiH Presidency in a room was considered a major success. From that moment on, HR Westendorp no longer needed to resort to his predecessor's (Carl Bildt) "shuttle diplomacy" as the only available diplomatic negotiation tactics. Without having any enforcement mechanism however, Westendorp was able to actually interfere in domestic politics.[208]

Luckily today, the climate of hatred rhetoric no longer exists in BiH and the IC no longer has "hate-filled radio broadcasts inciting violence against peacekeeping troops as our prime "enemies."[209] Instead of enemies, the IC speaks of partners, whether it is the partners it had "self-selected" through post-2000 elections engineering, such as the Lagumdzija-led multi-ethnic Alliance for Change, or the HDZ-SDS-SDA coalition composed mainly of the three large mono-ethnic political parties that regained parliamentarian majorities as a result of the October 2002 general and presidential elections.

1997-1999: The Bonn Powers and the development of statehood in BiH – The Day After

Over the years, the reform agenda for BiH has changed since Carlos Westendorp's strengthened mandate and gradually evolved along with a steady progress the country made towards a more mature and self-sustainable state, requiring different instruments for the IC to respond to obstructionism or violations and attempts to undermine the DPA, as well as to initiate, boost or accomplish sectoral reform processes. Clearly, the early responsive use of the Bonn powers was a different one from today's pro-active reform-pushing approach.

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[207]   PIC Bonn Conclusions, Main Meeting, XI, Bonn 10 December 1997, www.ohr.int
[208]   Omerovic, The Role of the High Representative, pp. 31, 40.
[209]   Knaus and Martin, *Lessons from Bosnia and Herzegovina, p.*69.

In general terms, the Bonn Powers can be divided into (1) removals of holders of public offices, (2) imposition of legislation, and (3) other measures including executive decisions, and financial sanctions.[210]

Broadly speaking, the application of the extraordinary powers by the HR from the 1997 Bonn Conference to today can be connected with or resulted in several evolutionary phases characterizing the development of the statehood of post-war BiH. These inter-connected political, economic, and social processes can serve as a useful reference for the interdependence between the use of the HR's interventions and the staged developments of the process of BiH's rapprochement with Euro-Atlantic structures. [211]

Although the necessity to have a more robust enforcement mechanism for the implementation of the civilian part of the DPA was recognized by HR Bildt it was not until HR Westendorp received the green light from the IC,[212] as described above, for the use of his newly interpreted authority mainly to put together the most fundamental building blocks and "integrationist legislation" of the state: the symbols of its identity, including the citi-

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[210]   The OHR Legal Department distinguished between "substitution powers" and "international powers" of the HR depending on whether the HR acts in lieu of domestic legislative or executive bodies, or whether he refers to his unique authority to intervene in emergency situations on behalf of the IC. The distinction follows the "functional duality" concept developed by the BiH Constitutional Court. OHR, Internal legal note (2004). On the "delicate coexistence" between the HR and the Constitutional Court *see* Laurent Pech, «*La garantie internationale de l'ordre constitutionnel de Bosnie-Herzégovine*», Revue française de droit constitutionnel, no 42, 2000, pp.421-440. *See also* Steiner/ Ademovic, *Kompetenzstreitigkeiten im Gefuege von Dayton*.

[211]   Solioz divides the period after Dayton in a "stabilization and reconstruction phase" (1995 to 1997), followed by "outside intervention" (1997 to 2000), and finally "partnership" (2001-2002). Christophe Solioz, Bosnia and Herzegovina: *the Art of the Possible*, in Soliz/ Dizdarevic (Eds.), Ownership Process in Bosnia and Herzegovina, p.15.

[212]   New people in US administration and the US willingness to become more dedicated to the civilian side of the DPA may have been additional factors that made a stronger HR possible. *See* Omerovic, The role of the High Representative, p.34.

zenship law (the first and only decision imposed in 1997), the flag, national anthem, currency, licence plate etc.

In the "state and identity building period" the HR began to dismiss obstructionists to the return of minority refugees and Internally Displaced Persons (IDPs). The return of refugees and IDPs, in particular to those former homes where they constitute an ethnic minority, was a key element of DPA's Annex VII as the forced expulsion of people had been a key feature and main objective - and not a mere by-product - of the war of "ethnic cleansing."[213]

In March 1998, three months after the Bonn meeting, the Mayor of the southern town of Stolac, Pero Raguz, was the first elected official in post-war BiH who was removed by the HR, due to his active participation in preventing and obstructing the return of displaced persons.[214]

In that year, Carlos Westendorp passed a total of 31 decisions[215], followed by nearly 100 HR's decisions in 1999, where a trend towards imposing property and return related arbitrations and laws can be noted, peaking in November 1999 when HR Petritsch removed 22 politicians, mayors and housing officials in one single day.[216] Surprisingly, there was relatively little protest against this move amongst the political leadership of the nationalist parties at that time. It was argued that this "political whip of the international community" by the HR in the lead up to the general elections was carried out geographically and ethnically balanced. However, since most of these low-key officials were considered nothing else than executors of their

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[213] Edward P. Joseph, *The Limits of Lessons for Iraq,* East European Studies Publication 286, p.2, East European Studies Woodrow Wilson Center, wwics.si.edu

[214] Decision removing Pero Raguz from his position as Mayor of Stolac, 4 March 1998, (incomplete text on www.ohr.int.) On the first dismissals by HR Westendorp *see* Petritsch, Bosnien und Herzegowina 5 Jahre nach Dayton, pp. 108.

[215] All statistics in this paper are taken from the information on the HR's decisions on www.ohr.int

[216] Part of Petritsch's motivation was also to accelerate the overall DPA implementation by a more robust action against obstructionist in the light of the overall donors' fatigue. See Petritsch, Bosnien und Herzegowina 5 Jahre nach Dayton, p.140.

respective political parties, this big bang replacement of disobedient officials was coined as merely "cutting the tail of a lizard."[217]

In 1999, 75% of the imposed rulings involved such "PLIP" (property law implementation plan) related cases of officials obstructing land allocation, property laws implementation, the legal status of apartments, occupancy rights and thus the return of refugees and displaced persons.

In addition to the dismissal of less prominent and low-level office holders entangled in PLIP-obstructionism, RS President Nikola Poplasen, was the first high-level official removed by HR Westendorp in 1999 for obstructing the implementation of election results.[218]

1999-2001: from international interventionism to…

In 2000, the trend towards other reform areas became more visible with HR Petritsch's "three-pillar-course" of refugee return, institution-building, and economic reform.[219] In that year, out of a total of 86 HR's decisions there were 28 removals. The remaining related to these three key reform areas and included some of today's fundaments of the BiH state including the Law on the State Border Service.[220] A number of these decisions imposed or amended laws on wage taxes, privatization of enterprises, internal payments systems, technical standards, social security and other employment related measures. In terms of reconciliation, an area that is often neglected, Petritsch allocated the land for a cemetery and monument for the Srebrenica victims, which was inaugurated as "Srebrenica-Potocari memorial" by former US President Clinton in September 2003.[221]

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[217] Emir Habul, *Cutting the Lizard's Tail*, AIM Sarajevo, 19 December 1999, www.aimpress.ch

[218] Decision removing Mr. Nikola Poplasen from the Office of President of Republika Srpska, 5 March 1999, www.ohr.int

[219] Petritsch, Bosnien und Herzegovina 5 Jahre nach Dayton, pp. 130.

[220] Decision imposing the Law on State Border Service, 13 January 2000, www.ohr.int

[221] *See* HR's Decisions in 2000, www.ohr.int

The individuals removed from office at that time were no longer mostly community-level urban planning officers, but they included the Head of the FBiH tax administration,[222] privatization obstructionists,[223] the Minister of Agriculture of the Federation of Bosnia and Herzegovina,[224] members of the De-mining commission[225] etc. This indicates the trend of HR's closer direct involvement in all reform sectors and shows that there is a connection between the area of reform and those obstructing the process in a given sector, as well as the response by the HR.

2001 began as another year of mostly PLIP related, media-reform targeted and economy-boosting impositions totalling 53 decisions, including the removal of managers in public companies.[226] With the removal of Ante Jelavic, the Croat member of the BiH Presidency and President of the HDZ, HR Petritsch made a decisive step in addressing the promotion of the third-entity project, an attempt by the Croat mono-ethnic party and other influential forces in (and outside of) Herzegovina to turn this part of the Federation of Bosnia and Herzegovina (FBiH) into a separate Croat entity based on the war-time Herceg-Bosna mini-state.[227] Together with the subsequent SFOR-

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[222] Decision removing Dr. Ramiz Dzaferovic from his position of the Director of the Federation Tax Administration and member of the Governing Board of the Payment Bureau, 27 July 2000, www.ohr.int

[223] Decision removing Mr. Stiepo Andrijic from the position of President of the Management Board of the Federation Privatization Agency, 22 May 2000, www.ohr.int

[224] Decision removing Dr. Ahmed Smajic from his position of Minister of Agriculture, Water Resources and Forestry of the Federation of Bosnia and Herzegovina, 27 July 2000, www.ohr.int

[225] Decision removing Berislav Pusic, Enes Cengic, and Milos Krstic from the positions of chair/member of the Demining Commission, 12 October 2000, www.ohr.int

[226] See Decision removing Edhem Bicakcic from his position as Director of Elektro-privreda for actions during his term as Prime Minister of the Federation of Bosnia and Herzegovina, 23 February 2001. Bicakcic was removed a second time by HR Ashdown in 2003. *See* Decision to remove Mr. Edhem Bicakcic from his present position (in Elektroprivreda), and to bar him from any further employment, 14 March 2003, www.ohr.int

[227] Decision removing Ante Jelavic from his position as the Croat member of the BiH Presidency, 7 March 2001, www.ohr.int

aided raids and the take over and putting under international administration of the Mostar-based Hercegovacka Banka,[228] the financial heart of this "Samo-uprava movement," the Jelavic removal was part of a package of measures geared at maintaining the constitutional basis and balance of the Dayton-state, and is thus another important category in the use of the HR's emergency powers.[229]

2002: "Transposition"

The late Petritsch and early Ashdown periods mark not only a change in style, but also another stage in the transformation from an internally non-sovereign to a more self-sustainable, "ownership" country, which could be described as a phase of "transposition"; initiating, encouraging and accelerating this transition by imposition.

In his last year as HR, Wolfgang Petritsch continued his efforts to foster the return of displaced people, to build and strengthen state-level institutions and capacities, and to reform the economy to attract more foreign investments, but with several measures in the area of judicial reform he also prepared the road for Ashdown's "jobs and justice programme." Petritsch also laid the organizational foundation for a streamlined international presence in BiH. In order to optimize coordination among the various international actors in BiH, who all have their own "constituencies", with frequently diverging and conflicting agendas, Petritsch set up a "Cabinet" including the Heads of the most important international organizations (which today is called the Board of Principals). Together with the PIC Steering Board (SB) Ambassadors in Sarajevo, these were and have been the most senior policy

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[228] Decision appointing a Provisional Administrator for the Hercegovacka Banka, 5 April 2001, www.ohr.int

[229] It could be argued that the separatist movement was partly triggered by the OSCE's elections engineering and last-minute changes to the election laws which disadvantaged, frustrated and radicalized the Bosnian Croats. *See* Omerovic, The role of the High Representative, p. 68.

coordination bodies and international advisory and steering groups the HR relies upon, including when discussing the use of the Bonn powers.[230]

Under these new structures, Petritsch created three new functional international task forces (which were further subdivided into expert panels and working groups) on economic, judicial and institution building matters. These were modelled after the existing and successful Return and Reconstruction Task Force (RRTF). After this "refined Task Force model" was endorsed by the PIC SB, the IC was in well-coordinated and coherent control of the entire spectrum of reform activities in all the relevant sectors.[231] This was an immensely important prerequisite for the reform-boosting success of the subsequent years and it ensured that the HR was in a position to effectively execute his Dayton-given mandate as the IC's coordinator.

However, the highlight in 2002 was the implementation into legislation of what became known as the "coco decisions," a series of rulings of the Constitutional Court of BiH, judging on a motion from late President Alija Izetbegovic that declared several provisions of the entity constitutions as discriminatory and not in line with Annex IV of the DPA, the BiH Constitution.[232]

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[230] The HR meets with the Principals and PIC SB Ambassadors on a weekly basis to discuss policy issues and coordinate on all relevant issues including media and lobbying strategies.

[231] Communiqué by the PIC Steering Board, Brussels 28 February 2002, www.ohr.int

[232] *See* for example, International Crisis Group, *Implementing Equality:* " *The Constituent Peoples" Decision in Bosnia and Herzegovina.* Balkans Report Number 128, 16 April 2002. For the development of the "5/98" decision s*ee also* Ingo Winkelmann, *Der Bundesstaat Bosnien-Herzegowina*, in Vitzthum/ Winkelmann (Eds.), Bosnien-Herzegowina im Horizont Europas.

"*Suaviter in modo, Europaeis in re*"

From the Bonn powers' point of view, the imposition on 19 April 2002[233] by HR Petritsch of amendments to the entity constitutions bringing them in line with the BiH Constitution was a breakthrough for several reasons: the HR acted not only as a negotiator and mediator among the domestic parties when brokering the underpinning political agreement, but instead of decreeing the full legislative package he used his powers only to close the legislative gap by amending those few provisions on which the entity legislators were unable to find a majority despite the existing so-called Sarajevo-Mrakovica Agreement. The "coco" impositions made it possible to have the 2002 general elections and the constitution of entity Parliaments and Executives were organized in accordance within a new, non-discriminatory system which gives all three constituent peoples equal rights in both entities and provides for an adequate constitutional status of the Others. Hence, this "gap-closing" intervention by Petritsch was, despite "a lot of arm-twisting,"[234] one of the first "soft" impositions.

As a consequence to this major constitutional change, 2002 was the year with the highest number of Bonn power use by the HR totalling 153 decisions, over 30% of which were devoted to judicial reform, one fourth was "coco" and elections-related, and the remainder involved some – in BiH terms – "revolutionary" pieces of legislation such as the civil service law which started to address the immanent problem of political party patronage and crony appointments in the public sector.[235] The latter proved to be a key reform instrument before and after the 2002 general elections, in particular in the light of changing governments from the reform-oriented (but moder-

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[233] Decisions on constitutional amendments in Republika Srpska and in the Federation of Bosnia and Constitutions, 19 April 2002, www.ohr.int

[234] Wolfgang Petritsch*, The Fate of Bosnia and Herzegovina*, in Soliz/ Dizdarevic (Eds.), Ownership Process in Bosnia and Herzegovina, p.25.

[235] Decision Imposing the Law on Civil Service in the Institutions of Bosnia and Herzegovina and Decision appointing Mr. Jakob Finci to the position of first Head of the Civil Service Agency, 23 May 2002, www.ohr.int

ate in success) Alliance for Change to a revival of the three mono-ethnic parties.[236]

In 2002, Paddy Ashdown, who followed Wolfgang Petritsch in May,[237] continued the reform of the economy and the rule of law on which he shifted the entire focus of his "jobs and justice programme." It did not take long until a new category of impositions emerged. One of Lord Ashdown's most disputed removals was the dismissal of the Federation of BiH Minister of Finance, Nikola Grabovac, one month after Paddy Ashdown had taken over the position as HR. By dismissing the holder of an office who is "subject to the highest fiduciary duties in relation to the public finances" HR Ashdown introduced new standards for "ministerial responsibility" in BiH. The reason for barring someone from a public position was no longer obstructionism of "Dayton-proper", *but of disobeying European standards of ethics and failing to maintain the confidence of the general public*. It was in this context that the HR considered the restoration of the principles of proper governance, transparency and rule of law which in turn are essential elements in the Dayton peace implementation process, and which have been "eroded by Mr. Grabovac's conduct," only feasible by removing Mr. Grabovac from office.[238]

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[236] Initially, there was fierce resistance from the nationalist parties which continued to attempt to put party-loyal civil servants (based on strict ethnic quotas) in key positions, by-passing the new recruitment system which the Civil Service Law provided for. It was only nearly a year after the imposition of the law and the appointment of the Agency Director that the civil service legislation was put into practice and all legal provisions began to be recognized and applied by BiH public institutions to recruitment and dismissal practices. However, the old practices of political party patronage continued beyond that date and are still prevalent, mostly in the FBiH despite the passage of a similar law in mid-2003. *See* OHR Press release, *High Representative Highlights Key reform Role of Civil Service Agency*, 6 February 2003, www.ohr.int

[237] In his last days as HR Petritsch imposed 43 decisions on 22-24 May, mostly in the rule of law field in order to facilitate HR Ashdown's start with a positive imposition record.

[238] Decision removing Mr. Nikola Grabovac from his position of Minister of Finance of the Federation of Bosnia and Herzegovina, 14 June 2002. www.ohr.int

This is a significant innovation in BiH's post-war politics, that the most senior official and line manager and thus the individual on top of the hierarchy responsible for severe mismanagement, corruption or the misuse of public funds must bear the ultimate responsibility for this misconduct within the organization, even though the person himself was not necessarily "guilty" in the sense of having personally or financially benefited from illegal activities. By introducing this principle, which has to be seen as part of a wider range of activities to bring more transparency, accountability, and professionalism into the public sector, including the aforementioned civil service law, related laws on ministerial appointments[239] and legislation limiting the self-granted privileges and immunities for domestic politicians,[240] as well as increasingly promoting auditing measures in public enterprises,[241] the HR, via the use of his Bonn powers, has brought BiH closer to European standards! During this period, the HR, together with other international key agencies including SFOR, ICTY, OSCE etc. began also to be more actively engaged in verifying party nominees for certain ministerial and other positions ("vetting").

The Light at the End of the Tunnel?

In 2003, the number of HR's interventions decreased (compared with the previous year), totalling 100 decisions, out of which 7 were removals of office holders; one third of the decisions were related to the rule of law including the enactment of the BiH Criminal and Criminal procedure codes. A number of decisions involved the replacement of judges and prosecutors

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[239] Decisions Enacting the Laws on Ministerial Government and other Appointments of Bosnia and Herzegovina, the Republika Srpska and the Federation of Bosnia and Herzegovina, 27 February 2003, www.ohr.int

[240] Decisions Enacting the Laws on Gifts of the Republika Srpska and the Federation of Bosnia and Herzegovina, 6 March 2003; Decisions Enacting the Laws on Immunity of Bosnia and Herzegovina, the Republika Srpska and the Federation of Bosnia and Herzegovina, 7 October 2002, www.ohr.int

[241] See for example Decision on the Special Auditor for the Republika Srpska, and Decision on the Special Auditor for the Federation of Bosnia and Herzegovina, 1 August 2002, www.ohr.int

who had been appointed in the war and communist periods. The screening of the supreme guardians of law is only a logical step in an overhaul attempt to entrench the rule of law and in the light of the civil service reform, this was still a "missing link" in the process of public sector professionalisation launched in 2002.[242]

Another interesting new form of soft impositions can be seen in the use of the Bonn powers for advancing the reform of the intelligence sector, which together with the defence and police structures is another remnant from the socialist and war time past of BiH. The intelligence law as drafted by a new commission[243] (and not mainly by the OHR Legal Department) was merely "kick-started" and forwarded to Parliament for consideration thanks to the HR's intervention, after the BiH Council of Ministers (CoM) had failed to do so.[244]

The Commission's work is also an example for HR Ashdown's increasing "soft"- approach by setting up a domestic body comprising of political representatives and experts under international chairmanship. This model has been applied to all main reform areas where HR Ashdown considered progress necessary for putting BiH "irreversibly on the road to statehood within

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[242] *See* for example the 23 May 2002 decisions by HR Petritsch suspending various judges and prosecutors, the decision of the same day enacting the Laws on the High Judicial and Prosecutorial Councils of Bosnia and Herzegovina, the Republika Srpska and the Federation of Bosnia and Herzegovina, and HR Ashdown's decisions of 6 August 2002 on the appointments of the members of the High Judicial and Prosecutorial Councils, the mandate of the Independent Judicial Commission; the 21 August 2002 decisions enacting the Laws of Prosecutors' Offices; and the 1 November 2002 decisions amending the laws on courts. In 2003, further amendments to the prosecutors' offices laws were imposed on 24 January, new members to the HJPCs and international judges to the Court of BiH were appointed throughout the year and the relevant laws were further amended. www.ohr.int

[243] Decision establishing the Expert Commission on Intelligence Reform, 30 May 2003, www.ohr.int

[244] *See* Decision proposing the Law on the Intelligence and Security Agency of BiH to the Parliamentary Assembly of BiH, 17 December 2003, www.ohr.int

Europe"[245] including defence reform[246], intelligence reform, securing the financial sustainability of the state by indirect taxation reform[247] and reintegrating the city of Mostar[248]. These commissions have successfully elaborated comprehensive legislative reform packages which were either implemented without direct interference or use of the Bonn powers – and have thus resulted in an even strengthened degree of domestic ownership (defence)[249] – or by 'closing the legislative gap' with a soft imposition (Mostar).[250]

The presence alone of the power of the HR to dismiss a public figure, in combination with international pressure and the leverage of public opinion is sometimes sufficient for the concerned individual to bear the consequences and step down "voluntarily." This was, for instance the case when Presidency member Mirko Sarovic gave up his position in 2003 over the Orao weapons export affair.[251]

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[245] Inaugural speech by Paddy Ashdown, the new High Representative for Bosnia & Herzegovina, 27 May 2002, www.ohr.int

[246] Decision establishing the Defense Reform Commission, 9 May 2003, www.ohr.int. For a detailed insight into the work of the Defence Reform Commission *see* the article in this publication by Christian Haupt on *"Negotiations on Defence Reform in Bosnia and Herzegovina."*

[247] Decision Establishing the Indirect Tax Policy Commission, 12 February 2003, www.ohr.int

[248] Decision Establishing the Commission for Reforming the City of Mostar, 17 September 2003, www.ohr.int

[249] *See* BiH Minister of Defence Appointed Co-Chair of DRC, 11 May 2004, www.ohr.int

[250] *See* Decision on the Implementation Of the Reorganization Of The City of Mostar, 28 January 2004, www.ohr.int

[251] *See* PIC SB Political Directors Communiqué, Brussels, 28 March 2003, www.ohr.int. For details on the ORAO scandal *see* Haupt, *Negotiations on Defence reform.* A year after Sarovic's resignation the HR imposed further sanctions against him including his removal from his political party position and the blocking of his bank accounts. Decision removing Mr. Mirko Sarovic from his position in the Serb Democratic Party, 10 February 2004; Order of 9 February 2004 Blocking all Bank Accounts of, held by and/or in the name of Mirko Sarovic, www.ohr.int

2003 saw two additional new categories of HR decisions which deserve to be mentioned: First, a couple of financial and logistical changes to banking laws were imposed by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in order to make the closure of bank accounts in BiH possible to impede networks that support persons indicted for war criminals (PIFWCs).[252] Close cooperation with SFOR and Embassies, as well as the removal of key financial supporters, have dried out some financial support and made life more difficult for those indicted persons most wanted by the ICTY. These measures, which have been accompanied by a more robust and proactive search campaign for Radovan Karadzic by SFOR are also a step towards fighting organized crime more effectively due to the tight connections between criminal networks and groups supportive of war criminals.[253]

The second new type of decisions used by HR Ashdown for the first time in 2004 are financial sanctions imposed on political parties or individuals for non-compliance with agreed policies backed by the PIC SB. The area of education reform has been primarily affected by such sanctions as a response to the domestic parties' failures to depoliticize this sector (by administratively unifying "two schools under one roof" etc), in contrast to BiH's international obligations including the Council of Europe's post-accession criteria.[254]

In 2004 the removals by the HR have so far been almost exclusively related to those latter two categories. Not once have the Bonn powers been used

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[252]   *See* for instance Decision Enacting the Law on Further Amendments to the Law on the Banking Agency of the Federation of Bosnia and Herzegovina, Decision Enacting the Law on Further Amendments to the Law on the Banking Agency of the Republika Srpska, Decision Enacting the Law on Amendments to the Law on Banks of the Republika Srpska etc. of 7 March 2003, www.ohr.int.

[253]   *See* the orders by HR Ashdown of 7 July 2003 blocking bank accounts of individuals, including bank accounts held by and/or in the name of Ljiljana Zelen-Karadzic, www.ohr.int

[254]   *See* Directive Reducing Party Funding for the HDZ which reduces the budgetary itemization for the fiscal year for political party funding by a progressive 5 percent (per every week of delay), 27 April 2004, www.ohr.int

this year to enact a new law. The amendments to e.g. the civil service laws were made, as it had been the case before, when these laws were adjusted, in consensus with the domestic authorities in order to speed up the legislative process.[255] Other impositions involved a bundle of decisions on the reunification of Mostar at the beginning of the year. The Mostar decree was a soft imposition of a reform package to reintegrate and reunify the divided Herzegovina capital, rid it from its parallel governing structures and put into legislative action what the domestic politicians in the expert commission under the chairmanship of former German Mayor Norbert Winterstein had mostly already agreed upon by themselves. However, this reintegration process would not have happened without the external stimulus by the HR![256]

From Dayton to Brussels: replacing the push of the Bonn powers by the pull of Euro-Atlantic integration[257]

Despite its tremendous achievements since 1995, "leap-frogging" from a post-communist and war-torn former Yugoslav republic to a sovereign Council of Europe member state with a highly interesting investment market and the most stable currency in South East Europe, BiH is still in a stage of "triple-transformation:" from war to a peaceful democratic country, from a

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[255] This could be seen almost as a category per se, where the HR uses his powers in full agreement with the executive and legislative branches "out of convenience." *See* Decision Enacting the Law on Amendments to the Law on Civil Service in the Institutions of Bosnia and Herzegovina of 14 March 2003, and Decisions enacting Laws on Amendments to the Laws on Civil Service in the Institutions and administrations of Bosnia and Herzegovina, the Republika Srpska and the Federation of Bosnia and Herzegovina, 21 April 2004, www.ohr.int

[256] Decision on the Implementation Of the Reorganization Of The City of Mostar, 28 January 2004, www.ohr.int

[257] *See* Wolfgang Petritsch, Bosna I Hercegovina od Dayton do Evrope, Svjetlost, Sarajevo (2002); Paddy Ashdown, *"From Dayton to Brussels,"* Article by the HR, 12 May 2004, www.ohr.int

socialist economic system to a market economy, and from an aid-driven to an investment driven self-sustainable country.[258]

What does this transformation mean for the role of the IC and the HR in BiH today and are the Bonn powers in "the most decentralized state of the world"[259] still necessary? What justifies the continued practice of external interference into internal politics of a sovereign country that is recognized by the United Nations and how can the existence of the HR be justified in the light of relatively stable political conditions in the wider region as well as in the country itself? Is BiH – a laboratory for "un État de droit"[260] – also a playground for European Union strategists in testing EU instruments of "common" foreign, security, and defence policies,[261] or has the country be-come a "European Raj," a neo-colonial outpost and "black hole" reigned by a "vigorous despot" and "benevolent dictator" without any democratic checks and balances?[262]

The use of the extraordinary powers has undergone several stages hand in hand with the transformation process of political maturing from a *de facto*

[258] Zarko Papic, *The general situation in B-H and international support policies*, International Support Policies to South-East European Countries: Lessons (not) Learned in Bosnia and Herzegovina, Sarajevo (2001) pp.8, www.soros.org.ba

[259] Sumantra Bose, Bosnia after Dayton, Nationalist Partition and International Intervention, Hurst, London (2002), p.23.

[260] Pech, «*La garantie internationale de l'ordre constitutionnel de Bosnie-Herzégovine*», p.439.

[261] BiH is about to become the first country outside of the EU where besides the European Commission as the European Communities' "first pillar" all "second pillar" instruments of the EU's Common Foreign and Security Policy (CFSP) and the European Security and Defence Policy (ESDP) will be employed on the ground. In practical terms, next to bilateral representatives of most of the 25 EU Member States including the rotating EU-Presidency and the Delegation of the European Commission, the Union is represented by the European Union Special Representative (EUSR), the European Union Police Mission (EUPM), the European Union Monitoring Mission (EUMM), as well as the future European Union Military Presence (EUFOR) that is to take over from NATO/SFOR by the end of 2004.

[262] *See* Knaus & Martin, *"Travails of the European Raj."*

protectorate towards a self-sustainable state. The HR does not use his Bonn powers "in a vacuum," neither in terms of domestic politics (as it has been pointed out), nor without prior consultation with and guidance from the PIC SB. Moreover, as shown before, the interventions have become less frequent and "softer."

However, from a human rights point of view, to question the dismissal practices of democratically elected public officials by an international executive appears to be justified.[263]

The angle chosen in this article is a functional and "integrationist" one which attempts to put the necessity of the use of the special powers of the HR in the extraordinary and BiH-specific transformation context where, it is argued, the Bonn powers have served directly or indirectly for promoting and facilitating BiH's sectoral rapprochement with the European Union and the North Atlantic Treaty Organization (NATO). In formal terms, the process started in May 2002, when the new HR, Lord Ashdown, was "double-hatted" through his appointment as European Union Special Representative.[264]

First stop: Thessalonica

In 2000, the EU presented a "Road Map" – a catalogue of 18 political, economic and human rights related requirements to be fulfilled by the BiH authorities as a first concrete step towards a closer association with the Union. Once these conditions are fulfilled, the EU would engage in a closer look at the readiness of BiH to enter into a more formal pre-accession relationship

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[263]   Christine von Kohl, *Es geht um Bosnien-Herzegowina*, in Christine von Kohl, Vedran Dzihic (Eds.), Balkan diskurs # 1, Bosnien Herzegowina: 8 Jahre nach Dayton – Krisen, Kritik, Perspektiven, Vienna 2003, p.7.

[264]   Council of the European Union, Joint Action of 11 March 2002, on the Appointment of the EU Special Representative in Bosnia and Herzegovina, (2002/211/CFSP), Official Journal of the European Communities, L70/7 of 13 March 2002. *See also* PIC SB Political Directors, Communiqué, 28 February 2002, www.ohr.int

with the EU via negotiations of a Stabilisation and Association Agreement (SAA), the EU's main instrument for bringing transition countries closer to the set of complex processes and norms ("the acquis communautaire") of the Union.[265]

In the sectors of democratisation, human rights, and education for example, the Council of Europe, to which BiH acceded in April 2002, drafted a similar, although much longer list of criteria that BiH was expected to fulfil prior and following its entry into Europe's oldest international intergovernmental organisation (post-accession criteria). Two years after BiH's accession to the Council of Europe – the amount of time it takes for post-accession criteria implementation – these conditions have still not been fully met and the "strengthening of BiH's Statehood and democratic institutions is still in progress."[266]

In October 2003, EU Commissioner Chris Patten presented a feasibility study about the preparedness of BiH for the opening of an SAA. It was concluded that the Commission "hopes to be able to recommend the opening of SAA negotiations next year – on the condition that BiH makes significant progress in a number of areas identified as priorities for action…" These 16 priority areas include "compliance with existing conditionality and international obligations; more effective governance; more effective public administration; European integration; effective human rights provisions; effective judiciary; tackling crime, especially organised crime; managing asylum and migration; customs and taxation reform; budget legislation; budget practice; reliable statistics; consistent trade policy; integrated energy market; the BiH single economic space and public broadcasting." If the European Commission were to find "in the course of 2004" that sufficient progress was made

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[265]   The EU's relations with Bosnia and Herzegovina, www.europa.eu.int

[266]   *See* Council of Europe, *Compliance with obligations and commitments and implementation of the post-accession programme*, SG\INF (2004)10 of 16 March 2004, www.coe.int

in these areas, it would recommend to the member states of the EU (the Council) to start SAA negotiations."[267]

The process of Stabilisation and Association (SAP) and the EU's Partnership Programmes with the "carrot" of a comprehensive financial support package (CARDS) are the main vehicles for BiH's integration into the EU. The EU-Western Balkans Thessalonica summit in June 2003 indicated that at the end of this SAP would be "ultimate membership into the European Union, through adoption of European standards," spelled out as precondition of the feasibility study.[268]

Immediately after the "yes, but" decision by the European Commission on the conditional decision to start SAA negotiations, the BiH Council of Ministers (CoM) passed a Decision on the Procedures in the Process of Coordination of the BiH Legislation with the Acquis Communautaire and drafted an ambitious action plan to translate the political, economic, human rights and other detailed technical criteria into legislative and executive measures.[269] A first interim assessment given by the Commission in April 2004 stated that "on those of the 16 points relating to the political situation, progress has been moderate," "BiH faces major economic challenges," and "in terms of meeting the technical SAP requirements, the judgement of the Feasibility Study [of] a pattern of intermittent progress, interspersed with areas where crucial reform has not been completed, or in some cases even begun" remains valid. This interim SAA assessment continues by warning that "in

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267 Commission of the European Communities, Report from the Commission to the Council on the preparedness of Bosnia and Herzegovina to negotiate a Stabilisation and Association Agreement with the European Union, COM (2003) 692 final, Brussels, 18 November 2003, www.europa.eu.int

268 EU-Western Balkans Summit-Declaration, Thessalonica, 21 June 2003, www.europa.eu.int

269 Council of Ministers of Bosnia and Herzegovina, 33rd session, Decision of 3 December 2003, www.esi.gov.ba

too many areas where progress has been achieved, that progress has come only thanks to international pressure."[270]

At its April 2004 meeting, the PIC "Steering Board noted the publication of the European Commission's annual Stabilization and Association Report on BiH, and its European Partnership with BiH. Acknowledging the progress the country has made in addressing the 16 areas for priority action set out in the EC's Feasibility Study in November 2003, the Steering Board stressed that much still needs to be done, and much more quickly if the BiH authorities' own targets are not to be missed. It urged the BiH authorities to address without delay the areas of concern listed by the European Commission, and to act expeditiously on the European Partnership document."[271]

In contrast to this, the CoM's Directorate for European Integration made a rather positive self-assessment about the status of implementation of the feasibility study requirements.[272]

Second stop: Istanbul

A similar integration process with Euro-Atlantic organizations is evolving in the defence field. At the December 2003 NATO Foreign Ministers meeting, Serbia and Montenegro and BiH were given a realistic perspective of joining NATO's Partnership for Peace Programme (PfP) under the condition that they "comply fully with their international obligations, including full cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY), in particular bringing to justice all those who are indicted by

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[270] Commission of the European Communities, Commission staff working paper Bosnia and Herzegovina, Stabilisation and Association Report 2004, COM (2004) 205, Brussels, 30 March 2004, www.europa.eu.int

[271] PIC SB Political Directors, Communiqué, 1 April 2004, www.ohr.int

[272] www.dei.gov.ba

the Tribunal, notably Radovan Karadzic and Ratko Mladic, as well as Ante Gotovina, in accordance with UN Security Council Resolution 1503."[273]

The NATO Foreign ministers even urged "both countries to envisage the Istanbul Summit as a realistic target by which they could meet the outstanding conditions," and indicated that they would "assess the two countries' progress on their possible accession to PfP in advance of the Istanbul Summit."[274] The decisive date at which NATO is expected to decide about BiH's PfP membership and thus about BiH's further integration into Euro-Atlantic structures is the upcoming NATO summit of Heads of State and Government on 28-29 June 2004. In parallel with the North Atlantic Council's Final Communiqué, then NATO Secretary General (SG) Lord Robertson sent a letter to the BiH Presidency in which he reiterated that, " The Alliance stands determined to support [BiH] in achieving further progress on the road to Partnership for Peace Membership. In order to indicate more concretely the further steps on implementation of this highly important legislation on the path towards PfP, the NATO Council endorsed on 14 November a "Non Paper on benchmarks for Bosnia and Herzegovina Partnership for Peace Membership," which was attached to the SG's 4 December 2003 letter.[275]

The NATO benchmarks spelled out by Lord Robertson include legislative, institutional, budgetary, personnel and technical reform measures that the BiH authorities – in the framework of the Defence Reform Commission – are expected to implement in order to reach a positive decision at the Istanbul summit. On the other hand, these conditions contain political, "non-DRC benchmarks," notably cooperation with the ICTY. As far as this ICTY cooperation is concerned, the Political Directors of the PIC SB stated at their 1 April 2004 meeting in Sarajevo that, "the BiH authorities are putting

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273   Ministerial Meeting of the North Atlantic Council, Final Communiqué, paragraph 10, Brussels, 4 December 2003, www.nato.int

274   Ibid.

275   NATO, Secretary General, Letter to Presidents Paravac, Covic and Tihic, 4 December 2003, SG (2003) 1361.

this country's future at risk if they fail to cooperate fully with the ICTY. BiH will not have fulfilled its international obligations until it has taken all possible measures to transfer indictees, including Radovan Karadzic, to The Hague." They added that despite some successes, "implementation of core reforms is being delayed and in some cases jeopardized by the politics of the governing parties. This may undermine BiH's chances of gaining membership in Partnership for Peace (PfP), and could limit the ability of the European Commission to recommend in 2004 the opening of negotiations on a Stabilization and Association Agreement."[276]

In addition, the supreme organ representing the IC in BiH, "underlined that the steps taken to implement the Defence Reform Commission's recommendations between now and June will be of fundamental importance to NATO's decision on whether to accept BiH's application to join PfP. In this context, the Steering Board warned that the impetus behind reform had to be strengthened and the issues that are hampering progress had to be overcome. Full co-operation with the ICTY is also a core requirement and the BiH authorities, in particular the RS, will have to show results in this field. So far they have not done so."[277]

In the light of this recent development, these two interdependent processes of EU and NATO integration are the umbrella for most of the reforms undertaken in BiH. They also define BiH's near-term (PfP), mid-term (SAA) and long-term (EU membership) political and foreign policy objectives. At the same time, these processes and their various sub-processes indicate the status of BiH's transformation from dependency to self-sustainability.

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[276]   PIC SB Political Directors, Communiqué, 1 April 2004, www.ohr.int
[277]   Ibid.

"Non-stop": OHR Sarajevo

In this current period of transformation BiH is somewhere in between the two poles of dependency and self-sustainability, but it is certainly closer to the destination than the point of departure.[278] And it is this Euro-Atlantic path (and no longer the DPA implementation *strictu sensu*!) that is currently determining and will continue to influence the degree of interventionism BiH is exposed to from the side of the IC. Obviously, this co-governing by the IC has changed as BiH has moved forward on its European road, and as it was demonstrated in the first part of this article. With the transformation of the tools and instruments employed by the IC and the HR in particular, the role of the IC/HR itself has been altered, in the words of previous Senior Deputy High Representative Gerhard Enver Schroembgens, to that of a "midwife."[279]

The fundamental innovative difference that the two integrationist processes initiated in the politics of BiH is that they caused a substantial shift in the responsibility of domestic elites and politicians towards more ownership. Not only have "positive competencies" been transferred from international to domestic structures, but also have domestic stakeholders been increasingly identified by the public opinion for mistakes and failures the consequences of which they have only themselves to blame.[280]

Against the background of this integrationist development based on externally defined conditions that need to be implemented internally by the BiH

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[278] Solioz sees BiH "somewhere half-way between a democracy and an authoritarian regime, in a grey zone characterized by somewhat disquieting socio-economic performances and sham pluralism, only poorly masking the domination of an elite that is partly corrupt, partly incompetent." Christophe Solioz, *the Art of the Possible*, p.23.

[279] Gerhard Enver Schroembgens, Speech to senior BiH officials participating in the Intergovernmental Task Force on Public Administration Reform, 23 June 2003.

[280] For a transfer of positive competencies from the OHR to the BiH authorities *see* e.g. the termination transfer of the OHR RRTF capacity to the BiH Ministry for Human Rights and Refugees. PIC SB Political Directors, Declaration 12 June 2003, www.ohr.int

authorities themselves, the HR with the support from the PIC SB,[281] has made it clear that he would not use his powers to impose the 16 reform sectors that have been requested by the European Commission's Feasibility study, by repeatedly emphasizing that the "way to Europe does not lead through the Office of the High Representative."[282] This approach also eliminates the former "scapegoat" effect by which the HR has frequently been in a position where he had to use his authority to implement measures that were unpopular amongst domestic politicians and the public although there was often an understanding and inherent support by political elites for the necessity of such measures.[283]

The reluctance by the HR to impose reform is a decisive turning point in BiH's post-war development and the DPA implementation and can be regarded as the beginning of the end of the *de facto* protectorate. At the end of the day, the 16 Feasibility study priorities and the NATO conditions for BiH to join PfP (whether fully and timely implemented or not!) are – in the absence of any quantitative measurements – instruments to gauge the degree of BiH's self-sustainability. They are the weight on the scales, the "pitch" of which is the HR, who has his own "road map," the Mission Implementation Plan.[284] Hence, the "HR's" exit strategy, which is substantially inter-linked

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[281] "The PIC Steering Board noted the outcome of the EC's Feasibility Study and the 4 December NATO Ministerial meeting, which set out clearly the steps BiH needs to take in order to be in a position to meet both its aims of starting negotiations on a Stabilisation and Association Agreement and joining the Alliance's Partnership for Peace. The PIC Steering Board underlined that it was for the BiH authorities themselves to take the actions required, and that this should commence without delay and should form the major part of their core reform efforts in 2004. … The responsibility for a successful outcome in both processes lies completely in Bosnia and Herzegovina's hands." PIC SB Political Directors, Communiqué, 11 December 2003, www.ohr.int

[282] High Representative's Message to Leaders of BiH, 25 September 2003, www.ohr.int

[283] These interventions led to a dependency syndrome in situations of uncomfortable decisions which would also be unpopular in Western Governments. Petritsch, Bosnien und Herzegowina 5 Jahre nach Dayton, p.121.

[284] The objective of the MIP is to set out four core tasks and to provide the HR with means of evaluating the progress in "ticking off" OHR activities in entrenching the

with the NATO and EU conditionality, is also an entry-strategy for BiH into Euro-Atlantic structures.[285]

From Trusteeship to Tutorship: the "Professor-Student relationship"[286] between the HR and BiH Authorities

If the HR no longer imposes legislation, in particular not in the areas of the feasibility study, what can be and has become his "midwife-role" as in-theatre facilitator and arbitrator?

As described above, the transformation of the HR from a "toothless tiger" to a harsh arbitrator and ruler against separatist and obstructionist forces, and finally to a soft mediator and negotiator amongst parties, was a staged process embedded into the political development of BiH from the 1995 truce until the 2002 "coco" reforms. Since then, BiH has entered into its final and latest transformation stage of institution building and statehood-formation, and economic development towards a self-sustainable country. The more ownership and responsibility the domestic authorities are gaining in this "zero-sum-process," the less intervention will be needed to secure the irreversibility of the process towards Europe. This final stage has been charac-

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rule of law, reforming the economy, strengthening the capacity of BiH's governing institutions, especially at state level, and embedding defence sector reforms so as to facilitate BiH into Euro-Atlantic structures. Mission Implementation Plan, February 2004, www.ohr.int

[285] Some have argued that in order to make the HR's actions and interventions more foreseeable it would be necessary to have a "legislative programme and strategy focusing on a more limited range of laws aimed at advancing the state-building process." Christophe Solioz, *From Protectorate to Partnership*, in Soliz/Dizdarevic (Eds.), Ownership Process in Bosnia and Herzegovina, p.55. Others have requested that the OHR "limit itself to a clearly defined legislative agenda," and that the HR declares publicly which areas he is going to use the Bonn powers in. Marcus Cox & Gerald Knaus, ESI, *Open Letter to Lord Ashdown*, Sarajevo 16 July 2003. This is exactly what the MIP, a public document, is and does in combination with the EU and NATO conditionality!

[286] Ambassador Donald Hays, Interview, Sarajevo, 30 April 2004.

terized by a change in the role of the IC and the HR, built on his tasks as a mediator and negotiator.

The newly defined role of the HR as negotiator, coach, mentor, and council-lor has not been institutionalized yet.[287] In practice, however, the partnership relationship between the HR and the CoM "across the Miljacka River" is determined – as the functional commissions have shown[288] – by a high de-gree of technical and political cooperation. This is a trend which, in particu-lar at the technical level, needs to be further reinforced through joint draft-ing committees, working groups, twinning programmes etc., in order to con-tinue and complete the shift and transfer of technical know-how and owner-ship to domestic bodies. Continued institution and capacity-building with IC assistance will also be necessary to turn these institutions in functioning state-apparatus and fill empty shells with manpower.[289]

As a consequence of the IC/HR's state-building efforts,[290] the CoM has reached a higher level of professionalism gained more and more self-confidence and there are signs of independent "delivery" in substance de-spite a wide range of areas where ethno-politics appear to dominate the overall interests of the country as a whole.

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[287] See the mandate of the EUPM to "monitor, mentor and inspect Local Police up-per/mid management", EUPM Mission Statement, www.eupm.org.

[288] See the most recent appointment by the HR on 11 May 2004 of the BiH Defence Min-ister as Co-chairman of the DRC, www.ohr.int

[289] There are numerous examples of domestic institutions in BiH that have been staffed with international representatives and experts, most prominently the DPA Annex VI (human rights institutions including the BiH Ombudsman and the former BiH Human Rights Chamber), the BiH Constitutional and State Courts, State Prosecutors Office, the Commission on Real Property Claims (CRPC) etc.

[290] On 3 December 2002, HR Ashdown enacted the CoM Law. Decision Enacting the Law on the Council of Ministers of BiH, 3 December 2002, www.ohr.int. Together with the Law on Ministries, the legislation abolished the cumbersome and ineffective rotation principle of the Chair of the CoM. For the first time BiH has now a Prime Minister with a permanent administrative structure and services, part of which is the key office of the Director for European Integration.

Are the Bonn Powers Still Necessary?

There have been increasing requests for the "abolishment" of the Bonn powers or even the institute of the HR itself. In the specific context of the depicted BiH's transformation from a *quasi*-protectorate under the DPA and the HR's Bonn powers to a fully independent, sovereign and self-sustainable candidate for EU membership and eventually to full-fledged member in EU/NATO, the following functions of usage of Bonn powers can be identified and seem to be still justified, if used as an *ultima ratio* instrument, as long as the transformation process has not been completed, such as:

- **The "Checks and Balances Function"**

There are still powerful political, criminal and PIFWCs support networks of obstructionists in BiH that benefit from archaic parallel structures. As it was the case in the "third entity" movement the HR's Bonn powers are an important safeguard against anti-Dayton tendencies that endanger the statehood of BiH, as long as the rule of law is not completely established and the civic concept of BiH statehood and identity remains weak.[291]

- **The "Damocles Sword Function"**

The threat alone or the theoretical possibility by the HR to use his power is sometimes sufficient for a "person under fire" to acknowledge his/her responsibility e.g. by stepping down voluntarily (Sarovic). This has a deterrent effect on potentially obstructionist practices. The general obedience with dismissals shows also the reluctant acceptance by BiH office holders and society of the existence of the powers.

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[291] The HR must "constantly attempt to ensure a balanced state of affairs between the two entities and with regards to the lower administrative units such as the Cantons in the Federation. Solioz, *the Art of the possible*, p.10.

- **The Reform Booster Function**

Outside of the parameters of the EC and NATO conditionality (until a further decision by NATO/EU has been made) and under strictly limited circumstances and with the political support from the PIC SB, the HR should, for a limited period, be able to revert to his Bonn authority to kick-start, initiate, accelerate and advance reforms in order to complete the transformation of BiH to a stage of full self-sustainability.

- **The *primus inter pares* Function**

As long as the role of the HR/EUSR as "*primus inter pares*" has not been entirely clarified in the EU GFSP/EDSP contexts, he should be equipped with "sticks" (complementary to the military and police force of the future EUFOR) to avoid becoming a "lame-duck" HR/EUSR. Unlike, for example the European Commission, the EUSR has no "carrots" to offer. The latent existence of (well to define) powers and coercive procedures will guarantee credibility vis-à-vis domestic stakeholders and ensure coherence and coordination between and among other EU and IC actors.

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The discussion on the necessity and legitimacy of the extraordinary powers of the HR will continue in the light of the forthcoming crucial months and developments for BiH's further destiny within the Euro-Atlantic structures. Logically, a more formal discussion about the future of the HR and EUSR is connected to the success or failure by BiH authorities to meet the requirements they have accepted to fulfil. NATO's decision about BiH's accession to PfP at the Istanbul Summit, as well as the expected final "avis" of the European Commission on the preparedness of BiH for SAA negotiations will be the two main benchmarks for BiH's Euro-Atlantic integration process. Together with the OHR's MIP, the results of these external assessments will have an impact not only on the future of BiH, but also that of the HR's Office and the further use and "necessity" of the Bonn powers.

Notwithstanding the legitimacy the IC still grants to the Bonn powers as such, there also seems to be a common understanding that they are an increasingly antagonistic factor in BiH's process of rapprochement. Last but not least in the eyes of the person who has final authority, HR Lord Ashdown made it clear that, "my job is to do get rid of my job".[292]

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[292] Speech by the HR for Bosnia and Herzegovina Paddy Ashdown to the BiH House of Representatives, 17 December 2002, www.ohr.int

Christian Haupt and Jeff Fitzgerald

NEGOTIATIONS ON DEFENCE REFORM IN BOSNIA AND HERZEGOVINA

I. Introduction

This paper will provide an overview of developments concerning defence reform in Bosnia and Herzegovina, which have mainly taken place through the work of the Defence Reform Commission in 2003 and 2004. No attempt is made to provide an analysis of these developments, and this is by no means an exhaustive description of all events within the sphere of defence reforms. Primarily, this paper endeavours to present the most significant achievements within Bosnia and Herzegovina that led to the Defence Reform Commission and its report[293].

To present an accurate picture of the extent of negotiations on defence reform, it is also necessary to provide an insight into developments and actors engaged in defence reform prior to the current period, which paved the way for recent reforms. As such, any description of the recent negotiations under the mandate of the Defence Reform Commission would be incomplete without the wider background and presentation of the work that had been completed previously by the four main actors present in the military sphere.

Without providing protracted details concerning the constitutional arrangements of Bosnia and Herzegovina, we should be aware of the nature of its defence system as prescribed by the Dayton Peace Accords, and thus the situation that all actors have faced since the end of the conflict.

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[293] http://www.oscebih.org/documents/12-eng.pdf

The Dayton framework contained little legislated provision for State-level defence and security institutions, and the resulting situation was that this vacuum was filled by other means, and thus arrangements for defence were divided into two distinct levels and competencies: the State and entity.

At the State level, the Constitution of Bosnia and Herzegovina did and does not explicitly provide for a defence competency with a State prerogative (apart from the Standing Committee on Military Matters, Article V(5)(a) and (b) which was essentially only an advisory body), but contains several provisions pertaining to defence in a wider sense (that later became the linchpin of reforms and the strengthening of State-level defence capacities).

At the entity level, at that time, defence competencies were prescribed by their respective constitutions, defence laws, and laws on army. The entities thus assumed the leading role in defence; each had its own, separate armed force, and Bosnia and Herzegovina lacked unified and effective State-level command and control competencies over any armed forces.

These arrangements effectively divided the country in a military sense and were not sustainable for a country with a weak economy dependent on foreign financial assistance, burdened by an unaffordable accumulation of armed force personnel and weapons.

With such structural arrangements, systemic weaknesses, and forces incommensurate with the security and defence needs of the country, Bosnia and Herzegovina could not expect to be fully integrated into Euro-Atlantic organisations. Significant legislative and (entity) constitutional amendments had to be agreed upon and implemented in order to develop a strengthened State-level defence capability.

Consequently, the focus of the international community after Dayton through to 2003 was to overcome the military division of Bosnia and Herzegovina and to strengthen State-level arrangements for defence and security.

II. Actors

The international community has played and continues to play a significant role in promoting the need for substantial reform of security and defence arrangements in Bosnia and Herzegovina. Four organisations of primary importance must be distinguished in the initial, post-Dayton phase of defence reform, acting based on different mandates. Each of these has covered a specific area defined: by the Dayton Peace Accords; by subsequent decisions of the Peace Implementation Council (PIC); by Bosnia and Herzegovina's fulfilment of its international obligations deriving from membership in the United Nations (UN); and, by its status as an OSCE participating state.

A. Office of the High Representative (OHR), Military Cell

Mandated by Annex 10[294] of the Dayton Peace Accords, the High Representative was given the task of leading the "establishment of political and constitutional institutions in Bosnia and Herzegovina", to "co-ordinate the activities of the organisations and agencies involved in the civilian aspects of the peace settlement", and to "attend or be represented at meetings of the Joint Military Commission and offer advice particularly on matters of a political-military nature". A Military Cell led by the Military Advisor to the High Representative, so far senior general officers from the United Kingdom, was established to assist the High Representative in the execution of these tasks.

In particular, the OHR Military Cell led the gradual development of the Standing Committee on Military Matters (SCMM), established under Article V(5)(b) of the Constitution of Bosnia and Herzegovina, with its subordinated Secretariat. These developments involved the elaboration of the Presidency of Bosnia and Herzegovina's Decision on the Organisation and Func-

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[294] http://www.ohr.int/dpa/default.asp?content_id=366

tioning of the Defence Institutions of Bosnia and Herzegovina (adopted August 2002), and the Terms of Reference of the SCMM (adopted December 2002).

More important, was the development of the Defence Policy of Bosnia and Herzegovina which provided the basis for the eventual development of the SCMM and its Secretariat. This work was begun by the SCMM in July 1999 and a working group at ministerial level was formally established; however, the intensive work on the development of a defence policy was initiated by the PIC in May 2000[295] with the aim of creating armed forces under a "…*unified command and control capable of joint deployment and action under international and regional security organisations.*"

Following a series of workshops and working group meetings, attending by local and international community actors, the defence policy document was prepared in close co-operation with the OHR Military Cell and approved by the Presidency of Bosnia and Herzegovina on 11 May 2001.

At that time, these documents were the clearest definition of defence competencies at the State level, and in many senses went far beyond what was then seen as the level of defence capability at the State level. These developments, painstakingly developed over more than three years consequently, must be highlighted as two activities of the highest priority leading to decisive progress in defence reform, and prepared the ground for the work of the Defence Reform Commission in 2003.

As with the Defence Policy, the development of a Common Security Policy was initiated by the PIC in May 2000. The PIC directed the SCMM to "...*develop and oversee a common security policy for Bosnia and Herzegovina.*" In contrast to the Defence Policy, the overarching security policy document was drafted by a working group established by the Council of Ministers of Bosnia and Herzegovina, with the participation of representa-

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[295]   http://www.ohr.int/pic/default.asp?content_id=5200

tives from all six State ministries and the SCMM Secretariat. Due to the glacial pace of work, the final document could not be approved by the Presidency of Bosnia and Herzegovina before June 2003, including a short-ened, improved version of the Defence Policy. In the meantime, the Parlia-mentary Assembly of Bosnia and Herzegovina has requested that an update version of this document be prepared, but no revised document has yet been produced.

B. NATO led Stabilisation Force (SFOR)

SFOR is mandated under Annex 1-A of the Dayton Peace Accords[296] to provide a "safe and secure environment" in Bosnia and Herzegovina through the implementation of the military aspects of the Dayton Peace Ac-cords. Article VIII of this Annex has particular relevance for co-operation with the Armed Forces of Bosnia and Herzegovina, and provides for the establishment of the Joint Military Commission (JMC). This is the central body for all parties to this Annex to direct military questions and issues to the attention of the SFOR Commander. Since year 2000 the JMC has sig-nificantly evolved into a consultative, co-operative body, following the ini-tial period from 1996 – 1999 as a coercive body.

With the intention to support actively defence reform, the JMC established the Joint Restructuring Steering Board (JRSB) in July 2000, co-chaired by SFOR and the then OSCE Mission to Bosnia and Herzegovina Department for Regional Stabilisation (which was later renamed to the Department of Security Co-operation). Initially, three JRSB working groups, later ex-panded into nineteen working groups, were engaged in numerous aspects of defence reform. Unfortunately, these groups proved to be inefficient not only due to the large number of meetings, but also because of political ob-struction and limited resources to provide qualified members on both the international community and local side. At the end of 2002 (October), the dormant JRSB was abolished and three task forces established under the

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[296]   http://www.ohr.int/dpa/default.asp?content_id=368

Common Security Policy Working Group (CSPWG) took responsibility for activities within defence reform.

One of the primary actors within SFOR's organisation is the Joint Military Affairs (JMA) office participating in defence reform efforts. This office focuses on the development of the structure of the Armed Forces of Bosnia and Herzegovina based on the Defence Reform Commission's recommendations.

Following the recommendation of the Defence Reform Commission in September 2003 to reduce the end-strength of the Armed Forces of Bosnia and Herzegovina from 19,800 to 12,000, the JMA office has played an important role in the facilitation of that recommendation. The Presidency of Bosnia and Herzegovina recently formally adopted that recommendation in March this year with its Decision on the Size and Structure of the Armed Forces of Bosnia and Herzegovina. The JMA office will continue to exercise an important role in the implementation of that decision.

C. OSCE Mission to Bosnia and Herzegovina

Based on Annex 1-B of the Dayton Peace Accords[297], the OSCE was given the responsibility of facilitating negotiations to establish a balance of military forces in Bosnia and Herzegovina and the region. In particular, the OSCE was tasked with the provision of a framework for co-operative arrangements to reduce the effects of the divided entity defence structures and armed forces. These tasks led to activities through the Article II / Vienna Agreement, which, at its inception has helped, if not to provide a solution, at least to assist to overcome the divisions and pave the way for further reforms.

In addition to the mandate defined by the Dayton Peace Accords, the OSCE, through its Department of Security Co-operation, has constantly widened its

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[297]   http://www.ohr.int/dpa/default.asp?content_id=369

range of activities to support the implementation of Bosnia and Herzegovina's obligations as an OSCE participating state. One of the key bases for its work has been the OSCE Code of Conduct on Politico-Military Aspects of Security (Budapest 1994).

In particular, key aspects of reform activities have centred on the democratic control of armed forces and the provision of assistance to ensure that Bosnia and Herzegovina maintains only such forces as are commensurate with its legitimate security needs. Moreover, it has helped to ensure compliance with standards set by OSCE documents, budget transparency, small arms and light weapons issues, weapons production and trade related legislation, and demobilisation of soldiers.

These activities have resulted with progress in a number of areas; most significantly, in the areas of defence budgets and development of parliamentary oversight capacity. In particular, in 2000, the OSCE played an integral role concerning defence budgeting, which culminated in the conduct of extensive audits of entity military expenditures. The results of these audits revealed an unanticipated high level of defence expenditures and provided valuable information for the continued work to reduce defence expenditures in close co-operation with the ministries of defence. The OSCE's line then was that the affordable level of Armed Forces Strength was around 11.000. Furthermore, the revelation that these high levels of defence expenditures related primarily to personnel paved the way for the process of armed force downsizing in 2002, which produced a drawdown of approximately 14,000 personnel (from approximately 34,000 to 19,800). The OSCE continues to play an integral role in monitoring the current downsizing of armed forces and ministries of defence numbers and in assisting with the retraining and reintegration of the ex-soldiers.

The OSCE has also played an integral role in the development of a parliamentary oversight capability over the armed forces; these activities have manifested themselves at the State and entity levels.

At the State level, activities centred on the establishment of a permanent defence and security committee in the Parliamentary Assembly of Bosnia and Herzegovina came to fruition at the end of December 2003. In co-operation with OHR, a number of seminars were organised and extensive consultations were held with *ad hoc* committees of both the House of Representatives and the House of Peoples of the Parliamentary Assembly of Bosnia and Herzegovina towards the strengthening of the position and work of committees. In particular, these endeavours focused on the establishment of a defence and security committee at the State level. The Defence Reform Commission's recommendation that a joint committee of both parliamentary chambers be established provided the added impetus that culminated with the quick stand-up of the Joint Committee on Defence and Security Policy. Such rapid action, in-line with the recommendations of the Defence Reform Commission, showed the high level of awareness among parliamentarians of the importance of this issue. This awareness has continued to increase with the further work of the committees; in particular at State-level, where the committee has started to exercise its authorities.

D. United Nations Mission to Bosnia and Herzegovina (UNMIBH), Office of the Military Advisor

The Military Advisor to the Special Representative of the Secretary General and Co-ordinator of UN Operations in Bosnia and Herzegovina assumed the lead role in the provision of assistance to Bosnia and Herzegovina to participate in Peace Support Operations (PSO). Despite the successful participation of a number of military officers from both entity armies in several peace-keeping Missions (Eritrea and Congo), decisive progress was not reached concerning the formation of a State-level Composite PSO unit. As a result of continued negotiations in 2002, a general consensus was established on the structure and size of a State-level PSO Transport Unit, but final agreement on the command structure, including a commanding officer from Bosnia and Herzegovina, was not reached. As a compromise solution, the two entities decided to propose a joint unit with an international commander; however, this solution was deemed unacceptable by the UN, and a

prerequisite was set that participation would only occur if Bosnia and Herzegovina provided a commander for the unit. A subsequent solution was not forthcoming.

With the completion of the UN Mission to Bosnia and Herzegovina's mandate and its departure at the end of 2002, less attention was paid to the formation of this unit until the end of 2003, and the signing of the report of the Defence Reform Commission. This event again fuelled debate and activities concerning the participation of a PSO unit from Bosnia and Herzegovina.

Currently, the Ministry of Defence of Bosnia and Herzegovina is working on the preparations to deploy an Explosive Ordnance Disposal Unit to Iraq, planned for September this year, in line with a decision of the Presidency of Bosnia and Herzegovina. The State-level budget, however, does not provide funding for the participation of a unit from Bosnia and Herzegovina in such operations; additionally, technical support and logistic preparations would be required, as well as legislative provisions allowing for the participation of the Armed Forces of Bosnia and Herzegovina outside the country's borders. Furthermore, this issue continues to prove controversial among public debate.

III. Co-ordination and Streamlining of the International Community

Having provided an overview of the main actors engaged in defence reform, it is useful briefly to consider the manner in which their endeavours have been co-ordinated, and, moreover, to describe efforts to streamline these activities.

Following the conclusions of the 1998 December PIC meeting[298], a joint OHR, OSCE, SFOR think-tank was established to examine the politico-military strategy for and in Bosnia and Herzegovina. The think-tank primarily focused on the examination and definition of new joint approaches in

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[298]   http://www.ohr.int/pic/default.asp?content_id=5190

order to strengthen and develop the State level, *vis-à-vis* a future common security policy and the development of State-level institutions. These deliberations culminated in the establishment of the Common Security Policy Working Group (CSPWG) in March 1999, which comprised of representatives from the four institutions outlined in the previous section, but notably without participation of local institutions.

Meetings were held on a monthly basis and proved to be of great importance for the work of the international community. Later, an advisory group to the CSPWG was established on a working level, and developed the 'BiH Security and Defence Framework – Way Ahead' document describing the future steps to be taken in the defence sector. Later this document was used as the template for defining the spheres of activity of three task forces, established by the CSPWG in the second half of 2002. These task forces examined issues connected to security policy and State-level command and control, defence plans and budgets, and restructuring. With the establishment of this limited number of task forces, replacing the numerous JRSB working groups, a more effective structure was created.

With the completion of the UNMiBH's mandate and its departure from Bosnia and Herzegovina, the number of organisations actively working on defence reform and participating in the CSPWG was reduced. A few months previously (September 2002), the former OHR Military Cell was collocated with the OSCE Department of Security Co-operation, in-line with conclusions from the February 2002 PIC Meeting[299]. In 2003, the collocation of the Military Cell turned into merger. However, the Director of the OSCE Department of Security Co-operation still retains the position as Military Advisor to the High Representative. Since then, SFOR and the OSCE Mission to Bosnia and Herzegovina have been the main actors in defence reform.

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[299]   http://www.ohr.int/pic/default.asp?content_id=7009

IV. Towards the Establishment of the Defence Reform Commission

Development of State-Level Defence Institutions

The previous sections have provided an overview of the actors engaged in defence reform in Bosnia and Herzegovina, and have presented some of the key developments in which these actors have been involved. It is now useful to highlight some of the specific events that led up to the establishment of the Defence Reform Commission, which in turn has led to the developments seen over the last year.

As previously described, the OHR Military Cell led negotiations on the reform of the SCMM and the decision to expand its Secretariat following the approval of the Defence Policy of Bosnia and Herzegovina. More specifically, the intention of the international community was to develop the SCMM Secretariat into a body capable to implement decisions of the Presidency of Bosnia and Herzegovina as the civilian commander of the armed forces in Bosnia and Herzegovina. As stated, the Presidency of Bosnia and Herzegovina's Decision on the Organisation and Functioning of the Defence Institutions of Bosnia and Herzegovina, and the SCMM Terms of Reference, represented the breakthrough in forming State-level structures and prepared the ground for the later work of the Defence Reform Commission.

The key aspect of the Decision was the expanded structure of the Secretariat with eighty-eight positions, led by a Secretary General with two deputies, which in-effect leaned towards a ministry-like structure. In addition, the decision allowed for the creation of a Military Commission (which only ever existed on paper and was never stood-up), which was intended to be a general staff-like body. For the first time, there was also a clear definition of responsibilities for the Presidency of Bosnia and Herzegovina as the civilian commander of the armed forces. With this step, for the first time, representatives from the three sides (Bosniacs, Croats and Serbs) agreed to develop a serious State-level identity in defence matters, despite the fact that two entity armed forces continued to exist.

Defence Pledges of Bosnia and Herzegovina, January 2003 to the PIC

A further five months later, on 30 January 2003, the SCMM Secretary General presented to the PIC in Brussels[300] the defence pledges of Bosnia and Herzegovina. In his speech, the SCMM Secretary General expressed the determination of Bosnia and Herzegovina to transform the armed forces to become modern, credible, affordable and capable of protecting the sovereignty and territorial integrity of Bosnia and Herzegovina, and to fulfil their role in accordance with the Constitution of Bosnia and Herzegovina.

On behalf of the Presidency of Bosnia and Herzegovina, the SCMM Secretary General pledged the intent to achieve membership of the European Union and Euro-Atlantic defence structures, and, moreover, to become a credible candidate for the Partnership for Peace within eighteen months.

The pledges also committed Bosnia and Herzegovina to execute such reforms that would lead to the establishment of effective civilian command and control at the State level, and parliamentary oversight over all defence matters.

In order to achieve these objectives, the following list of five pledges was presented, which if fully implemented would have led to the achievement of Bosnia and Herzegovina's objectives:

- To implement defence reforms that will hasten European integration and contribute to regional stability;
- To strengthen State-level institutions exercising civilian command and control over the armed forces;
- To provide for parliamentary oversight over State-level defence institutions;
- To ensure professional, modern and affordable armed forces; and,

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[300]   http://www.ohr.int/pic/default.asp?content_id=29144

- To restructure armed forces in order to participate in the PfP, integrate into wider Euro-Atlantic structures, and engage in peace support operations.

Although representing a clear set of commitments, at that time, the practical implementation of the pledges through institutional changes continued to be difficult until the High Representative established the Defence Reform Commission.

ORAO 'Arms-for-Iraq' Affair and Subsequent High Representative Decisions on Defence Reform

The catalyst for rapid change and the approach of the international community came with the revelation in August 2002 that defence-related institutions of Republika Srpska had sanctioned the illegal export of weapons technology to Iraq. This became know as the 'ORAO' scandal. Additional scandals also came to light involving companies and events in the Federation of Bosnia and Herzegovina; such as the lesser publicised incident involving unsanctioned exports by the company Vitex to Iraq. However, notwithstanding these other incidents, widespread condemnation came from all quarters internationally and in Bosnia and Herzegovina, and this scandal primarily highlighted the extent of the inadequacies of Bosnia and Herzegovina's arrangements for defence. This, in-turn, underlined the necessity for systemic and legislative reform.

In reaction, a number of decisions were undertaken that were the first attempts to address the inadequacies highlighted by the 'ORAO' scandal.

Firstly, a working group was formed in October 2002, tasked to develop a draft State-level Law on the Import and Export of Weapons and Military Equipment, which would establish an import/export licensing system at the State level. This group consisted of local experts and international community representatives (OSCE, OHR, SFOR, and the EU Customs and Fiscal Assistance Office (CAFAO)) and was led by the Ministry of Foreign Trade

and Economic Relations. Prior to the ORAO affair, the import/export regime had been exclusively under the control of entity institutions, and SFOR acted as the authority issuing approvals for the transport of military-related hardware and components.

On 02 April 2003, the High Representative issued, based on his Bonn powers, a number of decisions concerning defence issues imposing constitutional changes at the entity level and establishing a number of working groups[301]. Two working groups are worth mentioning: the first working group examined procedures for senior officers travelling abroad; the second working group developed a State-level weapons production law. This strengthened the feeling in the entities that they could act as mini-states.

The Sarajevo Legal Seminars

It became increasingly obvious, however, that these inadequacies had to be addressed on a more fundamental level, first and foremost, on the side of the State and entities' constitutional and legal orders. Based on entity constitutional changes imposed by the High Representative, two legal seminars in March and May 2003 identified various problems that needed to be addressed. More specifically, these seminars examined legislative reforms at the State and entity levels towards the strengthening of the State and its command and control. In particular, a draft State Defence Law was examined which would authorise State-level command and control over armed forces, and which would produce effective democratic, civilian control and transparency. Specific proposals for changes to entity constitutions necessary to harmonise them with the required State Defence Law were also developed.

At the end of the second seminar, on 8 May 2003, the High Representative announced his decision to establish the Defence Reform Commission[302] to

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[301] http://www.ohr.int/ohr-dept/presso/pressr/default.asp?content_id=29614
[302] http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=29840

overcome the obstacles in the legal sphere to a functioning defence system in Bosnia and Herzegovina. The work of the seminars provided the basis upon which the Defence Reform Commission built its recommendations and legislative reform package.

V. The Defence Reform Commission

The High Representative's detailed decision on the formation of the Defence Reform Commission tasked it to examine the legal measures necessary to reform defence structures in Bosnia and Herzegovina and to identify existing constitutional and legislative provisions which were not in harmony with such required legal measures. Moreover, the commission was tasked to propose legislation in accordance with core principles reflective of the prospective candidacy of Bosnia and Herzegovina in the PfP, commitments within the scope of the OSCE politico-military accords, the necessity to establish democratic oversight and control over armed forces, and mindful of the financial limitations of Bosnia and Herzegovina.

James Locher III, a contracted US citizen, was appointed as the chairman of the commission with a further eleven members, with an extra four parties holding observer status. From the twelve members, seven were from Bosnia and Herzegovina, coming from both the State and entity levels. International community members came from the EU, NATO, OSCE, and SFOR.

The main challenge was to find a compromise acceptable for both entities and the constituent peoples (Bosniacs, Croats and Serbs), which would enable Bosnia and Herzegovina to be achieve credible candidacy for PfP membership. On the other hand, the pressure established by the resignation of the Serb Presidency member, Mirko Sarovic (Serbian Democratic Party - SDS), taking political responsibility for the Orao scandal, and the wish to qualify for PfP membership, produced a positive momentum for the work of the Defence Reform Commission. In particular, through the course of the negotiations and work of the commission, it was apparent that commission members and the political actors they represented understood the need for

deep institutional and legal changes. Moreover, there was large recognition that if reforms were not developed and implemented with local action, it was most likely that the international community, in particular the High Representative, would be forced to impose the necessary legislative amendments. Given the political dynamic and sensitive nature of this issue, all involved had to accept painful compromises with the signing of the final Defence Reform Commission report[303].

One of the most remarkable aspects is that that the far-reaching reforms developed by the Defence Reform Commission passed through the State and entity parliaments without imposition by the international community. One of the primary reasons for this was the understanding that if reforms were imposed by the international community, Bosnia and Herzegovina would not be accepted by NATO as a credible candidate for the PfP. Moreover, in all quarters there was the realisation that the sustainability of reforms also would be in question if not supported by local actors and adopted voluntarily by political institutions. Indeed, many key political figures placed themselves fully behind the legislative reform package and helped to steer these through to adoption.

A few words should also be spent on the conduct of negotiations. The foundation for the further work of the commission was secured with the elaboration of a concept paper, developed during a one-week workshop at the NATO school in Oberammergau. That paper defined the basic framework for the further deliberations of the commission and provided the foundation for its recommendations. Once agreement had been secured, the commission continued its work with remarkably high pace and established temporary working groups, which developed the content of the concept paper towards the legislative proposals and recommendations contained in the Defence Reform Commission's final report.

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[303]   http://www.oscebih.org/documents/12-eng.pdf

The conciliatory nature of the commission and the inclusive approach of its chairman, led to a set of recommendations and proposals that were initially accepted, then supported, and, more importantly, developed by representatives of Bosnia and Herzegovina and not the international community. This, no doubt, contributed to the rapid process of the adoption of the reform legislation.

In addition, after the publication of its report in September 2003, the commission continued to ensure the flow of information to each parliamentary assembly, and actively marshalled the legislation through to adoption.

VI. Conclusion

From the outset of international community involvement, following the signing of the Dayton Peace Accords, defence reform in Bosnia and Herzegovina can be described as a constantly evolving process. At the heart of reform efforts was the attempt to overcome the military division of the State, and to create a unified command and control framework over the armed forces at the State level.

The development of the Defence Policy and of the expanded SCMM Secretariat were milestones and can be seen as positive examples of joint efforts undertaken by Bosnia and Herzegovina actors in co-operation with the international community. A further turning point was the increased awareness with regard to the affordability of armed forces, leading towards significant reductions in personnel strength and the call for further restructuring. Finally, the ORAO affair in 2002 and the resolute steps taken by the international community prepared the ground for the work of the Defence Reform Commission in 2003 and 2004, which has introduced the most dramatic and widespread reforms perhaps since the signing of the Dayton Peace Accords. The dramatic changes in the defence environment in Bosnia and Herzegovina, which perhaps would never have been thought possible two or three years previous, have seen the State assume competency for the command and control over the Armed Forces of Bosnia and Herzegovina.

The recently appointed first Minister of Defence of Bosnia and Herzegovina, Nikola Radovanovic, has led the implementation of the provisions contained in the Defence Law of Bosnia and Herzegovina. In particular, the main endeavour has been the stand-up of the State institutions for defence – the Ministry of Defence, Joint Staff, and Operational Command.

The relationship between the two entities and three constituent peoples in Bosnia and Herzegovina can be described as positive since crucial political obstacles have been removed with the approval of the Defence Law of Bosnia and Herzegovina and the formation of a Ministry of Defence at the State level.

The challenge will remain to implement fully the Defence Law of Bosnia and Herzegovina and the Defence Reform Commission's package of reforms. In particular, the new State-level defence institutions will have to be nurtured towards full operating capacity, as well as the mechanisms (such as a system of command, control, and communication) to ensure the effective functioning of the defence system. The international community will have to continue to play a key supporting role in these endeavours.

Further challenges may arrive with the impending changes in the defence reform environment; in particular, those concerning the future role of the international community. At the end of this year, SFOR will be replaced by a European Union peace-keeping force, which will assume the SFOR mandate to provide a safe and secure environment in Bosnia and Herzegovina. Given the increased normalisation of the security situation, however, it is likely that the role of this force will be orientated around softer aspects of security. Additionally, it is also likely that NATO will retain some in-country presence in order to facilitate the PfP process.

The changing environment in Bosnia and Herzegovina, especially with the establishment of the State defence institutions has seen an increasing willingness (and capacity) from the side of authorities in Bosnia and Herzegovina to undertake reform measures themselves. The international commu-

nity's role in Bosnia and Herzegovina will continue, but with the increase of local capacities, this role will steadily move towards facilitating and mentoring, instead of implementing. Only with such an approach will Bosnia and Herzegovina be able to take responsibility for defence matters, and ultimately in the governance and control of its future.

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SELF-SUSTAINING PEACE IN THE BALKANS – A TWO WAY PROCESS

After the liberation from the Turkish Ottoman Empire, the Balkan states didn't have the same political direction, aspirations or the strategic aim. But now, for the first time in their modern history they do. Their focus is on the membership and integration into the most important Euro-Atlantic institutions: NATO and European Union (EU). I hope that Balkan countries are at the point where no return to the terrible scenarios of the past is possible. Despite many current problems, the future of the Balkans seems to look better. But, the process of establishing a self-sustaining peace in this region is fairly difficult and time consuming, requiring simultaneously the permanent commitment and supervision of the Euro-Atlantic community along with fundamental changes of the Balkan peoples themselves, as well.

In the last twelve years, after the fall of Communism and the beginning of wars in the former Yugoslavia, there wasn't a clear and sound strategic idea of what to do with the territory surrounded by the Adriatic, Ionian, Aegean and Black seas, better known as the *powder keg* of Europe. The European Union and the whole international community frequently acted in a rather confused manner, helpless to contribute long-lasting solutions in Balkan matters. After the Dayton Accords in 1995, some initiatives were launched towards the stability and prosperity of the Balkan region: the Royaumont Initiative, the Southeast European Cooperative Initiative (SECI), the South East Europe Initiative (SEEI), the South Eastern Europe Cooperation Process (SEECP), and the Stability Pact for South Eastern Europe… But, none of them individually could offer a solid overall political, economic and security model for the progress of the region. Finally, the chance has been given by two powerful international organizations: NATO and European Union.

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At this moment it is obvious that strategic partnership between these key Western institutions is taking over a care over the future of the Balkans. Within the Balkan frame, the Western Balkans (Former Yugoslavia, without Slovenia, with Albania) are drawing special attention. It is the area with the most sensitive inter-ethnic relations, characterized by the gravest conflicts throughout the 20th century. Therefore, it has demanded a carefully planned strategy for the future, which was, finally, offered on 29 July, 2003, in a press release entitled *EU and NATO agree (sic) concerted approach for the Western Balkans,* the framework plan for a joint approach to the issues of stability and security in the Western Balkans[304]. It is also clear that they will act in accordance, avoiding unpleasant surprises, sharing *a common vision for the future of* this region. That vision comprises of *self-sustaining stability based on democratic and effective government structures and viable free market economy*[305]. Although this document is aimed at the Western Balkans, its contents are logically extended to the rest of the region. Doubtless, the stability of the Balkans would encompass security, political and economic aspects.

Therefore, NATO as the strongest military alliance in the world can, more than any other structure, contribute to the security of the Balkans, representing at the same time a strong political authority. On the other hand, the European Union is the only structure capable of bringing political and, especially, economic order and prosperity to the region. Both of them have an inseparable role in this historical undertaking which is moving *from ad hoc cooperation towards a genuine common strategy*, as the former NATO General Secretary Lord Robertson said at the EU-Western Balkans Summit, last June in Thessalonica. It can make that region, so problematic in the past, never again the *focus of infection* for the rest of Europe. Authorities of the Balkan countries never separate their wish for achieving the twin goals of NATO membership and EU integration. It is the principal national inter-

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[304] http://www.nato.int/docu/pr/2003/p03-089e.htm
[305] Ibid.

est for all of them. Nevertheless, all Balkan countries don't move at the same pace towards Euro-Atlantic integrations.

Although the United States acts in the region as the leader of NATO, there is still a wider impact of the only remaining superpower in Balkan matters; despite the weakened interest of the United States for Balkan issues, after September 11, its political and military presence is still rather visible. This fact confirms the opinion that without the particular support of the United States, Balkan stability could remain a mere dream. Talking about the financial and economical potential in the reconstruction of the Balkans, this statement is even more convincing. It is quite clear that only with the assistance of the United States, Balkan countries can count on NATO or Partnership for Peace membership. So, the leading role of the United States in Balkan matters is indisputable and will remain such for a long period.

Within the complex Balkan issues, security represents the core element. Without security any of the other tasks leading to the stability and progress of the region would be out of the question. Perceiving that fact, NATO and the EU are harmonizing their security strategies towards the Balkan region, in the wider context, being aware both of old threats and the new ones that emerged through the last years. Further cooperation between NATO and the EU, based on the Berlin Plus package of measures and arrangements that set out conditions under which the EU can access NATO assets and capabilities, is of the highest importance.

Following this guideline, for the first time in its history, the EU led a military operation, named *Concordia*, in the FYRO Macedonia[306], taken over from NATO, on 31 March 2003[307]. Furthermore, the EU Police Mission

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[306] Turkey recognizes Macedonia under its constitutional name.

[307] Monaco, Annalisa, *Operation Concordia and Berlin Plus: NATO and the EU take stock*, December 2003:
http://www.isis-europe.org/ftp/Download/Concordia%20and%20BP-NN%20v5n8.PDF

named *Proxima* (around 200 personnel) replaced *Concordia* on 15 December 2003. Also, the Berlin Plus package paved the way for the future EU-led mission in Bosnia and Herzegovina that will substitute the present NATO-led SFOR mission, reducing the number of deployed troops to some 7500 (down from the initial deployment in December 1995 of 60 000). It has been foreseen that the ultimate commander of the new mission would be the most senior EU officer at Supreme Headquarters Allied Powers Europe (SHAPE) who is also the Deputy Supreme Allied Commander, Europe (DSACEUR)[308].

This mission could be realized by the end of 2004, but the final decision will be made at the NATO Istanbul Summit. As a proof of the common effort concerning stability in the Balkans, joint meetings, on a regular basis, occur between NATO's North Atlantic Council and the Political and Security Committee of the EU. They lately met on 19 April, in Brussels, to discuss, among other issues, the recent development of the situation in Kosovo. It is well known that, at this moment, NATO is completely responsible for the security in Kosovo with about 18.000 deployed troops, under the immediate command authority of Joint Force Command in Naples.

A new addition to the strategic NATO-EU or broader Euro-Atlantic partnership in setting up a favourable security environment in the region is creating a Contact Group Plus, a month after the March outbreak of violence in Kosovo. The Contact Group Plus is consisted of representatives from the EU, NATO and countries included in the Contact Group: the US, Great Britain, France, Italy, Germany and Russia. Its mandate is to facilitate a dialog and institution building in Kosovo, as well as to supervise the application of standards.

Taking into consideration the apparently considerable engagement of the EU in the field of security, the document *A Secure Europe in A Better*

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[308] Serry, Robert, *NATO's Balkan* Odyssey, NATO Review, Winter 2003: http://www.nato.int/docu/review/2003/issue4/english/art3.html

World, proposed by Javier Solana (EU High Representative for the Common Foreign and Security Policy) and adopted by the Heads of State and Government at the European Council, on 12 December 2003 in Brussels, is considerably important, especially for the Balkan countries, because all cited threats are present or are likely to appear in this region (terrorism, proliferation of weapons of mass destruction, failed states and organized crime)[309]. Also, security sector reform is a crucial goal for any serious intention for the integration in both NATO and the EU. However, along with the Euro-Atlantic integration of the Balkan states, regional security cooperation is incomparably valuable for the stability of the area. Despite the *supreme* care of Brussels or Washington, a huge responsibility is lying upon the Balkan countries themselves. Within the present general forms of Balkan regional cooperation the security aspect should always be enhanced. Some significant steps have been made towards development of solid border security and management at the Ohrid Regional Conference on Border Security and Management, held in May, 2003. Also, the project of a Multinational Peacekeeping Force, known as Southeast European Brigade (SEEBRIG) formed of the militaries from the Balkan armies, should be reinforced.

Concerning the Balkans, there is a predominant notion in the consciousness of the civilian public, present for almost two centuries: something obscure, barbaric, and unpredictable. For Europe, the Balkans have always been the focus of wars, conflicts and violence, but at the same time an exotic treasury of literary inspiration[310]. From the Balkans some dangerous, untameable force always threatened, which jeopardized the order around. It was a whirlpool, which by its magnetism attracted Great powers and where one could disappear, where even rulers lost their lives easily. In the Balkans everything was possible, because there were no firm laws; a spark easily becomes an explosion. Hence the well-known expression: the *powder keg*. History has shown that in the Balkans' case this name justifies the latin maxim: *no-*

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[309]   http://ue.eu.int/uedocs/cms_data/docs/2004/4/29/European%20Security%20Strategy.
        pdf

[310]   Fleming, Kathryn E., *Orientalism, the Balkans and Balkan Historiography*, American
        Historical Review, n. 105, October 2000, pp. 1218-1233

men est omen. All these aforementioned facts created an opinion that main characteristics of the Balkans are primitivism, inefficient institutions, corruption and bad manners. Even for the Balkan nations themselves, the term of *man from the Balkans* implies rudeness and primitivism, while the adjective *Balkan* indicates insufficient cultural development and uncivilised behaviour.

All Balkan history has been a history of divisions and conflicts. Nevertheless, the Balkans have also been a place of exchange of different cultures, religions and civilization circles. It is doubtless that in this exchange Balkan nations accepted and adopted one another's customs, beliefs, and mentality. The Balkans is a region rather mixed and for many Western people it is often very hard to distinguish one Balkan nation form another. For the Balkan peoples, characterized by such tiny differences, borders have always meant some kind of obsession[311]. The Balkans were always a theatre of borders dividing Western from Eastern Roman Empire, Catholic and Orthodox Churches, Muslim and Christian worlds, Communist and Capitalist blocs.

There are only a few regions in Europe characterized by such ethnical, religious and cultural diversity. Peoples of the Balkans lived next to each other, sometimes cooperating, trading, exchanging experiences and sometimes fighting and mutually exterminating each other. The heavy heritage of the past, comprising all diversities of the ethnical, religious, ethno-psychological, cultural and economical character is the key for the understanding of relations in the Balkans, as Carl Bildt, the Swedish diplomat for many years involved in the Region, correctly pointed out[312].

The centuries have clearly shown that in mutual relations prevails a negative historical heritage. If we try to list all the deepest inherited factors that conduct and burden relations, no doubt, among them would be: nationalism,

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[311] Ibid.
[312] Bildt, Carl, *Foreword* in Looking ahead: Security Challenges in the Balkans through 2010, Belgrade, EastWest Institute-DCAF, 2001. pp. 7-8

religious exclusiveness, unresolved territorial questions, economic and cultural differences. All these factors are interlinked and interdependent, originating one from another, frequently overlapping, making the peculiar Balkans a vicious circle. In the Balkans, ethnical identity prevails over civic identity. It is an indisputable fact that nationalism in the Balkans often comprises a strong chauvinist dimension. In the Balkans, nationalism has always meant exaggerated euphoria combined with unmeasured apotheosis of often fictionally embellished history, then unfounded praising of the values of the own nation and belief in its special historical "mission", all together comprising hatred towards the "hostile" nations, in its neighbourhood. Prejudices and stereotypes exist among all Balkans peoples. They are directed towards the immediate neighbours. These prejudices and stereotypes are extremely strong because they have been formed during a long historical period. None will make a mistake if they declare that these stereotypes are dominant in mutual political, and not only political, relations in the Balkans. Their existence is visible from top to bottom of each Balkan society: from political and academic elites to inhabitants of remote villages. The region has not shed this burden.

There is still so many things on the agenda to be done, by the Balkan peoples themselves, in order to establish self-sustaining peace and long-lasting development: overcoming of the *ghosts of the past*, along with radical changes in the political, economic and cultural realms, new attitudes towards human rights and human diversity, as well as abandoning any national and religious exclusion. Quickly, the region needs profound changes in the mentality of its peoples, petrified by centuries. Also, giving up any idea of territorial pretensions over neighbouring countries is of the highest importance. Only fulfilling these prerequisites and under permanent interest of the EU and NATO, can the Balkans reach a better future. Hungarian Ambassador Istvan Gyarmati suggested that the "*shadows of the past must be*

finally overcome by the promises of a brighter future in which, among other things, European integration replaces ethnic segregation."[313]

It is high time that Balkan countries stop demonstrating their differences, by proving that each of them is better and more advanced than others, searching for the support of powerful countries. In connection with this, the United States and the EU should avoid any selective protectionist approach to a particular Balkan country. Such competition would be the continuation of the common Balkan politics to gain support of some great power for the benefit of their own nations, naturally, to the disadvantage of the *rival* nations. It is a very sensitive and important point that has to be overcome by enhancing the common interests of the United States and the EU in the Balkans. For example, signing Article 98 of the International Criminal Court (ICC) Treaty, led some Balkan countries to declare that they are more committed to the United States or to the EU, than others.

The only possible efficient and longstanding method which can bring prosperity to the Balkan region, and subsequently contribute to its political, social, economic and cultural development, as well as to the overall security in the area, is to overcome these deeply inherited factors, so called *ghost of the past*, which so far ruled over the conscience of the Balkans' peoples. Regarding this, the best example has been given by Bulgarian diplomat Konstantin Dimitrov, who said, comparing with the Balkan situation, that French-German friendship after the Second World War became possible when mechanisms of out fashioned, 19th century national thinking were replaced by Euro-Atlantic thinking[314].

It is quite clear that only through a strategic cooperation between NATO and EU can be achieved a permanent turn away from the past in the Bal-

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[313] Gyarmati, I., *Introduction* in Looking ahead: Security Challenges in the Balkans through 2010, Belgrade, EastWest Institute-DCAF, 2001, p. 15

[314] Danopoulos, Constantine, *Toward Cooperation in Post-Cold War South Eastern Europe*, Mediterranean Quarterly, 2001:
       http://www.uottawa.ca/associations/balkanpeace/texts/danopoulos-cooperation.pdf

kans. But, this remains a two-way process: one characterized by the readiness and decisiveness of key Western institutions to work on the prosperity of the region, and the other characterized by the willingness of the Balkan countries to accept all the standards of modern democracies along with fundamental changes of the Balkan peoples themselves, laying in that way the cornerstone for a stable, long-lasting and self-sustaining Euro-Atlantic partnership. This is a historical chance and no one among the crucial actors is allowed to fail. Otherwise, it might be the very last chance for the Balkans.

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GUIDELINES FOR RESOLVING KOSOVO'S FUTURE STATUS[315]

When President Slobodan Milošević finally capitulated to NATO at the height of the air strikes against Yugoslavia nearly five years ago, the International Community was far from united on how to deal with Kosovo's status. The issue was put off indefinitely and an interim solution was imposed.

Over the first four years of UNMIK's and KFOR's mandate, the reason for their deployment -- ethnic violence – had become statistically insignificant thanks to a robust policy by KFOR, the deployment of an international civilian police force and the development of an indigenous, OSCE-trained Kosovo Police Service. Extremists launched occasional but well-timed acts of violence which helped ensure that the number of displaced Serbs returning to Kosovo remained a trickle. Since 1999, large numbers of Serb IDPs concluded that returning to Kosovo was not realistic and sold off their properties to Kosovo Albanians.

By early this year, the overall crime rate in Kosovo was on par with western Europe. Ethnic violence was an occasional occurrence that appeared to have been committed with a political goal in mind. The problem was how to interpret that goal when no one claimed responsibility, when there was little if any forensic evidence and the public was refusing to cooperate with investigators for fear of retribution.

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[315] The views contained in this paper are the author's and do not necessarily reflect official UNMIK policy.

With public opinion polls indicating at least 95% of the Serbian public opposed to independence for Kosovo, Belgrade politicians have sought other less controversial options. Nevertheless, Serb-Montenegrin President Svetozar Marović, a Montenegrin, suggested last year that if Serbia wanted to join Europe it should free itself of the burdens of Montenegro and Kosovo. But Serbia's Deputy Prime Minister Nebojša Ćović responded that given the choice between Europe and Kosovo, Serbia would choose Kosovo.

Many Serbs in Serbia proper continue to perceive Kosovo as a sort of holy land temporarily occupied by aliens from Albania. The fact that Albanians make up some 90 percent of Kosovo's population and that they coexisted with Serbs in Kosovo for centuries plays little if any role in their view.

At the launching of the Direct Dialogue between Pristina and Belgrade in Vienna last October, Serbia's Prime Minister at the time, Zoran Živković, was the epitome of the Serb misconception. Živković declared that the only thing UNMIK and KFOR had accomplished in four and a half years in Kosovo was to boost Kosovo's population by 20 percent by allowing the influx of large numbers of settlers from Albania. In fact, the number of people from Albania living in Kosovo is negligible and would appear to be largely limited to a few academics and television and radio announcers.

For their part, Kosovo Albanians perceive Belgrade as their former colonial master whose discriminatory and violent policies of the 1990's rule out any chance of Kosovo ever agreeing to subordinate itself in any way to Serbia.

Under the previous Special Representative of the Secretary General or SRSG, Michael Steiner, a set of eight Benchmarks and five Standards were drawn up in 2002 that were to serve as a series of guidelines for Kosovo to enable Serbs and Albanians to live together and create the conditions for resolving Kosovo's status. Unfortunately, the Benchmarks and their relationship to the Standards were somewhat confusing.

Growing impatience and rising expectations led the U.S. State Department,

with the tacit support of the other members of the other members of the Contact Group last November to announce a review of Standards implementation in mid-2005 that would enable talks on final status to be launched if Kosovo passed the review. That announcement by US Undersecretary of State Marc Grossman was something of a turning point in the relationship of Kosovo Albanians with the International Community. Suddenly there appeared to be the semblance of a timeline to the next step toward independence, a roadmap rather than an obstacle course. The response of the public and the local news media was enthusiastic. Warnings by Mr. Grossman and the head of UNMIK, Harri Holkeri, that this was not a short-cut to independence – that the Standards had to be implemented – were all but ignored.

The Standards and Benchmarks were subsequently consolidated into eight Standards for Kosovo that were launched last December. Thorough implementation of the Standards for Kosovo is intended to ensure the rights of all communities in Kosovo, that is to say that the Serbs and members of other minority communities would feel sufficiently safe and secure to remain in Kosovo even in the event that the Security Council were to grant Kosovo independence.

It has been said repeatedly that no country could meet all the standards. What is expected from Kosovo is significant progress, in the former of greater stability, accountability and responsibility and active respect and support by the Provisional Institutions of Self-Government (PISG) and the majority Albanian population of minority rights.

UNMIK and the PISG immediately began work on drafting a Kosovo Standards Implementation Plan or KSIP. The main Kosovo Serb political coalition, Koalicija Povratak, was divided over whether to participate and abstained, pending Belgrade's decision. As soon as the new Serbian government took office in early March it became clear that there would be no Serbian participation in the Standards. On the contrary, the new administration in Belgrade perceived the Standards as a superhighway to Kosovo's independence and thus supported the continuing boycott of KSIP.

UNMIK and the PISG were putting the final touches on KSIP when several days of widespread, ethnically based violence erupted on 17 March. The violence warranted changes to the wording of the draft KSIP and shortly after another visit to Pristina by US Under Secretary of State Grossman the Implementation Plan was launched jointly by SRSG Holkeri and Prime Minister Rexhepi on 31 March.

The Plan sets out in detail what actions are designed to meet the Standards, who is responsible for undertaking that action, who will support the principal actor and when the action is planned to take place, in other words, measurable actions.

The International Community which along with the foreign news media had lost interest in Kosovo in recent years was forced by the sudden outburst of violence in Kosovo in March to refocus its attention on Kosovo. In addition to the Contact Group, (US, UK, France, Germany, Italy, Russia and EU at the level of foreign ministry political director), there is now a "Contact Group Plus" also known as the Support Group, (Contact Group + NATO + EU at the level of foreign ministry department head or regional director meeting in Pristina) as well as various other constellations such as "Intensive Dialogue", also known as "the Troika" (US/NATO/EU, meeting in Pristina and Belgrade), and the Security Advisory Board (UNMIK/PISG/KFOR, meeting in Pristina), which will meet at various levels, frequencies, and venues to offer guidance to the PISG.

Serbia's Prime Minister, Vojislav Koštunica, in his inaugural speech two months ago made the cantonization of Kosovo a cornerstone of his government's policy. However, in the face of criticism by some members of the International Community he subsequently modified that term to decentralization while insisting that regardless of what it was called, the policy would remain the same. Nevertheless, his call for cantonization, perceived as tantamount to partition by many Kosovo-Albanians, can be seen as a contributing factor in antagonizing the public mood among Kosovo Albanians in the

days immediately preceding the wave of violent unrest that erupted across Kosovo on 17 March.

On 29 April, the Serbian Assembly unanimously approved Government's plan for territorial autonomy for Kosovo Serbs. The authors insisted the plan would not imply the division of Kosovo or lead to a change of borders. Rather they say the plan aims to create sustainable conditions for the survival and return of Serbs and other non-Albanians to renew and develop multi-ethnicity.

In fact, the plan appears to be Belgrade's first salvo in the contest over final status. It does not call for direct rule from Belgrade but rather substantial autonomy for Serbs within the substantial autonomy allotted to Kosovo under UN SCR 1244. The PISG does not appear to have a final strategy beyond calling for the International Community to recognize Kosovo as an independent state. In fact the PISG, being an interim solution with limited powers is somewhat dysfunctional lacking in vision or sensitivity to the needs of non-Albanians. What prevails in Kosovo today, in the words of Assembly President Nexhat Daci, is "*mahalla* politics," that is, the primacy of local neighbourhood issues over all else. The needs of minority communities and of the International Community are either ignored, rejected or intentionally misinterpreted.

Meanwhile, UNMIK is engaged in an effort to determine what sort of a mission it needs to become over the next two years and how to move forward on Kosovo, for example by developing an indigenous judiciary acting responsibly under the rule of law. We are also considering ways of slimming down the mission, for example, by restructuring UNMIK to be better equipped to prepare Kosovo for status resolution.

However, it is questionable whether UNMIK is in a position to keep matters under control for much longer. The chance of another spontaneous outburst of violence is considerable. It can be sparked by anything. UNMIK may well be the chief target next time. The public perception of UNMIK has

become that of an unwanted colonial administrator that should pack its bags and leave or else face forcible eviction. Perhaps some of the resentment is justified. Most of it is not. For example, it is easier to blame the international community for daily electricity blackouts than ensure that all consumers of electricity pay their bills. A substantial shortfall in income from consumer electricity payments means a reduced ability by Kosovo's electricity distributor KEK to purchase electric power from neighbouring states to make up for the shortfall in domestic production.

UNMIK is coming to the conclusion that the PISG needs more empowerment and more coaching by the International Community. It makes little sense to transfer competencies if those who are to manage these competencies are inadequately prepared or are subject to political or criminal intimidation.

For example, Kosovo now has 26 international judges and prosecutors and 380 local judges and prosecutors. However, there is no ministry of justice. Security is a reserved competence unlikely to be transferred to the indigenous authorities until final status is resolved. Rather UNMIK is in charge of the judiciary and serious cases are handled by the internationals due to the threat of intimidation of local staff. According to UNMIK justice officials, all escapes by prisoners at Dubrava prison have occurred at times when no international supervisor was present, in other words, an atmosphere has prevailed which is conducive to the intimidation of local employees by prisoners or their friends and relatives. The answer in this case was to ensure an international presence at the prison around the clock.

Similarly, the PISG's attitude toward communities and multi-ethnicity tends to be one of disinterest. The Kosovo Serb Coalition Return/Koalicija Povratak -- when not boycotting the Assembly and Government cabinet sessions -- invariably finds itself outvoted or overruled. There is, in the words of the head of the OSCE mission, "a lack of generosity" in the way the Kosovo government deals with the minority communities.

There is a growing belief within UNMIK's senior echelons that the confrontational tone that has developed over the years – the "them and us" approach -- has to end because it is counterproductive. However, transferring competencies without conditionality, without proof that the PISG is doing a better job sends the wrong message -- that transfer and status resolution are givens. They are not.   Ideally, partnership between UNMIK and the PISG rather than pressure is how we should move forward.

Nevertheless, Kosovo Albanian politicians should try to improve their behaviour, cease shirking responsibility and instead cooperate actively in areas in which until now they have been decidedly passive, such as on returns of refugees and IDPs. Issuing nicely worded joint declarations calling for tolerance or welcoming returns while repeatedly boycotting key meetings with UNMIK on returns issues leads nowhere and fools no one. Promising to repair or reconstruct property destroyed in the riots last March and then when the victims complain of delays and insincerity, accusing the victims of seeking to gain more than what they lost is disingenuous. Such actions by government ministers do little to gain the support and understanding from the international community, which, after all, will be the final arbiter on Kosovo's future status.

The timing of any resolution of Kosovo's status thus will depend to a considerable extent on the people of Kosovo and their leaders. If the Standards are implemented, above all, if the conditions for sustainable returns are ensured; if the minority communities are able to feel secure and unthreatened in their own homes, then the timeline to status resolution will be far shorter than if the Standards are not implemented and Kosovo Serbs continue to be the targets of ethnic violence. In such a case, the International Community is likely to postpone any decision on status for a fixed time before a further review.

When the time does come, however, to resolve status it will be the decision of the UN Security Council, with the Contact Group playing a key role.

Predicting the future is all but impossible. But we can formulate some basic questions and draw some conclusions from the answers.

Is independence for Kosovo the only acceptable option?

As far as Kosovo Albanians, who make up about 90 percent of the population, are concerned, the answer is yes. In their view and that of most of the International Community, there can be no return of Kosovo to Serbia. However, in addition to Kosovo's Serbs, members of the other minority communities are also deeply concerned about the impact an independent Kosovo would have on their ability to lead normal lives in peace and security in Kosovo. Kosovo Albanian leaders insist that independence would end the uncertainty and tension and result in full respect of the rights of communities. The International Community is sceptical.

However, a large share of Kosovo's Serb community, chiefly those living south of the Ibar river which bisects Mitrovica, might well decide to leave the province for good unless they can be certain that their rights would be respected and that they would be able to live in a safe and secure environment. The violence in March seriously damaged many Kosovo Serbs' belief that they have a future in Kosovo.

Under full independence there could be no question of extra-territoriality of Serb cultural heritage sites such as the Peć Patriarchate or Visoki Dečani and Gračanica monasteries. Would these cultural monuments of universal significance be secure in an independent Kosovo? What would stop a mob as in March from trying to lob Molotov cocktails over the monastery walls? Obviously, independence would still mean limited sovereignty since foreign military peacekeeping forces would have to remain in Kosovo for years to come.

What about limited independence for Kosovo?

Limited independence is a concept that would extensive definition. Essentially, this would mean that Kosovo would remain an international protectorate with only limited powers in such key areas as Defense and domestic security. Lack of authority, however, tends to result in an unwillingness on the part of local authorities to commit themselves to action, let alone to take responsibility for their actions.

Is partition of Kosovo acceptable as a solution?

The international community is generally opposed to partition. However, if Kosovo's main communities were to agree on a mutually acceptable partition, the International Community might well acquiesce. Partition would satisfy the Serbs in northern Mitrovica and the adjacent Serb-majority northern municipalities of Zvečan, Zubin Potok and Leposavić.

Partition would not resolve the fate of the Serbs in what are essentially ethnic enclaves in the rest of Kosovo. In fact, these Kosovo Serbs south of the Ibar would be weakened because the loss of the North to Serbia proper would reduce the overall population of Serbs in Kosovo by at least one third. Moreover, partitioning Kosovo would set a precedent for breaking up Macedonia and Bosnia-Herzegovina, which could result in renewed armed conflict.

Partition need not mean Serbia's annexation of northern Kosovo but rather establishment of a highly autonomous region north of the Ibar that would nominally remain a part of Kosovo. But just as Serbs south of the Ibar would need firm guarantees for the full respect of their rights, including freedom of movement and local self-government, the few remaining non-Serbs north of the Ibar would require similar guarantees.

Could Kosovo remain an international protectorate in the long term?

The international community is divided on this. Although, for example, Beijing would prefer to see UNMIK remain in the lead of Kosovo's civil administration for a long time to come, most other key members of the International Community want to end the large and costly international civil presence in Kosovo sooner rather than later. The UN has spent some $1.8 billion on UNMIK for the five years ending 30 June 2004.

The rising expectations of Kosovo's Albanian majority, fed by impatient remarks by key members of the PISG, may well contribute to renewed, longer-term violence as in Gaza unless some form of independence is granted soon and the international presence is significantly reduced. Nevertheless, some Kosovo-Albanians confide that a robust and visible long-term international presence is the only guarantee that Kosovo will not turn into a rogue state, the "black hole of Europe," where organized criminal activities, already well entrenched, could flourish.

What is the likelihood of a groundswell of support for a Greater Albania?

A Greater Albania, incorporating into Albania Albanian-inhabited lands in Kosovo, southern Serbia, western Macedonia and eastern Montenegro, is not an option. Tirana looks down on Kosovo as provincial in every sense. Albania's northeast, which borders Kosovo is underdeveloped, depopulated and crime-ridden. Proximity thus loses significance. Albanians in Macedonia are interested in a close relationship with their cousins in Kosovo but they too are not interested in a common state. Those in Kosovo who advocate a Greater Albania are a tiny minority of fanatics with no significant political influence. But they have the power under certain circumstances to contribute to widespread unrest.

The International Community may well pour hundreds of millions more dollars and euros into the region in the hope of buying peace and goodwill. The EU may try to buy off Serbia with promises of membership and generous investments in order to allow Kosovo to gain independence. However, without the commitment of Serbs and Albanians to put the legacy of ignorance and intolerance behind them and embrace European standards and values, these lands risk becoming tragic monuments to folly and provincialism.

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REVIEWING THE INTERNATIONAL ADMINISTRATION OF KOSOVO

Introduction

The changing nature of the conflicts and crises in the aftermath of the Cold War, in addition to the transformation of the international security parameters resulting from the demise of the super power rivalry, sharpened the need for reviewing the traditional concepts upon which is based the UN collective security system. Civil wars and other forms of internal disturbances became the predominant form of contemporary conflict, and, at the same time, the major source of international instability. The Kosovo crisis represents a typical case in this context, as it reveals the challenges and constraints facing the UN in handling the new type of conflicts emerging in the post-Cold War era. This paper does not pertain to analyze all aspects of the UN engagement in the Kosovo crisis, as it can be evaluated from different angles and time periods. Instead, this paper focuses on elaboration of the main characteristics of the current UN administration in Kosovo. It starts by analyzing the current legal status of Kosovo, as a typical example of the international administration of territories. Further, the main characteristics of the UN Mission in Kosovo shall be elaborated. This includes analysis of the legal basis of objectives, mandates, structures and challenges of the UN civil and military presence in Kosovo.

WAR AND NATO INTERVENTION

The origins of the crisis

The war in Kosovo was one of the tragic acts characterizing the disintegration of the Former Yugoslavia. The origins of the recent conflict dates back to 1989 when Yugoslavia under Milosevic illegally removed the autonomous status of Kosovo, granted by the Yugoslav constitution of 1974. Although this constitution did not go far enough to meet the demands of the Kosovar Albanians (90% of the population), who advocated a status of Republic for Kosovo, it granted to Kosovo a high level of autonomy, in many respects similar with the position of the other (six) Yugoslav Republics. The revocation of autonomous status was followed by the application of apartheid-like policy in Kosovo by what was now the Serbian state, whereby Albanians were totally excluded from the public life (administration, courts, education, police, culture etc), and great abuses of human rights took place. The Kosovar Albanians in the beginning reacted by organizing a peaceful, non-violent, resistance. They proclaimed the Republic and later (following a referendum unrecognized by Serbs) the independence of Kosovo. By the mid 1990s the clandestine Albanian organization called Kosovo Liberation Army (KLA) began to challenge the Serbian rule in Kosovo by committing armed attacks against the Serbian targets in Kosovo (mostly police and army). The situation escalated up to the end of 1997 and culminated at the beginning of 1998, when the KLA managed to control almost 40% of the territory of Kosovo. Serbs attempted to quell Albanian insurgency by using their known methods of ethnic cleansing and genocide, practiced before in Bosnia and Croatia. The international community (UN, OSCE, Contact Group, EU etc), was alarmed by the humanitarian catastrophe caused by the Serbian attacks against the Albanian civilians as well as the possibility of spill over.

The UN Security Council (UNSC) adopted several resolutions proclaiming the situation as a threat to international peace and security and, at the same time, calling the Serbian regime to stop their practice of ethnic cleansing

and to seek a political solution to the crisis. After these calls were disregarded, NATO launched a military campaign against Serbia and Montenegro, which lasted for 78 days. NATO intervention put an end to Serbia's policy of ethnic cleansing and genocide committed by the Serbian State against the Kosovar Albanians.

NATO intervention: Legal Dimensions

The NATO intervention raised a lot of controversy in terms of its legality. The failure of the UNSC to give an explicit mandate to this action led many to comment the NATO intervention as an act of aggression. There are many arguments, however, which run contrary to such assertions. First, the situation in Kosovo was qualified by several UNSC resolutions, adopted under Chapter VII, as a threat to international peace and security. The UNSC, as the only supranational body to maintain international peace and security, is empowered under Chapter VII of the UN Charter to take all necessary measures, including force, to response to the situations which threaten international peace and security. The UNSC however, failed to fulfil its mandate as it was blocked by the use (abuse) of the veto power by 2 of its permanent members (Russia and China). The UNSC gave an *ex post facto* approval to the NATO action by refusing by a large majority the resolution proposed by Russia which would have condemned the intervention, and, on the other hand by adopting resolution 1244 which ended the war. On the other hand, the NATO intervention met all the criteria to be qualified as a humanitarian intervention. Finally, the NATO intervention was committed against one regime who not only violated international law in continuity for more than a decade but furthermore disregarded the basic moral values of the civilized world. This intervention sent a message to all repressive regimes that the they can not hide behind the concept of sovereignty (as it is not an abstract concept) while abusing massively human rights.

INTERNATIONAL PRESENCE IN KOSOVO

Current Legal Status of Kosovo

UNSC Resolution 1244, adopted on June 10 1999, creates an unusual situation in terms of legal status of Kosovo. While formally recognizing the sovereign rights of the Former Republic of Yugoslavia (FRY) over Kosovo, the latter is deprived almost totally from the basic sovereignty powers. Paragraph 2 of Annex 2 of the Resolution orders the withdrawal of all former Yugoslav military, police and paramilitary forces from Kosovo, while permitting their return only in limited and exceptional cases, upon the approval of the Commander of the international security forces, created under the resolution 1244. On the other hand, this resolution provides for the establishment of interim international civil and military presence in Kosovo, empowered with a very broad mandate. Basically all classical state functions, including executive and legislative powers and administration of judiciary are vested in the hands of Special Representative of the Secretary General – the SRSG. The SRSG is appointed by the Secretary General of UN, and represents the highest UN civilian authority in Kosovo, with very broad powers. Thus, pending the final settlement of the politico-legal status, Kosovo is *de facto* transformed into a so-called "internationalized territory", a practice originating from the League of Nations (LoN) and later developed by the United Nations on several occasions (with the Trusteeship Council in particular). The concept of the "internationalized territories", basically mans that certain territories are placed under international administration, whereby the international organizations (LoN or UN) or a particular state or group of states authorized by them exercise full governmental powers and assume full sovereignty rights over a certain territory for an interim period. The exercise of governmental authorities by international organizations is not new. The League of Nations and United Nations acted as administrators of territories in several occasions. Some of the examples include administration of the Saar Territory by the League of Nations from 1920-1935. Although the German sovereignty over the Saar province was formally recognized by the Treaty of Versailles, the Commission created by the LoN was

entitled to enact legislation and all other governmental authorities were vested on the League. German sovereignty over it was basically suspended until 1935 when following a plebiscite the Saar returned to full German control. Other examples include the "Free City of Danzing" (Poland), administered by the League of Nations (1920-1929), the Colombian town and district of Leticia (1933-1934), etc. This practice was continued and multiplied in the UN era. Some of the examples include the "Free territory of Trieste" in 1947 (never realized), Jerusalem also in 1947 (never realized), Libya (1937-1951), and West New Guinea or Iran (1962-1963). More recently UN administration was imposed on Slavonia, Baranja and Western Sremium in Croatia (1996-1998), and in East Timor (1999-2000).

United Nations Administration in Kosovo: Legal Basis, Mandate, Power and Structure.

The UN mission in Kosovo, from the legal standpoint, meets all the criteria to be qualified as an enforcement measure under Chapter VII of the UN Charter. Resolution 1244, which is the legal source of UN administration in Kosovo, in its preamble makes a reference to the responsibilities of the Security Council to maintain international peace and security. It further determines the situation in Kosovo as a "threat to international peace and security", making therefore clear that the UN involvement in Kosovo should be viewed as falling within Chapter VII of the UN Charter.

The UN administration in Kosovo is one of the largest and yet most ambitious missions of this kind. According to resolution 1244, the international presence in Kosovo is twofold:

A military presence composed of NATO and those states which cooperate with NATO in the framework of the "International Security Force – KFOR";
A civilian component, known as United Nations Interim Mission in Kosvo, or UNMIK.

Coordination and Cooperation

Although operating under the auspices of UNMIK, the military and civil components of the UN administration in Kosovo remain mutually independent. UNMIK is headed by a Special Representative of the Secretary General – SRSG, who is appointed (for a one year term) by the Secretary General after consultation with the UNSC. He (or she) is the ultimate authority in all civilian matters in Kosovo. The international security presence benefits from substantial North Atlantic Treaty Organization participation, following the terms of the Resolution 1244, must be deployed under the unified command and control of KFOR. Yet, both KFOR and UNMIK must "operate toward the same goals and in a mutually supportive manner". The legal arrangements in terms cooperation and coordination between the civil and military components of the mission are vague

Thus article 6 or the resolution 1244 "requests the Secretary-General to appoint, in consultation with the Security Council, a Special Representative to control the implementation of the international civil presence, and further requests the Secretary-General to instruct his Special Representative to coordinate closely with the international security presence to ensure that both presences operate towards the same goals and in a mutually supportive manner".[316] Yet, there is no reference to the relations between the UNSG over the KFOR.

On the other hand, article 7 "authorizes Member States and relevant international organizations to establish the international security presence in Kosovo as set out in point 4 of annex 2 with all necessary means to fulfil its responsibilities under paragraph 9 below".[317] Although there is no explicit reference, this article sets out the legal basis for the leading role of NATO in the KFOR, however it contains no provisions as to the coordination and cooperation between the civilian and military missions, nor between NATO

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[316]   UNSC Res. 1244, § 6. www.un.org
[317]   UNSC Res. 1244, §7. www.un.org

and UN. Only article 20 makes a vague reference to the coordination between the UNSG and KFOR, when it states that the UNSC "requests the Secretary-General to report to the Council at regular intervals on the implementation of this resolution, including reports from the leaderships of the international civil and security presence".[318]

UNMIK

Mandate: the Security Council in resolution 1244 authorized the Secretary-General to establish in the war-ravaged province of Kosovo an interim civilian administration led by the United Nations under which its people could progressively enjoy substantial autonomy. In particular, resolution 1244 has called upon UNMIK to: perform basic civilian administrative functions; promote the establishment of substantial autonomy and self-government in Kosovo; facilitate a political process to determine Kosovo's future status; coordinate humanitarian and disaster relief of all international agencies; support the reconstruction of key infrastructure; maintain civil law and order; promote human rights; and assure the safe and unimpeded return of all refugees and displaced persons to their homes in Kosovo etc.

Operational Framework: To implement its mandate, UNMIK initially brought together four "pillars" under its leadership. At the end of the emergency stage,

Pillar I: Police and Justice, under the direct leadership of the United Nations (Until June 2000 this pillar was called "humanitarian assistance", led by the Office of the United Nations High Commissioner for Refugees (UNHCR)

Pillar II: Civil Administration, under the direct leadership of the United Nations

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[318]   UNSC Res. 1244, §20. www.un.org

Pillar III: <u>Democratization and Institution Building</u>, led by the Organization for Security and Co-operation in Europe (OSCE)

Pillar IV: <u>Reconstruction and Economic Development</u>, led by the European Union (EU) The head of UNMIK - Special Representative of the Secretary-General (SRSG) as the most senior international civilian official in Kosovo, presides over the work of the pillars and facilitates the political process designed to determine Kosovo's future status. The heads of four pillars are at the same time the deputies of the SRSG.

Resolution 1244 outlines five phases of the development of UN civilian mission in Kosovo:

1. In the first phase UNMIK is empowered to perform basic civilian administrative functions and to maintain law and order;
2. To create the provisional institutions for democracy and autonomous self-government, through organizing elections, gradually establishing substantial autonomy;
3. To transfer administrative powers to the local institutions;
4. To facilitate the political process which will determine the final status of Kosovo;
5. To oversee the transfer of powers from the provisional institutions to the institutions resulting from the final settlement.

KFOR

In addition to UNMIK, resolution 1244 also establishes an international security presence in Kosovo (KFOR), which, as explained above, coordinates extensively but remains outside of UNMIK itself, and therefore does not operate under the authority of SRSG. KFOR is organized in five Multinational Brigades (MNB), respectively responsible for five sectors, headed by Multinational Brigade Commander. The general commanding KFOR, rotates among the NATO countries on a six-month basis, fulfils the coordinating role with the SRSG, and exercise supreme central authority related to

security matters in Kosovo. Each of the sectors falls within the military authority of five NATO states, namely US, Great Britain, Germany, France and Italy. Accordingly, the commanders of the five Multinational Brigades come from these countries, as well as the substantial part of soldiers and other military infrastructure.

Mandate: According to Article 9 of resolution 1244, responsibilities of the international security presence (KFOR) in Kosovo include:

1. Deterring renewed hostilities, **<u>maintaining and where necessary enforcing</u>** a cease-fire, and ensuring the withdrawal and preventing the return into Kosovo of Federal and Republic military, police and paramilitary forces, except as provided in point 6 of annex 2;
2. Demilitarizing the Kosovo Liberation Army (KLA) and other armed Kosovo Albanian groups as required in paragraph 15 below;
3. **Establishing a secure environment** in which refugees and displaced persons can return home in safety, the international civil presence can operate, a transitional administration can be established, and humanitarian aid can be delivered;
4. **Ensuring public safety and order** until the international civil presence can take responsibility for this task;
5. Supervising demining until the international civil presence can, as appropriate, take over responsibility for this task;
6. Supporting, as appropriate, and coordinating closely with the work of the international civil presence;
7. Conducting border monitoring duties as required;
8. Ensuring the protection and freedom of movement of itself, the international civil presence, and other international organizations.[319]

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[319] UNSC Res. 1244 § 9. www.un.org

CHALLENGES

Despite the very real progress achieved, several challenges remain. For Kosovo, uncertainty remains about its final politico-legal status (UNSC resolution 1244 is very vague in this regard). UNMIK has trouble extending its reach and exercising power in all territory of Kosovo, and eliminating parallel illegal institutions (especially in the Northern Part of Kosovo). Economic progress remains lacking, as are the application of international human rights standards and democratic principles. Finally, confidence building measures to improve inter-ethnic relations will prove the key to the success of the UNMIK and KFOR missions, and this confidence building extends to maintaining a good image in the eyes of local populations.

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Christine von Kohl

STATEMENT ON REALISM[320]

To paraphrase what journalists tend to say to each other "I didn't have the time to be short", I have no time to be long! So let me add briefly to what I heard until now about "realism".

I for sure think that more realism is not only needed, but it is absolutely necessary to find more realism in the context of the task we have taken over. When talking to the populations and politicians in countries of the SEE, we gave the promise that the EU, one day, will be ready to include them as members, and we have also given the impression that being a member of the EU will be the way to solve most of the problems these countries have now.

Of course the timing we are giving for this membership is changing between 5, 10 and 20 years from time to time and we are always saying that "you will not be able to reach our level before that or that time, etc." We are considering them and treating them as if they were still elementary school children, while we are already at university level, even finished studying.

This attitude is not realistic because it would be much more useful and normal to first of all try to look at these societies we are having to deal with without always looking first at our own values as we are offering them to others. We should analyze what kind of values these different societies have. All of them have values of their own. They have developed them in the course of *their* experience and *their* traditions, but what they have not developed is a sense of what we are asking them to develop, that is, to be a citizen of a State, and to develop a State which is there for the citizens.

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[320] This is a transcript from audio tape of Mrs. von Kohl's presentation.

We told them about human rights, about democracy, and these are elements, these are claims on the basis of *our* development. And it took centuries to develop the consciousness of democrats and human rights. And I may in between mention how far the attitude of the West is now shown by U.S. soldiers in Iraq. And I would continue this side remark by saying that in The Hague, similar crimes are before the Court, but the United States do not accept the International Court for the crimes their soldiers have committed. This should be taken in consideration when the attitude from other countries toward our Western values in considered and, so to speak "evaluated".

The realistic point of view is that these countries have had many years of Communism behind them and I think we have overlooked the heritage and implications of their having been under this rulership. This means that they were not ruled by a State, but by a Party. The authority in Communist countries was not the State, but the Party. In spite of having, so to say, the "outer form" of the State, justice was not to be trusted by the citizens. The State was not allowed to be criticized, to be controlled. That means again that there was no relationship between this construct and the citizens.

And as long as this relation between the citizen and the State is established and accepted by both sides, as long as it is used to build up the police, it is useless to talk about human rights, when nobody was ever treated under aspects of human rights. So nobody is able to treat others under these pretences.

So this is, from my point of view, where the lack of realism stands: when we are addressing people with not only a different culture, but a different tradition, a different development in the intellectual and moral sense. I will not go into detail because the countries in SEE have somehow the different situations and traditions. The only thing they have in common is what I mentioned before.

Only to take a few examples, Albania has already been mentioned in a very interesting context. In Albania one of the greatest problems is water supply.

All over the country, they still have water available for a few hours only. When I was in Tirana half a year ago, I talked to some housewives who spoke English and asked "what is your greatest challenge?"

- Water supply!
- And who is responsible? I asked.
- The Government is responsible!
- What should the Government do?
- They should use the money that exists for this purpose to repair the pipelines!
- And why don't they do it?
- Well, you must understand that all our Ministers were poor only a few short years ago and when they see money, they take it.

I consider this to be a human attitude towards responsible politicians, and not from the political point of view, and we too show this attitude from time to time when we mention for instance corruption in these countries.
Corruption has been an old tradition in these regions in all political situations, and corruption depends upon everybody knowing that the one who is doing his work is very badly paid. It was always expected that he will get extra money by those for whom he is working.

Besides, it could also probably make sense to think what corruption means in our countries. We have huge corruption, as we all know, not because people are hungry, not because people are poor, but because they want to be much richer than it really matters to be.

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Drago Pilsel[321]

THE INTERNATIONAL ROLE IN THE RECONCILIATION PROCESS – A VIEW FROM CROATIA

Croatia is, as you probably know, very close to becoming an official candidate for European Union membership, considering the positive opinion of the European Union, which it received a few weeks ago.

One of the key conditions, which Croatia had to fulfil in order to receive the *avis*, was proving its determination in solving the complicated war crimes issue committed during the nineties, what I find a very good framework for the given subject.

Since I don't want to extend on the issue too much, or to bore you with sombre data gathered by international organisations, and since I am a journalist, I decided to be precise, brief and clear. In order to present this subject matter as graphically as possible, I picked one painful episode from the recent Croatian history, which can, in my opinion, very well show to which extent the international factors have influence on the reconciliation process and the concrete moves of the authorities.

It is a case of a crime committed during the dawning age of Croatian democracy by members of the Croatian police force against the Zec family from Zagreb. Actually, the epilogue of that case recently came in the form of indemnification payments in the amount of 2 million Euros to the surviving members of that family, in opposition to the initial decision of the presi-

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[321] The author (41) is a theologian, journalist and publicist, the coach of journalistic skills and expert for media and religious issues. He is a columnist for daily newspapers "Novi list" from Rijeka, a commentator of news portal www.index.hr, correspondent for several foreign media, well known for his public engagement in the field of human rights protection and development of civil society.

dent of the Croatian Government, which was to refuse indemnification. After strong pressures of diplomatic and European political circles, this indemnification was nevertheless paid.

In the night of 7th to 8th November 1991, a group of Croatian policemen, who were, during the 90s, members of a gang engaged in blackmail, robbery and killing of Serbian civilians, rang on the door of Zagreb's butcher, Croatian Serb Mihajlo Zec. Mr. Zec himself was financing the party of the deceased president Franjo Tudjman with his own money, making the paradox even bigger.

When the rich butcher refused to give money, Croatian policeman Siniša Rimac shot Mr. Mihajlo on the doorstep of his house. Afterwards, the policemen kidnapped his wife Marija, a Croat, and his twelve year old daughter Aleksandra. They took them by police car close to a police base, which was then located at Medvednica Mountain, near Zagreb. Fortunately, the bandits did not notice Mihaljo's other children, his son Dušan and daughter Gordana, who were hiding on the first floor of the house and thus survived that dreadful night.

Policemen killed Marija and her daughter, in order to prevent them from testifying the about murder of Mr. Mihajlo. Aleksandra was shot in the head with six bullets by policeman Munib Suljić. They covered the bodies with leaves and branches.

Shortly after the mentioned event, those six policemen were arrested and they confessed their crime in detail, but without the presence of a lawyer. For this reason, the confession was declared legally invalid, and they were set free, although they confessed the murders.

Croatian authorities have been promoting and rewarding those criminals for a long time, although some brave Croatian journalists have disclosed the whole scandal. For example, some of them, after it was acknowledged that

they were killers, accepted high military honours, while one of them became the member of Tudjman's personal military guard.

The years rolled by, Tudjman died, his party lost the elections, the opposition came in its place and then it fell too. Then Tudjman's inheritor, Ivo Sanader, appeared as the president of the Government, and took the role of reformer of Franjo Tudjman's nationalistic party and his Government (HDZ). Under the pressure of the international community, Sanader promised the return of all Serbian refugees, as well as renovation of their properties destroyed in the war.

Sanader promised a great deal of things, but there were no public discussions on clearing up many of war crimes which Croatian forces committed against Serbs, in many cases, as revenge for crimes committed by rebel Serbs against Croatian civilians. One of those burning issues was the case of the Zec family.

Seeing that the political climate in Croatia had somewhat changed, in other words, the formerly nationalistic rule of the HDZ, in new circumstances and in the year in which Croatian candidature for the European Union membership was to be decided, will have to demonstrate a reforming spirit to the European authorities. Well-known attorney Anto Nobilo decided to represent *pro bono* the surviving children, Dušan and Gordana.

They were saved by the kindness of the neighbours and transferred to their grandmother in Banja Luka in Bosnia and Herzegovina, where they lived all these years in great poverty, without a single contact in the name of the Republic of Croatia. Such contact was not made even during the period of social-democratic Government of Ivica Račan after Tudjman's death.

Attorney Nobilo proposed a settlement to the state authorities, but the Public Attorney of the Republic of Croatia refused the offer for out-of-court settlement by the two surviving members, who requested indemnification in

the amount of 2,16 million Kunas for the ruthless murder of their parents and twelve year old sister.

Deputy chief public attorney Jadranko Jug said that not all of the conditions for the settlement are fulfilled, because the motive of the murder is not clear, as well as the fact of whether they were killed by members of the reserve forces of MUP on duty or in connection with duty, or again, whether they committed the crime outside duty, as civilians. In other words, the representative of the State tried to avoid any concrete action by telling that it is not clear which were the working hours of the murderers. That provoked a huge scandal and complete condemnation in almost all media.

Because of that, on Thursday 21st of April 2004 proceedings began at the Municipal Court in Zagreb. The surviving members of the Zec family requested from the State indemnification for the death of three members of their family murdered in 1991 in Zagreb.

Disclosing the farce arranged by the Public Attorney, the representative of the Zec children, Dušan and Gordana, attorney Anto Nobilo said that there are no controversial facts which are to be determined through the court trial. Namely, it is incontestable that members of the Zec family were murdered with weapons which was property of reserve forces of the MUP. Moreover, the mother and the daughter were transported by police car into the Adolfovac shelter at Medvednica near which their bodies were found. Nobilo, added that it is sick and without any legal ground to talk about the working hours of murderers.

Thanks to the insensibility of the representatives of Public Attorney, who unconvincingly speak about their obligation to follow the law, the Republic of Croatia has again hurt the feelings of Dušan and Gordana through new humiliations and traumas. It was as if Croatian authorities were not satisfied by the terror which has been inflicted upon those people as a consequence of the nationalistic insanity of Tudjman's rule.

Because of the Public Attorney's farce, Dušan and Gordana Zec were dragged to the courts and their minds were repeatedly reminded of the horrible scenes. They were forced to relive the tragedy and to feel as they were selling their dead parents, or gaining profit from their elimination.

The president of Croatian Government Ivo Sanader also gave his contribution to the stated cynicism. The murder case of the Zec family is to be urgently solved, but the State cannot be responsible for the crime of its public officers, for it was committed without an order, he said. "We all sympathise with the Zec family, but that does not give us the right to influence the decision of the Public Attorney, who explained that the State is responsible just in the case of crime committed during public service", said Sanader, referring to the opinion of Public Attorney. "First it has to be determined whether the policemen, who are suspected of murder, have committed that crime in accordance with their orders and on duty", said the president of HDZ.

"Through the treatment of this case the State demonstrates great cynicism towards the Zec family", said Nobilo. "Besides the compensation for lost alimentation and mental agony, which were the consequences of a murder of their mother, father and sister, Gordana and Dušan expected from the State the word *sorry*", said Miholčević. "The State never expressed its regret for what has happened", he added.

At the same time, the Public Attorney accepted the conditions of the Levar family's attorney. Milan Levar was a witness to The Hague who was killed in unexplained circumstances in an explosion in Gospić in 2000, because he was willing to take the stand in the case of Serb murders in Gospić. The settlement with his wife Vesna and daughter Leona Levar was signed.

After this event, public pressure on Ivo Sanader, who didn't want to pay reparation for the murder of the Zec family members, was increased. The scandal gained even larger dimensions when the columnist of "Jutarnji List", priest and long-time chief editor of the Catholic weekly paper "Glas

Koncila", Don Žovko Kustić, confessed that, when he was working for the Government in Banski Dvori, he raised his voice in the case of the murder of the Zec family members. His mouth was shut by eminent statesmen and Catholic believers with the argument that Mihajlo Zec was a Serbian nationalist.

The first Catholic journalistic of that time had kept his mouth shut, and continued to be silent when I asked him in 1995 to raise his voice and help save those Serbian old men, who were murdered like rabbits by Croatian forces after liberation action in Oluja. Silence was more important to Kustić, and he kept his silence until this day, when he finally said that he was very ashamed.

Until recently, the general impression of the Croatian public was that former Prime Minister Ivica Račan was the king of political pragmatism, and that no one can achieve more on that field than apolitical champion of social-democracy. But, look what the pressure of international factors can achieve.

The new Prime Minister, president of HDZ, Ivo Sanader has shown that there was still enough space for success on the field of pure pragmatism. The recent example is the express payment of specific indemnification to the surviving members of the Zec family.

Just a week before the reception of the sister and brother Zec by vice-president of the Government Jadranka Kosor, Prime Minister Sanader in the Parliament was "firmly" supporting the decision of the Public Attorney for not accepting the settlement, and not paying indemnification at any price. Just a few days after that, our Prime Minister was in Dublin and Strasbourg, where his colleagues explained to him that the case of the Zec family had to be solved as soon as possible.

And – surprise! The attitude of the Government, which only a few days ago seemed hard as a rock in Parliament, suddenly became dust. The Croatian Government in a meeting held on the 29th of April made a decision of pay-

ing one-time financial aid to the Zec family members in the amount of 1,5 of Kunas (some 2 million Euros), and their attorney Nobilo called off the impeachment against the State.

The Government announcement states that the funds are assigned as help, because the two surviving members of the Zec family, Dušan and Gordana, lost their parents and any source of livelihood subsistence at an early age. Government financial aid is also intended for creating pre-conditions for their independent life.

The surviving members of the Zec family are absolutely satisfied with the Government's decision, said Anto Nobilo, although they did not received the requested apology from the Government (President Stjepan Mesić was also an intercessor for such an apology). The apology was expected on the grounds of the murder of Mihajlo, Marija and their twelve year old daughter Aleksandra Zec committed by Croatian policemen, who were not sentenced, although they confessed their crime, because of legal mistakes in the pre-investigation procedures of the police.

Nobilo added that his clients are satisfied with the sum, as well as with the Government's prompt reaction, regardless of the fact that the Government avoided to call the given money indemnification, but considers it as a reimbursement for their costs of living so far.

Just one day after Government's decision, Gordana and Dušan, for the first time after the tragedy, crossed the border and entered Croatia from Bosnia-Herzegovina. They came to accept the decision over the on-time payment, which will be transferred to their account, from the hands of vice-president of the Government and Minister for the Family, Veterans' Affairs and Inter-generational Solidarity Jadranka Kosor.

Political realists can be delighted in the fact that political national-romanticism in Croatia is replaced by political pragmatism. However, for some things a daily dose of relativism cannot replace the impulse to follow

general principles, one of which is punishing criminals, not because of the world, but for of our own sake.

Nevertheless, everything is not so simple; except for outer pressure, there are some inner demands. And one of them is not to mess with an official version of history. And so the Government's estimation was again the pragmatic one; that there is less damage in urgent payment in the name of politically neutrally called – help to the family, then long legal proceedings with an uncertain result. For example, a result of revisionist character that would suggest that the Republic of Croatia was also a sponsor of terror.

Dušan and Gordana Zec at least, had received a lot of prime time TV coverage. I think that they had received a lot of sympathy from ordinary citizens. Also, Croatians saw concrete victims of violation of human rights, on the other hand Serbs felt a kind of emotional compensation. And this is, maybe, one of the first steps in the process of reconciliation – to feel human kindness in the others who are from the opposite side of the conflict.

However, I would like to conclude; this case would not be solved without outside pressure, nor would all of Croatian defendants, who free-willingly went to The Hague, go there without an American and especially European pressure.

And this is what it will look like as long as citizens do not come to awareness that they are building democracy for themselves, and not for the opinion of the world.

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Igor Bandovic

THE INTERNATIONAL ROLE IN THE RECONCILIATION PROCESS - A VIEW FROM SERBIA

The international role in the reconciliation process in Serbia can be best seen through the work of the International Criminal Tribunal for Yugoslavia (ICTY) and its impact on Serbian society. There are two main reasons to believe so. The work of the ICTY, which was established by the UN Security Council with the mission to contribute to the restoration of peace by promoting reconciliation in former Yugoslavia[322], directly affects the process of the truth, responsibility and reconciliation in Serbia. The other reason lays in the fact that there were no serious attempts to deal with these issues at a national level.[323] An overview of the impact of the ICTY in Serbia can be given from several perspectives.

Political Environment

 The attitude to the Hague Tribunal was the one of the main political issues in Serbia since democratic changes took place in October 2000. Now, it is still very highly-ranked in the agenda. One should recall the fact that one Government had to step down when *the Cooperation with the ICTY Act* was adopted. Also, when Milosevic was arrested in April 2001, the Serbian Government and the president of the then Federal Republic of Yugoslavia

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[322] See ICTY objectives, www.un.org/icty.

[323] The Commission for Truth and Reconciliation established by the then President of FRY, Vojislav Koštunica was poorly organized, without clear jurisdiction, missions and goals. Although it still operates, its effects are invisible and without influence on Serbian society. The whole strategy and work of the Commission are missing the point and one can not be wrong to believe that this Commission was just a curtain to create alleged democratic atmosphere and supposed willingness to face the past.

Vojislav Kostunica clashed over this issue. It was the beginning of the final split in the Democratic Opposition of Serbia (DOS)[324], the coalition which had deposed Milosevic on 2000, which culminated after Milosevic was transferred to the prison in Scheveningen in June of the same year.

The perception of the ICTY is a subject of manipulation in political struggles in Serbia. Roughly speaking, Serbia is currently divided into two camps. One, which is pro-Western, pro-modern and oriented towards integration in Europe, and the other one which is conservative, nationalist and anti-Western. Both groups have the same problem with the ICTY. Their political representatives seem to prefer to be silent over the ICTY and war crimes because these issues are very sensitive and traumatic and their public examination can bring lower voter support. No representative of the ruling parties has ever explained the true objectives of the ICTY and especially its relevance for justice, or addressed the question of what should be done about the crimes committed. And for the purpose of this paper, it should be stressed that officials and politicians are the ones who are dominantly setting public opinion attitudes toward the ICTY.

However, while the former Government of Serbia has extradited suspects to The Hague, Vojislav Kostunica's Government so far hasn't extradited anyone to The Hague tribunal.[325] The political atmosphere in Serbia since the last elections held on December 28th 2003 shows a restoration of the values from the Milošević period: traditionalism, nationalism and denial of the war crimes. The new Government sometimes encourages these trends. Prime

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[324] The DOS (Democratic Opposition of Serbia) was originally made up of 18 political parties differing quite widely in orientation and voter support which came to power at elections held in Serbia in September and December 2000, marking the end of Milošević's authoritarian regime. Soon after, however, a conflict broke out between the DOS's biggest constituents, the Democratic Party (DS) and the Democratic Party of Serbia (DSS), and the DSS pulled out of the coalition. The chief difference concerned contrasting views about the pace of reforms in Serbia, personified in the party leaders: the Serbian Prime Minister, the late Zoran Djindjić (DS), and the former President of the Federal Republic of Yugoslavia, Vojislav Koštunica (DSS).

[325] That was the reason for the President of the ICTY to report Serbia and Montenegro's non-cooperation with the Security Council in May of 2004. See www.un.org/icty/latestdevelopments.

Minister Vojislav Kostunica, his party and their coalition partners seem not to see the importance of dealing with the problematic past of Serbia. On the contrary, the recent steps of the new Government of Serbia show the anti-modern approach of the new Government ministers, especially in the field of justice and education reforms. The tragic events from March 17th of this year in Kosovo just assisted in the creation of xenophobic attitudes of the majority of the Serbian population towards the international community and especially towards the role of UNMIK and KFOR in Kosovo.

By constantly attacking the ICTY in the media and challenging its legitimacy, Milosevic's regime[326] permanently reduced confidence in the institution to a negligible level, and managed to deform the idea of international justice to sheer injustice towards the Serb nation for the sake of "domination of the Western powers and the establishment of the New World Order". The former ruling DOS coalition has not succeeded in defining a strategy for cooperation with the ICTY. Cooperation was seen as a "trade with the West" from the perspective of ordinary citizen.[327] In fact, attitudes towards it differ widely within the adherents of political parties in Serbia; four major political approaches can be discerned:

1. That of parties with a civic (non-nationalist) orientation, which advocates unconditional co-operation with the ICTY and have programs calling for seeking truth and responsibility and prosecuting war criminals; such parties have relatively little support.
2. That of parties whose support for the ICTY is pragmatist, characterised by appeals to fulfil all conditions laid down by the international community towards Serbia's integration into universal and European organisations.

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[326] The Socialist Party of Serbia (SPS), the Yugoslav Left (JUL) and the Serbian Radical Party (SRS) were partners in Milošević's rule. The SPS is headed by Milošević himself, JUL by his wife Mirjana Marković and the extreme right wing SRS by Vojislav Šešelj. Milošević and Šešelj are at The Hague, on trial for war crimes, while the Serbian authorities have issued an international arrest warrant for Mirjana Marković, who is suspected of being behind a number of political murders in Serbia.

[327] *Public Attitudes towards ICTY*, SMMPI and Belgrade Centre for Human Rights, July 2003.

3. That of parties whose attitudes towards the ICTY are extremely negative and differs little from that of the former regime, save for a somewhat softer and more careful political vocabulary.
4. That of political parties who represent Milosevic regime: the Serbian Radical Party and Socialistic Party of Serbia whose attitudes towards the ICTY are well known.

Attitudes in the population

After October 2000, attitudes towards the ICTY have immediately become somewhat more positive, but have shown little progress since. The ICTY remains, alongside NATO, among the few international institutions many people (around 40%) see as threats to Serbia.[328] Government revelations about ties between the assassins of Serbian Prime Minister Zoran Djindjic, organised crime in Serbia and war crimes did induce a temporary shift in attitudes. After this temporary shock the rating of the successors to the moderniser Djindjic has slipped and support for right-wing and nationalist parties has grown. Results of the December elections are confirming these trends.

Citizens of Serbia are generally poorly informed of the basic facts about the ICTY (only 6% believe that they are fully informed) but a very high percentage hold very strong views on issues related to the ICTY. The rating of ICTY in Serbia is very poor. Attitudes towards the office of the prosecutor and those towards the court as an assembly of judges do not differ, indicating that most people do not differentiate between those institutions: this certainly also affects assessments of the ICTY's objectivity and impartiality. Much mistrust exists towards the guarantees offered to defence counsel. It is generally believed that the ICTY is biased. The reasons for this should probably be sought in the following:

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[328] Ibid.

1. Many years of aggressive state propaganda aimed at delegitimising the institution;
2. Lingering xenophobia, reflected on the political plane mainly in distrust of international organisations;
3. Ethnic nationalism, which includes advocacy of absolute sovereignty of states, as a leftover of Milosevic's policies (non-interference in Serbia's internal affairs, an example of which was a referendum organised in 1999, resulting in rejection of any contacts and negotiations with foreign states and organisations[329]);
4. Absence of consensus or political will among the ruling parties to define a firm stance towards the ICTY, as well as confusing and mainly negative assessments given by local political figures.

The alleged prejudices attributed to ICTY appear to be the following:

1. The ICTY tries only those who lost the war;
2. There is an international conspiracy against Serbs; members of other ethnic nations enjoy more support from international power centres.
3. Only Serbs are on trial and they receive harsh punishment; trials of others are farcical sham and serve as an excuse for prosecuting Serbs;
4. The ICTY is a political tool.[330]

Interviewed citizens of Serbia do not see the ICTY as an international court whose task is to try persons accused of committing war crimes and violating international law. They do not view it as an institution working to reconcile the peoples of the former Yugoslavia. Most people view the ICTY as an unavoidable precondition for Serbia's full return to the world community, imposed from abroad – a price Serbia has to pay. These views completely sideline the issue of the guilt of those indicted by the ICTY and attitudes towards their voluntary surrender.

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[329] Milosevic and his Government interpreted the results as meaning that they had the monopoly of negotiations: he continued to negotiate with foreign Governments and representatives of international organisations immediately after the referendum.

[330] *Public Attitudes towards ICTY*, SMMPI and Belgrade Centre for Human Rights, July 2003.

The Potential for Changing Hostile Attitudes toward International Tribunals

An estimated 25% of the population can possibly be induced to shift to a favourable attitude towards the ICTY. Another large percentage (41%) is ambivalent. Here, it also appears possible to exert some influence and alter their views. No less than 48% say that modification of their views requires much more convincing evidence.[331]

Identification of Difficulties

Even four years after the removal of the Milosevic regime there has been no obvious change in the Serbian public opinion on the ICTY towards acceptance of that institution and awareness of its missions and aims. The key word explaining the attitudes towards the ICTY is ambivalence. "The Hague" remains psychologically as well as geographically distant.[332] The negative attitudes to the ICTY are a consequence of the derangement still in evidence in Serbia.

For example: sanctions imposed on Serbia and the 1999 NATO intervention only increased paranoia among ordinary people. It is held that the Serbian people rather than Milosevic and his allies were victims of sanctions. The sanctions punish the Serbs, not Milosevic personally, so maybe he is right when he claims that the objective was destruction of the Serbs and not the removal of his Government.

The role and aims of the ICTY are not distinct in the minds of the people. Does Serbia "sell" its heroes or hand over indicted war criminals? The ICTY is seen rather as a tool of extortion than a contribution to reconcilia-

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[331]   Ibid.
[332]   Scholar's Dialog, draft report on group 10, ICTY, John Allcock, Vojin Dimitrijević, Eric Gordy and Julie Mertus with input from all ICTY team members.

tion. By demanding that Belgrade cooperate with the ICTY as a condition for granting financial aid and opening the door to certain international organisations, the international community appears to be sending the Serbian public the message that cooperation with the ICTY is a matter of bargaining rather than justice.

Two simultaneous trials appear to take place: the first trial is going on in the courtroom. The public in this trial are judges, experts, scholars and other directly interested individuals. The other trial is going on outdoors in the Serbian community. Arbitrators are the media, politicians, and public figures in Serbia. The rules which are binding within the courtroom are not the same as the rules back home. Authorities of Serbia find themselves sandwiched between the voters (ambivalence, paranoia, xenophobia, bargaining) and pressure exerted by international factors. In the final instance, this could all serve to considerably downgrade the ratings of democratically oriented parties and assist right wing and extremist parties.

Effects of the ICTY trials

The major mission of modern criminal justice should be the general prevention of crimes, not retribution and punishment *per se*. There are two effects of the international criminal justice which are affecting the Serbian society. The first one is technical cooperation with the ICTY (arrests, extraditions and meetings with the prosecutor officials). The other effect is the impact of the trials on the society in Serbia.

The Milosevic trial is a good example of failure to use the trial for reconciliation purposes. The ICTY did not take advantage of the first days of the Milosevic trial, when it was broadcast in prime time (66% of the population was watching in first three days), Some Serbian television viewers were confronted for the first time with violations by their compatriots of humanitarian law, with images of massacres, refugees and other horrors of Yugoslav wars. Instead of that, the prosecutor started from the theoretical idea of Greater Serbia and, as a former politician, a Kosovar Communist who ruled

Kosovo on behalf of Tito, now sounding as an Albanian nationalist. Milosevic took this opportunity to impose his own rules, which means: no rules. "If he were captain of a soccer team, Milosevic would enter the field with four balls and start an endless debate on why a soccer game should be played with only one ball."[333] Also, one of the characteristics of his appearances, was not to address judges and the public in the courtroom, but his audience in Serbia, and he was much more effective than the prosecutor. In this way, he was trying to convince the viewers that he was not only the only indicted party in The Hague but in there with the Serb nation as a whole.

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Belgrade

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[333]   Vojin Dimitrijević, *Justice Must Be Done and Be Seen to Be Done: The Milosevic Trial*, East European Constitutional Review, 1-2/2002, p. 59-62.

IULIAN FRUNTASU

JUSTICE IMPOSSIBLE? TRANSITION TO A PEACEFUL DEMOCRACY IN CROATIA AND THE OSCE MISSION

The Legacy of War as a Warfare of Symbols

The party with the greatest capacity for organized violence will obviously inflict upon others the most severe damage. In former Yugoslavia it was the JNA (Yugoslav People's Army) that had such capacity and the majority of its officers were Serbs that overwhelmingly supported Belgrade's policy of establishment of a homogeneous ethnic state on the territory of former Yugoslavian federation. This explains the initial net military advantage that Serbs had over Croats and Bosnian Muslims and that may also explain the comparatively greater responsibility of the Serb side for war crimes. The greatest capacity for organized violence is therefore the starting point in any conflict analysis not least because it is void of any ideological bias.

In many areas the population was mixed and in order to separate the overnight enemies the new nationalist ideologists needed collaboration from local population that in many cases formed units of self-defence or other paramilitary formations. Quite often these were the perpetrators of crimes in like killings and destruction in mixed villages. This element gives to the war of disintegration of Yugoslavia a certain civilian aspect, in addition to the legacy of coexistence in a common state for a half a century and the high percentage of mixed marriages.[334] The civilian aspect of the war was also underlined by the irrationality of destruction after the military liberation of Knin, capital of former Serb-held Krajina, when not only private houses were set on fire, but public buildings as well, as acknowledged by General

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[334] Michel Bougarel, *Bosnie. Anatomie d'un conflict.* Paris: Editions La Découverte: 1996, p. 87.

Gotovina himself[335]. For example, the Maslenica bridge, originally built by a Belgrade company, was rebuilt after being destroyed in the war in a place where the political climate was even worse. Symbols in a post-war society, needless to say, sprang out of a deeper psyche, pushing the reality out of rationality bounds. Quite often, however, special economic interests merge in with political and ethnic symbolism resulting in mutual consolidation conducted at the expense of society as a whole.

Croatia basically fought a self-defence war, though it might be argued that on Bosnian territory it acted more as an occupation force; evidence shows that such personalities like late President Tudjman, Croatian defence minister Susak and Herceg-Bosna president Mate Boban preferred the option of linking Herceg-Bosna and Posavina to the Croatia proper in the early days of the war.[336] Only their natural deaths prevented their appearance in The Hague.[337]

Many individuals profited from the war. If we take the tenancy rights that around 100.000 Serbs have lost running away from the country, it means that the same number of Croats benefited cheaply from almost free flats entering them and privatising them for really small amount of money, you get an impressive number that acts as a powerful lobby with its own tribunes. As a social group it definitely exceeds the numbers of those who really suffered purely for the cause of "Croatia's freedom". Human nature, which ceaselessly promotes personal interests without regard to publicly declared attachment to moral principles, and a state of war greatly help potential profiteers to use the opportunity of chaos and absence of rule of law.

According to the current deputy-mayor in Donij Lapac[338], a small town in Lika-Senj County, some Housing Commissions issued the temporary deci-

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[335] "Gotoina: Hrvatski vojnici u Kninu ponašaju se kao barbari i plaćenici...", *Globus*, No. 696, 09.04.2004.

[336] "Stenogrami o agresiji na Bosnu", *Feral Tribune*, No. 969, 09.04.2004.

[337] "Tuđman bi da je živ možda bio u Haagu", interview with Peter Galbraith, first US Ambassador in Zagreb, *Večernji List*, 17.03.2004.

[338] Conversation with Mr. Dotlić, Deputy-mayor of Donij Lapac municipality, on 23.03.2004.

sions on allocation of houses to individuals rather as an authorization to loot them, after which they left the place for good. According to another deputy-mayor, this time in Vrhovine[339], out of 200 tractors left by Serb refugees only 4 were recovered, though many could be still recognized by their former owners but not recovered because the law system discriminates them. As a well-known Croatian writer Slavenka Drakulić put it

> There are few people and they know everything about each other. They know what their neighbours are cooking for lunch, from which deserted or ruined house their carpet, refrigerator or television comes, and what each of them did during the war. They have good reason to be afraid of each other. It has to do with the so-called «TV-set syndrome». If you mention this, people will know exactly what you mean. It means that the majority of them used the war to «help» themselves to TV sets and similar goods from deserted houses. There are others who did far worse things, of course, but if you dare to challenge them and demand justice, they will say: «You shut up, you stole a TV set.» As if killing a man could ever be equated with stealing a TV. Of course it could not, but the comparison is enough to keep mouths shut [340].

These individuals, whether they acknowledge their guilt or not, form the lobby behind "inadmissibility" of looking into the way the war was fought. So, the rhetoric about "outside criminalisation" of the Homeland War has clear proponents; those who profited politically and economically, and those who eagerly (consumers of nationalistic ideology – mostly poorly educated peasants and workers) or reluctantly accepted this policy (mostly urban intellectuals many of whom emigrated). Out of eight recent suspects appearing at the International Criminal Tribunal for Yugoslavia (ICTY), five are in

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[339] Conversation with Mr. Delić, Deputy-mayor of Vrhovine municipality, on 16.03.2004.
[340] Slavenka Drakulić, *They Would Never Hurt a Fly* (Abacus: Great Britain, 2004), p. 25.

possession of property and businesses of 135 million Euro but taxpayers still have to pay for their defence[341].

Consequently, what strikes outside observers is some sort of warfare amongst symbols with all strong emotions that this implies both in the Croatian and foreign media, as well as in discussions of politicians and foreign diplomats.

Let's take Gotovina's case – from one side he is portrayed as a criminal on the run, though no Court has ever convicted him, on the other side he is portrayed everywhere as a war hero without the expected caution and restraint deployed for other suspected war criminals. For instance, one way to show it is to hang Gotovina's huge portrait on old fortress in Zadar, in Dalmatia, which apparently did not bother the Pope during his last summer visit or his arguably fervent audience thirsty for guidance to do good. The point is that symbols obliterate the very idea of justice. Gotovina as such, like other recent indictments against individuals mentioned above, is irrelevant – he might or might not be a war criminal – that is for an able court to establish. However, there are indications that Gotovina's capture would clear up the bloody mess left by the war criminals. Needless to say, the situation is far more complex. Symbols, however important, quite often overlook the problem of guilt and acceptance of responsibility from the side of Croatian society. For that, handing over Gotovina or several other generals is not really enough because that alone will not change a lot. The Croatian judiciary should be strengthened to cope with many other cases and the current *Zeitgeist* (spirit of the times) in society should be changed by policies formulated by the government and active civil society groups so that perceptions change in a way that urgency to try the crimes committed by army, police, and paramilitary is impressed on everyone. Understanding and awareness raising should therefore be the key to finalising the transition of Croatia to a peaceful and stable democracy.

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[341] "Top-lista haškh milijunaša", *Globus*, No. 697, 16.04.2004.

One of questions that today sparks a fierce debate in Croatia is whether the resemblance of some sort of political conclusions allegedly present in recent indictments against Generals Čermak and Markač do support the thesis of organized policy of ethnic cleansing. The sensitivity implied is determined by the inability or unwillingness to share the same expressions used by the ICTY in the case of Serbian war criminals that do bear the biggest responsibility in the Yugoslav war. However, Tudjman's policy was also directed at cleansing ethnically the former Krajina, although killings were used at a lesser extent. This kind of ethnic cleansing could be called a "soft" one by informal agreements to exchange populations, by erasing houses and infrastructure in Serb areas to contain return, and by populating formerly Serb-dominated areas with Bosnian Croats or even settlers from other parts of Croatia. Killings of old people that decided to stay on the outskirts of Knin also sent a powerful message to refugees to "never return". The Croatian Helsinki Committee in its report from 1999 reveals that 410 people were killed on the area of responsibility of Čermak and Markač by the end of 1995[342]. The Croatian army and police killed 140 civilians in sector South in non-combat operations, mostly old individuals that decided to stay in Croatia.[343] Steps were undertaken such as launching investigations and informative talks with the former heads and members of special police force regarding the killings of Serb civilians in Grubori, on the outskirts of Knin, on 25 August 1995, after operation "Storm" in the wake of the removal of obstructionist individuals and in the context of EU integration.

War Crimes: Justice Impossible?

The OSCE Mission's core mandate[344] stipulates the provision of assistance and expertise to the Croatian authorities and interested individuals in the fields of human rights and rights of national minorities; assistance and advise on the full implementation of legislation and monitoring the proper

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[342] See www.hho.hr

[343] "HHO: 410 civila ubijeno na području odgovornosti Čermaka i Markača", *Jutarnji List*, 06.03.2004.

[344] See www.osce.org/croatia

functioning and development of democratic institutions, processes and mechanisms in order to promote reconciliation, the rule of law and conformity with internationally recognized standards; assistance and monitoring as well as making specific recommendations with regard to the implementation of Croatian legislation and international commitments on the two-way return of all refugees and displaced persons and on protection of their rights.[345]

As mentioned above, full cooperation with the ICTY remains a main responsibility of the Croatian authorities and has become an important benchmark for the EU pre-accession negotiations.[346] In light of the ICTY's "completion strategy" and its increasing reliance on the domestic judiciary, the OSCE Mission prepared a comprehensive war crimes report reviewing all event proceedings it monitored in 2002. A second report for 2003 is due soon.

> Since its establishment in 1996, the Mission has been monitoring war crime cases before Croatian courts, primarily through its field staff. Initial concerns mainly focused on the lack of basic fair trial guarantees (*in absentia* trials, questionable evidence etc), the vast majority of whom were Serbs accused of crimes against Croats. Since 2000 the Mission observed increased efforts by the domestic authorities (police, prosecutors, and judiciary) to pursue all individuals responsible for war crimes, regardless of the national origin of the defendants and the victims. Yet, observations indicate that these cases remain highly charged and require particular attention to assess impartiality and professionalism. At all stages of procedure from arrest to conviction, the

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[345] Decision no. 112 adopted by the OSCE Permanent Council on 18 April 1996 and Decision no. 176 adopted on 26 June 1997.

[346] 1996 Constitutional Law on the Cooperation with the International Criminal Tribunal for the Former Yugoslavia (ICTY) and October 2003 Law on the Implementation of the Statute of the International Criminal Court and Criminal Prosecution for Acts against War and Humanitarian International Law. These, as well as other Croatian laws, could be viewed at www.nn.hr

application of a double standard against Serb defendants and in favour of Croat defendants continues as a general rule.[347]

As a recent OSCE press release[348] put it, based on the monitoring of some 75 war crime trials during 2002 at 12 county courts and the Supreme Court it was possible to conclude that defendants of Serb ethnicity are disadvantaged at all stages of judicial proceedings compared to Croats. Further reform is badly needed in order to achieve the even-handed administration of criminal justice in war crime cases. The proceedings monitored by the Mission account for 80 to 90 per cent of all war crime proceedings reported by the Chief State Prosecutor in his 2002 Annual Report. The Mission's findings[349] are that:

- Serbs are much more likely than Croats to be convicted when put on trial. 83% of all Serbs put on trial for war crimes (47 of 57) were found guilty, while only 18% of Croats (3 of 17) were convicted. According to preliminary findings, the differential appears to have decreased somewhat in 2003.

- While there is no imperative that an equal number of Serbs and Croats should face prosecution, Serbs represented the vast majority of defendants at all stages of judicial proceedings. For example, in 2002 Serbs represented 28 of 35 arrests; 114 of 131 persons under judicial investigation; 19 of 32 persons indicted; 90 of 115 persons on trial; and 47 of 52 persons convicted. From preliminary data, this trend appears to continue in 2003.

- Trials *in absentia*, used primarily for Serbs, continued. Many of these trials have a large number of defendants, which means that the principle of individual guilt is often not observed. Nearly 60% of all Serb convic-

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[347] http://www.osce.org/croatia/human_rights/domestic_war_crimes.php3
[348] OSCE Mission to Croatia report finds ethnic Serbs "disadvantaged" in war crime trials, Zagreb, 1 March 2004.
[349] See Mission to Croatia Report http://www.osce.org/documents/mc/2004/03/2185_en.pdf

tions were convictions *in absentia.* This trend continues, according to preliminary data for 2003, particularly in Zadar.

- Procedural shortcomings in lower courts are proven by the high reversal rate (95%) of Serb convictions that are examined by the Supreme Court. Also, in re-trials, a majority of Serbs previously convicted are exonerated. The Supreme Court's reversal rate in 2003 appears to have decreased, but more than half of all verdicts in war crime cases were sent back for re-trial due to errors by the trial courts.

Half of the Serbs arrested for war crimes in 2002 were recent returnees, the trend continued in 2003 and the lack of even-handedness in the treatment of war crimes in the courts continues to be an obstacle to refugee return. It occurs often in some counties that the state security officers in some municipalities misuse the situation when Serb returnees come to state institutions to pick up documents in order to interrogate them in the absence of any legal reason. Moreover, Croatian law-enforcement bodies somehow irrationally assume that perpetrators of Serb origin would return to the country to face justice. Disregarding such an assumption and basically attempting to find scapegoats does not of course do justice but hinder return.

The Chief State Prosecutor has acknowledged irregularities and has mandated a review of approximately 1,850 pending war crime cases. He had also to terminate 249 criminal cases for war crimes, claiming that in many cases there is no substance for such indictments but there is for less serious types as participation in the enemy's army or armed revolt that fall under the Law on General Amnesty.[350]

To support the above mentioned thesis and numbers it might be also instructive to bring one of the most biased and simultaneously bizarrely formulated indictments that occurred in Gospić where the county court sentenced Svetozar Karan to 13 years for "...exerting genocide for 500 years together with

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[350] "Baić: Optužnice podizane sa slabim dokazima", *Novi List*, 19.12.2003.

his ancestors that came with along with Turks. (…) One reason for his return was the final destruction of Croatia"[351]. The sentence, originally for beating prisoners in 1991-1992, was abolished by the Supreme Court and sent back for retrial by another judge.[352] Comparing this case with another one when only one unimportant perpetrator was sentenced to 12 years for the crime in Paulin Dvor where one Hungarian and 18 Serb civilians were murdered in 1991, their corpses being kept for 6 years at the Lug military depot and buried in a different county[353], it shows clearly the great difficulty of Croatian judiciary to cope with the challenge of conducting judicial proceedings impartially.

In addition and complementary to the fact that the Croatian judiciary has many problems in processing war crimes, the high number cases brought by Croatian citizens before the Human Rights Court in Strasbourg is also a concern.[354]

The Return Issues Reconsidered

The double-standard policy in processing the war crimes is mirrored by the repossession and housing care procedures, although the complicated body of laws and regulations make it more difficult to see clearly the similarity between the two.

To support the allegation, let's look into a concrete example. On 12 July 2002 the Croatian Parliament passed the Law on Changes and Amendments to the 1996 Law on Areas of Special State Concern.[355] The law was published on 24 July 2002 and came into effect 8 days later, on 1 August

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[351] Verdict of County Court in Gospić, No. K-4/03-185.

[352] "Optuženik s precima nad hrvatima već 500 godina vrši genocid", *Jutarnji List*, 26.09.2003 and "Vrhovni sud ukinuo 'povijesnu presudu' Svetozaru Karanu na 13 godina zatvora zbog ratnog zločina", *Jutarnji List*, 06.02.2004.

[353] *Feral Tribune*, No. 970, 16.04.2004.

[354] "Semneby: Potreban pomaci u reformi pravosuđa", *Novi List*, 25.02.2004.

[355] Official Gazette, 88/2002.

2002.[356] While the law repealed the property repossession scheme contained in the 1998 Return Program and related legal provisions, it continued the policy that was the main obstacle to Return Program implementation, namely the subordination of the rights of owners to the interests of occupants.[357] The amended law did not accelerate properly the pace of property repossession, and it provided no guarantee for actual repossession by the end of 2002 as earlier envisaged by the Government. The law was arguably contrary to constitutional and human rights standards including those for the protection of property.

Consequently, the property return and the return of refugees and internally displaced persons remain multifaceted issues with important political, economic, regional, psychological and legal aspects. The Mission's *Return and Integration Unit* focuses on resolving administrative and practical issues as well as on monitoring government plans and programs. The *Rule of Law Unit* focuses on legal issues involved in return, in particular the judicial restitution of private property and judicial decisions related to the issue of terminated occupancy/tenancy rights. The European Court for Human Rights (ECHR) has agreed to review cases that may provide guidance on several of these long-standing questions in 2003 and early 2004.[358]

The repossession of homes is among the key concerns to the OSCE Mission. The repossession process is delayed and suffers from both legal and political

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[356]   OSCE and UNHCR Report on implementation of the *Law on Areas of Special State Concern*

[357]   While the Croatian Danube Region (CDR) is included within the "Areas of Special State Concern" since July 2000, the amended law's property repossession mechanism, which refers to properties allocated for temporary use only under the 1995 LTTP (which was not applicable in the CDR) apparently was not to be applied where owners are usually Croats while temporary users are of Serb ethnicity. Authorizations for use, issued by the authorities of the Serb-held territories between 1991 and 1995 are not recognised/validated by the Croatian authorities as the basis for legal occupation. Courts routinely recognize the owner's right to seek repossession under the Law on Ownership. Alternative accommodations have not been provided for thousands of Serb families which were forced to vacate Croat properties since 15 January 1998. According to the Office of Displaced Persons and Refugees (ODPR) they may, however, apply for housing care in the ASSC.

[358]   http://www.osce.org/croatia/human_rights/

impediments. Generally speaking, the legislation and policies in place favour the interests of the occupants over the interests of owners. In early 2004, the ECHR agreed to review the case of *Kostic v. Croatia* that presents the question whether Croatia's delay in returning occupied private property violates the European Convention.[359]

One of the most significant housing-related human rights concern and obstacle for refugee return is, however, the lack of legal and practical redress available to families who lived in socially owned apartments and whose occupancy and tenancy rights were terminated, either by law or by court decision. The legal and human rights aspects of occupancy and tenancy right terminations in Croatia are expected to be addressed by the European Court of Human Rights (ECHR) in the case of *Blecic v. Croatia*. The Mission as well as the Mission to Bosnia and Herzegovina submitted an *amicus curiae* brief.[360]

The enforcement of administrative decisions and court verdicts ordering the eviction of temporary users and the reinstatement of owners into their property remains ineffective.[361]

Looting, defined as destruction of both fixtures and moveable property, by occupants prior to their departure from private homes allocated to them by the Government, is another problem related to the repossession process and occurs on a routine basis. The legal remedies for owners currently provided by Croatian law proved to provide ineffective redress. Ideally, the *ex-officio* compensation approach for looted property would have been much better if it is taken into consideration that it was the State's responsibility to keep the houses habitable. That did not happen with very few exceptions mastered by more so to speak civilised temporary occupants. Currently, there is almost no compensation for looted property. The procedure is such that the ODPR officials while returning the property to the owners must fill in a form that

[359]   http://www.osce.org/croatia/human_rights/otr.php3
[360]   http://www.osce.org/documents/mc/2003/12/1976_en.pdf
[361]   http://www.osce.org/croatia/human_rights/otr.php3

should be signed and where the claims could be written on. However, quite often these officials knew to suggest strongly that in case of any claim the house must be sealed and a construction expert in some distant future will conduct an assessment to determine the degree of damage inflicted. With so many years of travail returnees usually opted for the return of property regardless its status at the moment of hand-over procedure.

The so-called international community should face it clearly – some decisions will not be possible to change or reverse – in some instances it would be even late to do justice because of the simple reason that individuals were deceased. It is also doubtful whether it makes sense to reverse decisions that compensated people only partially. For example, according to the *Law on Reconstruction*, the State reconstructs a house of 35 square meters plus 10 square meters per family member regardless whether the house was of a different size. Another example is the payment of an arbitrary compensation for non-returned property starting from 2002 and not from the moment the State gave the house to temporary occupants (starting from late 1995) which would be logical. In determining the degree of damage (there are six categories, 1 being the lowest one) ODPR officials in many cases downplayed arbitrarily the extent of it. Some owners did the reconstruction by their own means, especially when there were 1-2 categories and/or with the help of Lutheran World Federation, so to be able to move in without any further delay.

According to the governmental sources, since 1995 315 000 people returned home; 209 000 Croat internally-displaced persons (IDPs) and 106 000 Serb refugees, or far 66% of Croats and 34% of Serbs. However, it must be noted that the number of latter category of population is derived from the number of identity cards issued, not from actual returns. The government also alleged that it reconstructed in the last 3½ years 28 400 houses and flats and since 1991 the overall expenses for reconstruction and infrastructure as well

as for welfare to IDPs reached 25.2 billion Kunas out of which the contribution of the international community was 15%.[362]

ODPR and other state institutions had a discriminative policy towards Serb returnees compared to other citizens. For instance, the current one-year deadline was established for the submission of requests for former tenancy/occupancy rights holders in awareness of the fact that this period is too short for refugees abroad to act upon the information.

Theoretically and practically this way of "partial justice" worked because it is difficult to criticise it in particular when it is supported by the principle of due process of law that state officials use selectively. When confronted with grosser and more evident discrimination, things changed. However, this has made the government's lack of sincerity even more obvious. The Croatian legislative structures need permanent adjustment and a proper implementation for returns. To this end the assistance of the OSCE was beneficial despite certain occasional misperceptions or unease from state authorities which are otherwise characteristic of any relationship between a state and an international organization.

A final example of partial justice is the issue of state compensation of damage caused by terrorist acts. The abolishment of provisions of the *Law on Obligations* with regard to the responsibility of social-political community for the damage caused by death, physical injury and destruction of property that resulted from the acts of violence in 1996, and the adoption in 2003 of three laws on state compensation of damage caused by terrorist acts during and after the Homeland War meant basically to avoid compensating up to 30 000 citizens whose houses were blown up after operations "Flash" and "Storm".[363]

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[362] "Pejković: Vratilo se 315 tisuća prognanika", *Novi List*, 15.10.2003.
[363] "Damage compensation laws should be consistent with European Court ruling, OSCE Croatia says", OSCE Mission Press Release, Zagreb, 21 January, 2003.

What next? Policy recommendations, Building Up and Strengthening Institutions

1. The issue of Croatia's war for independence. The Hague indictments as well as foreign diplomatic statements should avoid any engagement into discussions about the character of the Croatian State – be it a thousand or ten thousand years of dreaming about independence – there are crimes committed by army, police and paramilitary and these crimes must be processed to the benefit of the Croatian state and society.

2. The establishment of a proper Zeitgeist in society. According to a recent survey by Metron/Vectura, 56.9% of respondents don't trust the loyalty of Serb returnees regarding the Croatian state.[364] However, any perception is subject to change and steps undertaken by politicians are extremely important. For instance, Prime Minister Sanader's congratulations to the Serb community on Orthodox Christmas, whether opportunistic or not, shows a change in perception and sets up a trend to be followed by other politicians and contributes to a warmer attitude towards this community. These gestures indeed are appreciated by international community and also show the Prime-minister's vision of an European Croatia.

3. Encouraging and assisting the implementation of agreement with Serb MPs. Following an agreement with the SDSS (Serb MPs) the Government undertook the responsibility to solve 10 500 requests for reconstruction until the end of April; to return 420 illegally occupied properties; to return ownership rights over private property of 2 680 houses by the end of 2004.[365] However, against this background, in February 2004 three houses of Serb returnees were either damaged or set on fire in Biljani Donji and Lišani Tinski.[366] Another Serb refugee was attacked in March 2004.[367] The govern-

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[364] "Srbi: druženje da, šefovanje ne - istraživanje",Obzor, *Večernji List*, 20.03.2004.

[365] "Pupovac: Provedbu sporazuma Vlade i SDSS-a koči Pejković", *Jutarnji List*, 25.03.2004.

[366] "Ako ne spriječi uništavanje imovine Srba, Sanader više neće imati našu podršku", *Jutarnji List*, 12.02.2004.

[367] "Napadnut povratnik u Zemuniku Gornjem", *Novi List*, 17.03.2004.

ment should be supported in sticking to the terms of the agreement concluded as well as in its attempt to find the perpetrators.

4. Policy of excluding Bosnian Croats. Zagreb should be encouraged to dismantle the powerful lobby of Bosnian Croats settlers and to accept not only formally the idea of an independent Bosnia and Herzegovina but to contribute to the consolidation of its statehood. More control over property issue so as to prevent the misuse of tax-payers' money to finance housing projects for Bosnian Croats or to offer temporary allocation without checking seriously the property status in Bosnia.[368]

5. The OSCE's presence. When it comes to size it must shrink the closer Croatia moves to the EU. Field Centres could be transformed into Field Offices as soon as next year international and local staff dealing with democratisation, politics, police, could be easily reduced by half. Focus should be placed mostly on return and reform of legal system.

6. More contacts with the EU, developing some sort of synergy. In the past cooperation was virtually non-existent. The OSCE can provide a lot information and expertise. The EU Delegation in Zagreb as well as diplomats from Embassies of EU Member-States could draw heavily on the Mission's expertise because the OSCE has a field presence that offers a unique opportunity to comprehend the country's political and legal situation. Also, more cooperation with the Council of Europe would benefit both organizations and Croatia as well.

7. Strengthening Croatian legal institutions. The policies outlined above should definitely be supported by strengthening Croatia's legal system. There is a need to assist Croats to cope domestically with war crimes (establishment of special courts), to train staff, and equip courts. For instance, the clumsiness of witness protection programs in one court has shown the inability to run such a requirement efficiently. A proper witness protection

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[368]   Interest in promoting returns and returning property to rightful owners is unequal if not partial in some cases.

programme could prevent the elimination of witnesses. There is a need to train judges, some of them directly at The Hague, so that the Croatian Courts could take over war crime cases and process these in country.[369] The ICTY has shown trust in indicating that several high-profile cases could be tried in Croatia: Generals Ademi and Norac for alleged war crimes during the Medak pocket operations and Tomislav Merčep for the murder of Serb civilians in Vukovar in July-August 1991.[370] But the ability to properly process war crimes is crucial and the judiciary needs concrete programs and training, as well as equipment to run some more specific legal procedures.

8. Establishing a practice of sustainable cooperation between the law enforcement bodies of Croatia, Serbia, and Bosnia and Herzegovina on processing war crimes. Domestic courts in Croatia and Serbia have already tried to prosecute war criminals but success is modest by all accounts. Some practices should be developed as well as accompanied by mechanisms to process war crimes more efficiently. The EU could be of great assistance in this regard both technically and institutionally. The OSCE could also be of help when it comes to expertise and advisory role.

Between Rhetoric and Reality

In analysing the transition towards rule of law in Croatia as it moves towards an internally peaceful society, there is no way to avoid the dilemma that lawyers and human rights activists are commonly faced with in other cases where civil war or other types of conflict have resulted in mass murder, destruction of property, and mass migration of population. So, is justice possible? This is a question that idealists would treat differently from realists. Without getting into theoretical debates between the two the author of this report would rather base his conclusions on the experience gained in OSCE Missions, and conclude that the idea of justice is rather based on acknowledging guilt. However, to which extent reparations should go bearing

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[369]   "Hrvatski suci uskoro idu na obuku u Haag", *Jutarnji List*, 21.02.2004.
[370]   "Merčepu i Ademiju će se suditi u Hrvatskoj", *Jutarnji List*, 10.03.2004.

in mind both the financial ability and passage of time that makes reconciliation possible is an open debate. Quite often in pursuing justice the idealists overlook the great shock the society went through while the country was at war. However, the realists may tend to accept some realities that are based solely on injustice and this is a dangerous way to treat the political and social environment.

Our task is rather to find a balance whereby the living can pursue a way of life they have a reason to value and whereby the dead are remembered in a way that would prevent a similar catastrophe. Here the assistance of international organizations is badly needed and accepted with the idea that learning is a process that benefits all parties involved and that is the only way to achieve progress.

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THE EUROPEAN UNION'S POLICY IN SOUTH EAST EUROPE – THE DANGER OF UNFULFILLED EXPECTATIONS

After the recent enlargement of the EU by ten new members on May 1st 2004 now the question gains more and more interest whether and how further enlargement rounds are imaginable. Further enlargement rounds are for sure, since Bulgaria and Romania have the assurance to become full members of the EU in 2007 or latest 2008. Croatia is confident after the positive opinion of the EU-Commission of April 20, 2004, to join these two countries when becoming members of the EU. At the Thessaloniki EU summit of June 2003 also the other countries of the Western Balkans (Albania, Bosnia-Herzegovina, FYR Macedonia and Serbia-Montenegro [Kosovo included according to UN Security Council resolution 1244]) have also been granted the perspective of EU membership by being named potential candidate countries.

The European Union has become increasingly engaged in stabilization politics in the Western Balkans since the signature of the Dayton Accords in 1995. Beginning with the summit in Feira in June 2000 and the following start of the CARDS-Program the EU steadily enlarged its instrumental *bouquet* building up the new perspective of EU-membership for the Western Balkan countries accordingly.

In the years since Dayton it became obvious that securing peace, stabilizing and reconstructing societies in the countries of the Western Balkans cannot succeed without a trustworthy long-time perspective as long as the perception of hopelessness and being isolated from the allegedly sane and prospering West European environment prevails. However, it has turned out very clearly that the region itself cannot develop durable, success-promising per-

spectives and the related necessary politics, and so it is unavoidable that a kind of external agent of direction must be available.

By its own vested interests in a stable neighbourhood, the European Union must build up such a perspective in order to break through the lethargic vicious circle of hopelessness in the Balkans. The question, however, comes up whether in fact full membership in the EU is the only possible means for a long-term stabilization of these States, or whether not this perspective will lead to frustration and internal blockades for politicians and the people in the region because of the lengthy horizon that objectively must be set. The Western Balkan countries may become increasingly sceptical of full membership when in this enlarged EU fundamental political disputes (example the debate on a EU constitution) and distribution fights (example EU-budget for the years 2007-2013) will intensify, and enlargement fatigue will develop. Any serious analysis of the economies and societies in the region by applying the Copenhagen political and economic criteria, underlines the evidently lengthy time span for reaching full membership because deficits in practically all areas are obviously too important to be removed shortly.

In this context it is obvious that the major problem area for all countries of the Western Balkans is the economy, whereas in the sphere of political criteria one can expect more rapid improvements if only the political will is strong enough. In the field of economics the two major questions are firstly, how far the respective economies have developed into functioning market economies, and secondly, whether these can withstand strong competition in the European common market.

Let me present only some rather general economic evaluations and trend assessments for the region i*n tot*o, in particular also in comparison to the countries of the present enlargement round. In the European Commission's last economic report on the *Western Balkans in Transition* of January 2004, a relatively positive picture has been presented with regard to the general economic development in the region. It was noticed that since the year 2000, an average annual real increase of the gross domestic product (GDP)

of 4.5% can be observed, whereby the extreme low level of departure must be taken into consideration! In addition it has to be notified clearly that this economic growth has been accompanied by a strong external imbalance which means that high deficits of the trade balances are common, caused by the extreme surplus of imports over exports.

Leaving Kosovo aside, the imports of the countries of the Western Balkans have increased from altogether 18,7 billion Euros in 2000 to 25,4 billion Euros in 2003 when in the same time exports have increased only from 9,8 billion Euros to 11,1 billion Euros. With the EU alone the trade deficit of the Western Balkans has reached more than 13% of regional gross domestic product in 2002! This clearly shows that the countries are by far not yet able to utilize the advantages offered by the EU through asymmetric trade liberalization. This is on the one hand due to the lack of respective production capacities, on the other hand caused by the inability to fulfil the quality standards of the EU. The major problem areas for a perspective accession of the Western Balkan countries can be summarized as:

- Deficiencies in macro-economic stability mirrored by an important double deficit (state budget and current account), and by comparably high foreign indebtedness. Taken into consideration the low level of incomes, a stabilization through restrictive fiscal policies would cause immense additional social problems for a population that already lives below or very close to the poverty line.
- Many of the countries mainly export only simple labour-intensive commodities (e.g. clothes, shoes, textiles) without being incorporated into more demanding production and transformation processes of the European industry by cooperation linkages. Without such an integration into the European division of labour only minor further growth impulses can be expected from foreign trade.
- Competition is distorted and disturbed in many ways. Subsidies, rules of preference and uneven conditions of market entrance (shadow economy) lead to distorted competition which in addition suffers from widespread corruption and patronage. Extraordinary close linkages be-

tween politics and economic interests reaching far beyond West European lobbies, lead to constellations where not the common interest of the population but that of very specific groups are prevailing, justifying the notion of "state capture" by groups or individuals.

Save for Croatia, the countries of the Western Balkans display a level of development, measured in GDP per capita and calculated at the actual rate of exchange, between 4% for Kosovo and 8% for Serbia-Montenegro and Macedonia in relation to the EU-15 average! This illustrates the distance not only to the EU countries, but also to the new accession countries of May 1st 2004, of which the two weakest – Latvia and Lithuania – still can present GDPs per capita that are close to 40% of the EU-15 average.

Thus, if one tries to evaluate the five countries of the Western Balkans only by applying the purely factual Copenhagen criteria together with the degree of fulfilling EU conditions for the region, high deficits in practically all areas must lead to the assessment that a EU membership is practically illusory for the foreseeable future. Even Croatia, which compared to the four other countries of the Western Balkans performs clearly better in the political as well as in the economic sphere, has received the blessing of the EU Commission to start accession negotiations in a kind of political gift signalling to the region that the EU is ready to open accession perspectives for countries solely under political stability considerations by putting aside factual evaluations, this against the sceptical expectations of most observers.

It is not the acknowledgement of real progresses in reforms and transformation with clear achievements of sustained stability, but only encouragement and hope that underlie the positive decisions of Thessaloniki for the entire region and the positive opinion for Croatia! Thus, in contrast to the Central European accession countries, the countries of the Western Balkans have not been provided with the offer of a EU-perspective due to specific reform attempts and obvious and rapid transformation advancements, but have instead "merited" this perspective by the fact that they present themselves as a part of Europe endangering the stability of the rest of Europe, after having

destroyed most of their economies which before the 1990s were quite well developed. Before the devastating ethnic wars, old Yugoslavia (FRY) had reached an economic and social level of development that could very well compete with the most advanced Central European reform states Czecho-slovakia and Hungary. Yugoslavia co-operated with the then European Community that had caused justified envy among the other socialist countries which were just starting their cumbersome transformation process.

The current accession perspective does not have a time frame, as was expected by the countries of the region before the Thessaloniki summit, but has been programmatically confirmed in different speeches and actions since. Now the EU has a dual problem. On the one hand one can expect that the present enlargement round, concluded by the 1st of May 2004, will not remain completely without problems, tensions and eventually even set-backs. As mentioned before, this can be already seen in the debates on the European constitution and the new EU-budget for the period 2007-2013, but will soon be realized also in talks about the contents of the future European Security and Defence Policy. A clear enlargement fatigue can already today be assessed and might increase after 2007 or 2008, when Bulgaria, Romania and probably also Croatia will likely join. On the other hand, the other countries of the Western Balkans will not remain content with the perspective that the next decisive step towards full membership, i.e. the announcement of accession negotiations, might happen only in very far future.

The example of Macedonia which had presented its application for membership on March 22, 2004, shows this clearly. This country wanted to present its application before more negative signals might reach Skopje from Brussels and the capitals of the EU member countries. Once on the table such an application must now be handled similarly to the case of Croatia even though the preconditions for Macedonia are much worse than for Croatia.

The confirmation of the accession perspective given in Thessaloniki can be regarded only as a short term success by politicians in the region, but one which awakens expectations among the population. However, the lengthy

horizon may soon lead to disappointment, frustration and EU fatigue if not even EU rejection. In the meantime economic as well as social improvements and formal intermediate advancements should not be offered to the population as indication of clear progress.

Although it is not easy to resolve the problem of economic recovery, still it seems to be a task which can be handled by increased financial support as well as technical and personnel assistance. Much more complicated is the bridging of the long empty timeframe which cannot be filled simply by the signature of stabilization and association agreements. The question therefore arises, whether the – so far taboo – partial membership, could become a kind of incentive insofar as the term "junior membership" or "membership light" could supply the politicians and the population with the impression of having reached a qualitatively higher step of rapprochement.

Within these junior memberships one could think of a intermediate process which in a kind of facing-in could entail a more and more active and passive participation in the European process of integration ending up finally in full membership. In this process, which could be offered also to Turkey and later to Ukraine, Moldova and Belarus, it would be possible to enlarge step-by-step also the financial allocations according to the fulfilment of distinct conditions within an outer ring of membership.

This would have the additional advantage that the EU budget would not be put under a too heavy load at once. The population in the region would feel belonging more directly and early to the EU integrative community, and at the same time it would become more apparent and transparent how far away still the respective countries are from the final status of full membership. The great qualitative jump from a stabilization and association agreement to full membership and the time dimension could be elegantly bridged.

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BUILDING PEACE IN POST-NATO BOSNIA: A RECOMMENDED ACTION PLAN

INTRODUCTION

The European Union (EU) is scheduled to assume control of the Stabilization Force (SFOR) mission in Bosnia-Herzegovina by the end of 2004 (Dempsey, 2004ab). "Negative peace" (i.e., the absence of hostilities [Galtung, 1969, 1996]) was brought back to Bosnia by NATO military action following the genocidal massacres in Srebrenica of 11 July 1995, plus the Dayton Peace process culminating in a treaty by December 1995. Peace in the region has been maintained since then by a NATO-led peace enforcement mission, initially the Implementation Force (IFOR), and later SFOR.

What is the nature of the situation that the new "European Force" (EFOR) is about to enter? Five years after the Dayton Peace Accords brought negative peace to Bosnia, Jeffrey Smith (2000, p. A1) wrote:

> Five years into a multibillion-dollar effort to construct a viable, peaceful country from the ruins of Bosnia's civil war, Western governments are tiring of the job, citing rampant corruption, persistent ethnic hatred and a seemingly open-ended need for NATO peacekeeping troops.
>
> Many large aid donors, including the [U.S.], the World Bank and the [UN] say they will cut their assistance to Bosnia in the next year, in some cases by as much as a third. Members of NATO are weighing new cuts in its 20,000-member force after reducing strength from 32,000 at the outset.

Bosnians worry that major reductions in aid and troops could reignite the 1992-1995 war that shocked the world with neighbor - against - neighbor bloodletting and shelling of cities. As U.S. Army Lt. Gen. Michael L. Dodson, the top NATO commander in Bosnia note[d], *the troops are "the glue that holds all this together"* (emphasis added).

According to a more recent assessment:

What does it take for outside powers to rebuild a war-ruined and badly divided country? Bosnia offers a state-of-the-art – and sobering – example. Seven years after a U.S. intervention helped end its civil war and Western troops poured in to keep the peace, the Balkan nation of 3.5 million remains far from able to live on its own. The good news is that the horrific fighting that killed a quarter of a million people in less than four years has not been renewed, that several hundred thousand refugees and victims of ethnic cleansing have returned to their homes, and that peaceful and free elections were held [in October 2002] for all levels of government – the sixth elections to be staged in as many years. But the [*negative*] peace continues to depend on 12,000 foreign troops, including 2,000 Americans; the functioning of government relies in no small part on the interventions of a Western "high representative" with near-dictatorial powers; and, most discouraging of all, the victors in the recent elections were the same nationalist parties that tore the country apart a decade ago. Bosnia is not now a failed state, but it is a center for the trafficking of women and narcotics, a hide-out for war criminals and a steady drain on Western aid and Defense budgets. It's not likely to collapse soon, but neither will foreign troops and administrators likely

be able to safely pull out for many years to come (WP, 2002).

An assessment of neighbouring Croatia (CWWPP, 2004, p. 3) indicates that:

> The situation with regard to psychological trauma, non-violent conflict resolution and reconciliation continues to be poor and/or is deteriorating in the region. Suicides and domestic violence continue to increase. The unemployment situation remains catastrophic and is not improving. There is little hope among people that solutions will be found. Unfortunately, there is little input from local and national governments and international organizations on any of these issues, and politics remains a major barrier to progress. Non-governmental organizations, both local and foreign, fight from month to month to survive and to do what they can, but it is difficult for most organizations to remain alive.
>
> The recent elections in both Croatia and Serbia also give cause for concern. The parties that started the war won in both cases.
>
> We feel strongly that this region that is on the edge of Europe is being ignored, and that this policy is a dangerous one for Europe and the world. The problems here have not even begun to be solved.

And in March 2004:

> Kosovo ... took a very disturbing turn, with the most extensive ethnic violence seen there since 1999, resulting in 19 killed, 900 wounded and hundreds of Serb houses, churches and monasteries destroyed or damaged (ICG, 2004).

As a result, some in Bosnia are wondering if a similar regression into violence is likely for them as well, especially with the upcoming transition from NATO's SFOR to the EU's EFOR as guarantor of security (private communication).

Hence, the challenge facing the EU: how to assume control of the military mission from NATO in such a way that the EU can work together with Bosnians to build *positive peace* in the country – i.e., reducing if not eliminating the underlying causes and conditions of violent conflict – and, given the intimate interconnections between conflicts in the Balkans, in the region as a whole.

NEPSS: A BASIS FOR THE EUROPEAN UNION IN BOSNIA?

In recent years, I have been working on a design for a *New European Peace and Security System* (NEPSS) to intervene into the latent and manifest conflicts of post-Cold War Europe in a way that could prevent "Future Yugoslavias" (see Sandole, 1993; 1995; 1998a; 1999a, Ch. 7; 1999b). Given the "clash of civilizations" (Huntington, 1993, 1996) linkage between the Balkan Wars of the 1990s and the global war on terrorism, NEPSS may also be relevant to preventing future instances of the "new" (post-9/11) terrorism (see "Beirut to Bosnia," 1993). As U.S. Deputy Defense Secretary Paul Wolfowitz has commented:

> September 11 has clearly changed the stakes for the [U.S.] in dealing with security issues in those areas that could be sanctuaries for terrorists. [Bosnia would not be] just any failed state around the world, but one with a Muslim population in the heart of Europe. (...) Even today ... Bosnia remains a channel for terrorist networks to move money and people (cited in Shanker, 2003).

To put it simply, "September 11 changed [the U.S. Government's] perception of the Balkans" (cited in Dempsey, 2004a).

The New European Peace and Security System (NEPSS)

NEPSS – a "work in progress" – comprises descriptive and prescriptive elements; i.e., developments that have occurred or are occurring as well as those that could or should occur to maximize the positive implications of actual developments.

Descriptive Elements of NEPSS

Descriptively, NEPSS is a model for a post-Cold War peace and security system in Europe that calls for making use of, and integrating, *existing* institutions and mechanisms within the overall context of the OSCE.[371] OSCE plays a pivotal role in NEPSS because, in addition to its (now) 55 participating States representing all of the former Cold War adversaries and the neutral and non-aligned (NNA) of Europe, its traditional three "basket" structure (see Helsinki Final Act, 1975) provides a basis for integrating existing European and trans-Atlantic institutions and processes into interdependent components of a post-Cold War peace and security system:

Basket 1: originally   NATO/NACC [EAPC]
Security in general; later   Partnership for
Political/Military Dimensions   Peace; WEU/EU;
of Comprehensive Security.

Basket 2: *Economic and*
Environmental Dimensions   EU/European Free Trade
of Comprehensive Security.   Association (EFTA);

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[371] The OSCE succeeded its predecessor, the Conference on Security and Cooperation in Europe (CSCE), on 1 January 1995. "Within the overall context of the OSCE" means within the *framework* of, but *not* subsumed (in a hierarchical relationship) to, the OSCE.

Basket 3: *Human Rights and Humanitarian Dimensions of Comprehensive Security*.　　Council of Europe (CoE)

The Western organizations mentioned above, corresponding to each of three "baskets," have in recent years been reaching out to former adversaries in the East, if not to explicitly encourage their membership, then certainly to otherwise liaise and collaborate with them in previously unprecedented ways, which augurs well for their membership later on. In effect, the existing organizations, *led by NATO*, have been participating in an unprecedented *paradigm shift* away from Cold War-era, *Realpolitik* **national** security to post-Cold War, *Idealpolitik* **common** security.

Basket 1: Political and Military Dimensions of Security

Under *Basket 1,* NATO (the *North Atlantic Treaty Organization*) has been collaborating with its former adversaries, first in the form of the *North Atlantic Cooperation Council* (NACC), then the *Partnership for Peace* (PfP), and more recently, the *Euro-Atlantic Partnership Council* (EAPC), which has succeeded the NACC.

The North Atlantic Cooperation Council (NACC) was created at the NATO Rome summit of 7-8 November 1991, to facilitate consultations and cooperation in security matters among the former Cold War adversaries (see NATO Rome Summit, 1991). It represented the concretization of sentiments expressed in the *Joint Declaration* of the Paris CSCE summit, furthering the paradigm shift from confrontational (*national* security) to collaborative (*common* security) processes.[372]

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[372]　By 1 January 1993, NACC comprised 38 members:

The Partnership for Peace (PfP), created at the NATO Brussels summit of 10-11 January 1994, has been open to all members of the OSCE, and not just, as in the case of NACC, to the former Cold War adversaries. The PfP

(a) the 16 members of NATO (Belgium, Canada, Denmark, France, Germany, Greece, Iceland, Italy, Luxembourg, Netherlands, Norway, Portugal, Spain, Turkey, the United States, and the United Kingdom);

(b) the 6 Eastern European former members of the Warsaw Treaty Organization (WTO) (Bulgaria, Czech Republic, Hungary, Poland, Romania, and Slovakia);

(c) Albania;

(d) the 3 Baltic states (Estonia, Latvia, and Lithuania);

(e) Russia and the 11 remaining former Soviet republics (Armenia, Azerbaijan, Belarus, Georgia, Kazakhstan, Kyrgyzstan, Moldova, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan); plus,

(f) one observer: Finland (see Rotfeld, 1993, p. 177).

By 1997, NACC membership climbed to 40 with the addition of Slovenia and the former Yugoslav Republic of Macedonia, plus 4 observers with Austria, Sweden, and Switzerland joining Finland in that role (see *NATO Basic Fact Sheet Nr. 2*, 1997).

The *Western European Union* (WEU) – the "European pillar" of NATO and eventual security arm of the EU (see below) – created a similar organization in 1992, the *WEU Consultative Forum*, with Central and Southeast European states. In addition to the 10 WEU members (Belgium, France, Germany, Greece, Italy, Luxembourg, Netherlands, Portugal, Spain, and the United Kingdom) and 3 associate members (Iceland, Norway, and Turkey), the Consultative Forum included 10 associate partners (Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania, Slovakia, and Slovenia) and 5 observers (Austria, Denmark, Finland, Ireland, and Sweden) (see Walker, 1993, pp. 50-51; Walker, 1994, pp. 48, 54; YIO, 1997/98, pp. 1656-57).

During the Cologne EU Summit in June 1999, "European leaders approved a landmark document ... that formally commit[ted] the EU to a common policy on security and defense aimed at giving it 'capacity for autonomous action, backed up by credible military forces'" (James and Schmid, 1999). By the time of the Helsinki EU Summit in December 1999, the WEU had been absorbed by the EU as the basis for its Common Foreign and Security Policy (CFSP), with former NATO secretary general Javier Solana as its high representative (Fitchett, 1999; Hoagland, 1999).

built upon NACC (and the paradigm shift) by inviting the neutral and non-aligned (NNA) to join with NATO and the former Warsaw Treaty countries in developing a common security system through bilateral arrangements between NATO and each Partner country for, among others, joint planning, training and exercises to facilitate PfP participation in peacekeeping, search and rescue, humanitarian and other operations.[373] This enterprise includes the Study Group on Regional Stability in South East Europe, PfP Consortium of Defence Academies and Security Studies Institutes, which hosted the 5th Reichenau Workshop at which this paper was presented.

PfP also encourages the expectation that membership will ultimately lead to entry into an expanding and undoubtedly, "reinvented" NATO (see NATO Brussels Summit, 1994): originally a source of concern for Russians who felt that, notwithstanding their membership in the Partnership, eventual NATO membership did not apply to them and who, in any case, still defined NATO in Cold War terms.

At its 8-9 July 1997 summit in Madrid, NATO invited three former Warsaw Pact members – the Czech Republic, Hungary, and Poland – to negotiate

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[373] By summer 1996, the Partnership for Peace (PfP) included the NATO 16 and 27 others, including (after months of tense delays) Russia, for a total of 43 members (see Williams, 1994; *CSCE Digest*, 1996). Among the 27 non-NATO members were the 6 Eastern European members of the former Warsaw Pact (Bulgaria, Czech Republic, Hungary, Poland, Romania, and Slovakia); 14 former Soviet successor states (i.e., all with the exception of Tajikistan); 2 former Yugoslav republics (Macedonia and Slovenia); Albania; and 4 neutral and nonaligned (Austria, Finland, Malta, and Sweden). Malta has since withdrawn, while another member of the neutral and nonaligned, Switzerland, has joined.

By 1998, Tajikistan was a member as well, for a total of 44 PfP members: the same as the 40 members of the (now defunct) NACC and its 4 observers or, the 44 members of the Euro-Atlantic Partnership Council (EAPC) which replaced the NACC in May 1997 (see *NATO Fact Sheet Nr. 9*, 1997; PfP, 1998).

And by 2002, Tajikistan dropped out but then became a member again, plus Croatia and Ireland had become members as well, bringing the total membership to 46, all of which are also members of the EAPC (see EAPC, 2003; PfP, 2002).

entry into NATO. Given Russian sensitivities to NATO "enlargement" (*expansion*),[374] the Madrid invitation was preceded by the *Founding Act on Mutual Relations, Cooperation and Security Between [NATO] and the Russian Federation*, signed in Paris on 27 May 1997, which effectively allowed a Russian voice, but not a veto, in NATO deliberations. Madrid was also preceded by a meeting on 29 May of NATO foreign ministers in Sintra, Portugal, establishing the Euro-Atlantic Partnership Council (EAPC), which succeeded and went beyond the NACC, and enhanced the PfP, by promising to "bring NATO and its Partners even closer together with more intensive military exercises, planning, consultations and other activities" (White, 1997, p. 13). Together with the NATO-Ukraine Charter, also agreed to at Sintra and signed at Madrid, these developments furthered the paradigm shift from national to common security (see AP, 1997; *OSCE Newsletter*, 1997; *OSCE Review*, 1997).[375]

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[374] On 8 September 1995, then Russian President Boris Yeltsin, perhaps in part to defuse criticism of his policies by ultranationalists and others, condemned, in the wake of the genocidal fall of Srebrenica (Bosnia-Herzegovina), NATO's bombing of Bosnian Serb positions, even hinting that in addition to humanitarian aid for Serbian refugees from Croatia, "Russia might consider also sending military aid if the NATO attacks continue." He also made a connection between NATO's bombing and its planned expansion up to Russia's borders, arguing that the latter "will mean a conflagration of war throughout all Europe" (see Hoffman, 1995). Further:

In Moscow, ..., antagonism towards NATO's expansion [was] growing. Polish and Hungarian accession to NATO would be unwelcome but tolerated; the Baltics would be a different matter.

Leading Russian military strategists ... warned that Moscow could respond by repositioning tactical short-range nuclear missiles on its western borders.

Viktor Mikhailov, Russia's atomic energy minister, ... even suggested bombing Czech bases if the republic becomes part of NATO's military infrastructure (Hearst, 1996).

[375] The first meeting of the Euro-Atlantic Partnership Council (EAPC) took place at the Madrid NATO summit on 9 July 1997 (the same day that the NATO-Ukraine Charter was signed) with the 44 member nations discussing the role of the EAPC in conflict resolution and crisis management, and its relationships with the UN, OSCE, and NATO (see Marshall, 1997).

As already indicated, "All members of PfP are also members of the [post-NACC] EAPC," the overarching framework within which PfP activities occur (see Balanzino, 1997; *NATO Fact Sheet Nr. 9*, 1997; PfP, 1998).

Nevertheless, with the recent entry of the three Baltic states – Estonia, Latvia and Lithuania – into NATO, Russia once again expressed its concerns with NATO moving right up to its frontier, in effect, creating a Cold War-era bipolar line of demarcation (see Myers, 2004).

Basket 2: Economic and Environmental Dimensions of Security

The *European Union* (EU) is the premier organization for facilitating realization of the goals implicit in the OSCE's *Basket 2* emphasis on promoting "economic and social progress and the improvement of the conditions of life" (Helsinki Final Act, 1975, p. 89). Despite crises over the Maastricht Treaty on European Union (see, e.g., Levinson, et al., 1992), the EU has been pursuing the further development of a "common economic space"; e.g., negotiations between the (then) European Community (EC) and the *European Free Trade Association* (EFTA) during 1989-1992, to create a *European Economic Area* (EEA), "which was to come into force on 1 January 1993 and include 19 countries" (*Europe in Figures*, 1995, p. 24), representing "the world's biggest and wealthiest single market [with a population, at the time, of 380 million]" (Drozdiak, 1991):[376]

> [This] agreement breaking down the barriers between the remaining economic blocs in Western Europe also [was] expected to accelerate the process of eventually incorporating the impoverished new democracies in the eastern part of the continent ....
>
> Jacques Delors, the [former] president of the EC's executive commission, said ... that the Community may include as many as 30 member states in the future.

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[376] By 1 January 1995, the EEA had 18 members – the 15 EU members, plus Iceland, Norway, and Liechtenstein – minus Switzerland which had rejected membership through a referendum (see *Europe in Figures*, 1995, p. 24).

The EU, therefore, has been poised to take in additional members,[377] including states which were formerly adversaries; e.g., those involved in the *Pact on Stability in Europe*: Bulgaria, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland, Romania and Slovakia (see Helenius, 1995). Indeed, at its summit meeting in Luxembourg in December 1997, the EU invited the three candidates for NATO membership – the Czech Republic, Hungary, and Poland – one other Pact country, Estonia, plus Slovenia and Cyprus, to begin to negotiate entry into the EU. In addition:

> the EU [would] be working closely with another five states that [had] expressed an interest in joining the union: Bulgaria, Latvia, Lithuania, Romania and Slovakia [the remaining Pact countries]. These states [would] be offered expanded political and economic assistance from the EU with an eye toward eventual membership (*The Week in Germany*, 1997, p. 1).[378]

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[377]   By 1 January 1995, EU membership climbed to 15 with the addition of Austria, Finland, and Sweden to Belgium, Denmark, France, Germany, Greece, Ireland, Italy, Luxembourg, Netherlands, Portugal, Spain, and the United Kingdom (*Europe in Figures*, 1995, p. 24).

[378]   As a reflection of, among other things, the "clash of civilizations" (see Huntington, 1993, 1996) *within* NATO:

the EU leaders decided in Luxembourg against including [Turkey] in the expansion process. ... Turkey, an associate member of the EU and its predecessors since 1964, [had] been seeking to join the EU for the past ten years (*The Week in Germany*, 1997, pp. 1, 2). (Also see Hockstader, 1997; Hockstader and Couturier, 1997; IHT, 1997.)

Two years later, however, at the EU Summit in Helsinki, EU leaders decided to accept Turkey as a candidate for eventual membership. But further reflective of the "clash of civilizations" dynamic among the Western allies:

... the president of the European Commission [Romano Prodi] warned that a difficult time lay ahead before the EU would be ready to admit its first *Islamic and non-European member*. ... Some, including the president of the European Parliament, Nicole Fontaine, expressed fears that the dramatic proposed enlargement would dilute Europe's *identity* and cohesiveness (emphasis added) (James, 1999, p. 1).

And on 16 June 2001:

> After a three-day summit [in Göteborg] marred by the worst
> street violence in Swedish history, leaders of the 15-member
> European Union agreed ...to a firm timetable to admit new
> members from Eastern Europe by 2004. ... The summit's
> final communiqué called the enlargement process
> 'irreversible.' That was particularly good news for the
> candidates likely to be admitted first – Hungary, the Czech
> Republic, Estonia, Slovenia and Poland. The EU began talks
> with those countries and with Cyprus in 1998 and with
> Slovakia, Latvia, Lithuania, Romania, Bulgaria and Malta
> last year (Richburg, 2001).

In any case:

Talks on Turkish admission [would] not even begin until 2004, to give Ankara time to settle its
quarrels with Athens [in the Aegean and over Cyprus].

The European leaders [also] decided to start entry talks in February [2000] with Latvia, Lithuania,
Slovakia, Romania, Bulgaria and Malta. Talks [had] already begun with Estonia, Poland, the Czech
Republic, Hungary, Slovenia, and Cyprus (ibid., p. 5).

Reflecting in part the assumption that increases in living standards in these and other countries would undermine some of the factors that encouraged the violent expression of ethnic and other conflicts during the 1990s, Walker (1993, p. 50) suggested that:

> As the [EU] gradually encompasses many of Europe's new democracies at least in closer association arrangements, and some of them as full members, it could become the most important European organization for mitigating ethnic tensions.[379]

The following is one example of relevant post-Cold War developments involving the EU under Basket 2, with which I have been involved (UNECE, 2002, pp. 1-2):

> The proliferation of conflicts in Europe following the end of the Cold War has created new challenges and opportunities – of great complexity – for intergovern-mental and national institutions dealing with *economic and environmental aspects of security*.
>
> Organisations and alliances such as the European Union, OSCE, NATO, and UNECE [UN Economic Commission for Europe] have taken the lead to define the nature and scope of the new security environment and the shifting *economic and environmental* dynamics contributing to it. These organizations and unions have also been instrumental in engineering the type of constructive dialogue which allows new strategies, policies, responses and instruments for conflict prevention and resolution to be developed. The

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[379] Walker (1993, p. 50) adds: "This will be true as much because of the 'socializing' effect of constant contact and co-operation among interior, justice, social affairs or other ministries, as well as those responsible for economic and foreign policy, as because of specific agreements."

various institutions agree that the time is right to further refine approaches to conflict prevention and resolution and enhance their effectiveness.

The Villiers Colloquium, hosted by UNECE-OSCE with input from NATO experts and the participation of a broad spectrum of governmental, business and civil society specialists, is a critical contribution to the renewed efforts to develop more effective responses both to developing and actual conflicts. Furthermore, the meeting agreed that conflict prevention, based on effective use of early warning indicators and detailed analyses of the causes of individual conflicts, is the most politically and economically preferential approach.

The participants identified three primary causes of conflict in Europe, namely: economic decline and rising poverty; growing inequality between and within states; and weak and uncertain state institutions. Key secondary causes, which can act to sustain conflicts, include: high unemployment, notably amongst youth; and the abuse of ethnicity as a form of political strategy.

The role of parallel structures (terrorist and organized crime groups) and their ability to access international financing, from both seemingly legitimate and illegal sources, are also key destabilizing factors. Consistent and well resourced efforts, based on international cooperation, will be required to effectively subdue and dismantle these parallel structures.

Macroeconomic challenges linked to the processes of globalisation and the transition to market economies create additional stresses for those states where the key focus

remains state building and establishing the integrity of their borders.

The Villiers Colloquium has laid the foundation for a continuing Villiers Group which, if realized, will have the aim of establishing a comprehensive framework to facilitate more effective preventive responses to conflict and emergency security issues (emphasis added).

What is striking about the Villiers Colloquium is that, as with the EU itself, it goes beyond the economic and environmental dimensions of Basket 2, synergistically feeding into and reinforcing the political and military dimensions of Basket 1 and the humanitarian and human rights dimensions of Basket 3, to which we now turn.

Basket 3: Humanitarian and Human Rights Dimensions of Security

The humanitarian objectives associated with *Basket 3* are to further:

the spiritual enrichment of the human personality without distinction as to race, sex, language or religion, [through] increased cultural and educational exchanges, broader dissemination of information, contacts between people, and the solution of humanitarian problems (Helsinki Final Act, 1975, p. 113).

The realization of these goals is meant to occur "in full respect for the principles guiding relations among participating states," listed as part of Basket 1, where Principle VII deals with "Respect for human rights and fundamental freedoms, including the freedom of thought, conscience,

religion or belief"; and Principle VIII, "Equal rights and self-determination of peoples" (ibid., pp. 80-81).[380]

The *Council of Europe* (CoE), which "makes being a functioning democracy a condition of membership" (Walker, 1993, pp. 47-48), has been instrumental in achieving these goals:

> In considering applications for membership the Council conducts detailed examinations of national and local government laws, regulations and behaviour to ensure conformity not only with electoral, police, judicial and civil service practices of member states, but also with the European Convention on Human Rights. The Council also offers extensive information, training programmes and practical help to enable aspiring members to meet its standards, as well as to understand the practical problems of enforcing the European Convention on Human Rights [through the European Court of Human Rights which renders binding judgements on members' compliance with the Convention].[381]

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[380] Strictly speaking, therefore, the *Human Dimension* combines the humanitarian concerns of Basket 3 and the human rights concerns of Basket 1.

[381] By 1989-1990, as the Cold War was coming to an end, the CoE consisted of 23 members: Austria, Belgium, Cyprus, Denmark, Finland, France, Germany, Greece, Iceland, Ireland, Italy, Liechtenstein, Luxembourg, Malta, Netherlands, Norway, Portugal, San Marino, Spain, Sweden, Switzerland, Turkey, and the United Kingdom (see CoE, 1998).

By the end of 1993, Bulgaria, the Czech Republic, Estonia, Hungary, Lithuania, Poland, Romania, Slovakia and Slovenia – former adversaries of the West – had become members as well, bringing CoE membership up to 32 (ibid.). Many others had also applied, "including Russia and other member states of the Commonwealth of Independent States (CIS)" (Walker, 1993, p. 47).

By the end of 1995, the Council's membership stood at 38 countries, including Albania, Andorra, Latvia, Macedonia, Moldova, and Ukraine (see CoE, 1998).

The actual or potential expansion of, among others, NATO, the EU, and Council of Europe within the framework of the OSCE is compatible with a major feature of NEPSS: *no one* – ethnic and other groups within states as well as states themselves (*including* the Russian Federation) – should be left out in terms of systems designed to enhance the *political/military*, *economic/environmental*, and *humanitarian/human rights* dimensions of comprehensive security. For post-Cold War Europe to "work," therefore, it must reflect, *for all concerned*, "peace, security *and* justice" (emphasis added) (Helsinki Final Act, 1975, p. 77, passim): to leave any party outside the "European house" would be to ensure that they have no stake in preserving it; worse, to encourage them to stand by while others attempt to burn it down!

To summarize, then, within the descriptive component of the NEPSS framework, NATO represents an example of *political* and *military* aspects; the European Union (EU) primarily an example of *economic* and *environmental* aspects; and the Council of Europe (CoE) an example of *humanitarian* and *human rights* aspects of the new, comprehensive sense of common security pioneered during the 1990s by the OSCE.[382] More importantly, each of these heretofore Cold War institutions has been

Russia was admitted in 1996, despite its continuing brutal campaign in Chechnya, because "there was also broad consensus within the council that denying Russia membership would be a blow to the country's advocates of democracy" (*The Week in Germany*, 1996). Croatia, one of the primary combatants of the Balkan Wars of the 1990s, was also admitted in 1996, bringing total CoE membership up to 40 countries (see CoE, 1998).

In 1999, Georgia was admitted and in 2001, the remaining two states of the South Caucasus, Armenia and Azerbaijan - in a "cold peace" over Nagorno-Karabakh - were admitted, bringing total CoE membership up to 43 (see CoE, 2001).

By 2003, membership climbed to 45 with the addition of two other primary combatants of the Balkans Wars of the 1990s, Bosnia-Herzegovina and Serbia/Montenegro (see CoE, 2003).

[382] For further information about the OSCE, see the *Annual Report on OSCE Activities 2003* (OSCE, 2003).

reaching out to its former enemies, inviting them to either become members and/or join together in constituting new, post-Cold War institutions.

In continuation of this trend, at its November 2002 summit in Prague, NATO, which had already taken in the Czech Republic, Hungary, and Poland as members, had issued invitations to seven other former members of the defunct communist world – Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia – all of which became members on 29 March 2004.

And at its December 2002 summit in Copenhagen, the EU issued invitations to Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia, with all becoming members on 1 May 2004. In addition, on 12 May 2004, the EU began to

> map out a new strategy for dealing with its "neighbours" from Morocco to Georgia, heralding further levels of co-operation but stopping short of an offer of membership.
>
> The new policy offers the prospect of money, trade and security co-operation in exchange for progress in democratic and economic reforms.
>
> For the first time the EU's horizons will extend to the Southern Caucasus, with the prospect of enhanced co-operation with Armenia, Azerbaijan and Georgia. ...
>
> [Guenter Verheugen, the EU enlargement commissioner] will announce a framework under which initially seven countries would sign up to action plans for democratic and economic reform, which would be monitored by the [European] Commission.

If successful, the countries could then enjoy access to the EU's market of 450m people, help in building transport and energy networks with the EU and assistance in securing external frontiers against terrorists and traffickers.

The first wave in the programme are Moldova, Ukraine, Israel, the Palestinian Authority, Jordan, Tunisia and Morocco, with Egypt and Lebanon expected to be included in the autumn (Parker & Cienski, 2004).

Again, all these developments are nothing short of revolutionary, facilitating further paradigm shifting away from *Realpolitik*, "zero-sum" **national** security toward *Idealpolitik*, "positive-sum" **common** security.

However, notable and revolutionary though these developments are, NEPSS is basically a descriptive model for an *inter*state peace and security system: the *existing* institutions and processes it would integrate in terms of OSCE's three "baskets" are basically *inter*state governmental organizations. As such, NEPSS would be likely to perpetuate international "business as usual," albeit a much improved version thereof. To be more effective in preventing Yugoslav-type conflicts in post-Cold War Europe, therefore, NEPSS requires a *prescriptive* element: something which deals with the *intra*state level, for example, relations between minority and majority (e.g., ethnic or religious) groups *within* states.

Prescriptive Elements of NEPSS

Prescriptively, NEPSS is characterized by *"integrated systems of conflict resolution networks,"* comprising multi-track mechanisms and processes, plus joint vertical/horizontal as well as reinforced horizontal dimensions (see Lund, 1996, Chs. 4 and 5; and Sandole, 1993, 1995, 1998a, 1999b).

Joint Vertical/Horizontal Integration

Under the *joint vertical/horizontal* dimension of integrated systems, we would have a mapping of sections of Europe in terms of local, societal, sub regional, regional, and global levels of analysis, with *track 2 (writ large)* (nongovernmental) complementing *track 1* (governmental) actors and processes whenever possible. Expanding upon the original track 1-2 dichotomy (see Davidson and Montville, 1981-82), Louise Diamond and John McDonald (1996) developed their *Multi-Track Framework*, where:

(1) Track 1 remains the realm of official, governmental activity, *peacemaking through diplomacy*, with track 2 (*writ large*) subdivided into the following tracks:

(2) Track 2 (*writ small*) (nongovernment/professional): *peacemaking through professional conflict resolution*.

(3) Track 3 (business): *peacemaking through commerce*.

(4) Track 4 (private citizen): *peacemaking through personal involvement*.

(5) Track 5 (research, training, and education): *peacemaking through learning*.

(6) Track 6 (activism): *peacemaking through advocacy*.

(7) Track 7 (religion): *peacemaking through faith in action*.

(8) Track 8 (funding); *peacemaking through providing resources*. And

(9) Track 9 (communications and the media): *peacemaking*

through information.

The basic idea of "integrated systems" is that "all conflicts are local". And, assuming an *early warning system* to activate the *preventive diplomacy* envisaged by Michael Lund (1996) and others (e.g., Wallensteen, 1998; Kemp, 2001), conflicts developing at any local level could be responded to by a synergistic, horizontal combination of track 1-9 resources at that level – plus, vertically and diagonally, to the extent necessary, societal, sub regional, regional, and global levels as well.

Hence, following early warning of a developing conflict within the OSCE area that could spread to other levels, appropriate track 1 and track 2-9 conflict handling and intervention resources could be brought together – perhaps by the OSCE Chairman-in-Office or the High Commissioner on National Minorities (HCNM) assisted by an NGO (e.g., the *Foundation on Inter-Ethnic Relations* [see Zaagman and Thorburn, 1997]) – to deal with the conflict at its initial ("local") level of incidence/observation, but including communication and collaboration with, and resources from, other levels as well, such that the conflict does not spill over to any of them. As Michael Lund (1996), anticipating the OSCE's "Platform for Cooperative Security" (*OSCE Lisbon Document 1996*, *OSCE Istanbul Summit*, 1999ab), put it:

> the international community needs to think in terms of appropriate *divisions of labour* and *complementarities* (p. 144). ... The *vertical division of labour* ... would be achieved by pushing explicit direct responsibility and accountability downward ... to the parties to the conflicts themselves and to sub regional and regional actors. At the same time, extra local and extra regional states and the [UN] would provide appropriate facilitative, technical, political, and (if necessary) *military* support (emphasis added) (p. 183).

Together with violent conflict *prevention*, the joint **vertical/horizontal** dimension of NEPSS would include systems of conflict *management*, *settlement*, *resolution*, and *transformation* (see Sandole, 1998b):

(a)   *Violent Conflict Prevention* = **Preventive Diplomacy** in former UN Secretary-General Boutros Boutros-Ghali's typology. Basically, this would be a *proactive* effort, based on conflict monitoring and early warning using, for example, data from the Uppsala (University) Conflict Data Project or the University of Maryland's Center for International Development and Conflict Management (CIDCM) – including "Minorities at Risk" data – to track developing conflicts to "prevent a house from catching on fire" (see Wallensteen, 2002; **www.pcr.uu.se/database/**; Gurr, 1993; Gurr, 2000; Gurr, et al., 2000; Marshall and Gurr, 2003; **www.cidcm.umd.edu/datasets.asp**).

Despite a growing literature on violent conflict prevention/preventive diplomacy, especially since the publication of Michael Lund's (1996) classic work on the subject, such is rarely attempted. There are, however, notable exceptions such as the "quiet diplomacy" of the OSCE High Commissioner on National Minorities (HCNM) (see Kemp, 2001) and the first-ever and, thus far, only UN preventive deployment mission (UNPREDEP), which was conducted in Macedonia (see Williams, 2000; Sokalski, 2003).

(b)   *Conflict Management* = Arms Control Negotiations and Confidence- and Security-Building Measures (CSBMs) in general. Conflict Management also = **Peacekeeping** (under Ch. 6 of the UN Charter) (Boutros-Ghali, 1992). Conflict management/peacekeeping is attempted "reactively" whenever violent conflict prevention/preventive diplomacy has not been tried or if tried, has failed and the house has caught on fire. Such was the case with the UN Protection Force (UNPROFOR) in Bosnia during 1992-1995. The aforementioned Uppsala Conflict Data Project or the University of Maryland's Center for International Development and Conflict Management (CIDCM) datasets could also be used as a basis for tracking ongoing conflicts to ensure that the "fires" do not spread.

(c)   *Conflict Settlement* = **Coercive Peacemaking** (Boutros-Ghali, 1992). When conflict management/peacekeeping fails and the fire starts to spread as, in fact, happened with UNPROFOR, the international community then may step in to forcefully suppress the fire. Hence, following the Srebrenica massacre in July 1995, NATO conducted military operations against Bosnian Serb positions. Together with the Dayton Peace Process (see Holbrooke, 1998), a "negative peace" was achieved by the end of 1995 which has since been maintained, initially by the Implementation Force (IFOR), then by the Stabilization Force (SFOR), and next by the European Force (EFOR).

(d)   *Conflict Resolution* = **Noncoercive Peacemaking** (Boutros-Ghali, 1992). Putting out the fire does not necessarily deal with its underlying causes and conditions. This is where conflict resolution/noncoercive peacemaking enters the scene: to identify and render null and void the underlying combustible causes and conditions so that a particular fire does not start up again. By far, the premier example of an enterprise that does this in Europe (or anywhere else in the world) is the European Union.

(e)   *Conflict Transformation* = **Peacebuilding** (Boutros-Ghali, 1992). Once the causes and conditions of the particular fire have been identified and addressed, then the international community may decide to work with the survivors of the fire on their long-term relationships so that next time they have a conflict, they do not have to burn down the house, the neighbourhood, and the region. Since conflict transformation/peacebuilding is a response to the observation by Jean-Jacques Rousseau that "Wars occur because there is nothing to prevent them" (Waltz, 1959, p. 232), interventions at this level may involve the creation of mechanisms that, had they existed in the first place, might have prevented the house from catching on fire.

Any of the above five types of intervention or a sequenced strategy employing all of them (which, collectively, could be viewed as *peacebuilding "writ large"*), could operate also at the local, societal, sub

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regional, regional (EU/WEU, CoE, NATO/EAPC/PfP, OSCE), and global (UN) levels. In the event, track 2-9 (nongovernmental) mechanisms could complement track-1 (governmental) processes whenever possible. The premise here is, just as the causes and conditions of a violent conflict can be found at different levels, so an effective response to such a conflict would have to take into account factors at those levels as well.

Should the joint vertical/horizontal dimension fail to prevent "the house from catching on fire", then there may be a need for the *reinforced horizontal* dimension to become operational. This would involve the judicious use of *Realpolitik* force, but basically within an *Idealpolitik* framework, to achieve *negative peace* (put the fire out) but only as a "necessary" (although not "sufficient") condition for achieving *positive peace*: the elimination of the underlying causes and conditions.[383]

Reinforced Horizontal Integration

As indicated above, for NEPSS to succeed, especially if an initial attempt to employ the joint vertical/horizontal dimension of integrated systems fails, it should also include an "embedded" *Realpolitik* option for use as part of a larger whole consisting primarily of *Idealpolitik* measures and processes, to move to, but then beyond negative, and toward positive peace.

For instance, track-1 peace enforcement personnel, representing the UN, the OSCE, NATO, the EU, or something approaching a "representative sample" of the EAPC/PfP, might, under very clear conditions, enter a war zone to effect and/or enforce a negative peace, as a necessary (but clearly not sufficient) condition for moving toward positive peace. Such clear conditions should include the attempted imposition by one party of a genocidal "final solution" on another (e.g., in Rwanda in April 1994 or

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[383] A "necessary" condition is one that must be present in order for something else to occur, but its appearance does not make that "something else" occur automatically. A "sufficient" condition, on the other hand, *is* followed automatically by that "something else."

Srebrenica in Bosnia, in July 1995). In the event, the objectives of the peace enforcement operation would not include the bombing of civilian centres and the killing of tens of thousands in order to "win," or to "impose solutions," or – what is, in any case, impossible – to "solve" (through *military* means) the conflict, but (a) to prevent genocide, (b) permit international relief operations to get through to threatened populations, and (c) to separate the warring factions in order to afford them a "cooling-off" period, as a necessary (but again, not sufficient) condition of collaborative resolution of the conflict they have been expressing through violent means.

Some developments are suggestive of progressive reinforcement of NEPSS's *descriptive* character and the joint vertical/horizontal dimension of its *prescriptive* character – such as the emergence from the November 1999 OSCE Summit in Istanbul of the *Charter for European Security*, inclusive of the *Platform for Co-operative Security* (see OSCE Istanbul, 1999ab). Other developments, however, are suggestive of the sole narrow use of *Realpolitik* force; e.g., the destruction of Grozny and killings of tens of thousands of Chechen civilians in the Russian Federation. Even the 1999 NATO air war against Serbia over Kosovo – albeit clearly for the humanitarian purpose of preventing further genocidal ethnic cleansing of Kosovar Albanians – falls more into the category of the narrow use of *Realpolitik* force basically within a *Realpolitik* (instead of an *Idealpolitik*) framework. (Only time will tell how the post-9/11 interventions into Afghanistan and Iraq will be ultimately characterized.)

Accordingly, *Realpolitik* force should *always* take place within something like the joint vertical/horizontal dimension of NEPSS's *prescriptive* component: within a framework that also allows for, and encourages

–   conflict *resolution* (dealing with the underlying causes of the fire at hand) and

–   conflict *transformation* (dealing with the long-term relationships among the survivors of the fire), as well as

–   [violent] conflict *prevention* (preventing the house from catching on fire in the first place),

–   conflict *management* (to prevent the spread of the fire if initial conflict prevention is not attempted or if attempted, fails), and

–   conflict *settlement* (if management fails, forcefully putting out the fire) (see Sandole, 1998b).

If peace is not *positive* as well as *negative* – if it does not ultimately deal with the underlying **"conflicts-as-start-up conditions"** – then **"conflict-as-process"** will never be far from the surface, always available to be resurrected to come back to haunt us time and time again (see Sandole, 1999a, pp. 129-131):   this is the ultimate message and "categorical imperative" of a *complexity* approach to conflict analysis and resolution (see Waldrop, 1992; Sandole, 1999a, Ch. 8).

Accordingly, in terms of former UN Secretary-General Boutros-Ghali's (1992) categories of intervention, Dayton represents for Bosnia-Herzegovina fairly successful *peacemaking*, both military (NATO bombing) and political (Richard Holbrooke's mission [see Holbrooke, 1998]).   Dayton also represents successful *peacekeeping/peace enforcement*, with NATO's initial Implementation Force (IFOR) and subsequent Stabilization Force (SFOR).

As of his writing, *peacebuilding* still lags far behind.   *Operationally* speaking, therefore, Dayton is a track-1/*Realpolitik* agreement still in need of a viable multi-track/*Idealpolitik* complement.   And that is part of the continuing challenge for the international community: to design, implement, and follow through with such a component.   Specifically, this is part of the EU's challenge when it assumes control of the SFOR mission!

The other part of the challenge is to persuade the Europeans and others to keep a credible, effective peacekeeping force in Bosnia beyond any politically motivated, unrealistically short time lines – long enough to ensure that negative peace holds.[384] Bosnia is a clear case of where negative peace is a necessary (but not sufficient) condition of positive peace. The reconstruction of Bosnia – in emotional/reconciliatory as well as physical/economic terms – will take *years*, and an appropriate peacekeeping/peace enforcement presence should stay long enough to ensure that the job gets done.

HOW CAN THE EUROPEAN UNION MAKE USE OF NEPSS?

The simplest answer to this question would be for European Security and Defence Policy (ESDP) strategists to make use of what already exists – as in the descriptive component of NEPSS – as a basis for translating something like NEPSS into action in the Balkans. What might come to mind in this regard is the EU's Stability Pact for Southeastern Europe, which has been in operation since 1999. Although the object of much criticism and of efforts to improve its operation (see Sandole, 2002; Jurekovic et al., 2002), the Stability Pact for Southeastern Europe provides an existing conceptual and

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[384] On 18 December 1997, President Clinton decided to extend the U.S. presence in Bosnia beyond the June 1998 deadline for SFOR:

With a blunt admission that he misjudged how long it would take to build *lasting peace* in Bosnia, President Clinton ... announced that he [had] decided in principle to keep U.S. military forces there past a June 1998 deadline and *into the indefinite future*. ... [He] said pulling out the U.S. force now would invite a return to ... ethnic violence (emphasis added) (Harris, 1997, p. A1).

Two months later, on 18 February 1998, "NATO decided ... to extend its military mission in Bosnia beyond June at roughly the current strength of 34,000 troops, although it may be reduced significantly after national elections there this fall" (WP, 1998a). Two days later, the "20 non-NATO countries that participate in the operation [also] approved extending the force's mandate beyond its June expiration date" (WP, 1998b). (Among these, Partnership for Peace [PfP] members included Albania, Austria, Bulgaria, Czech Republic, Estonia, Finland, Hungary, Latvia, Lithuania, Poland, Romania, Russia, Slovenia, Sweden, and Ukraine. Non-PfP participants were Egypt, Ireland, Jordan, Malaysia, and Morocco [see Balanzino, 1997, p. 11].)

operational entry into force of a NEPSS-type system in the region, thereby enhancing its prospects for success. Much further work needs to be done, however, before that hypothesis can be fully tested.

As part of that effort, what has become known as the "European Community Project on Training for Civilian Aspects of Crisis Management" (EU, 2003a, p. 5) can be further developed:

> Recent history in the Balkans, in Africa and elsewhere has shown that the international community needs to strengthen its capacity to better prevent conflicts from breaking out, to intervene more quickly and efficiently in crisis situations when conflicts do occur and to provide sustainable support for post-conflict reconstruction. Military peacekeepers are needed to monitor cease-fires and re-establish safe environments for the local population and international actors on the ground. Civilian experts, however, play a fundamental role in complex peace operations, in crisis as well as in post-conflict situations, by supporting democratisation and the rule of law, by strengthening human rights, and by rebuilding civil societies and viable civil administrations.

> The European Union has taken up the challenge to boost its civilian peacekeeping and peace-building capacities and to improve the number of available and suitably qualified civilian personnel for peace missions. The European Council meetings at Feira in June 2000 and in Göteborg in June 2001 represented important milestones concerning efforts to critically take stock of the current levels of readiness and future preparation of civilians required for various crisis management activities. The existence of well-trained civilian experts ready to be deployed within a short amount of time was approved as important for the European Union's ability

to undertake the full range of conflict prevention and crisis management tasks. However, many civilians assigned by Member States are not well trained or do not have previous mission experience. Experience has proved that the pool of people available on short notice has to be much larger than the actual number of people demanded. The creation of so called trained reserves is essential in order to provide civilian personnel for peace missions and field activities of the European Union and other international organizations like the United Nations, the OSCE, and the Council of Europe. These findings led the European Commission to launch a pilot project in October 2001 on Training for Civilian Aspects of Crisis Management (also see EU, 2003b).

More recently (EU, 2003a, pp. 6-7):

Proposals [have been] developed with regard to the future training cooperation within the EU and with other international organizations with particular attention to very recent developments: The mandate of the European Council in Thessalonika to develop a co-ordinated EU training policy in the field of ESDP, with *civilian and military dimensions* as well as with the very recent Communication of the Commission to the Council and the European Parliament "The European Union and the United Nations: the Choice of Multilateralism" [COM (20002), 526 final of September 10, 2003] and the concrete implementation of the joint UN-EU declaration signed in New York, on September 24, 2003. Proposals for future training cooperation include:

– fostering closer training co-operation in the EU and the organization and co-ordination of training courses in order to enlarge the pool of well trained civilian experts available on short notice;

– contribution to a co-ordinated EU training policy in the field of ESDP, encompassing both *civilian and military dimensions*;

– exchange of information and co-operation between EU and other international organizations such as the UN, the OSCE and the Council of Europe;

– enhancement of the EU-UN training co-operation by a EU-UN training course based on the identification of joint standards and requirements;

– development of assessment criteria in order to see if the participants have attained the desired level of knowledge and competence; and

– support of compatible civilian personnel rosters on Member States and EU level which are important for the rapid deployment of qualified personnel for specific mission tasks (emphasis added) (also see **www:eutraininggroup.net**).

It is clear from the above that the EU is already working within the context of an NEPSS-type structure, including the joint vertical-horizontal dimension of the prescriptive component, and given the emphasis on the military as well as civilian dimensions of the EDSP, with implications for the reinforced horizontal dimension as well.

Further, these activities are taking place within the context of a global initiative stimulated by UN Secretary General Kofi Annan in June 2001, urging "NGOs with an interest in conflict prevention to organise an international conference of local, national and international NGOs on their

role in conflict prevention and future interaction with the United Nations in this field" (ECCP, 2003a, p. 1).

The initiative has been responded to by the European Centre for Conflict Prevention (ECCP) in Utrecht, The Netherlands, with the "Programme on the Role of Civil Society in the Prevention of Armed Conflict." The Programme is being implemented through the "Global Partnership for the Prevention of Armed Conflict" (GPPAC) and coordinated by an International Steering Group through its Secretariat at the European Centre for Conflict Prevention.

The Programme's overall objective is "To develop a common platform for effective action in conflict prevention from the community to the global level," by achieving the following specific goals:

–   To explore fully the role of civil society in conflict prevention and peace-building.

–   To improve interaction between civil society groups, the UN, regional organizations, and governments.

–   To strengthen regional and international networking between conflict prevention actors.

–   To promote the development of conflict-prevention theory and practice.

–   To integrate regional experience into an International Agenda for conflict prevention.

According to current plans, an International Conference will take place at UN Headquarters in New York by 2005. The objective will be to analyze recommendations generated by 15 regions worldwide in order to develop an

"International Agenda to guide future conflict prevention initiatives" (also see ECCP, 2003bc; **www.conflict-prevention.net**).

Thus far, the very first regional meeting of the Global Partnership for the Prevention of Armed Conflict has taken place in Dublin, Ireland, 31 March-2 April 2004:

> This Dublin Action Agenda reflects outcomes of a consensus-building process among more than 200 participants, representing CSOs [civil society organizations], governments and multilateral organizations. It articulates common ground amongst those European CSOs committed to conflict prevention and puts forward key recommendations to strengthen strategic partnerships for preventing violent conflict and building a *culture of peace*. It identifies common goals and strategies to encourage national governments, European multilateral organizations (especially the EU) and the UN, as well as CSOs themselves, to better implement conflict prevention and peacebuilding policies.
>
> These institutions are already committed to furthering this agenda and to the active engagement of CSOs in that process. This provides us with a real opportunity to have an impact. This Dublin Action Agenda was presented to the Irish Government – which presently holds the EU Presidency – on 2 April 2004. It will subsequently contribute to the development of an International Action Agenda, to be presented to the UN Secretary-General in July 2005 in New York (emphasis added) (ECCP, 2004, p. 2)

In effect, the Global Partnership for the Prevention of Armed Conflict (GPPAC) is an initiative for the worldwide development of something like NEPSS. Through the "top-down/bottom-up" synergy likely to be generated by international-regional interaction, collaboration, and coordination, this

program should facilitate the development of something like NEPSS – in its prescriptive as well as descriptive manifestations – in the Balkans in particular and Europe in general. This could, in turn, feed back into the further development of something like NEPSS in other regions and, ultimately, at the global level.

CONCLUSION

NEPSS has been presented in this article as a possibly appropriate design for the European Union to use as a basis for "capturing the complexity" of deep-rooted, identity-based conflicts such as those that characterized the Balkans during the 1990s, when the EU assumes control of the NATO-led SFOR mission in Bosnia.

It has been argued that NEPSS is relevant to dealing with such conflicts at any point in their development (latent, manifest/non-violent, manifest/violent), but preferably at their earliest stage, when the international community can be most proactive and effective with steps to achieve violent conflict *prevention* through preventive diplomacy.

Given the present state of affairs in Bosnia, a fully developed, "mature" NEPSS could facilitate further the transition from negative to positive peace, and perhaps reduce some of the motivation for those in the region and elsewhere who are, or could be, prepared to forfeit their lives in the commission of acts of catastrophic terrorism (see Hamburg, 2002).

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ANTICIPATED IMPACT OF THE NEW EU-MEMBERS TO THE SELECTED ISSUES OF THE INTEGRATION PERSPECTIVES OF THE WESTERN BALKANS

Introduction

On May 1, 2004 an unprecedented enlargement of the European Union took place[385]. This event was remarkable for various reasons. From the foreign policy point of view, South East Europe and more narrowly the Western Balkans will be influenced by this enlargement like no other region on the continent. It will be even more valid in 2007 after the expected accession of Bulgaria and Romania, two South East European Countries. The European Union will be spread around the territory of the Western Balkans. For several decades, nations of the Socialist Federal Republic of Yugoslavia used to have much closer relations with Western Europe than almost all new EU member states from Central Europe. It is natural that a certain bitterness of being "over-jumped" in European integration exists. Such emotions of "historical injustice" are understandable, but non-constructive. The success story of new member states creates a new quality of the European Union. It provides new opportunities for countries of the Western Balkans as well. A major question is: are the countries of Central Europe and the Western Balkans able to exploit the existing opportunities for the benefit of a wider region and the EU as whole?

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        Note: This article does not necessarily represent official view of the Ministry of the Foreign Affairs of the Slovak Republic

[385]   On 1 May 2004 Czech Republic, Cyprus, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia and Slovenia became members states of the European Union.

This paper presents an attempt of a short analysis of the current situation and the motivations of the involved new member states and the anticipated impact on selected issues from a stabilization and integration perspective for the Western Balkans.

The Changing International Environment of Europe in 2004

Without a doubt the year 2004 will become the most significant milestone in international and security development in Europe since the end of Cold War in 1990. The robust NATO enlargement on March 29, 2004[386], followed by that of the EU in May, sealed the transitional period of many former Soviet satellites in Central and Eastern Europe. After several years of painful reforms, thorough preparations and long negotiations, they have achieved their strategic objectives. Now, they are institutionally fully integrated into the Euro-Atlantic community. The day after represents a new start in a global play, in which the team result of the EU is as important as the individual achievements of players.

The new EU members are facing many different challenges simultaneously. EU and NATO membership solved the main concerns of vital state interests, such as territorial integrity or national security. In a political sense, both institutions are of crucial importance by creating a solid and stable framework for internal and external competition of political concepts and ideas. The basic institutional reforms of political, economic, judicial and security systems were accomplished during the preparatory process for integration. The fulfilment of the so-called "Copenhagen criteria"[387] was the *sine qua*

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[386] On 3 April 2004 Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia and Slovenia joined the North Atlantic Treaty Organization.

[387] In order to join the European Union a prospective member shall fulfill the economic and political conditions known as the 'Copenhagen criteria', according to which it must: be a stable democracy, respecting human rights, the rule of law, and the protection of minorities; have a functioning market economy; adopt the common rules, standards and policies that make up the body of EU law.

non condition for admission. However, the costliest and most painful issues like social security, pension or health system reform are undergoing planning or consideration only. Governments in the majority of the new member states are weak and in the coming months they will have to resist increased pressure from the opposition. In many countries, the political scene was relatively stabile due to the closeness of the strategic goal of EU membership. Now, after the accession, political opposition can be more aggressive. Governmental coalitions were recently shaken for different reasons in Poland, Slovakia and Slovenia. The upcoming elections for the European Parliament, the first time in this part of Europe, will also intensify the political fight.

Countries Involved - Foreign Policies of Relevant New Member States in the Western Balkans

Four of the ten new EU members (Czech Republic, Hungary, Slovakia and Slovenia) have close traditional links with countries in Western Balkans. Poland, as a sub regional leader, also pretends for a visible role to play. All of them are actively present in Balkan operations; such as SFOR (Bosnia and Herzegovina), KFOR and UNMIK (Kosovo) and Concordia (Macedonia). The intensity and nature of the relations of those countries is a function of their geographic proximity, historical and ethno-linguistic ties. For comparative assessment of possible influence of new EU member states in the Western Balkans, the following criteria of their actual involvement were selected: the level of diplomatic representations, the declared and fulfilled priorities of respective national official development assistance (ODA) programs, their respective involvement and activities in regional EU-linked multilateral structures (like the Stability Pact) and other multilateral or bilateral initiatives. Every criteria has its own limits, which reflects different national situation. Slovenia, Slovakia and in some extend Czech Republic are, in case of resident diplomatic representation, faced with the general challenge of re-establishing the whole network of national foreign services

after gaining sovereignty in early 1990s. Poland and the Czech Republic are geographically too distant to take part in the Stability Pact. Croatia is the most developed among the countries in the Western Balkans and thus, the general level of ODA does not correlate with the intensity of relations. Despite all reservations, assessment of this set of criteria would allow us to make a conclusion about the real policy of some new member states in the Western Balkans and its limits. Based on this conclusion, one could anticipate the short term impact of EU enlargement on countries and key issues in this region.

Slovakia has a long tradition of excellent relations with all Slavic nations of the Western Balkans. As an integral part of Czechoslovakia for seven decades in 20th century, Slovaks have their own experiences within a multinational state. Unlike SFR of Yugoslavia, Czechoslovakia separated in a peaceful and constitutional way. The Western Balkans were one of the main concerns and foreign policy priorities of Slovakia since its establishment as an independent state. Historical ties between Slovakia and the region have a personal human dimension represented by a small, but vigorous Croatian national minority in Slovakia, and relatively numerous ethnic Slovaks living in Vojvodina (Serbia) and Slavonia (Croatia). The level of public solidarity and sympathies with Serbs during the NATO air campaign in 1999 created headaches for the Slovak government through the decline of public support for NATO accession. After the end of Prime Minister Mečiar's government in Slovakia in 1998 and the successful return of the country to the track of European Integration with significant engagement of civil sector, Slovakian experiences were used in Croatia and the former Republic of Yugoslavia. This focus on two countries was the result of political priorities and was strengthened by the fact that Slovakia inherited only two diplomatic missions in the region; in Belgrade and Zagreb.

The network of Slovak diplomatic representation in the Western Balkans will be enlarged by the new Embassy in Sarajevo later this year (2004). The special focus of Slovak diplomacy in the Western Balkans was recognized by the international community when E. Kukan, Minister of Foreign Affairs,

served as Special Envoy of the UN Secretary General for the Balkans (May 1999- June 2001). Under his auspices, an international conference in Bratislava was organized in July 1999, at which an informal platform of the democratic civil forces in FR Yugoslavia, called Community for Change, was established. The Bratislava process successfully fulfilled its mission and formally ended in 2002. Within the framework of Official Development Assistance, Serbia and Montenegro is a priority county for Slovakia. In 2003, a special bilateral tool, the Bratislava-Belgrade Fund (BBF) was established. In 2003 Slovak Government assigned more then EUR 1 Million to the BBF representing 30% of total ODA disbursement[388].

Without any doubts, Slovenia has traditionally the closest relations to countries of the Western Balkans due to the cohabitation with the other nations in the common Yugoslav state for the major part of the 20th century. Slovenia could be considered as the single net beneficiary of the collapse of the former Yugoslavia. This country and its leadership managed to maximize some comparative advantages like advanced economic development, a high level of ethnic and confessional homogeneity and social and political stability. Although the Slovenian strategic goal of ensuring the political extraction from the Balkans was achieved, the country is still linked to South East Europe with many ties. Some unresolved issues like the final settlement of maritime borders with Croatia, refugees or problems related to compensations for "deleted" persons are important, but not decisive neither in foreign nor internal policy. On the side of other post-Yugoslav nations, the success of Slovenia is perceived in a mixed manner, sometimes with certain jealousy or suspicion. Slovenia, despite starting from scratch, opened resident embassies in all post-Yugoslav capitals and a Consulate General in Tirana. This shows its primary interest and ties to Slavic nations of the Western Balkans. This focus is illustrated also by recipients countries of the Slovenian ODA. Slovenia is active in all regional multilateral frameworks with a focus on the Stability Pact for South Eastern Europe and the South East

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[388] For more detail see in the *Information about Official Development Assistance provided by the Slovak Republic in 2003*, accepted by the Government of the Slovak Republic on 28.4.2004, full information available at www.rokovania.sk

Cooperation Initiative (SECI). The International Center for Demining and Mine Victims Assistance is based in Slovenia with activities in Bosnia and Herzegovina, Croatia, Albania, Serbia and Montenegro and Macedonia.[389] Slovenia, as a coastal state, is together with other Western Balkans countries (except Macedonia), a member of the Adriatic-Ionian Initiative.

Hungary, as a direct neighbour of Croatia and Serbia, has also intensive relation with the Western Balkans. In a deeper past, before WW I, almost all of Croatia and a significant part of Serbian territory were part of the Hungarian Kingdom. Today, ethnic Hungarians from Vojvodina create the second biggest national minority in Serbia after Albanians in Kosovo. The primary interest of Hungary revolves around security and conditions for ethnic Hungarians. During the NATO air campaign against Federal Republic of Yugoslavia in 1998, Hungary, as a fresh NATO member, fulfilled its duties. During 1990s, several thousands of young ethnic Hungarians and Serbs escaped to Hungary in an attempt to avoid compulsory military service in the Yugoslav National Army. Hungary has been an active member of the Stability Pact since its establishment. Within its scope, Hungary initiated in 1999 the *Szeged process* as a concrete step to promote democratization of the FR Yugoslavia. Since the very beginning, the process has focused on strengthening local government. The new mission of the broadened Szeged process concerns the promotion of values of European integration through the development of regional and cross-border cooperation, and support for local governments. Its scope of operation includes Albania, Bosnia and Herzegovina, Macedonia, Serbia and Montenegro.

For both neighbouring countries economic cooperation with the region is another area of strong interest. Similarly, after joining the Schengen system, their borders with Serbia and Croatia will become the external border of the EU.

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[389] Among relevant countries Slovenia, Czech Republic, Hungary and Slovakia are enlisted as donors to the International Trust Fund for Demining and Mine Victims Assistance., see http://www.sigov.si/mzz/eng/foreign_poli/the_international_trust_fund_for_demi.html

The Czech Republic used to have traditionally intensive relations with Yugoslavia. After the Velvet Revolution, part of the Czech elite was exclusively oriented westwards and neglected East and South East Europe. On the other hand, president V. Havel and his moral appeal several times exposed himself in favour of human rights and the democratization process in the Western Balkans. As a new NATO member, the Czech Republic was only symbolically involved in 1999 in the air campaign against FR Yugoslavia. Czech diplomacy, together with Greece, launched an initiative to persuade Serbs to accept conditions of the international community. The Czech Republic is active in economic cooperation and trade with the Balkans, and significantly enlarged its official presence in Belgrade after democratic changes in 2000.

Poland, as the biggest new EU member country, has the potential and ambition to play the role of regional leader in Central Europe. Due to its geographic location, Poland has limited direct contacts with Western Balkans. Using the advantage of a well established foreign service, Poland quickly built up a diplomatic presence in all new capitals in the region. Polish diplomacy is involved in the Western Balkans as an observer. The massive engagement of Poland in peacekeeping and stabilization forces in the Balkans are rather driven by the logic of leadership (e.g. responsibility and capabilities) than by a genuine anxiety or feeling of threat. Poland's natural interest lay in its immediate Eastern European neighbourhood, not in the Balkans. This could be easily demonstrated by ODA projects, which are in Europe almost exclusively oriented towards the post-Soviet area[390].

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[390] Poland's Development Cooperation, Annual Report 2002, at http://www.msz.gov.pl/docs/53/eng.pdf, 22.4.2004

Tab. 1. Resident diplomatic representation of relevant new EU member states in Western Balkans (March 2004)[391]

	Czech Republic	Hungary	Poland	Slovakia	Slovenia
Belgrade	Embassy	Embassy	Embassy	Embassy	Embassy
Skopje	-	Embassy	Embassy	-	Embassy
Sarajevo	Embassy	Embassy	Embassy	*	Embassy
Tirana	Embassy	Embassy	Embassy	-	Consulate General
Zagreb	Embassy	Embassy	Embassy	Embassy	Embassy

* Note: According to the decision of the Government of the Slovak Republic a resident Embassy in Bosnia and Herzegovina should be opened in 2004.

Tab. 2. Priorities and flow of the ODA from relevant new EU member states in the Western Balkans (2003)[392]

	Czech Republic	Hungary	Poland	Slovakia	Slovenia
Serbia and Montenegro	Eligible	PRIORITY		PRIORITY	PRIORITY
Macedonia	Eligible	Eligible		Eligible	PRIORITY
Bosnia and Herzegovina	Eligible	PRIORITY	Eligible		PRIORITY
Albania				Eligible	PRIORITY
Croatia					PRIORITY

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[391] This table is based on information at web sites of respective Ministries of Foreign Affairs, www.mzv.cz, www.foreign.gov.sk, www.kum.hu, www.msz.gov.pl, www.sigov.si/mzz, 14.04.2004

[392] This table is compiled from Canadian International Development Agency CIDA-ODACE office, Bratislava, 2003 and comparison of the ODA flow in 2003 from selected European countries, processed by the Department of the international economic cooperation of the MFA of the Slovak Republic in April 2004. According to the website www.gov.si/mzz/eng/index.html all Western Balkans are priority areas for Slovenia.

Tab. 3. Participation of relevant new EU member states in regional co-operative initiatives in Western Balkans (March 2004)[393]

	Czech Republic	Hungary	Poland	Slovakia	Slovenia
Stability Pact	since 2002	since 1999	since 2002	since 2002	since 1999
SECI	-	Member	-	-	Member
CEI	Member	Member	Member	Member	Member

Selected Issues

Democratization process in the region

The recent enlargement of the European Union could serve as a good example and motivation for countries in transition. Support for democratization in the region will continue and the voice of the new members would obtain more political weight in the region. The perception of being "on the European integration track" is an important incentive for all countries in the Western Balkans. In this sense, Croatia could serve as a good example from the region.

Involvement of the Western Balkans in international cooperation

New Member states support the involvement of both Serbia and Montenegro and Bosnia and Herzegovina in the Partnership for Peace cooperation program with NATO. However, it is unrealistic to expect that NATO, in Belgrade's case, could back down from demands that they cooperate with

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[393] This table is based on information at web sites of respective Ministries of Foreign Affairs, processed by the Department of the international economic cooperation of the MFA of the Slovak Republic.

the International Criminal Tribunal for Yugoslavia (ICTY) and withdraw international legal suit against NATO countries.

In other formats of international regional cooperation like the Central European Initiative new EU member states could increase their involvement, including financial measures.

Question of Kosovo

New EU member states are in general more sensitive towards Serbian arguments on territorial integrity. They are in better position to influence Serbian representatives mistrusted by the international community. They will argue in favour of a "carrot" policy, which more or less proved itself in Macedonia and Bosnia and Herzegovina. The EU after enlargement will become even less enthusiastic about the final goal of Kosovars; Kosovo independence.

Recognition of Constitutional name of the FYR of Macedonia

Countries of Central Europe have, in general, strong sympathies with Macedonian efforts to achieve full international recognition of the constitutional name of their state. 13 years after the end of the common Yugoslav state, FYROM is forced to use this strange official name in main international organizations like UN, EU or NATO. However, direct action in favour of Macedonia immediately after admission is hardly possible. The threat of the Greek veto to the enlargement would be no more valid, but institutional cohesion will prevent new member states from unilateral steps.

Rapprochement with the EU and NATO

Countries of the Western Balkans on certain aspects could build on the existing empathy of new member states, which have undergone a deep social and economic transition. Fears by some analysts of the Western Balkan region that some new members would create artificial obstacles for future enlargement of both institutions are groundless. "Front-line" EU members

are above all interested in the predictable development and prosperity of their immediate neighbourhood. Their support for the Western Balkans is in fact not based on pure humanist approach, they are driven by strong security and economic interests. The basis of the support for further rapprochement, like the opening of accession negotiations, is fulfilling all conditions namely the Copenhagen criteria and cooperation with the international community and the ICTY.

Competition vs. Cooperation

Despite some unresolved issues with neighbouring countries, fears of obstruction to EU accession entertained by countries of the Western Balkans by new member states are groundless. Enlargement as a promotion of stability in the neighbourhood is an evident win-win strategy.

Conclusions

EU Enlargement and full incorporation of new member states is an enormous political and administrative task. A new balance between real capabilities and declared political priorities of new member countries would be established in relatively short time. There are no causes for change of recent trends as they were described in the new member states earlier. The Western Balkans will remain highest priority for Slovenia, Hungary and Slovakia. The Czech Republic and Poland will keep their presence in the region minimal and will avoid involvement in internal (in the regional sense) political affairs.

The countries of the Western Balkans will be influenced on a different level. Albania will not be directly touched by the recent enlargement. Macedonia could profit from the enlargement by increasing the number of countries inside the EU sympathizing with their efforts to be recognized under their constitutional name. Bosnia-Herzegovina would be affected by the transition from SFOR to EUFOR, but politically far more important for BiH is the Croatian drive to open enlargement negotiations with the EU. Such steps

will probably eliminate any temptations to create a "Great Croatia". Croatia itself could count on the support of new member states and the transfer of negotiation know-how in case of opening of negotiation. The condition for support is fulfillment of all criteria as it was in case of recent enlargement. Serbia and Montenegro is currently the most complex puzzle in the Western Balkans. EU enlargement itself will hardly influence directly any key questions like Kosovo or the final constitutional settings between Serbia and Montenegro. However, the involvement of countries which better understand political dilemmas of transition could result in a deeper empathy on the side of the EU as a whole.

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THE ROLE OF THE UNITED STATES ARMED FORCES IN THE BALKANS

INTRODUCTION

Kosovo's eruption of ethnic and religious violence in March 2004 is a very real wake-up call to those who prematurely called NATO's mission in Kosovo and the Balkans a success. Five years after the end of the war, NATO is "increasingly finding itself in the crossfire of ethnic hostility as restless Albanians clamour for independence and the besieged Serbs demand NATO protect them from their persecutors. Acts of terrorism have been stepped up against both the Kosovo Force (KFOR) military peace keepers and United Nations M in Kosovo (UNMIK) colonial administrators."[394] While in the Balkans, a relative peace prevails, yet recent elections indicate a conservative leaning of the population along ethnic divisions.

While NATO and the Multinational Forces can claim many successes for both the Implementation Force/Stability Force (IFOR/SFOR) in Bosnia and KFOR, the job is far from over. This paper will give a brief background of the U.S. armed forces involvement in the Balkans and discuss the current draw down of forces. It will examine reasons why the U.S. should remain engaged in South Eastern Europe until the eventual hand-over to the European Union's control.

ENGAGEMENT IN THE BALKANS: THE NEED TO CONTINUE

The Balkans remain a volatile mix of ethnic tension, a home to a large active criminal element, a potential harbour for drug trafficking and a terrorist

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[394]   http://www.balkansanalysis.com/modules/php?name=news&file=article&sid=314

safe haven. In a report by the Council on Foreign Relations in 2002, it was correctly predicted that "high unemployment, criminal syndicates, government corruption and continued ethnic and religious tension could make Bosnia, Serbia including its Kosovo Province and Macedonia a destructive and destabilizing force for all of Southern Eastern Europe.[395] The violent events in Kosovo in March of 2004 confirm this unpleasant prediction.

Any more renewal in conflict could be a devastating blow to the region and beyond. It would greatly impact Europe with a flow of refugees, unstable economy and the prospect of violent spill over into neighbouring nations. For America, it would signal a policy failure and at a time when the U.S. is forging new grounds in the international Muslim community.

The United States military has had a continuous presence in the Balkans since 1992. Whether as peacekeepers in Bosnia following the Dayton Peace Accords, or more recently as peacemakers and enforcers in Kosovo, American Soldiers have played a vital role in the stability and security of South Eastern Europe. When interviewed, Bosnians and Kosovars, as well as US military personnel who are entrusted with their protection, claim that "continued troop engagement is needed to build on the successes achieved to date."[396] The U.S. remains dedicated to keeping the region of South Eastern Europe stable and secure.

"From the outset of the conflict in the former Yugoslavia, the U.S. tried to get Europe to assume and to retain primary responsibility for dealing with the looming conflict on its doorstep, but tried to do so without permanently endangering the US position of leadership within NATO. The EU took up the gauntlet as it should handle the crisis."[397]

As the EU and the U.S. are planning to reconfigure and rebalance their engagement in the Balkans, it is in both entities interests to continue to provide

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[395]   http://www.balkanpeace.org/hed/archive/dec02/hed5360.shtml
[396]   http://www.refugeesinternational.org/cgi-bin/ri/bulletin?bc=0045
[397]   Roy Gutman, *A Witness to Genocide.* New York: MacMillan Pub Co. 1993, p. xxv

incentives and enforcement measures that will keep the Balkan governments on the path of progress and reform. To be most effective the U.S. and the EU must act in harmony. Failure to do so "could result in a costlier and more dangerous intervention down the line and act as an unnecessary irritant in EU-U.S. relations."[398]

BOSNIA

In December of 1995, the presidents of Bosnia, Croatia and Serbia signed a peace settlement in negotiated in Dayton Ohio. "The agreement preserved the sovereignty of Bosnia by formerly recognizing two distinct entities within its borders: the Bosnia Croats Federation and the Bosnian Serb Republic…and thus established a de Facto NATO protectorate." [399]In 1993, the Clinton Administration promised to provide US troops to oversee the implementation of an over all peace settlement (when and if one was to be reached). During the peace negotiations at Wright Patterson Air force Base in Dayton Ohio, U.S .officials laid out their plan for the NATO led peace Implementation Forces (IFOR) for Bosnia. "Administration officials argued that US participation with ground forces was necessary for two main reasons: 1) the Bosnian, Croatian and Serb Negotiators all made US ground forces participation a condition of their accepting a peace any peace settlements and 2) US participation was necessary for the US to maintain a leadership position in NATO"[400]

To enforce the military provisions of the Dayton agreement, NATO sent the IFOR, which compromised approximately 54,000 troops in Bosnia. That force designation lasted until December 20, 1996. It was then evident the a longer term force was needed and thus the SFOR was the new designation. "This reflected the decision by NATO's members that the Bosnian deploy-

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[398]   "Balkans 2010" *Report of an Independent Task Force Sponsored by the Council on Foreign Relations Center for Preventative Actions.*

[399]   William R. Keylor*. The Twentieth-Century: An International History, 4th Edition.* NY, Oxford University Press, 2001. 481.

[400]   CRS IB93056 "Bosnia: US Military Operations", July 8, 2003

ment should not have a specified end-date, but rather that its duration would be tied to the successful accomplishment of the Dayton Peace Accords provisions."[401]

By the end of 1997, Bosnia was still in a state of political and economic disarray. The U.S. Government Accounting Office (GAO) reported that the "transition to a unified democratic government that respects the rule of law has not occurred…political leaders from all sides had blocked efforts to link ethnic groups economically or politically."[402] Due to the general consensus, that an international military presence would be necessary to maintain order and stability in Bosnia, the NATO foreign ministers re-authorized SFOR in March of 1998, without establishing a hard dead-line for withdrawal.

US/IFOR CONTRIBUTIONS

U.S. military operations in Bosnia have undergone an evolution over the last nine years beginning with Operation Joint Endeavour, evolving to Joint Guard, and currently it is Joint Forge. Originally, the U.S /IFOR contingent was about 13,000 personnel from the 1st Armoured Division from Germany. On Nov 10, 1996, the 1st Armoured division transferred authority for command and control of the Multinational Division (North) to the 1st Infantry Division. By December 1996, the Implementation Force mission came to a successful conclusion and the 1st Infantry Division continued on as part of SFOR. In June, SFOR was scaled back and transitioned to a smaller follow on force led by the 1st Cavalry Division from Fort Hood Texas.[403] Presently it is the Army National Guard and Reserves who are responsible for operations in theatre. Most recently, the U.S. contingent for SFOR is as follows: April 2003 October 2003 35th Infantry Division (ARNG), September 2003 March 2004, 34th Infantry Division (ARNG) , March 2004 September 2004 38th Infantry Division (ARNG), and 16 September 2004 March 2005,42

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[401] Ibid.

[402] "Bosnia Peace Operations: Progress Toward Achieving the Dayton Goals, an Update" GAO/T-NSIAD-97-216.

[403] http://www.tfeagle.army.mil/TFE/SFOR_History.htm

Infantry Division (ARNG).[404] The National Guard is particularly well suited for peacekeeping missions such as this. The Citizen Soldier can bring expertise and experience beyond his military job to those with whom he is working. Sharing experiences as a teacher, businessman, or civilian policeman can transcend ethnic and national barriers and provide an added element to a society that is trying to rebuild. Often the rotation into the Balkans is an annual event over a several months and the Guardsmen can build trusting relationships with the locals.

Currently, the U.S. and SFOR's primary focus is that of a support role. It provides support to the High Commissioner, monitors elections, supports the return of displaced persons and assists the International Criminal Tribunal, the Organization for Security and Cooperation in Europe and the International Police Task Force.

KOSOVO

In 1998 and 1999 the U.S. and its NATO allies attempted to put an end to the escalating violence between ethnic Albanians guerrillas and Yugoslav/Serb forces in the Kosovo region. The efforts culminated when, on 23 March 1999, due to the non-compliance by President Milosevic to withdraw his forces, the order was given to commence Operation Allied Force. Operation Allied Force was a NATO contingency response aiming at ensuring full compliance with UN Security Council Resolution 1199 (Sept. 23rd 1998). Operation Noble Anvil was the American component of this NATO action to promote regional stability, cooperation and security, in support of the international community. On 24 March 1999, NATO forces began air operations over the Federal Republic of Yugoslavia. These air strikes against Serbian military targets in the Former Yugoslavia sought to:

1.   Ensure a verifiable stop to all military action and the immediate ending of violence and repression in Kosovo;

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[404]   http://globalsecurity.org/mil/ops/sfor.htm

2.   Withdrawal from Kosovo of Serbian military, police and paramilitary forces;
3.   Agreement to the stationing in Kosovo of an international military presence;
4.   Agreement to the unconditional and safe return of all refugees and displaced persons, and unhindered access to them by humanitarian aid organizations; and Provide credible assurance of Serbian willingness to work on the basis of the Rambouillet Accords in the establishment of a political framework agreement for Kosovo in conformity with international law and the Charter of the United Nations.[405]

On June 10, 1999 the seventy-eight day air campaign was suspended after General Wesley Clark, Supreme Allied Commander Europe, confirmed the full withdrawal of Yugoslav forces from the Kosovo had begun.[406] The withdrawal was in accordance with the Military and Technical Agreement between NATO and the Federal Republic of Yugoslavia on the evening of 9 June. The agreement was signed by Lt. General Sir Michael Jackson, on behalf of NATO, and by Colonel General Svetozar Marjanovic of the Yugoslav Army and Lieutenant General Obrad Stevanovic of the Ministry of Internal Affairs, on behalf of the Governments of the Federal Republic of Yugoslavia and Republic of Serbia. The withdrawal was also consistent with the agreement between the Federal Republic of Yugoslavia and the European Union and Russian special envoys, President Ahtisaari of Finland and Mr. Victor Chernomyrdin, former Prime Minister of Russia, reached on 3 June.[407]

The United Nations Security Council passed UNSCR 1244,[408] which paved the way for a political solution by the Federal Republic of Yugoslavia to the Kosovo Crisis. The Resolution gave the United Nations a mandate to deploy

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[405]   http://www.globalsecurity.org/military/ops/allied_force.htm
[406]   http://www.nato.int/kfor/kfor/intro.html
[407]   http://www.nato.int/kfor/kfor/nations/usa.htm
[408]   For details of UNSC Resolution 1244 see: http://www.nato.int/kosovo/docu/u990610a.htm

international policing forces in Kosovo. It was upon this authority that Operation Joint Guardian commenced.

The U.S. armed forces and KFOR have been at the forefront of not only security concerns, but at humanitarian efforts as well. The U.S. Contingent, Task Force Falcon is Head Quartered at Camp Bondsteel in Multinational Brigade East and its tasks are as follows:

1)   Monitor, verify and enforce as necessary the provisions of the Military Technical Agreement in order to secure a safe and secure environment.
2)   Provide Humanitarian assistance in support of UNHCR efforts
3)   Initially enforce basic law and order, transitioning this function to the designated civilian agency as soon as possible
4)   Establish and support the resumption of core civil functions[409]

Task Force Falcon is composed of the 1st Infantry Division with various supporting Battalions, to include Artillery, Infantry, Armour, Aviation and Logistics. It has been in theatre since June 2002.

CONTINUED US MILITARY OPERATIONS IN THE BALKANS

Though the EU is poised to take over the Bosnian peacekeeping mission from NATO in late 2004, there is home hesitation. As recent as June 2003, U.S. officials and NATO HQ stated it was "premature to consider this option, effectively postponing this option for the foreseeable future"[410] While the U.S has reduced its numbers in the Balkans, (2,000 participants in NATO's stabilization force-SFOR, and 2,500 participating in Kosovo Force-KFOR)[411], it remains committed to staying the course to provide a secure environment for the implementation of UNSC Resolution 1244. During a visit to troops in Kosovo President Bush stated

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409   Ibid
410   CRS IB93056 "Bosnia: US Military Operations", July 8, 2003
411   http://web1.whs.osd.mil/mmid/M05/hst0309.pdf

> We will not draw down our forces in Bosnia or Kosovo precipitously or unilaterally. We came in together, and we will go out together. But our goal is to hasten the day when peace is self-sustaining, when local, democratically elected authorities can assume full responsibility, and when NATO's force can go home. This means that we must re-organize and re-energize our efforts to rebuild civil institutions and promote rule of law.[412]

In a letter dated January 22, 2004, President Bush reported to Congress that the U.S. force contribution to SFOR is approximately 1,800 personnel or about 15% of the total SFOR contingent. He restates his commitment for the US forces to continue "to support SFOR efforts to apprehend persons indicted of war crimes and to conduct counter-terrorism operations."[413]

The Bush administration opposes an immediate decision on Kosovo's status, including independence for Kosovo or any effort to partition the province into Serbian and ethnic Albanian regions. "It has supported the 'standards before status' policy favoured by UNMIK and the EU."[414] It believes that the various benchmarks must be met before the question of status can reach the table. "The administration believes that an early decision on the status question could destabilize Kosovo and the region, perhaps leading to renewed fighting in Kosovo, southern Serbia and Macedonia."[415]

Where SFOR is concerned, those who believe that "a return to ethnic warfare in Bosnia holds greater dangers for U.S, security interests than the prospect of continued U.S. deployments in the region."[416] Soldiers in theatre

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[412]   Steven J Woehrel, CRS Report for Congress, "Kosovo and US Policy", July 18 2003.

[413]   http://www.usembassy.it/file2004_01/alia/a4012202.htm

[414]   "Kosovo and US Policy", CRS RL31053, July 18, 2003.

[415]   Testimony of Deputy Assistant Secretary of State Janet Bogue to the House International Relations Committee, May 21, 2003,
www.usinfo.state.gov/topical/pol/usandun/03052105.htm

[416]   CRS IB93056

report that "maintaining a presence through mobile patrols on a round-the –
clock basis has instilled unit cohesion and discipline through on-the-ground
training that would not have been acquired if the soldiers were on routine
exercises."[417]

The US has slowly and methodically reduced its force structure and corre-
sponding budget in Kosovo. Since 1999, U.S. aid has shifted away from hu-
manitarian and reconstruction aid toward assistance aimed at democratiza-
tion, the rule of law and establishing a free market economy. "The 107th
Congress focused on limiting the cost of continuing U.S. engagement in
Kosovo. The FY2003 foreign aid appropriations law provides $525 million
in aid for central and Eastern Europe under the Support for East European
Democracy (SEED) program. The bill said that aid for Kosovo should not
exceed 15% of total resources pledged…[418] Based on current spending pat-
terns, it is estimated that the U.S. will spend $8 billion to $12 billion on mili-
tary operations and $2 billion to $3.5 billion on assistance to the Balkan
region between now and 2010.[419]

 Deputy Secretary of Defense, Paul Wolfowitz said, during a visit to the
Balkans troops in May 2003, "peacekeeping in the Balkans continues to be a
very important mission to the US and NATO…the last thing anyone wants
to see in the light of September 11 is to have a failed state here in the heart
of Europe."[420] He then continued this idea in a press conference on that
same trip saying:

> We've been successful, I think, in steadily reducing
> SFOR's presence in Bosnia and the U.S. presence
> in Bosnia. We're at a point now where, at least for
> the time being, we're going to see how the present
> deployment works and see whether there are oppor-

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417   http://www.refugeesinternational.org/cgi-bin/ri/bulletin?bc=00445
418   CRS RL1053
419   Meyer, p.6.
420   DPA wire service dispatch, May 17, 2003.

tunities to reduce further. But as I [said] in answer
to some of the troops' questions, the mission here
remains important and essential. If we can accom-
plish the same mission with a smaller force we're
always trying to do that. But we're not in any way
going to leave conditions where this place goes
back to the kind of tragedy we've seen in the past. I
think the key to success is going to be more and
more to get the people of Bosnia and Herzegovina
themselves to step up to the task of responsibility
for there own affairs. And I think that is the key,
making it possible for us to manage that same mis-
sion with less.421

There is a strong case for continued American Engagement. It is based
partly on the U.S. interest in the supporting emerging democracies and se-
curing a stable Europe and partly on the need for U.S. power to confront the
security threats posed by having a power vacuum in the regions that may
filled by future despots or terrorist sympathizers. Thus, Wolfowitz ex-
pressed that the "United States and its allies would, as in the past, look for
opportunities to reduce the size of SFOR and KFOR, as well as the US troop
presence in the region, as long as such reductions do not compromise the
mission.422

As the U.S. continues to operations in Iraq and conducts the Global War on
Terror it is essential that it maintains its link to the Bosniac Muslims and is
on record as being a friend and protector of oppressed Muslims. To totally
withdraw from the region, as the EU takes over, might send a signal of
abandonment to the Muslim community and further erode American soft
power among Muslims.

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421 http://www.defenselink.mil/transcripts/2003/tr20030516-depsecdef0209.html
422 Transcripts of media availability with Deputy Secretary of Defense Paul Wolfowitz in Tuzla,
Bosnia, May 16, 2003.

Finally, as the U.S. is looking to reduce its force structure and large strategic "Cold War" bases in Western Europe, it can look to the "New Europe" and the nations of South East Europe to base its smaller, more rapidly deployable forces around the world. There would be a boost to the nascent democracies' economies of South Eastern Europe and the U.S. could keep a military presence in Europe that is closer to the Middle East and Central Asia from where the new threats to international security are emerging.

Due to the success in achieving a reasonably safe and secure environment and the possibility of ethnic violence is assessed at low in Bosnia, SFOR will restructure its forces to "7000 soldiers but still maintain a significant Over the Horizon Force capability that can be rapidly deployed into the country at a time of crisis."[423] It will bring an end to the Multinational Brigade Concept and will introduce the Multinational Task Force. (MNTF). The MNTF will have two main tasks. The first is to achieve and maintain situational awareness and the second is to conduct focused operations. To achieve this awareness the MNTF will use the Liaison Observation Team (LOT), which is a small group of soldiers living in normal houses in the local communities. They will collect and disseminate information throughout the community by building natural relationships and having close contact with the local population.

The MNTF(NW) will remain in Banja Luka and will incorporate the LOT HQ and also the Multinational Battle Group comprised of 2 British Companies, a Dutch combat team and a Canadian Reconnaissance Squadron to conduct focused operations and respond to emergency situations in theatre.[424]

If the EU will continue this new and innovative MNTF and LOT program is unclear. As it is just in its nascent stage, its concept is logical as reduction in force size and expenditure is the next step toward an independent, and self-sustaining Bosnia.

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[423]   http://www.nato.int/sfor/indexinf/170/pl13a/t02p13a.htm
[424]   Ibid.

The National Guard State Partnership Program will also be a vehicle for a sustained American military presence in Bosnia. "On 24 January 2003, General James Jones, Commander of US European Command, officially recognized the State Partnership Program (SPP) between Maryland and Bosnia-Herzegovina (BiH). Unlike the Stabilization Force, the State Partnership Program is bilateral (strictly between the United States and BiH with no involvement from third countries, NATO, or the United Nations). SPP is an essential tool of the European Command Security Cooperation Plan. Its purpose is to increase understanding and interoperability between the United States military and the armed forces of BiH. SPP also aids in supporting the democratic institutions and state-level civil government in BiH."[425]

In 2003, the emphasis of the State Partnership has been to assist with reform of the armed forces in Bosnia and Herzegovina. The General Framework Agreement for Peace authorizes certain manning levels for both the Federation and the Serb Republic armed forces. The armed forces in BiH are too large, and it is imperative that they be downsized to reduce the burden of the military on the Bosnian economy.

One option for reducing the size of the active force is to create a reserve component. BiH has active duty forces and an individual ready reserve system, but no organization analogous to the US National Guard. In 2003, groups of Maryland National Guard soldiers travelled to Sarajevo to present detailed seminars on the workings of the reserve components, and how they relate to the total force. A Maryland National Guard Judge Advocate General officer participated in a seminar in Sarajevo designed to assess the constitutionality of proposed Defense reforms. In June 2003, a group of Bosnian officers from both entities will visit MDARNG units at annual training in the United States. Disaster Relief will be another reform to be addressed.

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[425]   http://www.ngb-ia.org/public/spd.cfm/spi/library

According to the National Guard Bureau's International Affairs Office, in 2003, all Bosnia SPP events were military to military in nature. One of the strengths of SPP is that the National Guard brings access to a state's civilian resources and expertise as well. Therefore, proposed initiatives fall into the category of military-to-military contact, military to civilian contact, and civilian-to-civilian contact.

The State Partnership Program between BiH and Maryland is in its initial stages. The program is a security cooperation tool for the Commander of US European Command, and is independent of NATO or the Stabilization Force. Events thus far have focused on Defense reform. As the program matures, it will move into civil-military partnerships. [426]

EUROPEAN LEADERSHIP IN THE BALKANS

As the U.S. is engaged in Iraq and the Global War on Terror, the burden of the Balkans will continue to shift to the responsibility of the European Union. "Much has changed since the early 1990's when Europe failed in its efforts to respond to the unfolding Balkans tragedy."[427] NATO's military commitment in the Balkans includes the SFOR, KFOR, Operation and Amber Fox in Macedonia. "It is important to recognize that approximately 85% of the forces in these operations are non-U.S. forces…as befits its primary role in the development of the region, the European Union has the most to offer."[428]

The Balkans remain a primary security interest for Europe. The growth of the European Union has equipped it to deal with the economic problems of the region and it should commit its funding as it does to EU aspirants. But due to cuts in European Defense budgets its lacks essential lift, intelligence and communication capability needed to continue a stabilization force in the

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[426]   Ibid.
[427]   http://www.usip.org/newsmedia/releases/2002/nb20020227.html
[428]   "Balkans 2010" *Report of an Independent Task Force Sponsored by the Council on Foreign Relations Center for Preventative Actions.*

Balkans. Europe will need to expand its military capabilities to fully take responsibility for peacekeeping in the region.

As the baton passes to Europe, a "key challenge will be ensuring that U.S. interests in the region are not sacrificed and that the U.S. can follow where the EU leads. The U.S. and the EU need to make it clear that their visions are convergent: the Balkans states belong in Europe …and status issues should be resolved peacefully."[429]

The U.S. will be particularly concerned with the following issues:

1) To maintain credibility as an honest broker with the Bosnian and Albanians
2) Meeting any major terrorist risks
3) Establishing a rule of law and ensuring terrorists do not find refuge in the Balkans
4) Pressing Balkan state to cooperate with War Crimes Tribunal in the Hague.

The U.S. interest is to support the Balkan's states reforms—in particular using its influence in NATO, to ensure security, stability and to guide military and civil reform. It recognizes and supports the EU's lead role in providing political, economic and technical assistance. In the end, as the EU takes over, the US influence will diminish, but at this point a unilateral withdrawal is not in the near future. A policy dialogue needs to continue between the transatlantic relation concerning the Balkans, a dialogue that prevents discord and the indecision of the early 1990's.

The future of the Balkans must remain an international priority for the coming decade. Keeping a robust international presence led by the European Union which includes and American presence is crucial to the stability of the region. The Balkan issue will be a type of test case for the EU military

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[429] Ibid.

capability and it is here that lessons learned can be applied and shortfalls addressed. The EU and NATO must remain the primary agents of international influence. But the ultimate goal, to turn over responsibility to the leadership of the region and wean them from dependency of outside aide, must always be kept in sight.

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CONCLUSIONS

Frédéric Labarre

This year's debate was one of the most fruitful ever seen at the Regional Stability in South East Europe workshop. It truly reflected the sense of having reached a watershed moment in the development of the Western Balkans, with opinions and perceptions quite polarized.

The "movement of history" having catastrophically collided with the reality of ethnic exclusiveness and the depredations of individuals without scruples in the early 1990s, is being supplanted by the dynamics of the international security environment. Dynamics from which the Western Balkans cannot be totally isolated. On the one hand, the very real results brought about by the international peacekeeping (and peace enforcement) presence seem to be taking hold in some regions, while in others, they are not. Kosovo stands as a glaring example. The results of discussions show that the reduced (and still withering) presence of the peacekeepers in Bosnia-Herzegovina, although it may still be conducive to ethnic clashes, doesn't seem to be affecting stability on the ground for the current moment, whereas the situation in Kosovo, where nearly twice as many soldiers are present, shows signs of collapse.

Comparatively speaking, three features may explain the differences. For Bosnia-Herzegovina, nearly a decade has elapsed since the Dayton Accords. That is a decade of relative peace, following a half-decade of murderous strife. The active engagement of the United States and the (belated) harmonization of EU policy for Bosnia, including the prosecution of war criminals on all sides may also account for the difference. In contrast, only five years have elapsed since the Kosovo air war, which followed some 6 months of ethnic cleansing. Perhaps it is simply too soon for the international community to expect change in Kosovo.

Another important feature is the national status of both regions. Bosnia-Herzegovina, although still under the adroit tutelage of the UN, the OSCE and NATO, is a sovereign country, whose sovereignty is limited while the international community, in cooperation with able and willing local leaders, is rebuilding the tools and mechanism of normal statecraft. Kosovo enjoys no such prospects for the moment. It is administered by the UN, as such, it pleases neither Serb nationalists who imagine the birth of their nation as emanating from the battle of Kosovo Polje in 1389, nor the Kosovo Albanians, who think that their physical security can be ensured through the secession of the once autonomous Yugoslav province and its emergence as a national State, separate from Serbia, and logically, separate from Albania as well (one would presume). Sovereign status confers a sense of belonging to Bosnia while it is denied to Kosovars. This difference could also account for the relative stability enjoyed on the one side, and the continuing tensions on the other side.

Finally, a third feature, very much associated with the second one described above, has to do with Euro-Atlantic integration. As Croatia's candidacy to the EU is all but a foregone conclusion, that of Bosnia-Herzegovina, Serbia-Montenegro, and the Former Yugoslav Republic of Macedonia should also come in due course. As such, Croatia can be credited for its leadership by example, even if much work remains to be done. The burden of success thus falls much more heavily on the "ownership" of integration processes. In other words, it is the communities themselves, and not the international actors, who must lead the way to Europe and Atlantic structures. But this is a promise more easily achieved with a sovereign status. Kosovo, with an unresolved status, cannot be a candidate as of yet, because status is associated with stability and acceptance of political, strategic and ethnic realities.

Concerning integration in Euro-Atlantic structures, the reader will have been struck by the comments of scholars and analysts from the region. While a decade ago, common wisdom would have said that only national sovereignty and ethnic heterogeneity could bring peace, now common wis-

dom indicates that the dissolution of national sovereignty into the multicultural and multiethnic pool of Europe is the key to success. That unto itself is not only a hopeful development in the political discourse of the region, it is also a negative proof that xenophobia may not have been the most crucial ingredient that triggered the Balkan wars of the 1990s. The recent Kosovo clashes will make it all the more difficult for that community, however it chooses to define itself in the future, to argue for integration. But if xenophobia is not to blame, then there is a need for the international community to better understand the dynamics of the Kosovo clashes, and to remove, as was done in BiH, the resistant elements or *agents provocateurs*. This approach, while it goes against the "general will" and even sometimes against the democratic will of citizens, has succeeded in Bosnia and Herzegovina. Perhaps it can be applied in Kosovo as well, and if Kosovars are growing tired of UNMIK, then they should get used to the idea of having the international community's nose in their "business" all the more often and in depth. There seems at present no other way to lead Kosovo to a status of its own, acceptable to all sides, that would lead to the sort of tolerance-based stability enabling integration.

The continuing travails of the region cannot be divorced from the strategic environment characterized by the war on terror. The United States is not necessarily forgetting its commitments to the Balkans, but emergencies elsewhere in the Middle East, seen as more pressing, are straining the military establishment, and so resources need to be pulled out of the region to be applied elsewhere. Hungary, for example, has a double interest. The Balkans being in its very back yard, it has a special responsibility to monitor and actively participate in the stabilization process of the region for national, European and Euro-Atlantic reasons.

The other responsibility concerns a possible "debt of gratitude" to the United States for NATO enlargement, repaid in the form of participation in the war on terror, which is adding stress to limited capacities and resources. Canada is seen to be reconciling the need to participate in its traditional peacekeeper role with a new, more coercive role in Afghanistan, by enter-

taining the thought of in-depth rather than in-breadth global participation. There too, the pressures of the international environment may transfer into large commitments away from the Balkans.

It is hoped that the EU will be able to welcome the transfer of duties from NATO in the Balkans in such a way as to avoid an "authority gap" that would be filled by criminal elements that would roll back the progress made. In this view, the initiative of the OSCE and the UN OHR seem to indicate that there is not only a willingness, but also a capability to enforce the Dayton Accord commitments, and also improve on the progress already made. The peacebuilding and nation-building example of the Balkans could, in time, provide an effective model of conflict resolution for Iraq and Afghanistan, and here too the link between the Balkans and events that otherwise would seem remote is made all the more clearer.

This workshop has left the impression that the region is indeed at a crossroads, but that the initiative rests more and more with the Balkans themselves. There is a belief that peace is nearly self-sustaining, and that European values (and living standards) are providing a strong centre of attraction that could provide some inter-ethnic glue. This prospect eludes Kosovo so far. More study, more debate is needed on that topic. Perhaps upcoming workshops could concentrate on the intimate details underlying the failure of Kosovo to escape the cycle of violence.

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