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International Peace Plans for the Balkans – A Success?

**12th Workshop of the Study Group
„Regional Stability in South East Europe"**

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Preface

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November 2005 marked the 10th anniversary when in Dayton, Ohio, the conflict parties from Bosnia and Herzegovina agreed on a peace accord, stopping a war that had caused 250.000 deaths and two million refugees. After the UN-brokered ceasefires and peace agreements in the conflict in Croatia, the Dayton Framework Agreement was the first in a long line of peace plans with which the International Community attempted to transform the chaotic and antagonistic region of the Western Balkans towards a more peaceful and co-operative area in the late 1990s and early 2000s.

Comparable to the Dayton/Paris accords, which seek to preserve the unity of Bosnia and Herzegovina by creating two entities, the Bosniak-Croat Federation and the Serb Republika Srpska, stands the UN master plan for Kosovo that was defined by a military-technical agreement and the ensuing the UN Security Council Resolution 1244 in June 1999. Unlike Bosnia and Herzegovina, where none of the conflict parties had lost or won the war in a military sense, the Kosovo Albanians – with the support of the NATO air strikes – had clearly won the war against the Serbs. This fact has had deep implications on the Kosovo peace process and on today's relationship between the Albanian majority and the Serb minority.

In Southern Serbia and in Macedonia (FYROM), the International Community could prevent the fighting from spreading into a full-fledged civil war in 2001, between Serbs, Macedonians and Albanians through the Ohrid Agreement.

Also in the case of Serbia and Montenegro the process of nation-building still influences political stability and interethnic relations. The Belgrade Agreement that was reached under the mediation of the European Union in March 2002 was not able to stop the disintegration of

the state union. In May 2006 the majority of the Montenegrin electorate in a referendum voted for Montenegro's independence of Serbia.

The year 2006 finds the Western Balkan countries at a crossroad; some have taken the road toward Euro-Atlantic institutions; others seem to keep on being involved in ethnic and political conflicts. To prevent such a scenario of a divided and fragmented Western Balkan region it is important to discuss the issue, whether the peace plans, which represent the basis for the stabilisation process, are up-to-date, and which are the lessons to be learned from them.

This study includes the results of a workshop held by the working group Regional Stability in Southeast Europe of the PfP Consortium of Defense Academies and Security Studies Institutes in Reichenau, Austria in May 2006. The case studies presented in this study concentrate especially on the following questions:

- What are the main reasons for the varying success in implementing the peace plans (internal and external factors)?
- How strong are the peace plans interlinked?
- Do the peace plans contribute to regional stability?
- Is it necessary to rework or re-launch the peace plans?
- What should these changes look like?

The second part of this study deals with the role of important international factors in helping to implement the peace plans. In this regard especially, the changing role of the OSCE, the EU and the US in the process of peace-building is reflected.

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PART 1:

PEACE PLANS IN THE HISTORICAL CONTEXT

Planning for Peace: Historical Perspectives

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More than 15 years after the end of the Cold War, it is clearer than ever that the 'New World Order' has failed to bring about eternal peace, and that we are nowhere near the 'end of history'. People are talking about third and even fourth generation peace operations (erroneously, in this author's opinion, by the way).[1] So a historical perspective to this topic may be justified.

Actually, relevant experience goes much further back in the past. International peace operations developed as an element of the international state system in the 19th century. The original aim, in the context of post-Napoleonic Europe, was to stabilize crisis zones, usually at the fringes of Europe, in the borderlands of the ailing Ottoman Empire.[2] Stabilisation, one might argue, is still the main purpose of most peace operations today, be it to prevent a war or – more usually – internal fighting from continuing, to prevent a crisis from spilling over into neighbouring territories, or to prevent a smaller conflict from escalating into a major one, for the sake of international peace and stability.

1. Commitment

This primary aim of (more often than not temporary) stabilisation rather than finding a permanent solution (which can only be found by the

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[1] In my opinion, the different types of peace operations (usually described as 'traditional', 'wider' and 'robust' operations) are not generations, but different types which developed in a parallel fashion. All three types are still with us, and will continue to do so. Recently, complex peace-building missions have occasionally been referred to as a fourth type.

[2] For a historical perspective on the evolution of peace operations, see my article, 'The Evolution of Peace Operations from the Nineteenth Century', in: Erwin A. Schmidl (ed.), *Peace Operations Between War and Peace* (Ilford, Essex: Frank Cass 2000), 4-20.

parties to the conflict themselves anyway) also marks one of the major difficulties of peace operations, especially when it comes to the long process of post-conflict peace-building: the potential lack of long-term commitment. And commitment is directly connected to the interests of all involved, including the troop contributing countries.

This also appears to be one of the major differences between modern international peace operations and other historical examples of post-conflict stabilisation or peace-building missions. Well before the development of international operations, territories were conquered or occupied after a war, or re-conquered after an uprising. Examples of these operations are numerous, of course, spanning at least four millennia, and perhaps much more. Many of the problems faced in modern missions – establishing a new administration, police and judicial system, feeding a starving population, caring for refugees, vetting former 'enemy' personnel, dealing with war criminals, building trust and constructing new loyalties, etc. – were a common theme of these endeavours. And more often than not, they were terribly mishandled, often leading to new bloodshed, or brutal repression. But – and this is the issue here – there was always one clear aim of these types of 'peace processes', no matter how well-meaning and respectful, or brutal and heavy-handed they were carried out: the political will of the occupying power, and thus its commitment, was clearly established. After all, the occupying power usually was one of the parties to the conflict, having become involved because of clear interests.

Even in the case of short-term post-conflict occupations, with no aim of permanently adding a territory to the victorious power's possessions, there usually was a clear will of carrying the task of pacification through. Examples of this include the post-1945 Allied occupations in Germany, Austria, or Japan. There was a clear commitment to establish a new order in these countries, ranging from the establishment of new governments and democratic structures to police and the 're-education' in schools. Out of their own clear interests, the governments in Washington, London and Moscow were determined to stay as long as necessary. Nobody talked about early 'exit dates' or leaving without

finishing the task.[3] It is exactly this combination of national interests of the countries involved, and clear commitment to the task, which appears to be a crucial element of most successful peace-building missions, in the context of international peace operations or elsewhere.

2. Planning for Peace

Planning for peace resembles military planning: operations rarely go according to plan.[4] Flexibility here is the key – this does not mean that a thorough planning process is not necessary (quite on the contrary!), but that it has to take place in a framework which remains flexible enough to allow modifications should they become necessary. Because of their long familiarisation with planning processes, it would seem that the military is – in general – better acquainted with the need for flexibility.

In the past years, considerable expertise has been gained to plan for peace-building operations, integrating different components (military, police, civilian etc.) as well as various international as well as non-governmental organisations. To take just one example, the Haiti operation of 1994-95 was a model of handover from the US-led Multinational Force to a UN Mission. Because of the preceding multinational intervention, the UN had several months to prepare for the new operation. According to the police commissioner, this was one of

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[3]   Because of post-1945 financial constraints, a certain pressure to reduce forces and personnel as early as possible was always present, but it never went far enough to jeopardise the whole process. In this context, attention is drawn to a volume about historical examples of interim administrations and military government, presently prepared at the National Defence Academy's Institute for Strategy and Security Policy under the direction of Felix Schneider and Tamara Scheer.

[4]   I have borrowed this phrase here from the after action report of Major Roderick Galloway, filed after his Nigerian unit had freed a team of Austrian peacekeepers from Bukavu prison, Eastern Congo, where they had been taken prisoner by rebellious Congolese forces. As he wrote in his report on the action, 'it did not go according to plan. Operations rarely do.' I am indebted to Major Galloway for having given me a copy of this report. See also: Erwin A. Schmidl, 'The 'Battle' of Bukavu, Congo 1960: Peacekeepers under Fire', in: *Small Wars and Insurgencies* 8/3 (Winter 1997), 25-40.

the best-prepared missions ever.[5] Yet, despite all this, the international community had to intervene in Haiti again, just a decade later. The commitment of the countries involved had not been strong enough to establish a lasting peace structure on the island.

The UN Transition Assistance Group in Namibia in 1989-90 was generally considered one of the more successful missions, overseeing the transition of the former German colony to independence. Cedric Thornberry, who headed the civilian component, later recounted that he was often asked for a 'blueprint' of this mission, to be used for future operations. He had to decline: the plan had been changed many times along the way – and even a blueprint would be useless for other missions, because of the different circumstances.[6] There certainly exists a tendency to 'copy' apparently successful models for future operations. This is, of course, not wrong per se: we all learn from previous experience. Problems can arise, however, when models are copied for situations completely different from the original ones. Thus, the UN Disengagement Observer Force on the Golan Heights in Syria has been one of the more successful traditional missions for over three decades (it was established in 1974), while the attempt to copy the model for Southern Lebanon in 1978 failed, because of the different conditions there. Sometimes, even less successful structures are copied for new missions for a variety of reasons, usually connected more to internal political issues in the contributing countries than for mission-related reasons. It might be doubted, for example, if it was a perfect solution to copy the Bosnia model (with parallel rather than integrated components) for Kosovo in 1999.[7]

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[5]   I am grateful to Chief Superintendent (ret.) J.O.G. (Neil) Pouliot for his comments.
[6]   Cedric Thornberry made this comment during a presentation at a symposium at the Irish Peacekeeping Training Centre (UN Training School Ireland) at Curragh Camp in June 1995.
[7]   This point was already raised at the time, for example during a seminar held at Carlisle War College for the Joint Chiefs of Staff in mid-June 1999.

3. Structures

For a long time, military establishments had ambivalent perceptions of peace operations. Being 'operations other than war',[8] they were sometimes seen as a distraction from the armed forces' main tasks, binding resources and troops in long-term, usually static missions.[9] This has changed since 1990 – in the post-Cold War environment, participation in international peace operations has become the major task (and the major *raison d'être*!) for most militaries. Service abroad has become accepted as part of a soldier's career. For most officers, having been on one or several missions is by now almost a precondition for a rapid career.

The situation is different for police officers and civilian experts. Military participation in peace operations was from the beginning facilitated by the comparatively easy availability of military units in times of peace. The case is different for the police: no (Western) police chief can complain of a surplus of personnel, and the availability of experienced and well-trained police officers for international operations has always been limited.[10] Even worse appears the situation for much-needed civilian experts: serving a few months or years abroad, usually will hamper rather than advance the career of a civil servant or employee of a private company. It is little solace that there are thousands of motivated and eager young academics willing to contribute to world peace (and unable to find a job elsewhere) – what would actually be needed are mid-career experts. Not only would peace-building missions benefit from their experience, but they would in turn bring back valuable

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[8] This term was commonly used in the US in the early 1990s, even though 'OOTW' included missions such as the 'war against drugs' or post-disaster relief in addition to peace operations.

[9] Not only in the US, 'to fight and win this nation's wars' is seen as the main purpose of the armed forces. Peace operations, being for the most part non-combat operations, clearly carry less prestige than fighting missions, and are therefore often seen as 'easy' – which they are not.

[10] See this author's *Police in Peace Operations* (= Informationen zur Sicherheits-politik 10, Wien: Bundesministerium für Landesverteidigung/Militärwissen-schaftliches Büro, September 1998).

experience gained abroad, in an international environment. So far, however, this remains wishful thinking.

In reality, many non-military tasks have to be carried out by the military, as there are no other resources available. This can be a problem, when young soldiers lack the experience (and serenity) of an experienced officer in carrying out police tasks, for example. To some degree, using reserve components (territorial, national guard, 'militia') provides an alternative, as they bring in more mature personnel, with a variety of civilian experience to draw on. Whether it's US police officers in a National Guard unit, or Finnish forestry experts serving in Bosnia to assist against illegal logging, they bring in expertise unavailable elsewhere.

This is not the ideal answer, of course. In the long run, it would be necessary to adopt spells of service abroad into civilian career plans, as they are already common in the military (and also in academia). Although not 'politically correct', it would be necessary to have something like the establishments preparing civil servants and others for "colonial service" of an age gone by, in order to provide the necessary training. Proper debriefing and 'lessons learned' structures would be needed as well, in order to make the best use of experience gained. For the moment, however, this appears to be far from realisation, despite some first steps in the right direction.[11]

In addition to reservists serving with the military, international organisations provide the bulk of civilian personnel in peace operations. These often lack proper expertise, however, and tend to copy one mission model for the next mission, even under different circumstances.[12] Fortunately, attempts are underway to achieve better understanding and interaction, such as the measures undertaken by the

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[11] Let us mention here, for example, the training course for civilian tasks in peace operations established at Schlaining in Austria already in 1993.

[12] I might add my personal experience here. While serving with the UN Observer Mission in South Africa in 1994, many colleagues had been in Cambodia before, and brought in their 'Cambodian' attitudes. This was not always helpful.

US Secretary of State's Office for Reconstruction and Stabilization to synchronize inter-agency efforts.[13]

Often, the parallel structures of various organisations working side by side rather than with each other are mentioned as a common feature – and often a common problem – of peace operations. In reality, whether organisations operate in an 'inter-locking' or an 'inter-blocking' manner often depends less on organisational aspects than on the personal – and leadership – qualities of the leading people in the field. Any generalisations here would be wrong, but the co-operation between different organisations often has been cause for misunderstandings in the past.

4. Success

What, then, defines 'success' in peace (-building) operations? It is difficult to measure, and can be established with certainty only after a lapse of several years, or even decades. The case of Haiti has already been mentioned, and recently East Timor provided another example of hopes unfulfilled. Sociology usually speaks of three generations necessary to adapt to new circumstances (or new identities), and this might well fit here as well, when it comes to the 'normalisation of society', often after severe and traumatic experiences.[14] This concurs with the necessity of seeing peace-building efforts as a long-term task, where time can be measured in generations rather than months or years.

For practical purposes, however, results and feedback are needed much earlier, and here the criteria for 'success' can only be drawn from expectations and mandates for the missions in question. There is no such thing as 'success' by itself, it has to be measured against the objectives set, by examining which objectives have been achieved within a given

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[13] Here, I am indebted to Henri Bigo, who participated in the Reichenau seminar, for his comments. Another institution to be mentioned here is the European Academy for International Training.

[14] In the discussions at Reichenau, Professor Zonac even mentioned four or five generations, especially in cases of long and severe collective traumas.

timeframe, and at what cost (including collateral damage in other fields).[15]

Despite all the problems and difficulties mentioned here, it would be wrong to conclude that there is no hope. Progress achieved in South-Eastern Europe over the past ten or more years is – setbacks notwithstanding – a promising sign that problems (or, rather: challenges!) can be faced and overcome. We are not living in an ideal world, and circumstances in a post-conflict setting are usually far from ideal, but this does not mean that success is impossible. After all, even the most stable countries in the world have earlier on been the place of bloody conflicts, traumatic experiences, and difficult post-conflict rehabilitation processes – sometimes not so long ago.

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[15] I am very much indebted to my good friend, BGen Dr. Heinz Vetschera, for his comments and suggestions during the discussions at Reichenau.

PART 2:

CASE STUDIES

Interethnic Relations in Eastern Slavonia –

A Balance Ten Years after the Erdut Agreement

Gordana Bujišić

The psychiatrists' point of view

This text was written on the 15th anniversary of the beginning of the war in the Eastern Slavonia and more than ten years since the Erdut Agreement was signed.

Since I'm a psychiatrist I won't speak only about historical and political facts but also about the *reconstruction* of the interpersonal relations and interethnic relations in Eastern Slavonia, or more precisely, in Vukovar.

Eastern Slavonia is situated in Eastern Croatia, between the Croatian border with Hungary, to the North, Serbia and Montenegro to the East and Bosnia and Herzegovina to the South. The area is divided into two Croatian administrative counties; Vukovar-Sirmium and Osijek-Baranja.

The demographic picture of the area has changed in all aspects in last ten years – the total number of inhabitants has decreased as well as the ratio of some minorities.

Vukovar-Sirmium County is the smallest and it has a population of 204,768 while in Osijek-Baranja County live 330,506 inhabitants.

The actual national composition in Vukovar-Sirmium County is 83,44% Croats, 15,45% Serbs, 0,87% Ukrainians, 0,65% Slovaks, 0,99% Hungarians and 1,11% other. In the Osijek-Baranja County the national composition is: 83,89% Croats, 8,73% Serbs, 2,96% Hungarians, 2,64% other nationalities and 1,78% who didn't reveal their ethnicity (mostly these persons were "Yugoslavs").

In particular, the number of Serbs significantly decreased in 2001, because a lot of the Serbs left the area after the return of internally displaced Croats during peacetime reintegration.[16] Also, after the Erdut agreement, a lot of Serbs decided to leave the area and move to Serbia and Montenegro and elsewhere.

Some of them decided to go because they were active participants in the war on the Serb side, but some decided to go because of the animosity toward the Serbian minority population, created within Croatia, despite the fact that in the core of the Erdut agreement provisions were made for the protection of human rights of people who lived in the area as well as those who were forced to leave the area during the war. To be more precise, the Erdut agreement allowed the return of all refugees and displaced persons to their homes (Croats, Hungarians and others) but at the same time those people, who came in Eastern Slavonia from other parts of Croatia had the right to stay in the area (mostly Serbs from Western Slavonia and Dalmatia).

This means that in the period of the peaceful reintegration of Eastern Slavonia we had many interest groups, not only divided by their nationality, since, for example, within the Serbian community we had those people who were originally from Eastern Slavonia and those who came during the war from other parts of Croatia. Also, among some national minorities, we had those Ukrainians who left the area with the Croats and those who stayed with Serbs who were confronted to each other after their return.

Related to these events, for the first time since the occupation of the area by Serbian forces, Croatian laws for the protection, preservation and promotion of the identity of minority groups were expected to be applied in this area. These relate to the rights of minorities to use their own language and alphabet, and the freedom to express their nationality and cultural autonomy.

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[16]   In 1998 Eastern Slavonia was fully reintegrated in the Croatian state (note of the editors).

At the same time, both sides mistrusted each other and they were very reserved. The war experience was still very vivid; many inhabitants had lost their families so it was very difficult to start to communicate. These first years were very complicated and hard to overcome.

After the Erdut agreement, the intervention of the international community, through the work of many international agencies that worked in the area helped greatly; programs and projects were initiated with the aim of helping the reconciliation process.

Then, Croat and Serbs lived in the same area, but almost without any communication. The only contacts were personal ones, but even those were very secret, even the contacts within the same family.

Most of the services such as health, educational, police and other governmental services were reintegrated in the Croatian system. So, the first representatives of these services had to come in the Croatian Danube Region and start to work together with their colleagues from the Serb side. The international community decided to start reconciliation within these groups, so the beneficiaries of the first reconciliation programs were policemen, doctors, teachers and people employed in different county and governmental institutions in the area.

Programs and projects were implemented by different governmental institutions and non-governmental organizations (NGOs), all supported by the international community. The most important initiatives were psychosocial programs, which ensured psychological support to more open interaction between ethnic groups and sharing of different war experiences and the whole range of different feelings caused by the so-called "other side".

At the beginning most of the NGOs had ethnical connotations. For several years we had so-called "Croatian" NGOs and "Serbian" NGOs. The first non-governmental organization without that connotation was the Vukovar Institute for Peace, Research and Education, funded by Croats, Serbs and other minorities living in the area.

After years of work the situation has changed, little by little. Communication has been restarted, as it was anticipated, first among neighbors and working colleagues and then among other groups. After a time they all realized that their experience were mostly common; most of them were war victims – in different ways, maybe – but all inhabitants of the area suffered from war, and most of them have longer or shorter experience of being refugees. At the end, all of them share the experience of living in an almost absolutely destroyed town, like Vukovar.

Middle-aged and elderly people who had the experience of living in common were the first to reopen communication, while young people who didn't experience this, who heard the worst things about "the other side" and who grew up in other areas of Croatia or abroad, had a lot of problems getting used to live in the area and to live with each other.

The situation is further complicated by separated school systems. In Vukovar, the Serbian community, a minority that represents a relatively large portion of the population, is entitled to separate educational institutions and school departments[17]. Classes at these minority schools are held in the Serbian language. The teachers of the same national affiliation are carrying out instruction, following the general school curriculum that has been approved by the Ministry of Education. In addition, the Serb minority is entitled to develop additional school curricula that adequately present their history, culture and literature. Not surprisingly, considering the fierceness of the fighting that took place in this area, the most sensitive issue is the development of a history curriculum that would objectively and honestly portray the recent war events. With an appreciation for the heightened tensions that existed in these communities in 1997/98, as populations came and others went, a compromise solution was put in place, which called for a five-year moratorium[18] on history teaching in Serbian schools with respect to the

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[17]   Article 11 of the Croatian Constitutional Law on Human Rights and the Freedoms and Rights of National and Ethnic Communities and Minorities as amended on December 19, 2002.

[18]   Annex to the Erdut Agreement, Nov. 1995

events that occurred in former Yugoslavia during the years 1989 to 1997. This temporary solution, however, expired a few years ago, leaving uncertainty as to the content of the new history curriculum.

This was the reason why the Vukovar Institute for Peace, Research and Education, supported by the U.S. Institute of Peace (USIP) and Catholic Relief Service initiated research with the aim of understanding attitudes of pupils, parents and teachers of history curriculum in higher classes on elementary school and gymnasium, with special retrospection on, according to different criteria, differences in attitudes between pupils, parents and teachers.

The research had started with the hypothesis according to which pupils, their parents and teachers will have different attitudes related to the questions of history. Another assumption was that pupils among themselves, as well as parents and teachers among themselves, would have different attitudes about history-related questions, depending on their national belonging.

The results confirmed the hypotheses at several levels. In other words, groups of pupils, parents and teachers have given different answers to the same questions, while answers of the groups of parents and teachers were more similar and quite different from the answers of the group of pupils.

Parents and teachers, meaning the groups that had experienced good relations between majority and minority groups, recognized the need of studying the history of good relations, and teaching the subjects, which can improve these relations while pupils who were mostly born and grew during and after the war, do not see the need for studying history of good relations.

Equally, the need to know the history of national minorities has been mostly recognized by the parents, and teachers in the same percentage, but the number of pupils who think that knowing history of national minorities is important, is half smaller.

This has confirmed the postulate according to which two different age groups – pupils who belong to the younger generation have different experiences from their parents and teachers who, evidently, belong to the older generation.

Differences in attitudes regarding national belonging are the clearest in statements related to the history of national minorities, and lectures of themes connected with the war. Croatian nationals do not express the need to be familiar with the history of minorities, while pupils and teachers of Serbian and other nationalities equally recognize a need to study history of national minorities.

Croats, unlike Serbs and members of other national minorities, harbor the following attitudes:
- Good knowledge of history of one's own nation is very important for contemporary Man,
- good knowledge of history of bad relationship and conflicts between majority population and national minorities is very important for every contemporary Man and
- there are historical themes that should not be discussed in schools because they can contribute to worsening of relations between majority population and national minorities.

It is important to draw lessons from history, and so Serbs are different from Croats and other members of national minorities, in harboring the following attitudes:
- There are historical themes that should be receiving special attention because they contribute to the improvement of relations between majority and minority populations,
- it is good that some themes from our recent history not be taught in history classes immediately after the war and
- pupils should be spared difficult historical themes, particularly those that could traumatize them.

Members of other national minorities, unlike Croats and Serbs, harbor the following attitudes:

- Good knowledge of history in general is very important for every contemporary Man,
- good knowledge of history of national minorities is very important for every contemporary Man and
- good knowledge of history of good relationship between majority and minority populations is very important for every contemporary Man.

All listed results and presented analyses and opinions state a need for action, which would, in this case, consider concrete contribution to the process of rapprochement of members of different nationalities, and their additional education in history classes and methodology, with the additional goal of bringing together pupils and parents of different nationality.

This survey was administered during the school year 2004/05 and the results are better than those that other group of researchers got two years earlier. In that research, done by researchers from the University of Zagreb, pupils underlined their wish to have separate schools and their opinion that "the other side" is not a part of their lives. Most of them stated that they don't want to communicate with "them", they don't want to know anything about their experiences and emotions and so on. In the same research parents and teachers were much more willing to cooperate than pupils.

Nowadays, the situation has improved a lot; schools are still separated, but disco clubs are not anymore, so young people have started to communicate. Many young people communicate in school and sports activities, but also leisure time and voluntary work in non-governmental organizations.

The general change in the political climate and the start of the process of integration of Croatia in the EU has had a big impact in the everyday life of Eastern Slavonia. Most people from both sides communicate normally; lots of activities are common and not ethnically separated anymore. The biggest obstacles to better interethnic tolerance in Eastern

Slavonia are the lack of perspective for young people in the area and a high rate of unemployment.

It has to be said that the Croatian government supports economic development of the area and results have been visible in the last few years. New opportunities for employment and opening of the several faculties in Vukovar gave huge support to the improvement of the interethnic tolerance in the area. Also, financial support of the government for activities of non-governmental organizations is much higher now, so our work is continuing and more professional.

Speaking about the future, the most important thing is the change in the educational system. While legislation gives the opportunity for national minorities to be educated in their own language, we must find better ways of implementing this, and arrange educational institutions and processes, so as not to separate pupils by ethnical differences.

In that sense, Eastern Slavonia still needs strong support from the EU, not only financially but also in an advisory role. The current CARDS program is an example of good practice because it stimulates the cooperation of governmental and non-governmental organizations through different programs, which are complementary to existing governmental programs.

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Dayton-Bosnia and Herzegovina at a Crossroads

Christian Haupt[19]

I. Introduction

Since the signing of the "General Framework Agreement for Peace in Bosnia and Herzegovina" (GFAP)[20] on 14 December 1995 in Paris, having been previously negotiated and finally initialled in Dayton/Ohio (USA) on 21 November, remarkable progress has been made in most areas identified by the Agreement. Due to the complexity of the Agreement, it is appropriate to briefly comment on each Annex separately:

Annex 1-A on "*Military aspects of the Peace Settlement*" provided for a strong multinational military Implementation Force (IFOR)[21] of 60,000 soldiers initially, led by NATO, mandated to separate the conflicting parties and ensure a safe and secure environment. One year later, in December 1996 IFOR was replaced by the so called Stabilisation Force

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[19] The author is currently Head of the Parliamentary Section in the Department of Security Cooperation of the OSCE Mission to BiH. Since October 2000 he is serving in the OSCE Mission to BiH, following 4 years of service in the German Embassy in Sarajevo.

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This article reflects the personal views of the author and is neither the official position of the OSCE Mission to BiH, nor that of the German Ministry of Foreign Affairs.

The author would like to thank Ms. Maureen O'Brian at the Department of Security Cooperation for the collegial support in preparing this article.

[20] The full text of the GFAP, including all 11 annexes, is available on the homepage of the Office of the High Representative in Bosnia and Herzegovina: http://www.ohr.int

[21] General information on IFOR is available under: http://www.nato.int/issues/ifor/index.html

(SFOR)[22]. With the continued stabilisation of Bosnia and Herzegovina (BiH), democratic changes in the region and reductions of the then Entity Armed Forces, a significant reduction in the number of international forces (some 7000 soldiers by the end of the deployment in December 2004) was possible. On 2 December 2004, the NATO-led Stabilisation Force transferred its authority to an European Union (EU) led Force called "EUFOR"[23] with a force-strength of ca. 6.000 soldiers. The key military tasks of EUFOR are to provide deterrence through a robust military presence, to provide a safe and secure environment, and to ensure compliance with the GFAP. Furthermore, EUFOR is engaged in supporting tasks providing assistance to other international organisations, through limited participation in defence reform (reduction of obsolete weapons and ammunition) and support to the International Criminal Tribunal for the former Yugoslavia (ICTY). Because of a continued stable environment within BiH, further force reductions have been planned for 2007.

Annex 1-B on *Regional Stabilisation*, covering arms-control aspects in BiH and the region, has been implemented with the assistance of the OSCE Mission to BiH under the auspices of a Personal Representative of the OSCE Chairman-in-Office. Based on the provisions of Article II, IV and V of this Annex, three subsequent agreements have been negotiated and concluded. One of the agreements, the so-called Vienna Agreement on Confidence- and Security-Building Measures (Article II-Agreement), signed on 26 January 1996 by BiH, Republika Srpska (RS) and the Federation of BiH (FBiH) became obsolete as a result of the formation of a BiH Ministry of Defence in January 2004 and was terminated in September 2004. As a consequence of further steps in Defence Reform, resulting in the full transfer of competencies for defence matters to the state, the so-called Article IV-Agreement on Sub-Regional Arms Control (signed on 14 June 1996 in Florence) has been amended and the role of the entities eliminated. Hence, the state of BiH

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[22] General information on SFOR is available under:
http://www.nato.int/issues/sfor/index.html

[23] General information on EUFOR's Operation Althea is available under: http://www.euforbih.org/

(without input of the entities) is now implementing this arms control agreement with Croatia and Serbia-Montenegro.[24]

Annex 2 on the *Inter-Entity Boundary Line and Related Issues* established the Inter-Entity Boundary Line (IEBL) as the administrational boundary between the two entities – Federation of BiH and Republika Srpska. A number of disputes on the exact position of the IEBL have been resolved and it is now well respected.

Elections are covered by **Annex 3**, assigning a key role to the OSCE to participate in the monitoring, preparation and organisation of elections at all levels. A "Provisional Election Commission" (PEC) was formed in February 1996 and the OSCE Mission to BiH participated in the organisation of six elections. The successful transfer to the BiH authorities was legally initiated with the approval of the BiH Election law, passed in 2001, and the formation of the BiH Election Commission. In the meantime, BiH citizens have replaced the international representatives in the BiH Election Commission. Elections were organised in 2002 and the OSCE Mission to BiH, among other organisations, continues to provide expert advice as required. Notably, further changes to the law have been passed increasing the effectiveness of the electoral process and aiming to address existing discriminatory provisions. Nevertheless, more far reaching changes will depend on possible future constitutional changes.

The *Constitution of BiH*, **Annex 4** of the GFAP, has been a focus of the political debate for the last year, but especially during the last two months. So far no changes have been introduced to this part of the Agreement, but the recent attempt to change selected provisions of the constitution in accordance with the relevant procedure has at least broken the previously dominant resistance to any changes. This aspect

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[24]   Initially, the states of Croatia, the Federal Republic of Yugoslavia, Bosnia and Herzegovina, and the two entities Federation of BiH and Republika Srpska have been parties to the Agreement. With the full transfer of competencies in the filed of defence from the entities to the state of BiH, and BiH assuming full responsibility for all military potentials of the country, the role of the entities as parties to the agreement has become obsolete.

should not be underestimated, despite the disappointment of many BiH politicians and international representatives regarding the failure of the proposed amendments.

The lack of any relevant information on **Annex 5** on *Arbitration* indicates that this annex aimeing at facilitating the communication and decision-making processes between the two entities has not been applied. One possible explanation is that the High Representative used his Bonn Powers[25] to resolve serious issues as they presented themselves. In any event communication between the entity governments was established shortly after Dayton and since then has improved constantly, making this Annex irrelevant.

Annex 6 on *Human Rights* has also seen major changes and remarkable achievements. Under the provisions of the Annex, the Office of the Ombudsman and the Human Rights Chamber, have been formed to deal with violations of human rights. As for Annex 1-B and 3, the OSCE Mission to BiH was given a key role in assisting the practical implementation.

In the course of the past 10 years, the institutional structures have changed and further developed. A BiH Law on the Ombudsman Office was passed at the end of 2005 and the creation of a single, BiH Ombudsman Office is progressing. The Human Rights Chamber was transferred to the Constitutional Court, since January 2004, operating as the Commission on Human Rights. In the Council of Ministers, the Ministry for Human Rights and Refugees is dealing with human rights matters and can be described as one of the more effective ministries, headed by a widely respected minister.

Despite the significant results achieved, certain failures are linked to the implementation of **Annex 7** on *Refugees and Displaced Persons*, aiming to guarantee the right to repossess pre-war property and return to pre-

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[25]   The so-called Bonn Powers are further explained in the context of Annex 10.

war residences.[26] Had both goals been implemented, political division of the country and expulsion would have been minimised. Despite the almost complete implementation of property legislation, many refugees and Displaced Persons never returned to their pre-war residence. The reasons in most cases are: delayed repossession of property, which has often been destroyed during the war; reluctance to return into territories controlled by a majority of different nationality; poor economic situation and no possibility of employment; segregation in the school system, etc. In reality, many individuals have chosen to sell their pre-war property and continue to live at their current place of residence (in BiH, or abroad). Politically, the main responsibility for the implementation of Annex 7, implementing the Law on Refugees from BiH and Displaced Persons in BiH, and the Strategy of BiH for the Implementation of Annex 7 is with the BiH Ministry for Human Rights and Displaced Persons.[27]

Based on **Annex 8**, the *Commission for the Preservation of National Monuments*[28] was formed with a six-year delay, on 21 December 2001 by means of a BiH Presidency decision. During the following five years more than 300 decisions on movable and immovable National Monuments have been taken and hundreds of applications are pending. With the formation of this Commission and the large number of

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[26] Additionally, the right to repossess pre-war property and return to the pre-war residence is guaranteed by Article II of the BiH Constitution on Human Rights and Fundamental Freedoms.

[27] According to a Comparative Analysis on Access to Rights of Refugees and Displaced Persons, published in December 2005 by the BiH Ministry for Human Rights and Displaced Persons, 2.2 million persons fled out of their pre-war homes in BiH during the war 1992-1995. About 1.2 million refugees left BiH and 1 million persons was internally displaced. Despite the lack of a systematic data base (the last census has been conducted in 1991), data available indicate that more than one million persons have returned to their homes. An estimated number of 500,000 persons is still temporarily abroad, recorded as refugees from BiH, and about 190,000 displaced persons have filed requests for re-registration. According to the mentioned study, more than 120,000 persons are still waiting for reconstruction assistance as a precondition for their return to their pre-war home.

[28] All relevant documents are available on the homepage of the Commission: http://www.aneks8komisija.com.ba

decisions, regarding monuments from all parts of BiH, political resistance has gradually disappeared and the protection and reconstruction of national monuments, destroyed during the war, is dependant on the availability of limited financial resources.

Annex 9 on *Public Corporations* is addressing an important economic aspect aiming to integrate fragmented public corporations (utility, energy, postal and communication facilities). As a result of the war, supply networks were destroyed and independent public corporations have been formed on the territories controlled by Bosniak, Croat and Serb authorities.

It is obvious, that such a dispersed system cannot operate efficiently or provide high standards of supply stability to the customers. Several audits have shown that political and private financial interests have often been deeply involved in public corporations. Nevertheless, many financial resources and expertise have been provided to the BiH authorities, which have resulted in improvements especially in the energy and transport sectors.

Aspects of the *Civilian Implementation of the Peace Settlement* are described in **Annex 10**. This designated the position of a High Representative for BiH and established the Office of the High Representative (OHR). With the intention to provide a strong tool for the implementation of the long list of tasks, the Peace Implementation Council, on 10 December 1997, in Bonn approved the so-called "Bonn Powers", authorising the High Representative (HR) to use his final authority, including the right to pass interims measures when the parties are unable to reach an agreement, and to take action against persons holding public office when violating the Peace Agreement.[29] Since then, the High Representatives have been forced to use the Bonn Powers in numerous cases, enacting key legislation, establishing commissions on certain reform projects and removing numerous officials obstructing the implementation of the Peace Agreement. Apart from the requirement to

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[29] The full text of the PIC Bonn Conclusions from 10 December 1997 is available on the OHR homepage: http://www.ohr.int/pic/default.asp?content_id=5182

use the Bonn Powers to strengthen the state of BiH, this tool has undoubtedly delayed the development of a culture of constructive debate with domestic politicians and has discouraged them from taking responsibility for political compromise. Real ownership will hopefully develop once the Bonn Powers are no longer used and do not provide a comfortable fallback option for BiH politicians.[30]

10 years after Dayton the current High Representative, Christian Schwarz-Schilling, may be the last HR in BiH, because his position being transformed into a EU Special Representative for BiH (Lord Ashdown did not reach this goal, despite his initial declaration that he would be the man to switch off the lights in the OHR). Many politicians of BiH and the EU have stated that the closure of the OHR has to reflect the progress made towards European and Euro-Atlantic integrations. The publicly expressed intention of the current HR to significantly decrease the use of the Bonn-Powers is already sending a clear signal in this direction. This announcement is calling the domestic authorities to take more responsibility for the future difficult political decisions.

Finally, with **Annex 11** on the *International Police Task Force* the parties requested the United Nations to establish an International Police Task Force (IPTF), to assist them in providing a safe and secure environment in cooperation with the international military force.[31] IPTF sought to increase the effectiveness of the local police structures, while downsizing the overstaffed entity police forces in BiH and certifying the remaining police officers. The establishment of the State Border Service at the end of 1999 and remarkable development of the crucial BiH police structure are two of the more successful projects.

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[30] A detailed description of the Bonn Powers and the necessity of their application has been presented by Mag. Christian J. Ebner, at the 8th Workshop of the Study Group Regional Stability in South East Europe in May 2004. The article has been published by the Austrian Ministry of Defence in: From Peace Making to Self Sustaining Peace – International Presence in South East Europe at a Crossroads, May 2004, available under:
http://www.bmlv.gv.at/wissen-forschung/publikationen/publikation.php?id=160

[31] A full description on the UN-Mission to BiH can be consulted on:
http://www.un.org/Depts/dpko/missions/unmibh/index.html

With the termination of the UN-Mission in BiH on 31 December 2002, the EU took responsibility for the reform of the BiH police structures through the establishment of an EU Police Mission (EUPM). EUPM was mandated to establish professional, multiethnic police structures in line with European standards. Following the completion of the initial three-year Mandate of EUPM, and as a result of a review process, a follow-up Mission has been agreed, which will focus on institution and capacity building, the fight against organised crime, affordability of police structures and police restructuring.[32] Due to the past strong involvement of EUFOR in fighting organised crime, an agreement has been signed between both organisations, assigning EUPM the lead-role in coordinating policing efforts and the fight against organised crime. It will be effective as of 1 June 2006.

Certainly, remarkable progress has been achieved in almost all areas of the post-Dayton reconstruction of the country, allowing Bosnia and Herzegovina to start on the path towards European and Euro-Atlantic integration, the European Union and NATO. As a selective snapshot of the current situation the following elaborations will provide more details on progress in Security Sector Reform, on this year's introduction of the Value Added Tax, and on the recent failure to introduce changes to Annex 4, the BiH Constitution.

II. Security Sector Reform

Most domestic and international representatives acknowledge the remarkable progress achieved in most areas of security sector reform. For the purpose of this review, the achievements and remaining challenges in the area of Police Reform, Defence Reform and Intelligence Reform will be discussed.

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[32] The performance of the first EUPM Mission has been frequently questioned and the International Crisis Group published a separate report on this issue: Bosnia's Stalled Police Reform: No Progress, No EU; Europe Report N°164, published 6 September 2005; available at: http://www.crisisgroup.org/home/index.cfm

a) Police Reform

Efforts of the International Community on Police Reform have proven to be difficult, especially because of the reluctance of the RS political elite to accept models leading towards a full transfer of responsibilities. Realistically, the acceptance of the full transfer of entity competencies in the sensitive areas of defence and intelligence has increased pressure on the political leadership of RS to preserve the existence of at least one armed force on entity level – the RS Ministry of Interior and subordinated RS Police.

Based on the experiences with Defence Reform, a Police Reform Commission was established by the High Representative on 2 July 2004, with a mandate to review the existing police structures in BiH and legislative proposals required to implement the following three principles for police reform, set by the European Commission:

- All legislative and budgetary competencies for all police matters must be vested at the BiH state level;
- No political interference with operational policing;
- Functional local police areas must be determined by technical policing criteria, where operational command is exercised at the local level.

As expected, RS representatives in the Police Reform Commission refused during the negotiations to accept functional police areas crossing the IEBL, and demanded a concept which would allow for the existence of a RS Ministry of Interior. As a result of the failure to reach consensus, the Commission Chairman presented his report to the High Representative and the Chair of the Council of Ministers on 14 January 2005.[33]

Following the rejection of the Commission's report, leading representatives of the main political parties initiated a number of meetings aiming to define a compromise acceptable to all sides, while

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[33] The full report of the Police Reform Commission can be accessed on the OHR-Homepage http://www.ohr.int

respecting the three European Commission's principles. Despite significant pressure from the European Union, linking the approval of Police Reform to the opening of negotiations for a Stabilisation and Association Agreement (SAA) with the European Commission, the parties involved could not reach agreement.

A few weeks later, in October 2005, RS representatives unilaterally presented an Agreement on the Restructuring of Police Structures, which was approved by the Enlargement Directorate of the European Commission. Although not reflecting the expectations of the leading parties from the Federation of BiH, this political agreement has been approved without any changes by both entity Parliaments and the BiH Parliamentary Assembly, opening the door for the beginning of negotiations on the SAA on the 25 November.

Basically, the Agreement on the Restructuring of Police Structures has been negotiated by RS representatives with the IC following the failure of the Police Reform Commission to develop a compromise acceptable to the political leaders from all three sides. The two-page short political agreement contains numerous ambivalent, even contradictory statements opening the door for subsequent disputes on the proper interpretation of the previously cited three European principles. Furthermore, representatives from the Federation of BiH strongly criticized the chosen approach excluding their side from the final negotiation process.

Upon approval by all three parliaments, a Directorate for the Implementation of Police Restructuring has been formed in line with the agreement, tasked to facilitate its efficient implementation. Proposals for the implementation plan for the phased police structure reform are due for approval by the executive structures and parliaments no later than 30 September 2006. As for the timeframe, a five-year implementation period has been set beginning on the date of the approval of the political agreement.

So far, the Directorate for the Implementation of Police Restructuring has faced the same challenges as the Police Reform Commission. Vague formulations in the political agreement, serve to hide continued

differences while simulating a pretended consensus, thereby promoting contradictory proposals and interpretations of the European principles. Hence, an agreement on the transfer of competencies to the state and the establishment of police regions beyond the IEBL has not been reached yet and the work of the Directorate is already far behind the planned schedule. Statements of key politicians from RS indicate that even the suspension of the SAA-negotiations will be acceptable as the price for rejecting the abolishment of the entity Ministry of Interior and RS Police. Thus, BiH is still far from defining the future model of police structures and a suitable compromise is hard to imagine due to the incompatible positions of the Republika Srpska, Federation of BiH, and the International Community especially in the context of the upcoming pre-election campaign.

b) Intelligence Reform

On 29 May 2003, three weeks after the formation of the Defence Reform Commission, the Expert Commission on Intelligence Reform was formed by a decision of the High Representative.[34] The draft Law on the BiH Intelligence-Security Agency represented the core proposal of the Commission's final report and has been enacted by the BiH Parliamentary Assembly in spring 2004.

Since the approval of the Law on the BiH Intelligence-Security Agency and the creation of a unified BiH Agency, the OHR, OSCE Mission to BiH and local authorities have been working on the establishment of a unified BiH structure (deriving from the previously existing two entity services). Redundant personnel have been discharged and most of the required by-laws are prepared. Unfortunately, it is reported that employees from different ethnic origins are not cooperating properly and the agency, as a consequence, is not performing as expected. Furthermore, the level of parliamentary oversight is still not satisfactory and much remains to be done to create a modern, capable and throughout loyal service.

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[34] The decision is available on the OHR homepage under:
  http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=29988

Since the establishment of the Agency on 1 June 2004, a BiH Law on the Protection of Secret Data and a new Law on Defence have been passed, assigning additional responsibilities to the Agency. Consequently, a draft Law on Changes to the Law on the BiH Intelligence-Security Agency was prepared at the end of 2005, with the aim of harmonising the basic law with the new legislation. Furthermore, the proponent of the draft Law on Changes intended to assign limited police powers to the Agency, which are alleged to be required for the fight against the international terrorism. This new approach raised serious concerns both on the side of the parliamentary oversight committee, and some International Organisations, resulting in the rejection of the entire draft proposal (beginning of 2006). Hence, a new draft proposal was prepared and introduced into the parliamentary procedure in May, but without any controversial provisions assigning police powers to the Agency. Therefore, the adoption should be ensured and the Agency will be able to continue to its efforts on the implementation of the relevant legislation.

c) Defence Reform

On 31 December 2004, following the first successful phase of the Defence Reform Commission (DRC), the mandate of the DRC was extended by the HR and significantly changed. The DRC, among other tasks, was directed to prepare all necessary proposals for the full transfer of competencies in the field of defence from the entities to the state.[35] Despite the declaratory resistance from the RS, the DRC, co-chaired by the BiH Minister of Defence and a NATO representative, continued to work with almost the same effectiveness as under the previous mandates. The operational responsibility for the work of the DRC was assigned to the NATO HQ in Sarajevo (NHQSa).

In accordance with its mandate, the DRC presented in September 2005 its second report proposing all measures necessary to create a single

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[35]   The extended Mandate of the DRC is published under:
         http://www.ohr.int/decisions/statemattersdec/default.asp?content_id=33873

military force[36]. Notably, the report, with all its recommendations, was approved by representatives from all three constituent peoples and the required legislation passed through the BiH Parliamentary Assembly and both entity parliaments, at the end of 2005.

The full transfer of competencies to the state level, beginning on 1 January 2006, with the BiH Ministry of Defence absorbing all functions of the former entity Ministries of Defence, represents a huge challenge to all institutions and organisations involved. In accordance with the BiH Law on Defence, pending key decisions in 2006 are (selection):

- A new Structure for the Armed Forces of BiH (AFBiH) has to be approved by the BiH Presidency, by the end of June 2006, opening the door for numerous subsequent activities;
- New command structures, national infantry regiments and integrated brigades have to be created by the end of June;
- Decisions on prospective equipment and locations have to be taken, based on the approved future structure;
- Huge amounts of obsolete and surplus weapons and ammunition will need to be destroyed or otherwise eliminated, once AFBiH equipment requirements have been identified based on the future structure;
- The demobilisation of an estimated 2070 professional soldiers and civil servants is planned for September, following a review of the current personnel. At the request of the Ministry of Defence, NATO has agreed to establish a Trust-Fund to assist BiH in the retraining and reintegration of demobilised personnel, including some from earlier rounds of downsizing. At this point it still remains unclear whether the likely lead-nations for the Trust -Fund (United Kingdom, Netherlands and Croatia) will fulfil expectations raised in media reports. The official launching of the Trust-Fund is planned for mid of June;
- Budgetary restrictions are limiting the resources available for the transition process. Officially, the approved budget (about 140

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[36] The DRC Report „AFBiH: A Single Military Force for the 21st Century" is available under: http://www.oscebih.org/documents/3011-eng.pdf

million €) is about 15 million € short of that required for the timely implementation of all obligations described by law;

- About 70 by-laws have to be prepared based on the provisions of the BiH Law on Defence and the Law on Service in the Armed Forces of BiH.

With the successful completion of the mandate of the DRC at the end of 2005, the BiH Ministry assumed primary responsibility for Defence Reform. The Minister of Defence has established a Defence Reform Co-ordination Group (DRCG) as a forum within which strategic issues related to Defence Reform are discussed. The DRCG includes the two Deputy Ministers of Defence, Chief of Joint Staff AFBiH, Commander of the Operational Command AFBiH, Senior Deputy High Representative, Senior Military Representative of the NHQSa, Commander of EU Forces, Director DSC and the Political Advisor to the NHQSa, who serves as the Deputy Chair of the DRCG.

Within the BiH Ministry of Defence, a Transition Implementation Expert Team (TIET) has been established by the Minister in accordance with Article 60 of the BiH Law on Defence. This temporary body is responsible for planning, organising, assisting and monitoring the transition process and receives support from the NATO Advisory Team from the HQ in Sarajevo and contracted experts provided by the U.S.-company Military Professional Resources Inc. (MPRI).

To support the defence reform efforts in a more effective way, components of the NHQSa (NATO Advisory Team and Transition Management Group – former DRC Secretariat) officially moved into the BiH MoD Building in May 2006. This co-location will allow for much closer co-operation between NATO and the BiH MoD, Joint Staff and Operational Command.

Furthermore, DSC, in close coordination with EUFOR and the NHQSa in Sarajevo, continues to support defence reform implementation in BiH. Other partners for these efforts include both BiH executive and legislative structures, particularly the Ministry of Defence, the BiH Parliamentary Assembly's Joint Defence and Security Policy Committee

and the International Organisation for Migration (IOM), which will provide assistance to demobilised soldiers.

Despite the full implementation of the so-called defence reform-related benchmarks set by the North Atlantic Council for BiH to join the Partnership for Peace (PfP) Program, the invitation for membership is still pending as a result of the lack of full cooperation with the ICTY (i.e., failure to arrest R. Karadžić). Possibly, an invitation to BiH might be extended at the Riga summit in November if the term "full cooperation" is interpreted in a less strict way, than heretofore. Recent positive signs of cooperation include are the continued strengthening of BiH law enforcement agencies (Intelligence-Security Agency, State Border Service and State Investigation and Protection Agency) and the recent approval of the BiH Law on the application of provisional measures against persons indicted but not available to the ICTY and persons involved in supporting the persons indicted by ICTY.[37] Remarkably, this law includes measures against any BiH citizen supporting individuals who are indicted, but not extradited to ICTY.

III. Taxation Reform – Introduction of Value Added Tax (VAT)

As of 1 January 2006 the Value Added Tax System has been introduced with a single rate of 17%, representing the most complex fiscal reform in BiH, fundamentally changing the taxation system. Despite all practical challenges and political disputes, mainly linked to the social impact of the reform and the distribution of the collected revenues, this reform is of major importance to BiH. For the first time, the State of BiH has been provided a solid financial basis ending the dependence from entity allocations. As defined by the legislation, BiH institutions and BiH financial obligations are financed as the first priority from the VAT. As a second priority, and this is the important difference compared with the previous system, the remaining revenues are distributed to the Entities and other local structures. It is envisaged, that the simple system based on one rate of 17% will stimulate economic recovery, attract foreign

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[37]   Published in the BiH Official Gazette No. 25/2006

investments and create new job opportunities for the citizens of the country.

After four months, the first results of the VAT system are measurable and the revenues collected significantly increased, highlighting the shortfalls of the previous taxation system. Not only the State level, but also the Entities benefit from this increase.

IV. Constitutional Reform

On 26 April 2006, the House of Representatives (HoR) of the BiH Parliamentary Assembly rejected the first politically relevant proposal for constitutional change since Dayton. According to the proponents, the proposed changes aimed at creating more effective State structures and opening the door for a second phase of more far reaching negotiations on constitutional reform. Previously, other initiatives to change provisions of Annex 4 of the Dayton Peace Agreement had failed at an early stage, due to the unanimous resistance by RS parties to consider any changes to the Dayton-Constitution in order to preserve the status quo. Interestingly, in the period after Dayton the same parties were very reluctant to accept the same constitution as they considered that this Agreement was disadvantageous from a Serb prospective.

In the meantime, much has changed in the political landscape of BiH and several initiatives promoting constitutional changes gained momentum. Initially, a Swiss initiative prepared a number of presentations and round-tables throughout the country spreading the awareness of the need for constitutional changes. As a second initiative, the US Institute for Peace and the US State Department facilitated for one year negotiations with eight BiH political parties initially. The Party for BiH (SBiH) left the negotiations at a late stage having disagreed with the general direction of the changes. Basically, this first set of proposals for constitutional changes focussed on areas relevant to the upcoming elections in October that is: Structure and functioning of the BiH Presidency, Council of Ministers, BiH Parliamentary Assembly, and distribution of competencies between the State and the entities. Human Rights were also discussed and had been incorporated into the political

party agreement, signed on 18 March, but did not appear in the draft amendments. Therefore, on 25 March the BiH Presidency proposed four amendments on the Constitution to the BiH Parliamentary Assembly.

Concretely, the proposed amendments contained the following main provisions:

a) Amendment I on the Distribution of Competencies

This amendment introduced an expanded list of state competencies, reflecting mostly the legal reality created by the transfer of competencies in several areas like Defence. Politically, the intention to add security matters as a state competency was the most radical change proposed and would have created a strong constitutional basis for police reform.

Furthermore, as a new category of shared competencies has been proposed, also mostly reflecting the current status (examples: taxation system, elections, justice). For the possible transfer of competencies, clear procedures have been proposed. Moreover, a clause granting the state the authority to pass all legislation required for European integration was designed to create an effective tool for assuming required competencies.

b) Amendment II on the BiH Parliamentary Assembly

In view of the constantly expanding workload for the BiH Parliamentary Assembly, an increase of the number of parliamentarians was proposed for both houses (House of Representatives from 42 to 87 members, including three minority representatives, and the House of People from 15 to 21 delegates). Future delegates of the House of Peoples (HoP) would have been elected by the House of Representatives (HoR), not by the Entity parliaments as defined by the current constitution. At the top of the Houses, Speakers and Deputy Speakers would not rotate any more, introducing four-year mandates providing for more continuity.

With regard to the distribution of competencies, the HoR would have been the responsible House for passing all legislation. Accordingly, the powers of the House of Peoples would have been limited to the application of the procedure for the protection of Vital National Interests. Legislation would no longer require the approval by the HoP.

Finally, with regards to the voting procedures, the so called "entity voting" was kept in the proposal for the House of Representatives, limiting the approval of legislation to the participation of at least one third of the parliamentarians from each entity. As expected, this provision was most controversial for both the majority of Croat parliamentarians, and for SBiH.[38] The failure of the proponents of the amendments and International Community to accommodate these concerns ultimately resulted in the failure of the entire package of constitutional amendments.

c) Amendment III on the BiH Presidency

Remarkable changes were proposed for the BiH Presidency, introducing a BiH President with two deputies, rotating every 16 months. Instead of being elected by the BiH electorate, Members of the BiH Presidency would now have been elected by the BiH PA. The responsibilities of the BiH President would have been significantly reduced, while strengthening the role of the Council of Ministers. Only three sensitive areas remained which required consensus (for example Defence) in the decision making process. As a result of the proposed changes, the BiH President would have been mainly responsible for protocol issues.

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[38] The resistance of most Croat parliamentarians was triggered by the «entity voting» procedure. Due to the low percentage of the Croat population in BiH, resulting in a low number of parliamentarians, only the Croats would have been excluded from using the entity voting as a tool to effectively reject draft legislation.

d) Amendment IV on the Council of Ministers

As a consequence of assigning a more protocol role to the BiH Presidency, the Council of Ministers would have assumed additional competencies, streamlining working procedures aimed at creating a more effective and politically stronger government. The Prime Minister would have been given a stronger role in forming his Government and guiding the ministers. Two new Ministries for Agriculture, as well as Technology and Ecology would have been established, preparing the country for the upcoming challenges related to the European Union.

As anticipated, strong resistance to the proposed amendments was expressed by various political parties, forming a so-called "Patriotic block". In this ad-hoc political alliance two parties (SBiH – party for BiH and the newly formed HDZ 1990) represented a noteworthy power due to the number of their parliamentarians in the HoR. SBiH, initially one of the participants on the negotiation process left the agreement negotiations and focussed its resistance on the entity voting procedure in the BiH HoR. According to SBiH, legitimising this voting procedure through the passage of constitutional amendments would have strengthened the division of the country. Even more, the future existence of the State would have been questioned. Hence, the possible support to the amendments was publicly linked to the removal of this particular provision.

On the other hand, most of the Croat deputies, four of them from the former HDZ-caucus and now belonging to other parties as the newly formed HDZ 1990, challenged the entity voting procedure as a provision selectively discriminating against the Croat constituent people. In reality, the procedure of blocking legislation with one-third of the votes from one entity can be applied by Serbs from RS and Bosniacs from FBiH. Due to the low percentage of the Croat population in BiH, resulting in a numerical low representation in the House of Representatives, the same veto-right can not be applied by the Croat deputies. Additionally, with the proposed reduced competencies of the House of Peoples the regular mechanism for invoking Vital National Interests would also have been

weakened. Ultimately, instead of guaranteeing equal rights for all three constituent peoples, it was argued the Croat representation would have been left in an unequal and even weaker position than to date. Therefore, numerous Croat deputies supported the abolition of the entity voting procedure in the HoR.

Unfortunately, the majority in the BiH Parliamentary Assembly failed to offer concrete compromise proposals needed to ensure the political consensus required to reach the two-third majority for the approval of constitutional amendments. After two days of long debates, emotional disputes, numerous breaks, lobbying efforts and pressure from the International Community, the amendments were rejected. In response, the International Community blamed the opponents for obstructing BiH progress towards European integration. In interviews, the US Ambassador threatened consequences.[39]

Whatever the consequences are, the political scene has been polarised and the gap between the two sides is deeper than ever, and a controversial pre-election campaign is to be anticipated. On the other hand, this first attempt to change the constitution has broken the resistance to constitutional reform and established a remarkably broad political consensus in this regard. Most probably, a new approach towards substantive constitutional changes including a stronger involvement of the High Representative will follow the October elections.

V. Challenges in 2006 and beyond

With the failure of the constitutional reform BiH is facing a very controversial pre-election campaign prior to the October 2006 elections. Elections will be conducted in line with the provisions of the so-called Dayton-Constitution, and the country will be governed by a new government within the existing institutional framework. At this moment, it is impossible to anticipate the possible outcome of the elections due to

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[39] Dnevni Avaz, Nezavisne Novine, Oslobodjenje and other BiH daily newspapers on 28 April 06

the formation of a new Croat Party (HDZ 1990) and the political return of the former Prime Minister Haris Silajdzic, the founder of SBiH, on to the political scene.

On the other hand, the International Community, especially the EU and NATO may not change the conditions for BiH-membership of both organisations. Accordingly, the BiH Parliamentary Assembly and the Council of Ministers will face increasing difficulties in addressing these conditions. Further problems are obvious in the sensitive areas of Police Reform and the Croat resistance to legislation on the Public Broadcast System, both clear preconditions for the negotiations on a Stabilisation and Association Agreement. With the suspension of negotiations with Serbia and Montenegro a clear signal has also been sent to the BiH authorities that there is a requirement for the full implementation of existing political commitments.

If BiH is to continue on the path towards European and Euro-Atlantic integration constitutional reform is essential. With the significant political progress achieved there is room for optimism in so far as there has been some political progress which should encourage further negotiations regarding constitutional reform, after the October elections. Constitutional reform has not been identified in the European Commission's 2003 Feasibility Study[40] as a formal precondition for BiH on its route towards European integration. Nevertheless, the EU has made it very clear that BiH needs to amend the existing constitution to encourage a more functional, strengthened, effective and affordable state. It remains to be seen, whether the call by the High Representative for more BiH ownership of the current will positively impact of the ability to agree necessary reforms, or have the opposite effect.

Finally, some concluding remarks on the question, whether the peace-plan for Bosnia and Herzegovina can be viewed as a success. Despite the

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[40]   The 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, November 2003**,**can be accesses under:
http://ec.europa.eu/comm/enlargement/bosnia_herzegovina/key_documents.htm

obvious difficulty to measure failure or success, the implementation of the Dayton Peace Accords could be described as a reasonable success. From an outside perspective even more progress might have been achievable, but such views fail to take account of the realities within BiH.

Definitely, the security related parts of the Dayton Agreement have been an undisputed success and the NATO-led operations of IFOR and SFOR have implemented their tasks in an effective and professional manner. In comparison, the civilian part of the reconstruction of the country was more difficult and relatively slower. Polarized political views on many important issues are still hindering swift progress. On the other hand, successful examples of security sector reform and the introduction of the Value Added Tax show that systemic reforms in key areas are possible within the constitutional framework. Therefore, everything depends on the political maturity of the electorate, as well the courage and leadership of the political elite to take the necessary decisions to the benefit of their entire country. The Dayton Peace Agreement does not impose any formal obstacles which can not be overcome by consensus.

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From the Belgrade Agreement to the Referendum: Montenegrin-Montenegrin and Serbian-Montenegrin Relations

Savo Kentera

1. Renewal of the name on the political map

At the Berlin Congress of 1878, Montenegro was recognized as a country. Back then Montenegro was the twelfth country in Europe and the twenty-seventh in the World, and as such it remained until 1918 when it ceased to exist as an independent country and became part of the Kingdom of Serbs, Croats and Slovenes. There is no need to talk about what it meant for Montenegro at that time and what a great loss it was. The reason why Montenegro lost its sovereignty back then, was not the fact that it was incapable of preserving it, or the fact that it was unable to bear the responsibility in the appropriate manner an internationally recognized country should; but because that was in the best interest of the Western Powers, which won the First World War, and which strived to support their ally Serbia in any possible way.

Nowadays, after almost a century, Montenegro is once more on its way to restoring its sovereignty. In May 2006, its citizens may themselves decide by referendum (which will follow standards set by the EU) whether they want to live in union with Serbia, or choose to live in their own independent country, like their ancestors did.[41] Will the same feeling of patriotism, a feeling that has never actually ceased, appear again, but this time stronger and bigger than ever? Will Montenegro become again an internationally recognized country, with its identity and all the attributes that characterize a modern country? It is expected, since

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[41] The result of the Montenegrin referendum on 21 May was that 55,5% of the electorate voted for independence. As a consequence of that the State Union with Serbia was dissolved and Montenegro was internationally recognized as an independent state (note of the editors).

the people of Montenegro have waited long enough for this opportunity, guaranteed by both the Constitution and the Constitutional Charter that was passed three years ago.

It is high time, but also the right time for this issue to be finally resolved. It is time to let the people of Montenegro decide whether they want to continue living in union with Serbia, or restore their sovereignty and have Montenegro as an internationally recognized country once again.

Nowadays, many people ask the question: what is the reason for Montenegro's desire for independence and separation from Serbia, while Europe strives for integration? The answer is more than simple. Montenegro also strives for its integration in the European Union, but as an independent country, in the same way Czech Republic, Slovakia, Slovenia, Croatia and other countries have recently done.

2. The years the locusts have devoured

How did the whole process of striving for Montenegro's independence actually begin? Until 1991 there was a Social Federal Republic of Yugoslavia, consisting of six Republics. In that Yugoslavia, the problem of sovereignty was emphasized. After the death of Tito, the leader of the Communist party and President of Yugoslavia, the ethnocratic governing structure had already been formed. These ethnocratic structures, particularly the ones formed during the ruling of Slobodan Milošević in Serbia, were the crucial cause of sovereignty problems that led to war, the bloodiest in Europe since 1945.

Maybe the best description of this phenomenon was given by Alexis de Tocqueville when he wrote: "All those who strive to destroy freedom in a new democratic nation should know that the war is the most certain way to achieve that". Milošević succeeded to provoke war in Croatia and Bosnia and Herzegovina, but not in Montenegro.

Slovenia was the first one to express the wish for separation, which seemed natural, and it did so with little or almost no consequences. The next in line was Croatia, where the forces of the Yugoslav Army were

expelled, and much stronger war conflicts emerged than in Slovenia. The epilogue is very well known. Macedonia separated without problems, while the worst and the dirtiest war that could be possibly imagined took place in Bosnia and Herzegovina. The mixture of 3 entities – Serbs, Croats and Muslims – brought about the biggest crimes, which took place on all sides and without limits. However, in the peak of the conflict, Bosnia and Herzegovina also became an independent and internationally recognized country, with a very specific division inside the state. After the separation of all these countries, Montenegro and Serbia remained the only members of a newly established Federal Republic of Yugoslavia, which in 2003 was renamed in Serbia and Montenegro.

3. Constitutional character

At that time there were also a large number of adherents of independence in Montenegro. However, the government of that time estimated that it was not wise to organize a referendum, since it could lead to potential conflicts, having in mind the great division among citizens between those who were hard-core Montenegrins and those who considered themselves even bigger Serbs that those born in Serbia. Those, who considered themselves to be hard-core Montenegrins, believed that the wrong decision was made, and that the Constitutional Charter that established the State Union of Serbia and Montenegro in February 2003 through the intermediary of the EU, should have never been signed.

Time proved them wrong, and also proved that signing the Constitutional Charter was a completely logical move in the process and a natural result of the events. Thanks to that, the peace in Montenegro had been preserved. On the other side the founding of the new State Union could not diminish the political conflicts between Belgrade and Podgorica. For that reason the State Union from the beginning was shaky. The Constitutional Charter defined that after 3 years spent in the State Union, each constitutive member, meaning both Serbia and Montenegro, had the right to convoke a referendum in order to give opportunity to their citizens to decide whether their countries should

continue to be a part of the union, or should declare their independence. "You cannot make people walk faster than they are able to. The one who tries is done for" are the words of Victor Hugo, which best describe the situation Montenegro was in.

The entire history of Montenegrin people has been imbued with the issue of relationship with Serbia, that is, the future of Montenegrin country and its status in relation to Serbia. The truth is that Petar II Petrović Njegoš, King Nikola and a lot of other outstanding Montenegrin persons strived for uniting those two, really very close nations, but still different in culture, customs and a lot of other aspects.

There have always been divisions in Montenegro regarding this issue, just as is the case today. While the ones considered the best and the only way for Montenegro was to be with Serbia, the others thought that Montenegro should be independent state that should decide on its own destiny. From today's perspective we could say it is possible both sides were right, but at different periods of time.

However, nowadays the fact is that Montenegro should restore its sovereignty and become independent state again. It should make decision on its own future, without disturbing relations with Serbia in any way. Restoring of Montenegrin sovereignty is unavoidable, considering that such State Union of Serbia and Montenegro is non-functional. And the point of view that there could be union, in which Montenegro would be completely equal with Serbia, does not have any foundation. It is difficult to imagine that one republic of 650,000 citizens could be completely equal with another one of 10 million. It is clear to everyone that in practice equality is not possible. The only way for Montenegro and Serbia to be completely equal states, with mutual respect, is if both of them become totally individual and independent countries.

Some of the most delicate issues in relation to referendum in Montenegro are those regarding Church and language, relationship with Serbia after declaring independence, or more exactly, whether the

citizens of Montenegro would need a visa for travelling to Serbia and be treated as foreigners there.

Such statements regarding introduction of passports and visas, declaring Montenegrin citizens to be foreigners in Serbia, and similar ones, could be heard by Serbian politicians during the preparations for the referendum on Montenegro's independence.

Maybe that is the reason that could justify fear and doubts with one part of Montenegrin citizens. Even if Serbia decides something like that, it would probably be temporarily, and after only couple of months it would be forced to change its politics towards Montenegro, due to the consequences the Serbian government would suffer from EU.

When the Church in Montenegro is the issue, the fact is that there is only one recognized Church, and that is Montenegrin-Coastal Archbishopric (Serbian Orthodox Church) with Bishop Amfilohije at the head. On the other hand there is a Montenegrin Orthodox Church, founded as an NGO that also has a certain number of followers.

The best solution in case of gaining independence would be, if the existing Serbian Orthodox Church/Montenegrin-Coastal Archbishopric had the title Montenegrin-Coastal Archbishopric or simply Orthodox Church in Montenegro. That way no one would be offended, and the Church would still have the purpose and the role it should have-to serve the people who believe in God and go to Church since they believe in some higher instance, no matter who the head of the Church is.

Regarding the issue of language, Montenegrin language has been recently introduced in Montenegro. Introduction of the language led to discontent of the large number of citizens, no matter whether they feel as Montenegrins or Serbs, and regardless of the fact that they strive for the union, or for Montenegrin independence. Serbian language could have never been abolished in Montenegro, and the majority of citizens in Montenegro will speak Serbian language, just as they used to, so far.

From that point of view there should be no fear with those who think that restoring of Montenegrin independence would bring about radical changes, such as complete change of language, abolition of Serbian Orthodox Church, or Montenegrin-Coastal Archbishopric, and establishing Montenegrin Orthodox Church as the only one and recognized Church as canon. Whether Montenegrin Orthodox Church would become recognized Church as canon, or it would grow into autocephalous Montenegrin Church, the time will tell, since that is the long process.

Today there are around 43% of those who declare themselves to be Montenegrins, 32% to be Serbs, while 5% represents Albanian citizens, 11.5% Muslims and 1% Croatians. This data, taken from the census in 2003, show that in spite of the fact a lot of people point out that if the independence of Montenegro is declared, it will be thanks to Albanian and Muslim citizens, but things are not exactly as they seem. If the citizens of Montenegro decide to live in an independent and internationally recognized country, it would however be the will of the majority of Orthodox population in Montenegro. The fact that certain number of Albanians and Muslims lives in Montenegro does not mean that they should be deprived of their fundamental rights, and among other things the right to decide about the future of their country, which they are loyal citizens of. That is exactly the reason why there could never emerge, or at least for a longer period of time, any conflict between Montenegrin and Albanian, or Muslim citizens. As long as we have appreciation for each other and mutual respect, as long as there is no denial of fundamental human rights to any minority in Montenegro, there would be conditions for normal and peaceful common life of all those who live on the territory of Montenegro.

Those who oppose to Montenegrin independence will say that Montenegro did everything in order to prevent the State Union to succeed, since it introduced Euro as its means of payment, prepared customs officials, police, Ministry of foreign affairs, etc. However, the fact is that Montenegro had its monetary policies, together with all those institutions, even before the establishment of the State Union, which

only showed its readiness to compromise in order to avoid any kind of conflict on its territory.

Montenegro and its citizens have always had friendly and good neighbors' relationship through centuries, and disturbing such relationship in any way will never be allowed. Montenegrins will always be glad to go to Belgrade, the capital of Serbia, and feel at home, same as tourists from Serbia will always come to Montenegro and also feel at home in the same way and with the same feelings they have done so far.

That is the reason that right after such a referendum, cooperation with Serbia would be established a lot better than it was before. Naturally there will be a short period of disturbed relations, which is understandable, but very soon the relations would get to a level in which even the tough border crossings which exist on both sides would disappear, that life would totally normalize and that everything would function much better and more efficient.

4. Instead of a Conclusion – Renewal of Sovereignty

The first step that Montenegro needs to take on its way towards the EU is to restore its sovereignty. The renewal of sovereignty will be followed by the establishment of a system of institutions that momentarily account for an insignificant number. There is a large number of NGO's in Montenegro, over 2000, which shows the existing cooperation between the government and NGO sector. On the way to integration with the EU, one of the important issues is to bring into accord national laws with the laws of the EU. Led by this objective Montenegro has adjusted and changed a large number of laws and coordinated them with the laws of EU. And it will continue to do so after the renewal of sovereignty, in order to demonstrate that it is a modern European country in every way.

And last but not least subsistence of elites is what is necessary for the State to function and what makes it stable and strong – not a political elite, which already exists in Montenegro to some extent, but the creation of intellectual elites. Creation of such a society is possible in a period of 5 years. Until then, one, not that large, but hardworking

intellectual elite would be created as a foundation for further progress of the country. Of course we are counting on the assistance of eminent experts and intellectuals from abroad, and everybody who is going to participate in that process and contribute to the creation of a healthy, capable and strong country; a country that would be able to show and prove that referendum was fully justified; a country that will show that it was entirely reasonable to strive for and finally restore its sovereignty.

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Challenges of the Peace Process in the South of Serbia[42]

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1. Origins and Development of the Crisis

The South of Serbia, or Preševo Valley, as Albanians call this part of Serbia, consists of the Serbian municipalities of Preševo, Bujanovac, and Medvedja, all of which border on Kosovo. This area is important for Serbia because major railroads and highways run through it, connecting the Southern and central parts of Serbia with Kosovo. The transportation arteries in this area also connect Serbia, Macedonia, and Greece. Thus, it is through this area that Central Europe is linked with the Mediterranean. Around 70,000 Albanians live in the area.

Table 1: Ethnic Structure of the Population of Preševo Valley

Municipality	Preševo	Bujanovac	Medvedja	TOTAL
Area (km²)	264	461	524	1,249
Total population	38,943	49,238	13,368	101,549
No. of Serbs	3,206	14,660	9,205	27,071
Serbs %	8	30	70	36
No. of Albanians	34,992	29,588	3,892	68,472
Albanians %	90	60	28	59.3
No. of Others	745	4,990	331	6,066
Others %	2	10	2	4.7

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[42] Parts of this analysis were already published in 2004 in the study "From Conflict to Multiethnic Coexistence: The Program of Crisis Solution in the Presevo Valley", which was part of an Open Society Institute project by the Soros Foundation (note of the editors).

Many Albanians consider the Preševo Valley to be "Eastern Kosovo." Albanians from these municipalities declared themselves, in the referendum of 1992, in favour of "peaceful annexation" to their compatriots in Kosovo.

This view has been presented in a document of the Albanian Academy of Sciences and Arts from Tirana, according to which Daradnije, that is Eastern Kosovo, should be united into an independent State together with Kosovo. According to this view, this is a part of a comprehensive resolution of the Albanian question, also including the special status for Albanians in Montenegro (the area of Malesija with the municipalities of Rožaje, Plav, Gusinje, and Ulcinj plus Tuzi, which should be taken out of Podgorica and established as a separate municipality) and the status of constitutional people for Albanians in Macedonia—the Albanian Ilirida (Arvanitis, 2002:59).

The issues that drove Preševo Valley to a crisis situation include local Albanians' needs for improved human rights and the Republic of Serbia's need to protect and control a sensitive border. This conflict clearly has a multiethnic dimension: Albanians, who are a minority in Serbia overall but a majority in the Preševo Valley are at odds with a Serbian population that is a minority locally but a majority in the country – and is backed by Governmental authority. The Preševo Valley crisis is made especially acute by its close ties to the situations in Kosovo and Macedonia.

The crisis that has threatened the stability of Preševo Valley was coming on for the last 10 years of the 20th century. Under the rule of Milošević, Yugoslavia pursued a policy of systematic exclusion of Albanians from the educational system, political and public life, the State economy, etc. During 1998 and 1999, armed conflict in Kosovo – and the expulsion of Albanians from the Preševo Valley to Kosovo, where many joined the Kosovo Liberation Army (KLA) – created conditions that were ripe for armed conflict there. The establishment of the Ground Security Zone (GSZ) also tended to favour conflict here.

The GSZ was established under the military-technical agreement of Kumanovo on June 9, 1999. It is a five-kilometre-wide strip along the Serbian border with Kosovo. The total length of this strip is 402 km, out of which 139 are in the Preševo Valley. The population of the Preševo Valley section of the GSZ is 22,000, only 20 per cent of whom are Serbs. The GSZ was established as a separation zone between the Army of Yugoslavia and KFOR. The Army of Yugoslavia is prohibited access to this strip, while members of Yugoslavia's Ministry for Internal Affairs are only allowed to carry firearms of "a calibre below 12mm" inside the GSZ.

Early in 2000, certain pro-Albanian forces interested in changing the border in this region assumed that the "right time" had come. After the Army of Yugoslavia and Republic of Serbia police were withdrawn from Kosovo, the State border with Albania and part of the border with Macedonia, there was "uncontrolled entry of refugees, terrorists, criminals, and foreign citizens" into Kosovo, mostly from Albania, according to the Governments of the Federal Republic of Yugoslavia and the Republic of Serbia. And, "due to a tolerant attitude of KFOR towards Albanian terrorists", there was a "transfer of terrorism" from Kosovo to the Preševo Valley area. According to KFOR commander Lt. Gen. Carlo Cabigiozo, and most other observers, extremist armed groups in the South of Serbia, Macedonia, and Kosovo are mutually interconnected. By prohibiting military presence from the territory of the GSZ, the international community created a power vacuum, within which extremist Albanians formed armed units – under the umbrella of the LAPMB. In the period from June 21, 1999 to November 21, 2000, there were in this area, according to estimates of Belgrade authorities, 296 terrorist attacks and raids in which 11 persons were killed (five police officers and six civilians), 38 were wounded (33 police officers, three civilians and two members of the UN mission), and two citizens were kidnapped. In addition, State and private property was destroyed. However, on Nov. 21, 2000, armed activities expanded. At that time, larger groups of Albanians attacked police positions. Even artillery was used in these attacks. That is what helped Albanians to occupy villages (Dobrošin, Lučani, Končulj, and Mali Trnovac) in the municipality of

Bujanovac. (Information on the Security Situation, 2001. Section 2, p. 3).

The most active representatives of the Albanians included political parties and extremist groups organized as the Liberation Army of Preševo, Medvedja, and Bujanovac (LAPMB). Establishment of the LAPMB was a strategically motivated transfer of activities of the Kosovo Liberation Army to a new territory. LAPMB is, in fact, a loose confederation of different groups, i.e. of two political parties and three armed groups. It is not an army as it lacks a joint organization, command, and awareness of belonging to an army structure. (International Crisis Group (ICG) (2001) After Milosevic: A Practical Agenda for a Lasting Balkans Peace, International Crisis Group, Brussels. p. 40). These militant groups, who had the support of the Albanian political parties from Kosovo, represented one of the main obstacles to peace in the Preševo Valley. These parties organized, in the course of 2000, numerous public panels and discussions on the topic of "The Future of Eastern Kosovo." This topic is also a component part of the pre-election campaign for local elections in Kosovo, and it is expected to be reactivated in the campaign for Kosovo's November elections.

Estimates of the number of these people differ: Albanian political leaders mention the figure of around 400-500, while the LAPMB sources say that there are more than 1500. The LAPMB core consists of Albanians from these municipalities who fought in the ranks of the KLA, but the group also includes numerous Albanian highlanders, coming from Kosovo and northern Albania across the Kosovo border. The objective of the LAPMB is the "liberation" of Preševo, Medvedja, and Bujanovac. The basic idea is to provoke a repressive response on the part of the Government, followed by bloodshed and mass exile, in the hopes that such a situation would cause NATO to intervene here, as it did in Kosovo.

After Milošević's fall, and the establishment of democracy in Serbia in 2001, the republic was faced with a new reality. Some of the basic factors causing instability in the republic include: the financial and

technological backwardness of the economy; the implosion of the institutional system due to inefficient and corrupt State institutions; tense interethnic relations, including the temporarily subdued Serbian-Albanian relations and the potentially escalating problem of Serbian relations with Sandzaks and Bosnjaks; the threat to Serbia's territorial integrity caused by the likely eventual secession of Kosovo – as well as the tensions in Preševo Valley, which seem to have cooled somewhat for the time being.

The international community and KFOR in particular had a role in creation of Preševo Valley crisis. For example, in March 2000, that KFOR was not controlling the GSZ was public knowledge, which helped setting up a LAPBM base with 100 to 2000 persons in the village of Dobrošin, whose task was to recruit others.

Albanian extremists used GSZ as a buffer zone in which they developed their own activities (ICG, 2001:39*). The Coordinating Body* tried from its establishment until January 21, 2001, to narrow the area for enlargement of LAPBM by coordinated police actions. Only after a couple of months of low-intensity war, it was noticed that armed extremists were a direct challenge to the responsibility and security of KFOR. Namely, at the beginning of hostilities NATO strived to stop them. In February 2001, NATO started to exert pressure on armed Albanians in the Preševo Valley to put an end to attacks, and pressed Belgrade to cooperate with KFOR. That was also confirmed at the ministerial meeting of NATO when it was decided not to tolerate further violence in the GSZ. At the same time, the American Secretary of State, Collin Powell, Stated that American forces in KFOR would participate in all NATO and KFOR actions for elimination of violence in the South of Serbia and in Kosovo, even if it involved the confrontation against hostile moves and attacks of Albanian extremists.

The problem of the Preševo Valley, by its dimensions, is a small one, but it is also a dangerous one. This part of Republic of Serbia is extremely underdeveloped and lagging behind the rest of the country. In the former Yugoslavia, this was just one of several underdeveloped areas, with enough opportunities for Albanians who lived there to work and study

free of charge in the neighbouring Macedonia and Kosovo (Prishtina and Skopje). Serbs from the South of Serbia looked for their future mainly in Belgrade. When the country fell apart, this became a border area. Economic devastation created more unemployed people who started looking for their future outside the Serbian borders, or turned to grey economy and illegal business.

According to the 2002 census results, over 30,000 citizens left this area in the last decade. It is believed that this number is double in reality. Only in the last two years, several thousands of young and educated people moved out. Whole families are moving out towards Niš and Belgrade (Serbs), and Skopje, Prishtina, the USA, Canada and Australia (Albanians).

The main reason for moving out is not interethnic intolerance, but rather poverty. The GDP in the South of Serbia is 52% below the rest of the country.

After several decades of flourishing, the economy of Vranje, which was one of the most developed municipalities and a role model to Bujanovac and Preševo, started to record permanent losses. Large companies – "Jumko", "Simpo" and "Kostana" – went bankrupt, like most family businesses. The dimension of economic collapse in the second most developed town of Leskovac (mainly engaged in textile and metal industries) is expressed by the fact that nothing was built in this town for more than ten years. In the municipalities of Medvedja, Bujanovac and Preševo, only a few new apartment buildings were built in the same period.

Serious economic and social problems are fertile soil for political instability and dissatisfaction among citizens. The problem of underdevelopment will certainly burden this part of Serbia in the coming decades, but the risks can be partly reduced by providing large investment programs from the State funds and cheap loans.

The second group of problems is security of people and interethnic relations. This problem has two main forms: first, marginalization and

self-isolation of Albanian minority who expresses their loyalty to Albanian movement and ethnic disparity between communities. Applying the measures of minority democratic policy and integration of Albanians in the political institutions and political and public life of Serbia can in principle solve this crisis.

The problem in the South of Serbia is dangerous from the security point because it is a part of the "instability ring" with Kosovo and Macedonia. Many Albanians view this part of Serbia as "Eastern Kosovo", thus proving that Pan-Albanian Movement is strong. The risk is even bigger considering that this territory is an important route for illegal trade and smuggling of drugs. This part of Serbia is a "hot spot" of Serbia in terms of organized crime and "transmission of terrorism".

The dimension of security risks for Serbia and Kosovo and Macedonia became clear during the conflicts in 2000 and 2001, which showed that Albanian extremists have the capacity to spread armed conflicts and riots from one territory to another, and use the violence to achieve their goals. Serbia as a State, its military forces, police and media also have the capacity to transmit conflict to Macedonia. It can be assumed that in case of repeated violence by Albanian extremists, both sides would act the same like in 2001. Some expert analyses estimate that in case of arm conflict or attacks by terrorist groups from Kosovo, the police of Republic of Serbia would not be able to respond. Therefore, like in 2000 and 2001, the solution will have to be found in cooperation with NATO forces deployed in Macedonia and Kosovo. This allows active involvement of NATO in the solution of crisis without material costs and human risks. Accordingly, during the armed conflicts in this part of Serbia, the cooperation between NATO and Serbian/FRY authorities was established. Two goals were reached through this cooperation with minor risks and without any loss for NATO: first, the burden of security maintenance was transferred to Serbia and S&M Army and Serbia Police were returned to GSZ, making the NATO forces available for other activities; second, direct operational cooperation between S&M Army and Serbia Police which took control over the border and NATO forces began. This cooperation is expanding with sporadically. This confirms that the crisis in the South of Serbia can bring Serbia closer to NATO.

The place and role of the Serbian Army in this crisis is important. Lessons learned in 2000 and 2001, made the authorities begin restructuring the military. According the Restructuring Plan, Niš and Prishtina Army Corps merged and formed Joined Ground Forces Command in the South and East Serbia, covering one third of the territory. The Restructuring Plan of defense forces is aimed at fulfilment of conditions for joining NATO's Partnership for Peace Program. Serbia has on several occasions showed interest in accession to the Partnership for Peace Program and cooperation with NATO by offering concrete cooperation projects. However, NATO did not respond with the same enthusiasm. This was explained by the problems of cooperation between Belgrade and the ICTY in The Hague.

The restructuring of military forces in the South of Serbia is part of a comprehensive strategy of defense and reform of the Army. It includes the reduction in number of troops, simplification of command arrangements and replacement of conscripts by professional soldiers. This strategy is based on awareness of increasing new security risks such as terrorism and organized crime. In order to achieve the goals and demonstrate presence, construction of a modern military base was undertaken. The local population is deeply divided about these plans. The Albanians view the construction of a military base as a "provocation", while the Serbs welcome this idea. The division among people would certainly be mitigated if NATO forces had established their own military bases. In this context, Serbia has offered to build an air base for the United States in Niš. Although this project has not been offered to NATO, some experts think that the Serbian authorities should make this offer to the Pentagon. It seems that by now there was not enough political will for it. NATO circles attribute this to the strong influence that Russia and France have on the leadership and parts of the Serbian Army. From the US and NATO point of view, the issue of Kosovo is more important than the South of Serbia. Therefore, the future development of military and political cooperation between the Republic of Serbia and NATO will depend on the management of Kosovo crisis.

On the side of Belgrade, there are numerous problems that complicate the solution of security problems in the Republic of Serbia and in

Kosovo. First is the absence of clear political vision of Serbia, incapability of leadership to define State and national goals of the Republic of Serbia and the Serb nation. This means that there is no clear vision of security in Serbia and in the regions of Balkans and Middle East.

2. Implementation of the Government Program and Plan for Crisis Solution

During the climax of the crisis, at the end of 2000 and beginning of 2001, the majority in Serbia supported the new Government in its efforts to solve the problems in the South of Serbia (UNDP, 2001: 25). After the breakdown of DOS and the establishment of Government headed by Vojislav Koštunica, political support to the *Coordinating Body* weakened, especially the support to its President Nebojša Čović who was a vice-president in the former Government. The main reason for losing support is unconvincing Čović's policy that followed the Albanian extremist violence in Kosovo (March 17-20, 2004) and his cooperation with the Movement of Serbia's Forces (PSS), run by the controversial tycoon Bogoljub Karić.

On February 6, 2001, the *Coordinating Body* adopted a *Program and Plan for Solution of the Crisis Resulting from Actions of Albanian Extremist Groups in the Municipalities of Bujanovac, Preševo and Medvedja*.

The *Government Program* for Preševo Valley represents a classic example of a general Government program for resolving a political crisis by peaceful means with the application of confidence-building measures. This peace process differs from peace processes in Kosovo and Macedonia that are based on for crisis management programs. It is different from the peace process in Bosnia and Herzegovina that is based on the 1995 Dayton Peace Accords.

The *Government Program* has set the following objectives:

- Resolving the crisis by peaceful means with the involvement of Albanians and in cooperation with the international community;
- Constant readiness of security forces to protect citizens, settlements and communication lines, prevention of terrorism spreading outside the limits of the GSZ and carrying out anti-terrorist actions, if necessary and acceptable;
- "Making a multiethnic society in which all civil and human rights of Albanians will be respected and basic interests of Serbs protected both in the region and in Kosovo and Metohija, along with gradual return of interethnic confidence and tolerance" (*Information,* 2001:8).

Resolving the crisis must go through the objectives detailed below:

- Elimination of all threats to constitutional and legal order and violations of State sovereignty and territorial integrity of the Republic of Serbia and the Federal Republic of Yugoslavia in the Preševo Valley;
- Normalization of the work of Government bodies of local self-Government and other legal bodies in the territory;
- Ensuring personal and property security for all citizens – and ensuring undisturbed freedom of movement in every segment of the territory, by completely disbanding and disarming terrorists, by demilitarizing the region, and by making provision for the return of all refugee citizens to their homes;
- Building a multiethnic and multi-religious society, based on democratic principles, where human, political, and minority rights and freedoms of all citizens are respected according to the highest standards;
- Encouraging prosperous and rapid economic and social development of those municipalities in the interest of all citizens that live in them, with international financial aid. (*Program and Plan,* 2001:1).

These objectives would have to be accomplished in three stages:

The first stage involves the integration of Albanians into the Government and social system and respect of their human rights by adjusting the ethnic composition of social services, employment and social activities to the ethnic structure of the population; by making provisions for appropriate representation of Albanians in executive boards of municipal assemblies and in the Government of Serbia and, later on, in municipal assemblies and in the People's Assembly of Serbia; and by stamping out all forms of human rights violations through stronger control of police and other Government bodies; direct, clear, and public international pressure on Albanian terrorists; protection of citizens, settlements and communications systems through adequate deployment, equipment, and actions of the police; finding solutions to eliminating limitations on interventions by the police and the Army of Yugoslavia in the GSZ; establishing security and peace in the villages of Lučani and Veliki Trnovac, subject to verification by the international community (KFOR); and preparation and adoption of a plan for economic and social revitalization and development of the region, including provision for displaced persons from Kosovo.

The second stage involves establishing security in the region.

The third stage has been envisaged as the stage of political, economic and social development. This implies investment, with financial assistance from the international community in development of cattle breeding, fruit growing, forestry and other economic branches; construction of roads and water, electrical and telephone infrastructure; and reconstruction of households for return and settlement of Albanians and Serbs (*Information*, 2001:8-11; *Integration Plan of Albanians,* 2001; *Plan of Economic and Social Development*, 2001).

The "Program and Plan for Solution of the Crisis Resulting from Actions of Albanian Extremist Groups" spells out elaborate tasks for crisis solving and fixes time limits for their accomplishment. The program envisions three stages: stage one, dialogue preparation; stage two, dialogue and signing of an agreement; stage three, implementation of the

agreement (*Program and Plan*, 2001:3-6). Time limits are set to run from the day of the signing of the agreement, and the whole program is to be executed over the course of 36 months.

Table 2: Accomplishment of tasks by stages (in percentages)

Tasks	Stages I and II S+2 Months	Stage III S+4 Months	Stage IV S+8 Months	Stage V S+24 Months	Stage VI S+36 Months	Plan
Integration of Albanians	10%	20%	40%	99%	100%	Annex 5a
Establishment of security and peace in the region	10%	100%	100%	100%	100%	Annex 5b
Economic and social development of the region	5%	10%	30%	65%	100%	Annex 5v

The international community and above all, KFOR, the UN Mission in Kosovo (UNMIK), the UN High Commissioner for Refugees (UNHCR), the observer mission of the EU and humanitarian organizations, are expected to make special efforts in the following areas: exerting pressure on extremist Albanians to abandon terrorism and ideas about autonomy and separatism and to accept integration into the system of the Republic of Serbia; selecting political representatives of Albanians for a dialogue with representatives of the Republic of Serbia and the Federal Republic of Yugoslavia; supervising and verifying the implementation of agreements and accords reached by both parties and pressuring whichever party does not respect what was agreed upon; cooperating in working out a model for resolving individual issues, especially in training of multiethnic police forces; providing financial assistance for economic reconstruction of the region; and supporting anti-terrorist

actions if the crisis is not solved peacefully (*Information*, 2001: 11, 12; *International Community,* 2001). In an effort to carry out this cooperation, the *Government Program* for the Preševo Valley was presented to NATO, EU, and OSCE, all of which gave it support (Čović, 2001: 2).

Although the deadline for the implementation of *Government Program* is coming to an end, any comprehensive analysis of its implementation has not been drafted yet, and there are no updated action plans. Yet, based on existing data, it can be concluded that the *Government Program* has been partially implemented.

The most important achievement is that armed violence has stopped and all other forms of violence have been reduced. Early in March 2001, indirect negotiations, conducted through international mediators, were initiated. Representatives of NATO and KFOR finalized the work. Peter Fay and Sean Sullivan, envoys of the NATO Secretary-General, and Italian General Carlo Cabigioso, Commander of the section of KFOR forces, were mediators between the representative of Belgrade and the Commander-in-Chief of the LAPMB, Sefcet Mulsiu. The efficiency of the engagement of NATO representatives might have been due to the fear of having a new Balkan battlefield on the border of Macedonia – and the fear that the Yugoslav military and police forces would have to take over "part of the job." Negotiations led to the signing of the *Agreement on Ceasefire, Disarmament of Extremist Groups and Full Relaxation of GSZ* by the Army of Yugoslavia and Serbian police. Such an outcome would not be possible without the great help by the international community, especially NATO (KFOR).

The agreement allowed a joint detachment of the Serbian-Yugoslav security forces to enter a 25-kilometer-long section of the GSZ, in an area along the Yugoslav-Macedonian border known as "Sector B." Three Albanian villages, Norca, Trnova, and Miratovac, are in this zone. This was followed by rapid downsizing of soldiers and policemen. In May 2001, for example, there were 6130 police officers and 8500 soldiers, and in February 2002, the number was reduced to 985 police officers and 1390 soldiers deployed in 27 locations.

Based on the *Declaration on Demilitarization* of 24 May 2001, the disarmament of the LAPBM was announced, and instead of withdrawal of military and police forces, as provided for in the *Government Program*, the Army of Yugoslavia and special police forces were increased in the zone 5 km from the Kosovo and Macedonian borders.

LAPBM guerrillas were urged to lay down their arms in exchange for a general amnesty, applicable in Southern Serbia and Kosovo.

Since August 17, 2001, a new stage has ensued, the so-called GSZ relaxation, which means police and military forces of the Republic of Serbia have been allowed to come to the border with Kosovo. This step was important for several reasons. For one thing, the presence of troops next to the border stabilized the security situation in Kosovo before the forthcoming general elections. The troops also reduced the real threat of a broader renewal of terrorist and armed conflicts in the Preševo Valley, a threat that arose after hostilities in Macedonia were interrupted. The deployment of soldiers also represented a signal from the Government in Belgrade that Serbs from Kosovo should go to the general polls in Kosovo and establish a single administration for all of Kosovo, including its Northern part.

The Albanian negotiators noted that disarmament of the LAPMB had been carried out, yet the presence of Serb Government military and police forces was increased instead of being decreased.

Yet, despite the shortcomings of the "Program and Plan for a Solution to the Crisis," there is no dispute that significant results have been achieved in stabilizing the situation at the level of local communities, in all of Southern Serbia, and in the entire Republic of Serbia. In fact, the program qualifies as an example of "best practice". This does not exclude the need to follow up, giving special attention to all the problems involved in this peaceful process as a part of institution building. It is also important to watch for the risk of renewal of conflicts.

The improvement in the security of the entire area enabled full freedom of movement. The establishment and training of multiethnic police

played an important role in securing this freedom. This project is being realized with the cooperation and aid of the OSCE. In Mitrovo polje, near Kraljevo, a center was opened to train multiethnic police forces, and in Serbian and Albanian villages in the areas of Bujanovac and Preševo, several police Headquarters with a multiethnic mix of officers have been established. This is first of the projects to include Albanians in Government bodies.

But, the *Government Program* and the activities for their implementation have not been sufficient to marginalize Albanian extremism and to change a decade long policy of Serbian domination on the local level in these municipalities, and on the regional level in the South of Serbia, and in particular to cut off connection among the Albanian armed extremist from the South of Serbia, Kosovo and western Macedonia (ICG, 2001a:ii).

Programs for returning displaced persons have been implemented in cooperation with the UNHCR, the Swiss Organization for Development and Cooperation, the U.S. Agency for International Development (USAID), Tearfund, the Government of Serbia and municipal humanitarian funds. For example, 1200 inhabitants were returned to Karadak. Houses have been repaired and humanitarian assistance has been provided. In cooperation with the UNHCR and EU Monitoring Mission Regional Office, 8763 Albanian internally displaced persons, out of an estimated total of 12,500, were returned to their homes in the period between May 31 and September 16, 2001. Nonetheless, a considerable number of Albanians from these municipalities still live in Kosovo and western Macedonia.

The international community, led by the American administration, supported and financially assisted infrastructure repair with an initial investment of USD 600,000. Since August 2001, investment activities have been also intensified in the municipality of Preševo. Major support has arrived from the European Agency for Development, USAID, CHF International, agencies from Norway, Germany, Italy, and Austria and the Red Cross from many countries. In addition, sufficient funds were transferred to the budget of the municipality of Preševo from the

Republic of Serbia budget, so that this municipality could keep pace with investment activities of foreign agencies in the field of infrastructure, public utilities and public activities projects. Since 2001, around 50 million Euros was invested in this region, and in the last two years around 10 million Euros (248,259,625 Dinars, or 4 million Euros in 2004 and 551,093,267 Dinars, or 6 million Euros in 2005). Implementation of other projects is also under way, including efforts to support small-and medium-sized enterprises, training and equipping of local administration, and various projects of NGOs. Around 300 km of roads were reconstructed, along with schools, kindergartens, municipal and sports centers, and health institutions. In cooperation with the OSCE, staff was trained for the radio and television stations that were opened at Bujanovac and Preševo. In cooperation with the OSCE, a media project is underway for the establishment of multiethnic editorial offices and integration of Albanians into management structure of any publicly owned media. The process of recognition of certificates from higher educational institutions in Kosovo is also in progress. The area's religious communities have been given aid amounting to 213,000 Euros.

One of the weaknesses of implementation of the *Government Program* for the Preševo Valley is that the political and legal measures are being applied slowly and incompletely. Numerous mistakes have also been made in the area of political negotiation and provision for participation of Albanians in State decision-making and political and public life.

Despite numerous initiatives for the development of civil society and civil organizations, local Serbs do not sufficiently participate in important joint projects with local Albanians. Local Serbs are also left out of major political negotiations. The election for local Government bodies was held on July 28, 2002, after a delay of almost one year. All these problems resulted in the weakening of the original support of Albanians, as well as of other citizens in the South of Serbia, for the implementation measures of the *Program* and *Plan for Solution of the Crisis Resulting from Actions of Albanian Extremist Groups*.

The census has not been regularly carried out in the municipalities of Bujanovac, Preševo and Medvedja since 1981. The exact population of

Serbs, Albanians and Roma could therefore only be guessed at for the past 21 year (Iric, 2002, A6). Although the census was insufficiently prepared, and although political circumstances in the entire Federal Republic of Yugoslavia are very complex, the census nevertheless took place in 2002. Yet, by the decision of the federal Government, the census was limited to the territory of Serbia. The census also created numerous unsolved problems relating to the status of refugees and internally displaced persons. Those who have fled Kosovo and are living in Serbia are mostly Serbs and Roma, while those who left Southern Serbia and live in Kosovo are mostly Albanians. The division occurred because the census covered only that part of the diaspora organized in officially recognized refugee clubs. A lot of Albanians who are temporarily abroad have boycotted such clubs for a decade or longer, so they were not registered. In the South of Serbia, both Serbs and Albanians kept increasing their estimates of the population of their own internally displaced persons, demanding that these people have the right to vote in the forthcoming local elections. One of the positive aspects of the organization of the census is that the forms issued in Preševo, Medvedja, and Bujanovac have been printed in both the Serbian and Albanian languages—though, unfortunately, not in Romani. It is also encouraging to see that the census was carried out by Albanian, Serbian, and Roma census officials, under the supervision of OSCE representatives. The arguments over the census have politically mobilized Albanians and Serbs along ethno-nationalistic lines. Fortunately, some last-minute compromises have helped defuse extremist manifestations of ethnic politics. Citizens continue to speculate what the real ethnic breakdown of the population is. Albanians claim that Bujanovac now has a population that is 62% Albanian.

The new election law improved the election system. It increased the representation of women and required the use of multilingual election materials. The law has significant shortcomings, which were noted previously by the OSCE Office for Democratic Institutions and Human Rights, including the allocation and removal of councillor's mandates after the election remain in the control of political parties; political plurality and multiethnic representation within the permanent membership of election administration bodies is not guaranteed by law,

but in practice pluralism was provided; The accreditation and presence of domestic observers in polling stations is not provided in law, but they were given unhindered access in practice; the provisions for inclusion on voter lists do not include a residence deadline in a given municipality, and the timeframe for the election administration is overall compressed. (Statement, 2001:1).

The *Coordinating Body* has to be further restructured, since it showed many weaknesses. Its main shortcoming is the absence of strategic planning and inefficient leadership (from the middle of 2002), marred by many high-level resignations. By appointing politicians who have other assignments, the Government shows that it does not pay much attention to this body.

An increase in political violence is possible, as well as more frequent murders out of mixed criminal-political motives, because the illegal economy here is one of the basic sources of existence of citizens, out of which political structures are being financed. However, judging from the experience from the Western Balkans during the last decade, constant tensions and occasional armed violence are most convenient to organized crime, for which the control of Preševo – Veliki Trnovac direction (in the municipality of Bujanovac) – Gnjilane and Podujevo (in Kosovo) are very important. All in all it may be concluded that the political conflict between Albanians and Serbs in Bujanovac, and in the South of Serbia as well, is in a half-stifled State and that as such hinders the life of ordinary people. This, however, represents an exceptionally efficient means for the control of political elites both of the local ones and those in Belgrade, and indirectly in Kosovo and in western Macedonia. This instrument is being used by some structures of international presence in this region.

Experts in the Western Balkans expected that the beginning of talks on the future status of Kosovo mobilized and intensified the preparations of all interested parties whose expectations and fears also increased. This makes the problem even more complicated. The *Political Platform of the Assembly Representatives – Albanians in the Preševo Valley (Preševo,*

Bujanovac and Medvedja), adopted on January 4, 2006 in Preševo, confirms this.

During talks on the future status of Kosovo it became clear that the Kosovo Negotiations Team and its supporters linked the position of Serbs in the South of Kosovo and Albanians in the Preševo Valley. This encourages the Albanians in the Preševo Valley to ask the same rights and status of autonomy like the Serbs in Kosovo. This can restrict the demands for division of Kosovo along ethnic lines. Naturally, this is only under the condition that the international community remains against the division. According to the Albanian leaders, if the international community allows the division of Kosovo, Bujanovac, Medvedja and Preševo should become a part of Kosovo. This is the "exchange of the territory of North Kosovo", the former NATO zone "M", for the former NATO zone "B". The importance of this instrument for Albanians is proved by the fact that Veton Suroi, Member of the Albanian negotiations team is the representative of Albanians from the South of Serbia. Mayor of Preševo and Albanian leader Mustafa confirms that Albanian aspirations are much greater. According to him, the results of negotiation on the future status of Kosovo between Belgrade and Prishtina will determine the decision of Albanians in Preševo Valley whether to stay in the Serbian State, or not. This Statement contains the request for accession of these municipalities to an "independent" Kosovo.

According to the principles of the *Platform* "in the period when Kosovo enters the most important phase of determination of its political and legal subjectivity, and when the entire region of Western Balkans wishes to accelerate the process of Euro-Atlantic integration", Albanians in the Preševo Valley should undertake concrete and coordinated activities for the solution of the issue of Albanians in the region. The statement of Albanian representatives in the local assemblies of the three municipalities sounds threatening: "Until the right solution of Albanians from this Valley is found, the entire region will be a hot-spot and obstacle for Euro-Atlantic integration".

According to them, the "right solution" to their problems would be the provision of guarantees to Albanians in the Preševo Valley within the framework of "national communities in the region" (Kosovo, Macedonia and Montenegro); to establish a "special connections between the Preševo Valley and Kosovo". The view of most Albanians that is expressed in the *Platform* is that they are not a national minority, but a part of a nation that is cut off from the "Albanian national body" that will be reunited with Kosovo when it gains its independence.

The Albanian representatives in the municipal assemblies have some "special demands" for "just and consistent resolution of the Preševo Valley issue", and respect of the following individual and collective rights of Albanians:

- Constitutional administrative/territorial organization of Preševo Valley in the areas of: judiciary, police, use of language and national symbols, health care, economic development, culture, local planning, environment, natural resources, housing and social welfare;
- Decentralization of power in Serbia and transfer of authority from the central to local and regional level and other State institutions, especially in the judiciary sector by setting up a regional and commercial court and misdemeanor council with territorial competence;
- Full demilitarization of the Preševo Valley and dislocation of all military bases of the Serbian Army;
- Release of all young Albanians from military duty in the Serbian Army;
- Public security to be within the exclusive resposibility of multiethnic police and their command structures;
- Creation of better conditions for development of SME sector, FDI, setting up of business centres, free trade zones, border cooperation, through creation of a business-friendly environment and donor support;
- Privatization of the existing publicly-owned enterprises under the same conditions for all participants of the privatization process;

- Alignment of the education system of the Preševo Valley with the education system in Kosovo, and in compliance with EU standards;
- Proportional representation of Albanians in local Government, State and public institutions, at all levels of authority;
- Official use of Albanian language in local institutions of power, State and public institutions, at all levels of authority;
- Official use of Albanian national symbols and right to celebrate important days from national history;
- Establishment of institutions protecting cultural, informational, religious and traditional values of the Albanian nation;
- Establishment of special institutions for social care of vulnerable populations;
- Creation of conditions for secondary health care for Preševo Valley citizens; construction of hospital and development of existing health institutions for primary health care;
- Enabling the return of internally displaced persons and compensation for damage to their property;
- Implementation of the decision on amnesty for former LAPBM members (Official Gazette, No. 37/2002 of July 3, 2002) and dropping of charges;
- Investigation and prosecution for the assassination of Albanians that took place between 1995 and 2005;
- Adequate treatment of the Albanian diaspora by Serbian State institutions and establishment of connections with their homeland, customs, language and culture, and encouraging them to invest in this area.

In order to meet the goals set in the *Platform* a National Council made up of Albanian representatives is necessary. This will prove good faith in implementing the *Law on National Minorities* that stipulates the establishment of national councils of minorities, in obedience to all provisions of the law and to the Ministry for Human Rights and Minorities of Serbia.

The final provisions of the *Platform* that deserve special attention state that by respecting the will of citizens of the Preševo Valley as a separate constitutional and territorial region, and by supporting the principles of the Contact Group regarding the status of Kosovo, the representatives in the municipalities of the Preševo Valley vow to unite to Kosovo, in case of disrespect of these principles and change of the Kosovo borders.

The *Platform* contains a number of requests that can be met within the framework of a proactive minority policy of the Serbian and S&M authorities, and by fulfillment of the obligations undertaken by Serbia in the negotiations on the peaceful termination of conflict in this part of Central Serbia.

The goals of Pan-Albanian Movement are present in the *Platform.* They are seen connecting the status of Albanians in this part of Serbia with the coming talks on the future status of Kosovo. The *Platform* also recalls the political achievement of armed resistance of Albanians from this region, referring most probably to armed riots of Albanians in 2000 and 2001, after the fall of Milošević. But, such a broad definition can easily refer to the participation of Albanians from the South of Serbia in armed actions in Kosovo, as members of KLA, and in armed conflicts in Macedonia from 2001, until November-December 2004, when many Albanians from these Serbian municipalities, as members of ANA, kept under the control the village of Kondovo near Skopje.

The *Platform* states that the main goal of Albanians is to preserve and develop the identity of Albanian nationality and "comprehensive forms of integration of Albanians, within the trends of European and Euro-Athlantic integrations". This unclear formulation is a novelty in the "vocabulary of Pan-Albanian Movement". This is a "modern term" for an old demand. In fact, it is the same phrase that was created in Tirana after the removal of Berisha from power in armed riots in 1997, claiming that the concept of "Greater Albania" is not common in Albania. Instead, more favorable is the concept according to which "all Albanians will be united in Greater Europe". Albanian leaders from the South of Serbia, the same as the leadership in Tirana at that time tend to use the language that will mitigate the "concern" of the international community about the

possibly destabilizing influence of the Pan-Albanian movement on the Western Balkans.

Albanian leaders in the South of Serbia and Prishtina publically state the intention of obtaining international support for Albanian demands. There is no doubt that the request of Albanian political leadership from these municipalites will be directly (through various political activities, and most probably rallies organized in Serbia, Vienna and other international locales where meetings on the future status of Kosovo are held) and indirectly (through Veton Suroi, member of the Kosovo Albanians Negotiations Team and the representative of interests of Albanian minority in the South of Serbia) presented to the Special Representative for Talks on the Future Status of Kosovo. The aim is to weaken the position of Belgrade and Kosovo Serbs in their request for institutional protection of national communities and decentralization. The *Platform* is an Albanian response to Belgrade's request for entities and "political legalization" of possible "exchange" of territories of the municipalities in the South of Serbia for the municipalites in the North of Kosovo, if the Contact Group's principle on territorial integrity of Kosovo is violated (as it is stated in the final provisions of the *Platform*).

3. Recommendations for the Improvement of the Peace Process

In the forthcoming period, it is essential to implement the following measures to establish the confidence of the local population of Southern Serbia:

- Reform the *Coordinating Body* and include Albanian representatives in its work;
- Develop the concept of proactive policy implemented by Serbia and integrate Albanians in Serbian institutions;
- Develop an economic strategy for this area and plan for social-economic revitalization of settlements through the improvement of economic status of all citizens in the region;
- Further develop multiethnic police;
- Reform local media;
- Raise the level of civil initiatives, etc.

It is essential that Belgrade, Prishtina, Skopje as well as the representatives of the international community maintain close cooperation in the sub-region of Serbia-Kosovo-Macedonia in undertaking coordinated measures for stabilization, development and confidence building among the quarrelling ethnic communities.

Considering the connections between the political activities of Albanians in the Western Balkans and risks of organized crime, political extremism and terrorism in Kosovo and Serbia, and in the Western Balkans, the Contact Group for the Balkans should reconsider the latest events in Kosovo and in the South of Serbia. The risk of armed violence and terrorism, and especially transfer of extremist actions to Macedonia would "reshape" this country according to Albanian demands into a "bi-national federation". Hence political measures ensuring the security of communities within the future status of Kosovo is essential, as it cannot be decoupled from the status of Albanians in the Preševo Valley.

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The Impact of the Ohrid Agreement on the Macedonian Future[43]

Petar Atanasov

Does the progress of the 'Ohrid Process' mean in the same time the progress of Macedonia? The short answer from today's perspective would be yes. It does not mean that in Macedonia the conflict and its consequences are forgotten. The recent conflict in Macedonia has made the road to NATO and the EU more difficult. Years were lost for conflict resolution and rehabilitation. Instead of benefiting from the peaceful transition from the turbulent regional events, Macedonia was unnecessarily interwoven in the regional security puzzle. The Kosovo crisis was one of the key factors that led to the spillover of instability into Macedonia. But the international community could not allow another Bosnia in the area where it is far more dangerous to light a fire. The international community, led by the EU and the U.S. especially, reacted.

So far Macedonia has gained from the implementation of the Framework Agreement and subsequent constitutional amendments. Perhaps it is now on the path to building a functional multi-ethnic society. This is an important precondition for peaceful balance in society. Macedonia made significant progress towards stability and ethnic reconciliation after the conflict. People today do not speak about security and ethnic tensions but instead they seek jobs and ways how to escape from poverty.[44] Local problems are on the agenda having in mind that the "macro-political questions" are resolved. Southeast European States have the same pathway: NATO and EU. Macedonia is no different. Fifteen years ago

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[43]   Turkey recognizes Macedonia under its constitutional name.

[44]   P. Atanasov (2006) "Macedonia and EU Integration: Common Problems and Common Goals", <u>Austrian Presidency of the EU: Regional Approaches to the Balkans,</u> (eds.) Denisa Kostovicova and Vesna Bojicic-Dzelilovic, Center for the Study of Global Governance, Vienna.

many things were unclear and the future of that part of the continent was uncertain.

1. "After the rain"

Whatever part of the third wave of the Balkan conflicts you analyze or however you are trying to generalize about the roots of the conflicts, you will always make a pause before the disastrous impact of Serbian nationalism. Nationalism, but mostly Serbian nationalism, consumed the Yugoslav federation. We can also discern two characteristics of the rigid ethno-political mobilization in general: armed violence and ethnic cleansing. Whether the unbelievably high level of violence and ethnic cleansing was consequence of unsettled historical bills, or of the eternal need for establishing nation-States at any price or yet the result of deeper socio-psychological processes is still under the question. Looking from today's point of view we may only say that regardless of historical development, one has to always count on processes which catastrophic consequences which draw the Balkans backward.

What are the "results" of 10 years of national rebuilding? We are faced with weak democracies burdened with heavy internal social problems, then, strengthening of organized crime and criminalization of societies and their cross-border linkages, followed by high rates of unemployment, corruption and dysfunctional local economies. Certainly, the heritage is overloaded by international presence with high military resources and bureaucracies. There are still attempts for further ethnic fragmentation (Montenegro) and demands for changes of the borders according to other ethnic delineations. Here you can always count on comparative discrepancies of minority rights solutions in the Balkan states.

How does this affect small States' security in Southeastern Europe? Maybe the important lesson is that the stability of one state does not come only from the power of its armed forces alone. Most importantly, the stability of one state can be built only within the international framework. In this context, the International community represented by Western countries has a powerful influence in the new world order. And

certainly, unresolved internal problems always have latent potential for implosion, and after the release of negative energy, regaining control is difficult. In all of this one aspect is crucial; the support of national strategic security goals by international actors, even for non-NATO countries. Without it, there cannot be a secure environment and legitimate stability. What is needed is patient work, a lot of investments, lobbying in centres of power and long lasting efforts. But security must come first. Of course, membership in NATO brings higher quality of security.

In sum, the international community could not do much about the dissolution of socialist federations (USSR, SFRJ, and Czechoslovakia), which seem inevitable in retrospect. The Cold War had to end with a winner. The winner was the West.

How then was the international community inefficient or unprepared for transitional assistance? It failed because of a "lack of strategy" for rewarding the "weak" and punishing the "strong"; and because it built a wall between the civilized West and the barbarian Balkans. But one can never blame solely the outside world and forget about one's own mistakes and failures. More often than not most of the solutions depend on the internal management of societies. A conflict resolution is harder when there are many gaps and unresolved issues. And at the beginning of 2006 there are still open issues: Kosovo and Montenegrin independence, and Bosnian and Macedonian reconciliation.

2. "There should be sunshine after rain"

Macedonia was, historically, the regional "apple of discord", and yet, it did not succumb to the nationalistic implosion that other former Yugoslav Republics fell victim to. If we take its geographical position, it was real wonder how the tiny Republic of Macedonia, with almost one third of non-Macedonian population survived without more important internal turbulences. How it avoided conflict for nearly a decade is a good question. The answer reveals why the Macedonian case of post-conflict rehabilitation went positively.

First of all, there is no "compressed" Macedonian nationalism, which would probably provoke a conflict since the first 2-3 years after the separation from Yugoslavia. The absence of loaded Macedonian nationalism was due to a policy aimed at defending against the effects of the surrounding pan- nationalist politics, and appropriate political pluralism which succeeded in softening ethnic tensions. Second, it was also due to the international support mainly from USA, which allowed creation of space and time for building and stabilizing the political system. In the same time, the Republic of Macedonia "earned" support by making pragmatic steps and recognizing some of the "ethnic human rights" of the minorities. These were not perfect concessions, but very advanced considering the Balkan context and akin to European policies. And thirdly, Macedonia was not a threat for any Balkan state.[45] On one hand, its Army was in the phase of transformation and it was not offensively equipped. On the other hand, the attempts of Greece and Bulgaria to present the Republic of Macedonia as a politically unsuitable creature were extinguished with great efforts. During this "struggle" sympathies were on the Macedonian side.

The answers above shed light on why Macedonia did well in post-conflict rehabilitation compared to most Balkan countries. Definitely the non-existence of "compressed" Macedonian nationalism was one of the major reasons why the Ohrid process went ahead with minor frustrations at the political level. Why the Macedonians did not produce such "great" nationalism is another question which is not part of this analysis.

Also, the non-existence of the deep-rooted ethnic hatred with minor historical "baggage", comparing to Serbian-Albanian or Serbian-Croatian real or mythical heritage, is also one of the major factors supporting the Macedonian post-Ohrid integration. And, of course, the lesser consequences of armed conflict helped wounds heal faster.

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[45] Another factor of stability was the nearly decade-long deployment of a preventative UN mission – UNPREDEP – which succeeded so well it barely made the world headlines. The contribution of UN troops should here be credited in alleviating tensions, especially since the Preševo Valley crisis erupted after their departure. Editors' note.

Certainly, the support by the international community (however defined) was an integral part of Macedonian solution.

Probably the leadership of the state (including all major political parties) was very conscious what could have happened if the conflict continued and grew in a bloody civil war. The Bosnian case was very illustrative. Then, maybe, the international community saw that the Macedonian eruption could not be controlled as in Bosnia and would have regional implications.

The conflict was "resolved" by the Framework Agreement. The Agreement, also known as the Ohrid Agreement, is an attempt to lower the further widening of latent ethnic tension in society and to preserve the multiethnic character of the state. We can say that the International Community played a positive role especially with its firm handling of the process of conflict management.[46] If something good can be said for the behavior of many international factors in the Macedonian crisis, then it seems that the crucial moment is that they did not allow the conflict to spread to the level of general and long lasting civil war on ethnic and religious basis. Stopping the conflict in a phase when there were still chances and possibilities for continuation of life upon compromise and a new basis, the international community played a positive role in the crisis.[47]

Another level of analysis shows that interethnic relations in Macedonia were never satisfactory or at least enough so to secure peace and stable development. In the interest of peace the conflict was very frequently purposely avoided, repressed, with compromises that satisfied nobody.[48] But there were always some ways out of the labyrinth. Still, let's face this sad truth – however unreasonable it sounds – the crisis in Macedonia

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[46] P. Atanasov (2006) 'The Progress of the "Ohrid process" in Macedonia', Post-Conflict Rehabilitation, (eds) Dardel, Gustenau and Pantev, Vienna and Sofia, p. 183,
http://www.bundesheer.at/wissen-forschung/publikationen/publikation.php?id=304

[47] Z.Nacev (2003) 'The nature and the characteristics of the conflict in Republic of Macedonia manifested in 2001', Contemporary Macedonian Defence, III: 7, p. 27.

[48] B.Vankovska (2002) 'Facing with the truth', Odbrana (Defence), XI: 69, p. 9.

is the consequence of the happenings and unresolved conflicts from Slovenia hitherto. Since the beginning of 2001 something is happening to us that may be the last act of the Yugoslav drama: the first act started in the northernmost autonomous Republic, it may be logical that the progressive spillover of the conflicts finally captures the southernmost one. The assumption that eventually a wider conflict in Macedonia may spillover in the opposite direction, toward repetition of destabilizing of Kosovo, Bosnia, Yugoslavia, Croatia, is very real.[49] Was Macedonia a collateral damage from the 1999 NATO intervention or just part of the southern conflict triangle and problematic relations between Serbians, Albanians and Macedonians? The international community did not do much to help the country to get out of its existential problems, but it added much with the destabilization of the region after the Kosovo crisis.[50] This kind of analyses are not rare and not without arguments.

As we can see there are different views on the domestic front as well. But some conclusions are inevitable. The "Internationals" were on the Macedonian side. The Framework Agreement was a good solution for the Macedonians as well. If this political arrangement continues Macedonia can still be a viable and prosperous place to live in. With the Framework Agreement, the Albanians definitely raised their political status in Macedonia and gained cultural concessions and protective legal mechanisms concerning usage of their language, issuing official documents, higher education in Albanian, etc.[51] Some concessions are big achievements for the Albanians. The increased participation in State institutions, including the Army and the police forces, the decentralization process and other "identity" matters of significance guarantee the Albanians more equitable political power balance having

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[49] B. Vankovska (2001) 'The country can be defended with understanding', Odbrana (Defence), X: 62, p.6-7.

[50] B. Vankovska (2001) 'Macedonians, Albanians and the "third" ones', Odbrana (Defence), X: 65, p. 7.

[51] P. Atanasov (2006) 'The Progress of the "Ohrid process" in Macedonia', Post-Conflict Rehabilitation, (eds) Dardel, Gustenau and Pantev, Vienna and Sofia, p. 190,
http://www.bundesheer.at/wissen-forschung/publikationen/publikation.php?id=304

in mind their percentage in the total population. All of these mean progress for Macedonia on its path towards NATO and EU as well.

3. The way ahead

If one would like to picture the Macedonian state-of-affairs in 2005-2006 concerning stability and security, he/she has to start with the remark that Macedonia is a relatively stable country, with regular elections, reforming itself thanks to the European agenda towards democratic and market oriented reforms and, five years after the conflict, is back to normal.

It can be said that Macedonia lives in a secure political environment under a stressful economic situation source of social unease among the unemployed and other groups that are victim of the "transitional" processes. The sparks of hope are the Euro-Atlantic integration processes that will probably help the Balkans to get rid of historical burdens while Europe itself will be "lightened" of Balkan problems. Without EU integration, the Balkan States will be destined to repeat the historical errors and produce more history than they can consume.

After 15 years of navigating the turbulences of the Balkan wars and after the implementation of the Framework Agreement Macedonia has learned some lessons. The political power re-balancing is a far more important demand than social and cultural issues. Albanians in Macedonia now have higher political status as a community by which other questions can be tackled and resolved. State institutions, especially political appointments, are main indicators of having the capacity for post-conflict management and rehabilitation.

Whether post-conflict reconciliation will ever occur is another good question. Also, one of the priorities should be the reconciliation in the public sphere, among the communities and ordinary people not just among political actors. Additionally, the residual winners' and losers' attitudes will not be beneficial for the future state projects and the

common political will of the citizens.[52] That is why the European dimension is valuable; to avoid winner-loser distinction. In the Balkans it is difficult to create win-win solutions. This is evident from Serbian-Kosovo relations. Two more things should be added to this argumentation. First, every peace plan has a so-called "date of expiry"; the situation on the terrain can very fast outpace the peace plan solutions and if corresponding changes do not follow the reality can clash very destructively with what is on paper.

Resolution 1244 of the UN Security Council is a good example of this. The same can be said for the Dayton Agreement. In this sense the fast implementation of Ohrid Agreement proved beneficial for Macedonian political forces and their priorities. Second, peace plans, if not properly "internalized" by the political forces or the public can never bear fruit. Then, the parties involved must have firm beliefs in the solutions proposed by the plan. This is why the Bosnian case is still difficult to handle and is not leading towards better results. No peace plan is perfect. If you like them to work out then you should also add some faith and cherish it, because the international community cannot do everything and will not resolve all of our prejudice and hidden scenarios.

I mentioned that post-conflict reconciliation is still missing in the Macedonian case. What it would look like or what should be part of it is a very complex issue. Otherwise, the Ohrid Agreement is functional and has allowed constitutional amendments. Some solutions will slow down the political decision-making in parliamentary procedures, but as some Balkan people say better late then never. The goals of the Ohrid Agreement were realistic and I already mentioned most of the factors that led to its success. The Framework Agreement cannot be replicated in other cases in the neighbourhood because of different historical, political and social elements. Some micro-solutions may be incorporated but the success of it will depend on many other factors as well. The

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[52] P. Atanasov (2006) 'The Progress of the "Ohrid process" in Macedonia', Post-Conflict Rehabilitaion, (eds) Dardel, Gustenau and Pantev, Vienna and Sofia, p. 192-3,
http://www.bundesheer.at/wissen-forschung/publikationen/publikation.php?id=304

Framework Agreement is certainly shared as a project with its positive outcomes between the domestic and foreign political actors. This should be supported. The European Union has a historical chance of accelerating the process of association of the Western Balkans towards full membership. EU indecision and the creation of a virtual border to separate the Balkans from Europe would be shortsighted.

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PART 3:
THE ROLE OF INTERNATIONAL FACTORS

Lessons of the Balkan Wars: Insights of CSCE/OSCE negotiators, 1993, 1997, 1999, and 2004

Dennis J.D. Sandole

Introduction

The origins of this article, and the book from which it derives,[53] lie in the largely unanticipated end of the Cold War in 1989-90, when I had the good fortune to be a William C. Foster Fellow at the U.S. Arms Control and Disarmament Agency (ACDA). This fellowship included serving as a member of the U.S. Delegation to the Negotiations on Confidence- and Security-Building Measures (CSBMs) within the context of the (then) Conference on Security and Cooperation in Europe (CSCE), based in Vienna, Austria. The CSCE, now the OSCE, is the world's pre-eminent *regional* peace and security organization comprising former enemies of the Cold War (NATO and Warsaw Pact) and the neutral and nonaligned of Europe.

The end of the Cold War provided opportunities and challenges for reshaping international peace and security into a "New World Order" in which the former Cold War foes could collaborate on global problem-solving to the benefit of all. Having become aware of the CSCE's contribution to ending the Cold War (see Leatherman, 2003) as part of the experience of serving as a diplomat on the U.S. Delegation to the CSBMs Negotiations, I was intrigued by the possibility that the CSCE could play a useful role in realizing this goal of a "New World Order."

Regrettably, the end of the Cold War also provided opportunities for parts of Europe, particularly the Balkans, to descend into brutal genocidal warfare.

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[53] Dennis J.D. Sandole, *Peace and Security in the Postmodern World: The OSCE and Conflict Resolution* (Routledge, forthcoming).

Accordingly, when, as a NATO Research Fellow, I returned to Vienna in summer 1993, two years after the onset of those wars, I conducted the first round of what eventually become four rounds of interviews over an 11-year period. I interviewed primarily heads of delegation to elicit their wisdom on, among other issues, what the causes were of the genocidal unraveling of Yugoslavia; what lessons they had learned from those wars and the international interventions into them; and, if given the chance, how they would design peace and security in post-Cold War Europe to either prevent or deal with such violent conflict in the future.

I returned to Vienna in summer 1997 as a Fulbright OSCE Regional Research Fellow to conduct the second round of interviews with primarily heads of delegation to the "reinvented" Organization for Security and Cooperation in Europe (OSCE). This survey took place two years after NATO and the Dayton Peace Process had stopped the warfare in Bosnia-Herzegovina in 1995.

As soon become clear, the CSCE/OSCE project started to "serendipitously" take on a *quasi-experimental*, "before-after" character:
- The 1993 survey occurred two years *after* the onset of warfare in former Yugoslavia and two years *before* NATO and the Dayton Peace Process stopped the warfare in Bosnia-Herzegovina in 1995.
- The 1997 survey occurred two years *after* NATO and the Dayton Peace Process stopped the warfare in Bosnia-Herzegovina and two years *before* NATO's intervention to stop Serb ethnic cleansing of Albanians in Kosovo in 1999.

Consequently, I returned to Vienna in summer 1999 as an OSCE "Researcher in Residence," immediately following the cessation of NATO's air war against Serbia over the ethnic cleansing of Albanians from Kosovo, to conduct a third round of interviews. Because I had asked basically the same kinds of questions across the three surveys, I was able to explore the likely impact of the two NATO interventions (in Bosnia and Kosovo) on respondents' answers, just as if I had intentionally conducted a "before-after" field or laboratory experiment.

The events of 11 September 2001 tragically provided me with another "before-after" opportunity to explore the impact of an unanticipated real-world event on OSCE negotiators' views of peace and security in post-Cold War Europe. In this case, a Fulbright teaching award at the Diplomatic Academy of Vienna enabled me to return to Vienna for a fourth round of interviews during the spring and summer of 2004.

Whereas the 1993, 1997, and 1999 surveys all occurred *before 9/11*, the 2004 survey clearly occurred *after 9/11*. In addition to exploring the impact of 9/11 on OSCE negotiators' responses to basically the same questions that were asked on previous surveys, I was able to explore responses to the issue of terrorism itself and its possible conceptual and/or operational linkage to the kinds of ethnic conflicts that had torn former Yugoslavia apart.

The objectives of the CSCE/OSCE project evolved over time to include:
- Initially conducting, through surveys of appropriate literature, an *academic/theoretical* study of how the international community could either prevent or otherwise nip in the bud future Yugoslav-type conflicts. And
- Interviewing senior negotiators of the world's primary regional peace and security organization, based less than one hour flying time from the killing fields of former Yugoslavia, to elicit their wisdom on (a) the causes of the Balkan wars of the 1990s; (b) the lessons learned from, and interventions into, those wars; and (c) how, if given the chance, negotiators would design peace and security architecture for post-Cold War Europe that could more effectively prevent or otherwise deal with such conflicts.

In other words, the CSCE/OSCE project approaches the *research problem* of how to prevent "future Yugoslavias" by combining two discourses: the *academic/theoretical* and the *diplomatic/practitioner*. In the process, the study explores the "goodness-of-fit" between the two discourses against the background of what developments in peace and security have actually taken place in and through, among others, NATO, European Union, and Council of Europe, to bring former Cold War enemies together into a "New World Order."

Finally, the project examines the implications of the findings for theory, research, and policy, including prospects for "exporting" the OSCE to other regions (e.g., East Asia, the Middle East) as one "tested" approach for dealing with violent ethnic conflicts and related acts of terrorism worldwide.

1. Research Methodology

The primary subjects with whom interviews were conducted in Vienna were heads of CSCE/OSCE delegations:

- For the 1993 CSCE Survey: 32 interviewees from 29 participating States;
- For the 1997 OSCE Survey: 47 interviewees from 46 participating States;
- For the 1999 OSCE Survey: 47 interviewees from 47 participating States; and finally
- For the 2004 OSCE Survey: 19 interviewees from 18 participating States.

In all four surveys, interviews comprised both *closed-ended* and *open-ended* questions with *schedule-structured* format (see Frankfort-Nachmias and Nachmias, 1996). Closed-ended questions are basically statements to which subjects are asked to respond in terms of "fixed categories," such as: Strongly Agree (SA), Agree (A), Mixed Feelings (MF), Disagree (D), and Strongly Disagree, with, in this case, 5 representing SA and 1 SD, along a 1-5 continuum.

Open-ended questions are, in fact, "questions" to which subjects are asked to respond as fully as they desire.

The "schedule-structured" format means that the same questions with the same wording were put to all respondents in the same order, indicating that comparisons could be made between the main groupings of CSCE/OSCE membership on any particular question: (a) NATO; (b) NNA (neutral and nonaligned); (c) FYug (former Yugoslavia); (d) NSWP (non-Soviet Warsaw Pact = Central and Eastern European

members of the former Warsaw Pact); and (3) FSU (former Soviet Union) (see ibid.).

Interviews took between 45 minutes and 3 hours, and were conducted in English, usually at delegation offices, but sometimes elsewhere (in cafés or restaurants), with Ambassadors/Heads or Deputy Heads of Delegation. Notes of all sessions were manually (and not electronically) recorded (for further details on research design, and on questions and findings, see Sandole, forthcoming, Chapters 4-5, 7 and 9, and Appendices A-B).

2. Findings on closed-ended questions for 1993, 1997, and 1999

For CSCE/OSCE negotiators' responses to closed-ended questions dealing with select security issues for the first three surveys (1993, 1997, and 1999), covering the *pre-9/11* period, our analysis indicated the following:

- there seemed to have been an increasing "meeting of minds" on *Idealpolitik* as well as *Realpolitik* issues; e.g., a need to deal with the factors underlying violent expressions of conflict, but that if these were not dealt with, this would not necessarily undermine whatever "resolution" potential inheres in forceful (e.g., NATO) intervention alone;
- CSCE/OSCE negotiators seemed to have a "love-hate" relationship with NATO and its various derivatives (NACC, PfP, EAPC), with the Bosnia intervention (1995) being framed in a more positive and the Kosovo intervention (1999) in a less positive light; nevertheless
- there seemed to have been an increasing convergence on the issue of NATO autonomy to do what no other actor wants to or can do: forcefully stop genocidal conflict in post-Cold War Europe;
- there was a mixed picture on the locus of future threats to peace and security in Europe, whether it was Yugoslav-type conflicts (ethnic, genocidal), East-West or North-South depending on

whether CSCE/OSCE negotiators felt positive or not so positive about NATO;

- consensus and NATO-FSU togetherness co-existed with dissensus and NATO-FSU polarity across the three *pre-9/11* time periods, but overall trends were clearly in the direction of consensus and NATO-FSU togetherness, although these dipped a bit after NATO's intervention in Kosovo.

We were able to conclude, therefore, that a *complex community of values* seemed to have been developing in the CSCE/OSCE for 1993, 1997, and 1999, *at least in the minds of some of its practitioners*, with conflict (*Realpolitik = negative peace*) and cooperation (*Idealpolitik = positive peace*) co-existing in complex ways on various issues (or positions on issues) within a basically cooperative system – all of which were compatible with a model that I had developed for future peace and security in post-Cold War Europe: the *new European peace and security system* (NEPSS) (see Sandole, 2002, 2003, 2004; Sandole, forthcoming, Chapters 2-3).

From this, we inferred the emergence of an *issue paradigm* (see Mansbach and Vasquez, 1981) in which NATO, NNA, FYug, NSWP, and FSU respondents agreed or disagreed on select issues in different ways, suggesting a *complexity* that was not neatly captured by either a *Realpolitik*-only or *Idealpolitik*-only paradigm.

3. Findings on closed-ended questions for 2004

By 2004, for the *post-9/11* survey, the primary findings emerging from analyses of responses to the closed-ended questions, were:

- Terrorism had eclipsed ethnic conflicts as the dominant threat to international peace and security, with no *direct* linkage perceived to exist between ethnic conflicts and terrorism.
- Kosovo remained of significant concern, while Bosnia-Herzegovina seemed to be moving toward *"negative peace"* stability (see Galtung, 1969, 1996).

- A *culture of conflict resolution*, with implications for *"positive peace"* (see ibid.), appeared to become further institutionalized among OSCE negotiators by 2004.
- The Cold War was, indeed, over and further NATO enlargement would not threaten the new East-West relationship.
- There was, however, a sense that, with the end of the Cold War, the North-South overlay had replaced the East-West relational system as the dominant axis of international conflict, part of which may have reflected Samuel Huntington's (1993, 1996) contentious "clash of civilizations" thesis.
- Overall findings on the closed-ended questions for the *post-9/11* period reinforced the observation made earlier that an *issue paradigm* had, over time, come to characterize the perceptions and thinking of OSCE negotiators, in which the five main groupings (NATO, NNA, FYug, NSWP, and FSU) were distributed across particular issues in complex ways.

4. Validation of findings on closed-ended questions

To what extent can we say that the CSCE/OSCE negotiators participating in the 1993, 1997, 1999, and 2004 surveys were *not* merely repeating official "party lines," and instead were sharing their true impressions? Also, to what extent can we say that these impressions correspond to "objective" developments in the "real world"?

On the first issue, I had always informed respondents of my earlier service as a diplomat with the U.S. Delegation to the CSBMs Negotiations under Ambassador Jack Maresca (1985) in Spring/Summer 1990, indicating that, although I was an "academic," I had once served among them or their predecessors. Indeed, on some occasions, I was even informed that subjects decided to meet with me precisely because of my earlier CSCE experience. In addition, subjects often asked if I wanted the official "party line" or their own views (I indicated both), so that I was able to be sensitive to that distinction in subsequent analysis.

On the second issue, I compared subjects' responses to statistical data on trends in armed conflict, genocides, and the like collected during the same period of the CSCE/OSCE project, to explore to what extent there was overlap. Monty Marshall and Ted Robert Gurr (2005) provided one significant opportunity for such a veracity-check, by reporting in the most recent of their biennial surveys, that ethnonational wars for independence, autocratic regimes, repression and political discrimination, and the global magnitude of armed conflict had continued to *decline*. Further, that these gains were:

- the result of persistent and *coordinated* efforts at *peace-building* by *civil society* organizations, *national leaders, non-governmental organizations*, and *international bodies* (emphasis added) (ibid., p. 1).
- These findings were compatible with those generated by the recently published *The Human Security Report* (2005) (which also includes Marshall and Gurr's data):

By 2003, there were 40 % fewer conflicts than in 1992. The deadliest conflicts – those with 1,000 or more battle-deaths – fell by some 80 %. The number of genocides and other mass slaughters of civilians also dropped by 80 %, while core human rights abuses have declined in five out of six regions of the developing world since the mid-1990s. International terrorism is the only type of political violence that has increased. Although the death toll has jumped sharply over the past three years, terrorists kill only a fraction of those who die in wars.

What accounts for the extraordinary and counterintuitive improvement in global security over the past dozen years? The end of the Cold War, which had driven at least a third of all conflicts since World War II, appears to have been the single most critical factor.

In the late 1980s, Washington and Moscow stopped fueling "proxy wars" in the developing world, and the United Nations was liberated to play the global security role its founders intended. Freed from the paralyzing stasis of Cold War

geopolitics, the Security Council initiated an unprecedented, though sometimes inchoate, explosion of international activism designed to stop ongoing wars and prevent new ones.

Other international agencies [*including, for example, the OSCE*], donor governments and nongovernmental organizations also played a critical role, but it was the United Nations that took the lead, pushing a range of conflict-prevention and peace-building initiatives on a scale never before attempted. U.N. peacekeeping operations and missions to prevent and stop wars have increased by more than 400 percent since the end of the Cold War. As this upsurge of international activism grew in scope and intensity through the 1990s, the number of crises, wars, and genocides declined (Mack, 2005, 2006).

In other words, according to the perceptions of its senior diplomats, as the CSCE/OSCE moved closer to a complex operating paradigm, with *Idealpolitik* as well as *Realpolitik* elements, inclusive of a *culture of conflict resolution,* the world seemed to be developing in a less violent, more peaceful way.

5. Lessons of the Balkan wars, 1993, 1997, and 1999

Only one of the open-ended questions explored in the CSCE/OSCE project will be addressed here, that dealing with negotiators' perceptions of "lessons learned" from the Balkan wars of the 1990s – clearly, an appropriate selection on the 10th anniversary of Dayton (see Sandole, forthcoming, Chapters 6, 8-9 for findings on other questions).

Trends in the top-3 "lessons learned" for the CSCE/OSCE groupings from 1993 to 1999 (*before Kosovo*) included the persistent, near unanimous 1st place ranking of the need for preventive diplomacy and quick response to ethnic conflicts/ethnic cleansing. This was followed by the emergent 2nd place ranking of the need to coordinate such missions, plus a mix of force and "soft power" within a regional framework to deal with the complexity of such situations. These trends were all very much in keeping with the development of a NEPSS-type system.

Trends also included the disappearance, as a major issue, of the fear of the Balkan wars generating *"multiplier-effect systemic contagion"* elsewhere (e.g., in the FSU) (see Sandole, forthcoming, Ch. 1) and the brief appearance and then disappearance of the need for the U.S. to lead international interventions into complex conflict situations.

Whatever linear development in consensus on "lessons learned" had occurred from 1993 to 1999 (*before Kosovo*) was disrupted because of NATO's intervention in the Kosovo crisis. This applies as well to the trends in NATO-FSU togetherness/polarity. After (and because of) Kosovo, NATO-FSU consensus on the top-3 rankings was completely reversed regarding the use of force ("hard power") and "soft power" (see ibid., Ch. 7 [Table 7.6d]).

6. Lessons of the Balkan Wars, 2004

Overall findings on the open-ended questions reinforced the hypothesized emergence of an *issue paradigm* where military force (*Realpolitik*) and "soft power" (*Idealpolitik*) were conceptually integrated in coordinated international interventions to prevent and otherwise deal with complex ethnic and other conflicts involving multiple issues (although, remarkably, terrorism was barely mentioned as one of those, even though the 2004 survey occurred shortly after the Madrid bombings in March).

Across the four surveys, the OSCE remained consistently in 1st place, while NATO tended to eclipse the EU by one or two rankings, as components of an *ideal* peace and security system for postmodern Europe capable of dealing (more) effectively with complex *identity*-based conflicts such as those that had torn former Yugoslavia apart and which were also manifesting themselves in the form of the "new" terrorism.

7. Validation of "Lessons Learned"

To what extent do these trends in "lessons learned" correspond with the views of others, especially those who worked directly on bringing at least "negative peace" to the Balkans?

At a 10th anniversary conference in Washington, DC, on "Beyond Dayton: The Balkans and Euro-Atlantic Integration," former German Ambassador to the U.S. Wolfgang Ischinger (2005), who was involved in the Dayton Peace Process, shared with the audience "10 very simple lessons" from Bosnia:

1) We need to focus more on prevention. (Bosnia and even Kosovo could have been prevented. The Europeans should have prevented them, but they did not.)
2) We need to be able to apply military force if necessary to prevent [violent] conflict.
3) We need to insist on regional approaches to conflict and conflict resolution. (In retrospect, it was a mistake not to include Kosovo in Dayton. The unresolved Kosovo issue came back to haunt us three years later.)
4) We need time. (Often there is too much pressure to achieve too much in a very short time. We need time, patience, and long-term sustainability.)
5) We need strong leaders (e.g., Richard Holbrooke, Warren Christopher) who are tough on principles (e.g., Bonn Powers).
6) We need elections, but alone they are not enough, and too easily can freeze wartime gains. Also we need rule of law, justice.
7) We need to ensure that civilian response capabilities are as highly effective as military responses.
8) The Europeans and U.S. need to act together. Euro-Atlantic Partnership [consultation] works! We should act together and remain united. (Germany now has 10,000 troops in Bosnia, Afghanistan, and Kosovo.)
9) We need to be modest in our ambitions. (There is a need for local ownership, local responsibility, local legitimacy: Only if they [the "locals"] do it themselves will they be prepared for EU membership.) And

10) There is a need in the Euro-Atlantic relationship for something like the Dayton process. (Dayton was a great bonding, transformative moment!)

If we compare Ambassador Ischinger's "lessons" to those generated by the CSCE/OSCE project, we find some interesting comparabilities:

	CSCE/OSCE Project	Ischinger
1.	Preventive Diplomacy/Quick Response	Prevention
2.	Coordination	Force ("Hard Power")
3.	Force ("Hard Power")	Regional Approach
4.	"Soft Power"	"Soft Power"
5.	Regional Framework	Coordination

While the implicit rankings may not converge, it is clear that at least five of our "lessons" correspond exactly to five of Ambassador Ischinger's. Combining them we can say that, according to senior CSCE/OSCE diplomatic practitioners and others, there is a need to prevent violent ethnic conflicts through the use of a mix of "hard" and "soft power," coordinated within a regional framework. These lessons are also compatible with both an issue paradigm and NEPSS.

8. Implications of findings

Mansbach and Vasquez (1981) tell us that an *issue paradigm* encourages:

> scholars to give greater weight to the cognitive processes of elites within actors than has traditionally been the case under the assumptions of *realism*. Rejecting the assumptions that these processes are fixed or that interests are "self-evident", the new *[issue] paradigm* encourages research into the *prospects for restructuring cognitive maps* and the possibility that such restructuring will *intrude upon existing patterns of relations*. Failure and success of existing cognitive maps, for instance, disturb or reinforce the elements of those maps, though in ways

that have not been specified by political scientists. Cognitive maps provide actors with *prescriptions* concerning what they should do under different conditions. What processes are initiated if the maps in fact lead to unexpected destinations [e.g., counterintuitive results of policies in the Balkans or Iraq]? Under what conditions are existing maps altered or reinforced? (emphasis added) (ibid., p. 79).

The research undertaken as part of the CSCE/OSCE project has been an attempt not only to explore with CSCE/OSCE negotiators their "cognitive maps", but to encourage them to rethink them as well, perhaps offering them opportunities to reframe their maps and make them more relevant to "capturing the complexity of conflict" in the post-Cold War world (see Sandole, 1999). Gratifyingly, as indicated by the findings reported here, such reframing appears to be actually taking place.

The "trick" now is for all of us interested in preventing the violent expression of conflict as "future Yugoslavias" or "future Madrids and Londons," to help translate the developing OSCE *community of values* into a corresponding *community of institutions* – something like NEPSS – beyond the otherwise impressive developments that have already taken place. In the event, we would be turning Jean-Jacques Rousseau on his head where, "genocidal ethnic wars and acts of catastrophic terrorism *do not* occur – or at least not so frequently – because there *are* mechanisms for preventing or otherwise dealing with them!"

Adopting the *issue paradigm* within an *Idealpolitik* "meta-frame" for analysis as well as practice would be one step in that direction. Then, speaking a "common language", it would be easier for international relations and conflict theorists and researchers to work together with OSCE and other practitioners in bridging the cultural and communications gap between the *academic/theorist* and *diplomatic/ practitioner*.

One way to facilitate movement in this laudable direction would be to continue interviewing OSCE (and other) diplomatic practitioners as a

potentially effective way to tap into "insider" wisdom as a source of early warning of, and early response to problems with, or within, their organizations as well as, more importantly, problems developing within their region that have the potential for being expressed as Yugoslav-type conflicts or Madrid or London-style acts of terrorism.

Another way would be to ensure *re-energized* U.S. involvement in bringing "positive peace" to the Balkans. As a former U.S. Deputy Assistant Secretary of State for European Affairs said at the July 2005 briefing for new U.S. Ambassador to the OSCE Ms. Julie Finley, "When [in his experience] the U.S. cared and got engaged, things happened!"

By far, one of the most compelling articulations of the potential U.S. role in moving further in this direction was crafted by Michael Lund in the final chapter of his now classic *Preventing Violent Conflicts: A Strategy for Preventive Diplomacy* (1996):

> If the idea of a multilateral, stratified regime of preventive diplomacy is to become a reality, it must be championed by an actor or actors of global stature, able both to advocate the adoption of such a plan and to actively support it at the local, regional, and global levels. For several reasons, the United States is not necessarily the only, but clearly one of the best candidates to undertake this role. In the first place, the United States has the world's most extensive foreign policy bureaucracy and information-gathering apparatus, thus affording it unparalleled opportunities to become involved in or supportive of preventive diplomacy at each [level]. Second, the United States is the only country that is effectively a "member" of all regions – in some cases by virtue of formal membership (in NATO, OSCE, OAS, APEC, NAFTA, and so forth), in others by dint of joint interests (OAU [now the AU], ASEAN, the Middle East multilateral peace process). Third, while it is true that few international issues can be resolved by the United States alone, it is also true that many international issues cannot be resolved without U.S. leadership. Thus, while the United States should welcome, encourage, and seek to enhance the international roles of other

states and entities, both bilaterally and through the United Nations and other multilateral bodies, it remains the one actor on the world stage that can marshal the political will to provide leadership and resources on the widest range of issues.

When it chooses to play this role, it is the hub around which many key international institutions and relationships revolve at each level of the prevention hierarchy. Although U.S. leadership regarding the Bosnian conflict was not forceful until military conditions on the ground changed in August 1995, at that point the United States did help to galvanize international action and sponsored the best hope so far of ending the conflict [Dayton] (Lund, 1996, pp. 195-196).

Conclusion

Accordingly, for these and other reasons (e.g., continuing to deal with the deep-rooted causes of global terrorism), we must ensure that U.S. involvement in the Balkans continues unabated, despite present American pre-occupation with developments elsewhere (e.g., Iraq, Iran, North Korea, Afghanistan). Such renewed involvement, perhaps inclusive of U.S. Ambassador Finley's push for enhancing the OSCE, could "spill over" to other regions worldwide currently exploring the suitability of the OSCE as a model for *common security* in, among others, East Asia (see *Applicability of OSCE CSBMs in Northeast Asia Revisited*, 2003 and "2005 OSCE-Korea Conference on New Security Threats and a New Security Paradigm"). In the event, the concept of effective "global governance" could become more rather than less likely. Now that is a real challenge!

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The U.S. Role in Southeast Europe:
In and after the Peace Plans

Matthew Rhodes[54]

I. Introduction

More than any other region, over the past fifteen years Southeast Europe has both reflected and impacted the broader state of transatlantic, and in particular United States-European Union, relations. During this period, the level of U.S. focus and engagement in region has waxed and waned. Strong American focus and leadership have alternated with disengagement and deference to EU initiatives according to a four- to five-year cycle. Without fully reversing the current decade's dynamic of "Europeanization", the past year has seen a resurgence of U.S. activism. The extent and duration of this latest pendulum swing will depend on developments both inside and outside the region.

II. The Hour of Europe

During the breakup of Yugoslavia in the early 1990s, U.S. policy was initially stand-offish. For the presidential administration of the senior George Bush, the country's first steps toward dissolution were overshadowed by concurrent events such as German unification and Iraq's invasion of Kuwait. Moreover, fear of the force of precedent on the simultaneously unraveling, nuclear-armed Soviet Union reinforced the administration's desire for Yugoslavia's preservation as a whole. After a last-minute trip failed to dissuade Croat and Slovenian leaders from declaring independence, then-Secretary of State James Baker famously announced the U.S. had "no dog" in the ensuing fights with ethnic Serbs and the rump Yugoslav army. U.S. reaction was largely limited to assent to a UN arms embargo and humanitarian peace mission.

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[54] The views expressed in this paper are solely those of the author.

Despite having criticized this hand-off approach during the 1992 election campaign, Bush's successor Bill Clinton largely continued the same track at the outset of his term. New Secretary of State Warren Christopher used his first meetings with counterparts in Europe in May 1993 as an opportunity to take in allied viewpoints rather than press for new direction. The modest outcome was designation of several Bosnian cities as "safe havens" that could be defended by NATO airpower.[55]

Several factors inhibited a more forceful response. The new administration lacked experience in international affairs, and its priority focus was on the economy and other domestic issues. It also faced serious scepticism of direct intervention from within the American military, including the respected Chairman of the Joint Chiefs of Staff Colin Powell. The deaths of eighteen Army rangers in a failed attempt to capture warlord Mohammed Adid in Mogadishu, Somalia in October 2003 reinforced the reluctance to commit troops to international missions elsewhere.

Officials from the European Community initially welcomed the opening for leadership in the Balkans. The end of the Cold War had reduced their dependence on U.S. security guarantees, and preparations for the February 1992 Maastricht treaty that would formally add common foreign and security policy as a new "pillar" of European Union were well underway. In the words of Luxembourg's Foreign Minister Jacques Poos, this was to be "the hour of Europe."

Unlike the Americans, several European powers contributed ground troops to the first UN peace operations, giving them a more immediate stake in subsequent policy. European countries, led by Germany, were also the first to recognize the independence of Slovenia and Croatia, and later also Macedonia and Bosnia-Herzegovina. In 1993-94, the joint EU-UN Vance-Owen plan for cantonization became the leading international proposal for Bosnia-Herzegovina, where fighting remained most intense.

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[55]   See Whitney, Craig. "NATO's Leadership Gap: Washington's Seeming Confusion on Bosnia Throws Alliance into Crisis of Relevance." *New York Times* 29 May 1993.

III. America Acts

However, their own European efforts proved unable to stop the worsening violence. One significant problem was a lack of internal unity as to how best to proceed, including among leading members Britain, France, and Germany. A second shortcoming was the practical and political limitations on the military capabilities that could be deployed to the region.

The deepening humanitarian tragedy and the threat it posed to the credibility of NATO, America's most important military alliance, eventually pushed the Clinton administration into more decisive action. First, it brokered the 1994 Washington Treaty ending hostilities between ethnic Croats and Bosniak Muslims in Bosnia-Herzegovina. In the summer of the following year, 1995, it tacitly accepted Croatia's military recapture of areas that had been held by ethnic Serb forces. More dramatically, after the fall of the declared safe haven Srebrenica and an unusually deadly mortar strike on a Sarajevo marketplace, it proceeded to lead Operation Deliberate Force, NATO's first sustained series of airstrikes against Bosnian Serb targets.

These steps set the stage for the Dayton Accords, negotiated at a U.S. Air Force base in Ohio. The agreement established a weak federal constitutional structure for Bosnia-Herzegovina and transferred international security responsibilities there from the United Nations to a more robust NATO force. Significantly, U.S. troops accounted for a third of the initial 60,000 soldiers deployed.

Italy and other European countries carried out the more limited Operation Alba in response to a breakdown of order in Albania in 1997, but the U.S. lead was again evident during the Kosovo crisis at the end of the decade. In the fall of 1998, Richard Holbrooke, the lead U.S. negotiator at the Dayton talks, reached an agreement with the Milosevic government in Belgrade for unarmed observers from the OSCE to monitor conditions in the predominantly ethnically Albanian province of Serbia. In early 1999 a resurgence of violence and the Yugoslav parliament's rejection of the subsequent Rambouillet Accords led to

NATO's Operation Allied Force against rump Yugoslavia. During the 78-day bombing campaign, American pilots flew approximately 85% of the alliance's combat missions, even as U.S. commanders complained of excessive strictures from European allies. Small American task forces also deployed to Albania and Macedonia. Finally, as in Bosnia, Americans constituted the largest initial segment of the follow-on peacekeeping force, here making up a fifth of the 40,000 troops within NATO's KFOR (Kosovo Force).

IV. Europeanization

Allied Force would prove the high water mark of U.S. focus on Southeast Europe. The beginning years of the twenty-first century witnessed a reversion to Europeanization in the region. In the U.S., the presidential administration of the junior George Bush entered office in January 2001 famously sceptical of Balkan-style "nation-building" as an appropriate military mission. The 9/11 terrorist attacks accelerated its shift of focus elsewhere, to countries such as Afghanistan and Iraq. Meanwhile, the European Union's own progress in developing a European Security and Defense Policy after the French-British St. Malo summit of 1998 enhanced EU capacity for independent action. At the same time, the situation on the ground shifted from active armed conflict, in which U.S. "hard power" had been indispensable, to civilian institution building and economic development, in which EU "soft power" held the comparative advantage.[56]

A mixed, transitional case in this process was the response to violence between government security forces and armed ethnic Albanians in northwestern Macedonia in spring 2001. The fighting did prompt new U.S. Secretary of State Colin Powell to assure all parties of continuing American involvement; just as the U.S. and Europe had gone into the

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[56] Along with the general enlargement process, a special example of an EU-sponsored soft power instrument has been the Stability Pact for Southeast Europe.

Balkans "together," they would also go "out together."[57] U.S. diplomat James Pardew and French EU envoy Francois Leotard acted as co-mediators and -signatories of the Ohrid peace agreement that summer.

NATO supplied the first international forces to supervise and assure the return to peaceful stability, but with the American role largely limited to providing air transportation and other logistical support. The modest, 30-day disarmament mission Essential Harvest was followed by Operations Amber Fox and Allied Harmony to provide security for OSCE and EU observers. In early 2003, these were succeeded by the EU Operation Concordia, the first true ESDP mission conducted with use of NATO assets under the Berlin Plus arrangements. In late 2003 this in turn gave way to the EU police mission Proxima.

EU primacy was more immediately evident in the effort to avoid an early split between the remaining Yugoslav republics, Serbia and Montenegro. Fearing the impact on the still raw situation in Kosovo, in late 2002 EU officials brokered the Belgrade Agreement for a recast, highly decentralized "state union". The driving force of the EU behind this creation led critics to dub it "Solania" after High Representative for Foreign and Security Policy Javier Solana.

Finally, the strong EU role in reconstruction and other post-conflict issues in Bosnia-Herzegovina became symbolized by the Office of the High Representative. That position has been charged with representing and coordinating the work of the major international bodies in the country since Dayton and was formally double-hatted as EU Special Representative in early 2002. The Office carries expansive authority known as "Bonn powers" to void legislation and remove local politicians and officials deemed obstructive. These so-called were used especially actively during the tenure of Paddy Ashdown 2002-2005.

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[57] For an early use of this oft-repeated formulation, see Powell's remarks to journalists after the meeting of the Balkan Contact Group April 12, 1991; http://www.balkanpeace.org/hed/archive/apr01/hed3063.shtml.

European countries had also supplied a steadily increasing proportion of the declining overall number of troops in NATO's SFOR (Stabilization Force) in the country. In December 2004 the EU's 7000-troop Operation Althea took the next step and assumed SFOR's former responsibilities for preserving military security. A residual NATO contingent, including 250 U.S. troops, remains in place to assist with defense reform, apprehension of indicted war criminals, and other matters.

V. The Year of Decision and Beyond

Without displacing the European Union, from 2005 the Bush administration has used its second term to reenergize US involvement in Southeast Europe. Both dissatisfaction with the status quo (most acutely in Kosovo after the violence of March 2004) and a perceived opportunity to overcome lingering ill will over intervention in Iraq via practical cooperation with European allies have drawn the U.S. into re-elevating its profile in the region. So too has the general loss of momentum behind Europeanization after the failed referenda on the constitutional treaty in France and the Netherlands in late spring 2005, the tortured delay in the medium-term budget framework, and the mixed progress on reforms by the Union's expected next members Bulgaria and Romania.

Of further significance has been a relative shift in emphasis in the U.S. approach to the War on Terror. Following the still ongoing, large-scale "kinetic" military operations in Afghanistan and Iraq, more sustained attention is being focused on what is referred to as "countering ideological support for terrorism". As articulated in President Bush's second inaugural address of January 2005 and more fully in the administration's updated national security strategy of March 2006, there is increased priority on "transformational diplomacy" to assist partner states' development as "effective democracies" characterized by the rule-of-law, respect for human rights, and popular accountability.[58] Success in this regard is intended both to build up the capacity of states

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[58]   *National Security Strategy of the United States of America*, March 2006, pp.4-5 and 33-34.

directly involved as reliable partners in advancing international security as well as to present broader models of success and opportunity as antidotes to violent extremism.

Southeast Europe presents an important region for pursuit of this policy. First, it is an area where corruption and transnational crime are perceived as among the chief challenges not only to internal political and economic development but also to realistic prospects for further integration into Euroatlantic institutions. Thus, a significant portion of the political and social elite is open to working with outside partners in pursuing reforms to strengthen democratic governance. Expressed another way, the countries of the region may be just fragile enough to call for external assistance but still promising enough in terms of their prospects for success to make external partners willing to make the investment of time and resources.

Second, Southeast European countries hold the prospect of offering especially powerful models if successful. Visible results in overcoming the region's fresh experience with authoritarian rule and violent conflict would show progress is possible even in difficult settings. Likewise, the presence of persistent ethnic and sectarian diversity, and in particular of substantial Muslim populations, means peaceful management of differences could provide an examples of tolerance and coexistence for other regions and reinforce the argument that the War on Terror is neither a Huntingtonian "clash of civilizations" nor Western crusade against Islam.

A. Status Issues

2006 has been dubbed "the year of decision" in Southeast Europe because of the number of major steps expected in fundamental constitutional or integration issues for countries there. Accordingly, one significant area in which the United States has re-engaged has been in the series of political status talks in Yugoslav successor states. America's involvement has been greatest where the most potential for renewed violence exists and/or where its role in crafting existing arrangements was most significant.

The U.S. exercised the least involvement in regard to Montenegro's independence referendum, where the EU role remained decisive. Solana-appointee Miroslav Lajčak and other EU representatives worked directly with both the pro-independence Montenegrin government and pro-unionist political forces in setting the conditions for the May 21 vote. In the end, the EU's insistence on both a minimum 50% turnout and supermajority of 55% of the votes cast being for independence was met easily in the first case (86%) but extremely narrowly in the second (55.4%).

The U.S. took a more active lead in the less widely reported attempt to overhaul the Bosnia-Herzegovina's constitutional structures from Dayton. The supporting role of the High Representative/EU Special Representative here reflected the more restrained personality of Christoph Schwarz-Schilling, the former German parliamentarian and minister who succeeded Paddy Ashdown in the post in December 2005, as well as the spreading impression that excessive activism by the Representative had begun to retard local political development.[59]

Building on the success of unifying armed forces in the 2005 defense reform, a process NATO and the United States were also deeply involved, U.S. diplomats led by Donald Hays, a former deputy High Representative, and Ambassador Douglas McElhaney spent months urging political leaders from all three major ethnic communities to agree to amendments to strengthen the central government and streamline the presidency and parliament. The American role was highlighted by the commitment in principle signed by nine officials and party leaders after a meeting with Secretary of State Condaleeza Rice in Washington, DC in November 2005 on the occasion of the tenth anniversary of the Dayton Accords. However, despite continued lobbying by the U.S. embassy, in late April 2006 the package of reforms fell just shy of the needed two-thirds majority in the Bosnian parliament. This setback meant the hoped-for changes would not be made before parliamentary

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[59] See International Commission on the Balkans, "The Balkans in Europe's Future," April 2005, pp.23-25; http://balkan-commission.org/activities/Report.pdf.

elections in October, but the U.S. is expected to revive the effort afterward.[60]

Finally, the U.S. occupies a central role in regards to the future status talks on Kosovo being held under the auspices of the United Nations. Already in late 2005 the U.S. worked with the other members of the Contact Group (Russia, Britain, France, Germany, and Italy) to develop a set of parameters for the talks.

Approximately 1800 American troops continue to serve as part of NATO's KFOR mission. Representatives of the Kosovar Albanian majority in particular continue to view U.S. military power and presence as key not only in assuring their group's survival in the province in the late 1990s but also its security into the future. This appreciation gives the U.S. a certain level of trust as well as leverage if needed to push for compromises or concessions in regards to decentralization, minority rights, protection of cultural and religious sites, and other issues of particular concern for Belgrade and the 100,000 or so ethnic Serbs still living in the province.

At the same time, the U.S. will continue to work with other countries to shape the terms of a prospective settlement, possibly also in the event the Serbian government and Kosovar representatives prove unable to reach a mutually acceptable resolution. One potential task for the U.S. is to dissuade other permanent members such as Russia or China from vetoing a settlement consistent with the Contact Group principles. Serbian Prime Minister Vojislav Koštunica has appealed to Russia in particular to uphold Serb interests, but that country's assent to the Contact Group list suggests this may not extend to seeking to block outright the type of conditional, transitional independence for Kosovo identified by many observers as the most likely outcome. Second, if

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[60] See Hitchner, R. Bruce. "From Dayton to Brussels: The Story Behind the Constitutional and Governmental Reform Process in Bosnia and Herzegovina." *Fletcher Forum of World Affairs* 30:1, Winter 2006, pp.125-135; also Mirna Skrbic, Mirna, and T.K. Vogel, "Bosnia: Constitutional Reform Falters". *Transitions Online* 27 April 2006.

some version of independence is indeed put forward, the U.S. may have to work even harder to delimit such a decision's force as precedent. Among others, Russian President Vladimir Putin has suggested recognition of independence for Kosovo would open the way for the same for declared separatist states such as Transdnistria in Moldova and Abkhazia and South Ossetia in Georgia.

B. NATO Initiatives

Beyond specific status issues, as a leading member of NATO the U.S. has recently been working on significant new steps to intensify alliance relations within the region. One ongoing aspect has been advancing the full practical integration into NATO structures and processes of countries such as Slovenia, Bulgaria, and Romania that were part of the "Big Bang" enlargement in 2004. This includes those countries' involvement in debate on NATO's further evolution at the "transformation summit" in Riga in October 2006. Next, the United States is helping to prepare for the possible extension of NATO's Partnership for Peace program to previously excluded countries such as Bosnia and Herzegovina, newly independent Montenegro, and/or Serbia by late 2006 or early 2007, pending certification of those countries' full cooperation on war crimes issues with the International Criminal Tribunal for the former Yugoslavia in the Hague. Finally, the Riga summit may also be used as an occasion to encourage the three Southeast European states who are the leading candidates the next wave of alliance enlargement, the Membership Action Plan countries Albania, Croatia, and Macedonia. U.S. backing for these countries' intensified mutual cooperation and support within the Adriatic Charter format was emphasized in spring 2006 by visits to all three capitals by U.S. Ambassador to NATO Victoria Nuland and by a joint meeting with the countries' Prime Ministers by U.S. Vice-President Dick Cheney in Dubrovnik, Croatia in May.

C. Bilateral Partnerships

These NATO and subregional-initiatives overlap with U.S. steps to build closer bilateral security partnerships in the region. The region's

geopolitical location, bordering the Black Sea and Greater Middle East areas, in itself makes such relations of strategic interest. In addition, some advocates point out that though tragic reasons, unlike much of Europe several of the region's militaries have recent, intensive combat experience that may give them added-value in international operations.

Building these relationships can manifest itself in a variety of ways. One is expansion of education and training programs for partner country security personnel. Another is support and participation in U.S.-led operations in Iraq. Albania, Bosnia-Herzegovina, Bulgaria, Macedonia, Moldova, and Romania have all contributed troops, and Slovenia has provided police trainers. Still another is intelligence cooperation, especially in counterterrorism. Finally, a forth emerging example is military basing arrangements. In December 2005 and April 2006, respectively, the U.S. signed long-term agreements for shared use of several bases in Romania and Bulgaria. Speculation on possible additional base sites has included the continued use of existing U.S. facilities at Camp Bondsteel in a post-status talks Kosovo as well as on a naval base in newly independent Montenegro.[61]

In principle, there is no direct contradiction between closer strategic partnership with the U.S. and simultaneous further integration toward membership in the EU. In practice, however, tension and cross-pressure can arise. Two of the most prominent cases have concerned arrangements regarding the new standing International Criminal Court[62] and reports of CIA-practiced "extraordinary rendition" of suspected terrorists.

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[61] Phillips, John. "Key Base Likely for Sale to U.S., Russia." *Washington Times*, 19 May 2006, p.15.

[62] See Linden, Ronald. "Twin Peaks: Romania and Bulgaria between the EU and the United States". *Problems of Post-Communism*. Vol. 51, No. 5, September/October 2004, pp. 45–55; also Boduszynski, Mieczslaw and Kristina Balalovska. "Between a Rock and a Hard Place: Croatia, Macedonia, and the Battle Over Article 98". Problems of Post-Communism, Vol. 51, No. 5, January/February 2004, pp. 18–30.

VI. Conclusion

The intensity and persistence of renewed U.S. engagement in Southeast Europe remains uncertain. The pull on America to move back on to other hotspots now coexists both with the concern it's not yet safe to do so and hoped-for opportunities for globally-oriented partnership. The former worry may again diminish with a rebound of EU leadership and the countries' "European perspective". The latter will depend on regional countries' own growth as well-governed, capable partners. In the best of all worlds, the United States will not feel an unavoidable need to stay but will nonetheless find remaining a strong presence an attractive proposition for many years to come.

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The Europeanisation of the Balkans: A Concrete Strategy or just a Placebo?

Wim van Meurs

1. The EU's Past Record in the Balkans

As the recent commemoration of Srebrenica has put in stark contrast, over the past decade the EU has evidently come a long way in defining, implementing and upholding its strategic vision for the Balkans. Handling the independence of Croatia and Slovenia was not the heyday of European policy coordination with the naiveté of the Dutch government eager to take the credit for solving the post-Yugoslav crisis in its presidency and the Franco-German wariness. In the early days of Eastern enlargement Paris had insisted on multilateral regionalism as a model for stabilisation, whereas Bonn favoured bilateral conditionality. Conversely, in the Balkans France banked on individual solutions, whereas Germany opted for regional holistic strategies. Additionally, European coherence was hampered by the standoff between those rejecting post-Yugoslav federal constructions and those offering national self-determination. Between 1995 and 1999 Europe has mastered a steep learning curve – from the ethnocentric and dysfunctional Dayton model to the more realistic and workable Ohrid model, from the adhockery of the Bosnian conflict to the concerted conflict-management in Kosovo and Macedonia five years later.[63]

In 1999, in the immediate aftermath of the Kosovo War, the International Community laid out its strategic principles and objectives for the Western Balkans region, five in total (not necessarily in this order):

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[63] D. Heimerl and W.v. Meurs (2004). "The Balkans between Paris and Berlin". Journal of Southeastern Europe and Black Sea Studies **5**(3): 343-360.; N. Both (2000). From indifference to entrapment: the Netherlands and the Yugoslav crisis 1990-1995. Amsterdam, Amsterdam University Press.

- regionalism, multilateral relations and the instigation of regional cooperation;
- conditionality as the bilateral basis for status vis-à-vis the EU and access to preferential treatment;
- separation of the agendas of integration, transformation and stabilisation;
- the European perspective; and
- standards before status.

The European principle of regionalism was enshrined in the June 1999 Stability Pact for South Eastern Europe. After drawing some heavy fire in 2001-2002, the Stability Pact has now scaled down its ambitions, prioritised its objectives and found its niche in the international framework for Kosovo and the Balkans. The principle of regionalism, however, by and large lost out to conditionality.[64]

As the core principle of EU integration, conditionality came with the Stabilisation and Association Process (SAP), initiated in parallel with the Stability Pact in 1999, but fleshed out in 2000-2001 only. EU conditionality for the Balkans added several more to the well-known Copenhagen Criteria of Eastern enlargement. For Kosovo, it was Special Representative of the Secretary General Steiner's "standards before status" that wrote conditionality in the book in 2002. Since then, it has become apparent that conditionality tends to conflict with regionalism as it produces widening gaps within the projected region by concentrating assistance and privileged relations on those that do well in economic transition and in fulfilling EU integration criteria, at the expense of the laggards.[65]

At the same time, the nexus between conditionality and the stages of EU integration deprives Brussels of much strategic leverage for key objectives of inclusive state consolidation and regional stabilisation in a

[64] F.-L. Altmann (2002). Regionale Kooperation in Südosteuropa. Organisationen, Pläne, Erfahrungen. Berlin, SWP.
[65] A. Wittkowsky (2000). Stabilität durch Integration?: Südosteuropa als Herausforderung für die Europäische Union. Bonn, Friedrich-Ebert-Stiftung.

region of unfinished statehood. The current state of affairs in the region indicates that socio-economic transformation makes limited inroads as long as issues of state sovereignty and inter-ethnic power games dominate the regional and national agendas. With capacities still in the making and the institutional separation of the agenda of transformation integration from the agenda of stabilisation still largely in place, conditionality often appears powerless with the risk of strategic initiatives running aground.

In his October 2005 report, Kai Eide thrashed the "standards before status" approach in principle,[66] blaming it to a significant degree for the general malaise in Kosovo and, paradoxically, for the Kosovars' failure to meet the benchmarks too. The "standards before status" approach for Kosovo was the mirror image of the EU's conditionality-based strategy for the integration of the entire region into Europe. Thus, the pivotal principle of "conditionality" also known as "standards before status" in international and most of all European strategies toward the Balkans is now coming under question. The consequences for the much-cited "EU perspective" are uncertain.

2. 2005 – a successful year, 2006 – a year of decisions?

At the same time, the EU itself has plunged into a deep existential crisis. Apart from collective soul-searching, the crisis seemed to produce a state of near-paralysis in the Brussels policy-making institutions. Yet, the effects of the crisis on the panacea of the "EU perspective" for the Balkans seem hardly dramatic and in some respects even counterintuitive.

Once the depth of the EU constitutional crisis became apparent with the French and Dutch referendums, Brussels went out of its way to reassure the Southeast European countries that these issues of the deepening of European integration would in no way endanger their European perspective. Undeniably, however, paying more attention to national

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[66] K. Eide (2005). A Comprehensive Review of the Situation in Kosovo. Washington DC, UN.

constituencies in the EU made politicians in the capitals as well as the EU institutions reluctant to push the vastly unpopular agenda of Southeastern enlargement. Conditionality became more pronounced in the statements from Brussels; the strategy of the three C's – conditionality (as such), consolidation (of conditionality) and communication (of conditionality). In view of the real, but slow and uneven progress in the Balkans, the three C's seemed to confirm the regional leaders' worst fears by offering Europe a ruse to push back the issue of integrating the Balkans without having to revoke promises made.

For Croatia, the EU at first seemed to apply its standards with utmost strictness by making the actual opening of accession negotiation dependent on handing over General Ante Gotovina, indicted by the Hague Tribunal. The volte-face in October 2005 was the very opposite of strict, but fair criteria – a package deal involving Croatia and Turkey. Similarly, only an extremely naïve observer might not have seen the connection between the upcoming Kosovo negotiations and the sudden progress towards a Stabilisation and Association Agreement for Serbia and Montenegro. Unperturbed by the tension between a functioning democratic process and the dominant role of the High Representative, on 21 October 2005, the European Commission recommended the opening of negotiations for a Stabilisation and Association Agreement with Bosnia-Herzegovina to the Council. On 9 November, the Commission unexpectedly recommended to grant Macedonia candidate status. The recommendation is based, however, on a report that assesses this state as unable to organise free elections, not fully in control of its own territory, with a weak and politicised judiciary, not attracting foreign investors and falling far behind the rest of the region in terms of economic growth. Eventually, in January 2006 SAA negotiations with the last laggard, Albania, were concluded.[67]

The first reaction to the EU crisis seemed to be that Brussels would take conditionality and standards very seriously in order to be able to deal

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[67] (2005). 2005 Enlargement Strategy Paper. Brussels, Commission of the European Communities.

with its own crisis of deepening before facing the challenge of enlarging to the Southeast. The term "enlargement fatigue" became the ubiquitous answer to all questions. Next, these very conditions were bypassed or sidelined and each country in the region was upgraded to the respective higher level of relations with the EU: "higher status with some standards". In the Kosovo case, "standards before status" has not been modified to "standards with status," but they have de facto been decoupled. The countries of the region have been granted a higher status, a strategic move largely decoupled from the real, but uneven progress in the region. Thus, the verdict on the EU perspective's real impact on the stabilisation and transformation of the region has been adjourned. The presumption of innocence for both Brussels and the Western Balkans, however, may be a missed opportunity to set the record straight.

Thus, in less than half a year after the crisis, the EU has implicitly forsaken some of its sacred principles in order to come to terms with the reality check of the Balkans and international constraints. Since mid-2005 the status of each Western Balkans' status vis-à-vis the EU, if not EU policy towards the respective country, appeared to have made a U-turn from strict conditionality to "status with or without standards". At closer scrutiny, "moving the region forward" has become the measure of success in and by itself: Rather than providing conditionality for the stability and statehood-relevant issues, the EU has largely chosen an indirect approach by waiving conditionality on the EU integration agenda and hoping for an implicit quid pro quo on the stabilisation agenda – without, however, establishing an explicit strategic link between these parallel agendas under the European perspective.

3. European Perspective?

Thus far the doubts on conditionality and the gloom over the EU perspective seem to have had little positive or negative consequences for relations between Europe and the Balkans. As a matter of fact, on closer scrutiny, explanations on how the EU perspective works or should work vary considerably. Four views may be discerned. Firstly, standard political rhetoric on the Balkans puts its trust in the assumption that the EU perspective per se offers such an attractive option to the peoples of

the region that no politician can afford to ignore this popular consensus for long. Despite the inevitable setbacks and political ill-will, it is argued, the long-term stabilising and transformative effects of the EU perspective are a self-fulfilling prophecy in the political process of what used to be Europe's last hotspot. The EU perspective thus more or less produces its positive effects almost irrespective of the actual aid programs, policy instruments and technical assistance linked to it.

Others have argued that Eastern enlargement has proven that even a more short-term perspective cannot do without the financial resources, norms, expertise and guidance of the EU to bring the transformation countries closer to EU standards. Optimistically, this second view assumes that the transformation process in South-eastern Europe will just take longer and be more arduous than its role model and predecessor in East-Central Europe. Conversely, it might be argued that at least in some respects the Balkans is not the next enlargement, but Europe's first encounter with countries that are not relatively close to EU standards, still in the middle of the transformation process and without a tangible membership perspective to drive the process and uphold the popular consensus, i.e. more like the countries in the European neighbourhood.[68] The concrete architecture and logic of EU policies and resources for the Balkans has often been criticized as being too technical and focussed on good governance and administrative capacity building.[69] Another point of critique concerns the strict nexus between formal status vis-à-vis the EU and access to certain programs and instruments.[70] Croatia, for instance, bitterly complained that Romania and Bulgaria had access to certain EU benefits forfeited to Croatia because it did not have candidate status. Logically, conditionality rewards the most successful transformers in the heterogeneous region and widens the gap to the laggards.

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[68] W.v. Meurs (2003). "The Next Europe. South-Eastern Europe after Thessaloniki". South East Europe Review for Labour and Social Affairs **5**(3): 9-16.

[69] M.-J. Calic (2004). Der Stabilisierungs- und Assoziierungsprozeß auf dem Prüfstand. Empfehlungen für die Weiterentwicklung europäischer Balkanpolitik. Berlin, SWP.

[70] (2002). Western Balkans 2004. Assistance, Cohesion and the New Boundaries of Europe. A Call for Policy Reform. Berlin, European Stability Initiative.

A third, less ambitious, but equally optimistic view claims that the true power of the EU is neither in the perspective per se nor in the concrete instruments, but in the so called "member state building". The intricate process of EU integration with all its norms, procedures and criteria is the best crash-course in rational state management, good governance and administrative capacity building ever. The added value is in the form rather than the content of the EU integration process.[71]

Fourthly, the most relevant sceptics in the current context are those who insist that the EU should make good use of its integration perspective in a much more strategic manner, by linking the benefits and incentives of accession explicitly to the core objectives of stability and statehood. It is argued that the full catalogue of EU benchmarks, criteria and acquis is more than a bridge too far for a region still hampered by unresolved questions of state and nation building, be it Bosnia-Herzegovina, Serbia, Montenegro or the future status of Kosovo. It is argued that the heterogeneity of status vis-à-vis the EU for each and every country in the region defies all declarations on regionalism.[72] At the same time, the strict separation of the agendas of stabilisation and integration allows local politicians to obstruct the process of regional stabilisation despite all EU urgings, while urging Brussels not to obstruct the next step towards EU membership.

4. Strategic Europe? Status with or without standards

As noted, "standards before status" is the localisation of EU conditionality for the particular case of Kosovo. As the contrasts between the various EU agendas are nowhere more apparent than in the last remaining powder keg of the Balkans, the dilemma of conditionality and the strategic deficits of Europe stand out with particular clarity here.

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[71] (2005). The Balkans in Europe's Future. Sofia, International Commission on the Balkans, (2005). The Helsinki Moment – European Member State Building in the Balkans. Berlin, European Stability Initiative.

[72] (2005). The Balkans in Europe's Future. Sofia, International Commission on the Balkans.

In May 2005, the U.S. State Department's Nicholas Burns strongly suggested that negotiations would start almost irrespective of the outcome of the standards review and in no veiled terms offered advantages in Euro-Atlantic integration to both parties to the conflict as a reward for a constructive attitude at the negotiation table. With real negotiations approaching, however, uncompromising rhetoric is back to conceal what is actually a lack of preparedness for a major political deal. Typically, the nexus between status and stabilisation, on the one hand, and the perspective of EU integration, on the other hand, was made by an American.

Defining Kosovo's future status requires a strategic deal and political arm-twisting. The comprehensive catalogue of standards, reaching far beyond the actual issues of unfinished statehood and minority protection is inappropriate as a litmus test for opening the door to independence. On the one hand, the standards before status fails to provide (negative and positive) incentives for the Serb minority and, on the other hand, the standards catalogue makes it too easy for Kosovar politicians to go for a D grade – "poor, but passing"; progress in some areas and serious deficits in other. Thus, the Special Envoy of the UN Secretary General Kai Eide gave a mixed judgement on the standards in his October 2005 report (tougher and more forthright than many observers had expected).[73] The Eide report is indeed not so much an assessment of the state of affairs and Kosovo's fulfilment of the UN standards, but rather a political post-status recommendation. His suggestions included a High Representative-type international guarantor and monitor mission for interethnic relations, minority protection as well as special rights for the Serbs concerning cultural and religious sites. It is worth noting, moreover, that the report referred to the "future" and not to the "final" status of Kosovo. Evidently, the envisaged outcome is an incremental process rather than a fixed *finalité*. The EU integration perspective is expected to serve as the driver, the objective and guiding principle of the status process.

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[73] K. Eide (2005). A Comprehensive Review of the Situation in Kosovo. Washington DC, UN.

The one option with a potential for a viable future for Albanians and Serbs in Kosovo within a stable Western Balkans is qualified independence. Kosovo's independence should be qualified by international (probably EU) monitoring of minority protection and policies with substantial, but functional autonomy for the Serb communities in an inclusive state of Kosovo, but without sharing (territorial) sovereign rights over Kosovo between Prishtina and Belgrade.[74] Can the EU shoulder such a multiple task – Kosovo and for the region as a whole? Brussels has expressed its readiness to shoulder more tasks in Kosovo and the Balkans in general, ranging from police missions to a post-status EU-MIK.

5. Challenges Ahead

The EU seems ready to take the lead in managing both the post-status future for Kosovo and the stabilisation and transformation process for the region as a whole. Yet, the past few months have seen unexpected, but contradictory changes in the EU's strategic approach. The assumed pull of the EU perspective is increasingly questioned, if only because of the EU's internal crisis, and a decoupling of standards and status seems to have taken place not only for Kosovo, but also for the region as a whole. Upgrading the status of each Balkan country recently therefore was the right move for the wrong reasons. The strategic questions have been pushed away, but not resolved.

In sum, the European Union will be challenged in the near future not only to hold out the EU perspective as an positive alternative to the vicious circle of ethnic strife and flawed transition, but also to set up and manage the actual process combining stabilisation, transition and integration in a effective and consistent manner. At the same time, with the opening of status negotiations the strategy of standards before status for Kosovo has been sidelined. The parallel upgrading of most countries of the region based on the urge to demonstrate success in combination

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[74] W.v. Meurs (2004). "Kosovo's Fifth Anniversary. On the Road to Nowhere?" <u>Global Review of Ethnopolitics</u> 3 (3-4): 60-74.

with the EU perspective has similarly cast doubt on the authority of the EU's key strategy for the region (and beyond).

In sum, Kosovo has successfully argued that it can only fulfil Steiner's catalogue of standards once it has independent status. Bosnia has persuaded the EU to give it SAA status although serious deficits on basic criteria remain. Once it had been given SAA status, Croatia convinced Brussels that its progress towards EU standards actually required the instruments and incentives of candidate status to produce further results. The conflict between the vicious circle of "no standards without status" and the virtuous circle of "status after standards" cannot be resolved as long as the stabilisation of the region and its entities or states is not pushed with a targeted and relevant menu of conditions and incentives. By and large, the EU package of conditions and assistance remains monolithic and determined by a country's status vis-à-vis the EU rather than by its actual needs and capacities. Consequently, some useful and effective instruments for fulfilling EU criteria are withheld from aspiring countries because they do not have the right status. Especially the traditional misfit of, on the one hand, the structural and procedural agendas of transformation and integration represented by the Commission and the SAP and, on the other hand, the agenda of stabilisation and crisis management represented by Solana and the Council has substantially reduced the leverage of Europe and the consistency of EU leadership in the region. With the prospect of Bosnia and Kosovo (and to a lesser extent Macedonia) becoming some kind of EU neo-trusteeships for the medium-term, the sequencing and management of conditionality and status and of the stabilisation and integration agendas should be taken very seriously; turning the EU into a proactive strategic player without forsaking the inherent power of the EU perspective.

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Conclusion

Predrag Jureković

In South East Europe the processes of nation- and state-building are not finished as especially the cases of Bosnia and Herzegovina and Kosovo demonstrate. Peace plans and stabilisation programmes like the Dayton peace accord or the Ohrid Framework Agreement therefore are still necessary as political frameworks, which make it easier for the former parties of conflict to find arrangements for normalizing their relations.

Due to fact that the international community since 1999 has been much more seriously engaged in the region with political, economic and military means compared to the chaotic disintegration of the former socialist Yugoslavia, the peace plans have fulfilled their main goal to prevent the outbreak of new violent conflicts. It is difficult to define the criteria for success in implementing the Balkan peace plans. Generally the implementation of peace plans can be regarded as successful, if relations between the former parties of conflict are "normalizing". This goal can be made much easier with regard to the political representatives than in regard to the ordinary people, who will remain suffering for a very long time. The process of normalization is wide ranging, beginning with the absence of war (negative peace) and coming up to the very challenging post-conflict reconciliation (positive peace). Post-conflict rehabilitation for that reason is a very complex, challenging and long-term process.

The international community through its military and civilian instruments has contributed a lot to increase security in the Balkan areas affected by war and has helped the local actors to re-establish political and economic relations. Even in the very complicated Kosovo issue it was possible to initiate a political dialogue between the Serb and the Albanian side about the future status of this province, although the positions of the two sides still seem to be very contradictory. A stable and peaceful solution for the Kosovo issue is of great importance for development in other parts of South East Europe, where, like in

Southern Serbia or Macedonia, Albanians live side by side with Slavic peoples.

The forgotten conflict in Southern Serbia's Preševo valley is a small but very risky conflict. A realistic re-shaping of the stabilisation plan from 2001 and a much stronger engagement of the international community in this case would be necessary. According to Dušan Janjić, a specialist for Serb-Albanian relations, it would be essential to implement the following measures in order to improve the interethnic relations in Southern Serbia:

- To develop further the concept of integrating the Albanians in the Serb institutions,
- to develop an economic strategy for this area and a plan for social-economic revitalization of settlements through the improvement of economic status of all citizens in the region,
- to develop multiethnic policing further,
- to reform local media and
- to raise the level of civil initiatives.

The case of Southern Serbia is a good example for the thesis that peace processes in South East Europe are strongly interlinked, although the peace plans do not always refer to each other. In order to induce peaceful interethnic relations in the areas with mixed Albanian and Slavic population it is necessary that Belgrade, Priština/Prishtinë, Skopje, Tirana as well as the representatives of the international community maintain close cooperation in the triangle of Serbia-Kosovo-Macedonia in conducting coordinated measures for stabilization, development and confidence-building among the ethnic communities. Apart from that the risk remains that through the transfer of extremist actions from Southern Serbia to Macedonia, Albanian demands for re-shaping Macedonia in a bi-national federation could again become strong and endanger the Ohrid peace process.

Although it is unlikely that new wars will occur as a consequence of the unfinished state-building processes, most of the Balkan countries, which were affected by war, are still positioned in the lower spectrum of post-

conflict rehabilitation and far away from reconciliation. The key issue in this regard is to overcome zero-sum situations and to replace them by win-win-situations. This task certainly is very demanding due to the fact that in most of the Balkan peace processes there is a lack of confidence between the parties formerly in conflict. In this regard the question how to overcome the security dilemmas in the relationship of ethnic majorities and minorities is of crucial importance. Some lessons can be learned from the stabilisation process in Macedonia and the Post-Erdut development in the ethnically mixed area of Eastern Slavonia in Croatia.

In both cases instruments for improving majority-minority relations have been applied. Among these decentralization and moratoriums in sensitive fields, like for instance the temporary exemption of the Serbs in Eastern Slavonia from military service, play a significant role. Although majority-minority constellations are not the same in various areas of South East Europe, and therefore every case has its specific historical, political and social context, which has to be taken into consideration, it is obvious that especially Southern Serbia and Kosovo in regard to their complicated and strained interethnic situation could profit from the Erdut and Ohrid experiences.

The critical question linked to the Erdut and Ohrid experiences is, whether an upgrading of minority rights, which on the one hand calms the interethnic relations, on the other hand can deepen ethnic division, for instance through the founding of mono-ethnic schools for the minority group, as it is the case in Eastern Slavonia. The main challenge in regard to minority rights will be to find the right balance. The international community can contribute to this process of confidence-building by supporting common educational projects, especially in regard to history books, which still represent a source for prejudices and negative stereotypes. While legislation gives the opportunity for national minorities to be educated in their own language, better ways of implementing this must be found, in order to avoid ethnic segregation.

The tension between the demand for territorial integrity and self-determination side-by-side with difficult majority-minority constellations is another source for the continuing security dilemma in

the region. It is certainly necessary that regional actors rely on international law in order to find a common foundation to overcome this gap. The UN's present protectorate of Kosovo in case of its independence could become an international legal "special case". This should not lead to a domino effect jeopardizing peace plans that are beginning to show results. This applies especially to the territorial integrity of Bosnia and Herzegovina and political demands in the Bosnian-Serb community to carry out a referendum on the issue of Republika Srpska's independence.

In regard to the time scope for implementing peace plans the international factor, the role of international organisations and individual countries in the stabilisation process has to be strengthened. The engagement of the international community in the region without doubt is still of crucial importance in order to establish a system of common security, to use a term of Dennis Sandole's, one of the leading US-specialists for conflict prevention and post-conflict rehabilitation.

For the South East European countries the perspective to be integrated into the NATO-PfP framework and into the EU is the most important security provider and catalyst for regional co-operation. Kosovo as well as Bosnia and Herzegovina will soon face a re-shaping of the protectorate respectively semi-protectorate structures. A credible policy of the EU in regard to the integration process could contribute a lot to get through this sensitive period without creating new turbulences in the regional stabilisation processes. Enlargement fatigue on the side of the EU but also of the NATO, the latter especially in regard to aspirants from the "Adriatic Group", could endanger the progress made till now in the peace processes. Nevertheless it is certainly legitimate to think about how to re-shape the policy of integration, in order to make it more realistic and practicable for the Euro-Atlantic institutions as well as the aspirant countries the region.

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