

# **THE BALKAN EXPERIENCE IN THE DEVELOPMENT AND IMPLEMENTATION OF COMPREHENSIVE STRATEGIES FOR MULTIDIMENSIONAL PEACE OPERATIONS: A BRIEF ANALYSIS ON THE BOSNIA AND KOSOVO CASES**

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Marx expected the communist revolution to take place in Germany, but it happened in Russia. Similarly, after the end of the Cold War and the leadership change in the Yugoslav State, the international community expected a deadly conflict in Kosovo, but the third Balkan war started in Bosnia.

It is a matter of discussion how can Germany and Russia be related in the matter of regime change, but I can easily tell you that the Bosnia and Kosovo issues have been the part and parcel of the same regional armed conflict. These two territories have stayed on the fault line of European politics and history, from the times of division of the Roman Empire. If we do not take into account several centuries of Pax Ottomana, this part of the world has had no rest in most of its history. Since the last quarter of the 19<sup>th</sup> century Bosnia and Kosovo have not witnessed peace and prosperity, and this trend has not changed in the post-Cold War era.

The people living there consider this fact as a bad joke of their destiny and they believe that life has not treated them justly. However, if you get to know them better, you realize that although they complain a lot about their current conditions, they hold a strong hope deep in their hearts, that divine justice will be achieved in their region and, even if they do not benefit, their future generations will live in a better environment, where they can get their share of happiness, wealth and justice in this world.

Following this prelude, based on the thirst of the people of the region for justice, I would like to compare the peace operations in Bosnia and Kosovo. Then, I would like to comment on whether these operations would succeed in bringing sustainable peace and prosperity to these two regions.

Following the end of the Cold War, the world witnessed violent conflicts that resulted in appalling humanitarian catastrophes. Two of them occurred in the heart of Europe: in Bosnia and Herzegovina, and in Kosovo, and with the intention of restoring peace in these two territories, the international community had to apply certain enforcement methods. In order to maintain peace and security, the international community established multidimensional peace operations in Bosnia and Kosovo.

Without elaborating the conditions that paved way for the signing of the General Framework Agreement for Peace in Bosnia and Herzegovina, I would like to overview the nature of this agreement, which is known as the Dayton Peace Accords or Agreement. In conformity with its full name, it is a framework agreement. It has two main pillars: civilian and military ones.<sup>1</sup> The civilian pillar is the High Representative and his office, which guides and monitors the implementation of civilian aspects of the agreement.<sup>2</sup> The military pillar is IFOR (later SFOR), the multinational implementation force, which carries and monitors the implementation of the military aspects of the peace settlement.<sup>3</sup>

Immediately after the signing of the agreement for Bosnia, the UN Security Council established a United Nations Civilian Police Force (IPTF) and a United Nations civilian office to shoulder the civilian pillar, especially in entrenching the rule of law.<sup>4</sup> The OSCE accepted the task of arranging elections and fostering the democratization process in Bosnia.<sup>5</sup> The World Bank and the EU initiated comprehensive projects for the economic reconstruction of the country.<sup>6</sup>

Looking at the overall assessment of the peace operation in Bosnia, we realize that its framework, together with the support of international organizations including the UN, is quite different than the peacekeeping operations of the Cold War period, which mostly had traditional monitoring mandates and no direct peace building responsibilities. This framework incorporates many elements, military and civilian, working together to build peace in the dangerous aftermath of war in Bosnia. These elements include: military aspects of the peace settlement, arrangements for regional stabilization, establishing state institutions, electoral assistance, disarmament, demobilization and reintegration of former combatants into civilian society, entrenching the rule of law, upholding the human rights, and providing technical assistance for democratic development.

With these elements, I argue that the peace operation in Bosnia, being close to the first comprehensive model of transitional administration under a certain mandate, may be regarded as the turning point in the evolution of multidimensional peace operations.

Let me turn to the immediate aftermath of the Kosovo war, in 1999. Four years after the Dayton, we witnessed the establishment of another peace operation in the Balkans region: UNMIK, the UN mission in Kosovo.

All the elements of the Dayton framework found their reflection in the UN Security Council Resolution 1244, in conformity with the *sui generis* political status of Kosovo.<sup>7</sup> This time we see a transitional administration in the Balkans, led by the UN. The civilian aspects of the operation are run by the UN mission headed by the SRSG, while its military aspect is run by KFOR, a multinational force.

The picture becomes more complete when there is a UN mandate that sets out detailed aspects of a complex peace operation and the case that followed Kosovo was the East Timor conflict. The UN involvement in the conflict resulted in the establishment of another complex peacekeeping operation in the form of a transitional administration: UNTAET. It would not be wrong to say that, while subsequent complex missions after UNMIK all have their own unique aspects, several have at least followed the tracks of UNSC 1244.

In sum, in my personal view, the mandate of the Bosnia mission constituted a blueprint for UNMIK, and UN Security Council Resolution 1244, which established UNMIK and authorized the KFOR as the multinational force in Kosovo, formed a base for future UN resolutions on complex peace missions.

The evolution of the multidimensional peace operations required a comprehensive assessment of all the aspects of these operations. The timely work of the Panel on United Nations Peace Operations chaired by Mr. Brahimi produced a fundamental framework for peace operations.<sup>8</sup> The panel inspired mainly by the Bosnia, Kosovo, Sierra Leone, and East Timor cases put forward recommendations on how to run complex peace operations successfully and end them with a sound exit strategy.

But what do we see 8 years after Dayton and 4 years after UNSC 1244?

There is no clear exit strategy for either Bosnia or Kosovo. So what has gone wrong or is still going wrong?

Of course, one can cite several political reasons as excuses however, before looking at excuses, we should consider to what extent the international community is able to play its part within the context of peacekeeping. How flawless are our peace operations? Are there aspects that jeopardize the effectiveness of the peace operations carried out by the international community?

For the Bosnia and Kosovo cases my answer is in the affirmative. I will dwell on two main aspects of the Bosnian and Kosovo cases, which support my contention: the issues of the rule of law and human rights under the common denominator of justice.

All armed conflicts have victims. Briefly speaking, victims are people subjected to injustice with their rights grossly violated, including the most sacred one – the right to live. Wherever violators of rights escape unpunished, it means there is no justice.

Whether from the perspective of Hobbes or of Rousseau, man wants to feel secure in his society. He may obtain this security either by deterrence through strength, or by guarantees of a social contract. The only way to feel secure is to have faith that the justice system of the society will protect its members from victimization. From this we come to reconciliation. In a post-conflict society without confidence and without justice, there cannot be a climate of reconciliation. Without reconciliation, it is almost impossible to convince former enemies to set their differences aside and work together in politics or economy.

Unfortunately, in Bosnia and Kosovo, the rule of law has not been sufficiently strengthened to provide trust and confidence to all segments of society. This does not mean that there have been no positive developments achieved in the rule of law and related aspects of these peace operations. The maintenance of peace after two deadly conflicts is certainly a considerable achievement. However, a lot still needs to be done. This observation is also shared by the relevant authorities in charge of Bosnia and Kosovo.

Let me read from a report given by the authorities of Bosnia and Herzegovina to the Peace Implementation Council Steering Board in September 2002: “This country has many laws and many judges, but it does not have the rule of law. Every citizen in this country knows that our laws are too often flouted or ignored, and that when prosecutions do occur, justice is rarely served...”<sup>9</sup>

It should not be surprising to hear these words from the authorities of Bosnia and Herzegovina, where the international community has to date failed to bring to justice Karadzic and Mladic, the main architects of the massacres in Bosnia. As Ambassador Klein put it yesterday very eloquently, “if you cannot punish the guilty, you cannot absolve the innocent”.

The record on the rule of law in Kosovo is also not very promising. The parallel structures from both the Albanian and Serbian sides continue to paralyze the legal system. The ambiguous political language of Security Council resolution 1244 is far from discouraging the extremists from doing anything they want in order to fulfill their aspirations. According to the latest report of the UN Secretary-General on the United Nations Interim Administration Mission in Kosovo, the period since July 2003 has been characterized by a number of violent attacks, including shootings, in which the victims have been members of the Kosovo Serb community, as well as UNMIK law enforcement authorities.<sup>10</sup> UNMIK has

been criticized for being reluctant to pursue suspected war crimes in case such actions inflame local tensions and lead to public unrest.<sup>11</sup> Critics have noted, however, that recently there have been clear indications that this apparent policy is changing. Let us hope that this is so, but we should not forget that if you cannot rule the streets, the streets rule you.

I shall now briefly comment on the policy of UNMIK on human rights in Kosovo. According to this policy the promotion of human rights has been to subsume the problem of national minorities under the broader topic of ensuring basic individual rights to all human beings, without particular reference to membership in any specific group.<sup>12</sup> This approach is in conformity with liberal thinking, which advocates the universality of individual rights as a basis for justice in society, rather than focusing on the collective rights of certain groups of people. I have three comments on such an approach.

First of all, this might be valid for a country with democratic traditions, but not for the transitional administration of a community that has experienced ethnic cleansing.

Secondly, this approach was popular during the great euphoria that prevailed in the aftermath of the Cold War. The events in the Balkans, however, served as a wake up call for advocates of human rights, by showing that the rights of groups caught up in intra-state conflicts could not be protected by a policy that focuses on individual rights.

Thirdly and most saliently, after witnessing intra-state conflicts such as Bosnia and Kosovo, the scholars of the political thought have begun to argue that “a comprehensive theory of justice in a multicultural state should in addition to universal rights, assigned to individuals regardless of group membership, include certain group-differentiated rights or ‘special status’ for minority cultures”.<sup>13</sup>

Regarding the dynamics and tensions of the Balkan region, it is not easy to understand the contradictory approaches adopted by the international community in Bosnia and in Kosovo. In the former, the Bosnian vase has been broken into two entities and three constituent peoples, whereas in the latter the international community tries to glue the two pieces together as a patchwork.

These suggest that, in the area of justice, an important set of recommendations included in the Brahimi report and later in the Challenges Report, namely strategic thinking and doctrinal guidance, were largely ignored in the cases of Bosnia and Kosovo.<sup>14</sup> Upholding human rights and establishing the rule of law, in order to provide justice to all members of society in a post-conflict area, can be achieved only by developing peace building strategies and implementing programmes in support of those strategies.

Although many advances have been made in Bosnia and Kosovo in the area of justice, a doctrinal development of the justice issue has yet to be achieved. In my opinion, what is needed is a mechanism in the UN system able to make system-wide analysis and able to apply theoretical discussions on justice to field practices. The unit of best practices and lessons in the UN DPKO can surely provide very useful insights on the operational aspects of peace operations. However, there is a vital need to establish a strategic planning centre at UN Headquarters, although I recognize that there may be practical and political objections. The centre should have the means and the capacity to make system-wide analysis in order to recommend strategies and doctrines, and most importantly, it should be transparent, impartial, and immune to political influences.

The paragraphs in the reports of the Special Committee for Peacekeeping Operations in the past four years recognize the need for establishing such a unit but without a serious suggestion for implementation.<sup>15</sup> The Committee should seriously concentrate on establishing such a centre in the Secretariat as recommended in the Brahimi Report.<sup>16</sup> The Secretariat should be cooperative and the competition between DPA and DPKO on the location of this unit should be overcome. The Secretary-General himself should get involved to solve this problem.

Otherwise, the lack of determining strategies and doctrines on issues such as justice which are credible in the field, at headquarters and in the policies of states will constitute an acute challenge for peace operations.

As Dr. Andrea Bartoli emphasized yesterday, Member States are the key actors in conflict prevention, so their commitment and willingness will be crucial elements in establishing such a mechanism which is vital to the marriage of theory and practice in all aspects of a complex peace operation.

I believe that Member States should consider the realization of this mechanism as an important step in the interests of improving the access to justice of all victims of conflicts.

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<sup>1</sup> Office of the High Representative, *Bosnia and Herzegovina: Essential Texts*, 1996, 4-5.

<sup>2</sup> *Ibid.*, 124-128.

<sup>3</sup> *Ibid.*, 9-28.

<sup>4</sup> United Nations Security Council, Resolution 1035, S/RES/1035(1995) par. 1-3.

<sup>5</sup> Office of the High Representative, *Bosnia and Herzegovina: Essential Texts*, 1996, 58-64.

<sup>6</sup> Office of the High Representative, The Mandate of OHR, <<http://www.ohr.int/ohr-info/gen-info/>> (10 November 2003).

<sup>7</sup> United Nations, Security Council Resolution 1244, S/RES/1244(1999). All the references that are made in this study on the interim administration in Kosovo are cited in the UNSC Resolution 1244(1999) and its annexes.

<sup>8</sup> United Nations, Report of the Panel on the United Nations Peace Operations, A/55/305, S/2000/809, 21 August 2000. (It is called as "Brahimi Report".)

<sup>9</sup> Office of the High Representative, Jobs and Justice-our Agenda <<http://www.ohr.int/pic/econ-rol-targets/pdf/jobs-and-justice.pdf>> 10 November 2003, 19.

<sup>10</sup> United Nations, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/2003/996, 15 October 2003, 5.

<sup>11</sup> The reports of two respected institutions on the Kosovo issue, namely, International Peace Academy (IPA) and Institute for War & Peace constitute the basis for this and the following argument on the application of rule of law in the region. For reference see International Peace Academy, *Justice Under International Administration: Kosovo, East Timor and Afghanistan*, New York, September 2002 and also Institute for War & Peace Reporting, *Balkan Crisis Report*, No.468, 13 November 2003, <<http://www.iwpr.net/index.pl?archive/bcr3/>> 14 November 2003.

<sup>12</sup> Will Kymlicka, *Multicultural Citizenship*, (New York: Oxford University Press, 1999), 3. Kymlicka refers to Inis Claude for this definition (Inis Claude, *National Minorities: An International Problem*, (Cambridge, Mass: Harvard University Press, 1955), 211.) Kymlicka and Iris Marion Young discuss the issue of "subsuming the problem of national minorities under the broader topic of ensuring basic individual rights to all human beings, without particular reference to membership in any groups" in depth in their books cited in the Bibliography.

<sup>13</sup> *Ibid.*, 6.

<sup>14</sup> The Challenges Project, *Challenges of Peace Operations: Into the 21<sup>st</sup> Century-Concluding Report 1997-2002*, Elanders Gotab, Stockholm, 2002, 94-95.

<sup>15</sup> United Nations, Report of the Special Committee on Peacekeeping Operations, A/57/6, 28 March 2003, 11.

<sup>16</sup> United Nations, Report of the Panel on the United Nations Peace Operations, A/55/305, S/2000/809, 21 August 2000, 12-13.

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## **BIBLIOGRAPHY**

- Habermas, Jürgen "The Politics of Human Rights" in *The Politics of Human Rights*, ed. The Belgrade Circle. New York: Verso, 1999.
- Hutchinson, John, and Anthony D. Smith, eds. *Ethnicity*. New York: Oxford University Press, 1996.
- Goodin, Robert E, and Philip Pettit, eds. *Contemporary Political Philosophy: An Anthology*. Cambridge: Blackwell Publishers Ltd., 1997.
- Independent International Commission on Kosovo. *Kosovo Report: Conflict, International Response, Lessons Learned*. New York: Oxford University Press, 2000.
- Institute for War & Peace Reporting, Balkan Crisis Report, No.468, 13 November 2003, <<http://www.iwpr.net/index.pl?archive/bcr3/>> (14 November 2003).
- International Crisis Group. Elections in Kosovo: Moving Toward Democracy? Balkans Report No.97, 7 July 2000, Kosovo Report Card, Balkans Report No. 100, 28 August 2000.
- International Crisis Group. After Milosevic, Balkans Report No.108, 2 April 2001.
- International Peace Academy, Justice Under International Administration: Kosovo, East Timor and Afghanistan, New York, September 2002.
- Jelavich, Barbara. *History of the Balkans: Twentieth Century*. Cambridge, England: Cambridge University Press, 1983.
- Kaplan, Robert D. *Balkan Ghosts: A Journey Through History*. New York: Vintage Books, 1993.
- Kaufman, Michael T. "Two Distinct People With Two Divergent Memories Battle Over One Land." *The New York Times*, April 4, 1999, Section A, 3.
- Kymlicka, Will. *Multicultural Citizenship*. New York: Oxford University Press, 1999.
- Kymlicka, Will. *Politics in the Vernacular: Nationalism, Multiculturalism, and Citizenship*. New York: Oxford University Press, 2001.
- Malcolm, Noel. *Bosnia: A Short History*. London: Macmillan, 1994.
- Malcolm, Noel. *Kosovo: A Short History*. New York: New York University Press, 1998.
- Office of the High Representative, *Bosnia and Herzegovina: Essential Texts*. 1996.
- Office of the High Representative, The Mandate of OHR, <<http://www.ohr.int/ohr-info/gen-info/>> (10 November 2003).
- Office of the High Representative, Jobs and Justice-our Agenda <<http://www.ohr.int/pic/econ-rol-targets/pdf/jobs-and-justice.pdf>> (10 November 2003).
- Poulton, Hugh, and Miranda Vickers. 1997. "The Kosovo Albanians: Ethnic Conflict with the Slav State," In *Muslim Identity and the Balkan State*, eds. Hugh Poulton and Suha Taji-Farouki, 139-69. New York: New York University Press.
- Silber, Laura, and Allan Little. *The Death of Yugoslavia*. London: Penguin Books, BBC Books, 1995.

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The Challenges Project, *Challenges of Peace Operations: Into the 21<sup>st</sup> Century-Concluding Report 1997-2002*, Elanders Gotab, Stockholm, 2002.

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

United Nations, Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo, S/2003/996, 15 October 2003, 5.

United Nation, Security Council Resolution 1035, S/RES/1035(1995), 21 December 1995.

United Nations, Security Council Resolution 1244, S/RES/1244(1999), 10 June 1999.

United Nations, Report of the Special Committee on Peacekeeping Operations, A/57/6, 28 March 2003.

United Nations Interim Administration Mission in Kosovo, "UNMIK at a Glance" Available from <<http://www.unmikonline.org/intro.htm>> (7 November 2003).

Woodward, Susan. *Balkan Tragedy: Chaos and Dissolution after the Cold War*. Washington, D.C.: Brookings Institute, 1995.

Young, Iris Marion. *Inclusion and Democracy*. New York: Oxford University Press Inc., 2000.