



OCCASIONAL PAPER

3/2000

SHARING POLITICAL SPACE
IN PEACE MAKING:

The United Nations and Regional Organizations
The Case of Europe

*D*iplomatische
*A*kademie *WIEN*

“OCCASIONAL PAPERS“ OF THE DIPLOMATIC ACADEMY VIENNA

This series is intended to complement the practice-oriented training activities for international careers by the publication of texts and essays focusing on the practical conduct and training of diplomatic and consular relations. In addition, it includes substantive reports on contributions and events in the framework of the Academy's programmes which are of particular relevance to the understanding of contemporary problems facing Austria and Europe. Contributions to this series come from those actively engaged in the study, teaching and practice of international affairs. All papers reflect the views of the authors. Papers which document work-in-progress, intended for comment and discussion, may be re-published at the author's discretion.

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SHARING POLITICAL SPACE IN PEACE MAKING:

The United Nations and Regional Organizations

The Case of Europe

International Peace Academy

30th Vienna Seminar

(Diplomatic Academy Vienna

6-8 July 2000)

Diplomatische
Akademie *WIEN*

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Preface

The International Peace Academy (IPA), New York held its 30th Vienna Seminar from July 6 -July 8 2000 at the Diplomatic Academy, Vienna.

During the last years IPA has become a major forum for the discussion of peace building issues, for the evolution of new concepts and their operationalization. IPA has evolved into a global and influential think tank. Austria is proud to have been a staunch supporter of IPA right from its beginnings up to the present day. IPA's Vienna Seminars on peace-keeping have over many years been the flagship of IPA's activities. We want this special relationship to continue into the New Millennium.

As Director of the Diplomatic Academy Vienna and as Member of the Board of IPA I was particularly glad that the International Peace Academy's 30th Vienna Seminar brought IPA back to the Diplomatic Academy, where important training seminars have been organised in previous years. The International Peace Academy and the Diplomatic Academy Vienna decided to organize a special event to celebrate this 30th birthday: a high profile discussion on a burning international issue: sharing the political space in peace building and peace making among various international organizations and other actors. We have chosen both Kosovo as well as Bosnia Herzegovina as case studies since these crises spots lend themselves particularly well to examine the interplay between UN, NATO and the Vienna based OSCE.

My thanks go to IPA-President David Melone and his team and to the Austrian Defence Academy under the leadership of General Ernest König as well as to the Ministry for Foreign Affairs for their organizational input and generous financial support.

This paper contains an analytical report on the seminar prepared by Dr. Waheguru Pal Singh Sidhu, St. Antony's College, Oxford and a number of papers presented to the Seminar by well known experts and scholars.

We hope that the present publication will make a valuable contribution to both the current debate on how best to organize international peacekeeping and to efforts to draw appropriate lessons from the "Balkan Experience".

Ernst Sucharipa
Director
Diplomatic Academy Vienna

Introductory Remarks

The political and military environment for peace-related activities has significantly changed within the last 40 years. The global division into areas of influence has been transferred to the sharing of political space. The original bipolar functionality has been replaced by a much more complex multifunctionality. As a result the old sequence of solving a conflict: agreement of the big players to be followed by the establishment peace-keeping activities is no longer generally applicable. The consequences are activities, relating to peace *making*. The 20th century is definitely over, we are on the way into the 21st century. The originally divided block of the United Nations developed a variety of different regional organisations with attention to, but not necessarily with success to solve their conflicts. Europe, under a glacier, frozen and stable, started to flow and move. These peace-related activities had to change their modes, and therefore their natures. It started with other adventures, undertakings, moved to peace-keeping. Today we are talking about peace-making.

Within the last 40 years, Austria has been engaged, starting with a mission to the Congo in 1960, followed by Cyprus since 1996, Syria since 1974, Namibia in 1990, Kuwait and Iran in 1991, Bosnia-Herzegovina since 1970, and finally Kosovo since 1999. Altogether, approximately 40.000 Austrian soldiers have been involved. If all EU-member states would show the same engagement, this would bring us to 2 million EU-peacekeepers. The allocation of financial resources is not the strong side of our country in international burden sharing, but the personnel questions Austria has to deal with are significant. Let's take only the question of immigration. Today we count approximately 950,000 foreigners in our country; in addition, during the last generation about 700,000 foreigners were already awarded Austrian citizenship bringing the total up to 20% of Austria's population today. Again, if we were to apply this percentage to Western Europe, we would end up with 50, respectively 80 million immigrants belonging to new ethnic minorities. Our 4,000 soldiers permanently employed would find an equivalent in 200,000 soldiers coming from other European countries.

Peace-making in a comprehensive sense is going to be the obligation of the United Nations as well as regional organisations. Instruments developed in the field of research have to support education. The tools are networking, harmonisation, economisation and integration, the aim is peace in a democratic framework, observing values, human dignity and human rights. For sure a task for the future, a capstone activity of the

International Peace Academy. This organisation can build on the successes of the past, including 30 years of Vienna Seminars as the flagship of this undertaking.

Ernest König
Commander
Austrian Defence Academy

Foreword

The International Peace Academy (IPA) is an independent, international institution dedicated to promoting the prevention and settlement of armed conflicts between and within states through research and development. IPA was founded in 1970 by a group of individuals from within and outside of the United Nations who believed that a thoroughly independent institution, free from official constraints, could make a unique contribution to multilateral efforts to prevent and settle armed conflicts around the world.

Since its foundation, IPA has built an extensive portfolio of activities including research that draws lessons from past and ongoing peace efforts and makes recommendations to guide future policy; direct facilitation in conflict situations; support of regional, sub-regional, and local capacities for conflict prevention, peacemaking, and peacebuilding; and professional development seminars for political, military, humanitarian, development, and non-governmental personnel involved in conflict resolution.

IPA works closely with the United Nations, regional, and other international organizations, governments and non-governmental organizations, as well as with parties to conflicts. Its efforts are enhanced by its ability to draw on a worldwide network of statesmen, scholars, business leaders, diplomats, military officers, and leaders of civil society.

From the outset of IPA's existence, the Government of Austria was a key partner. In those early years, when IPA was largely focused on developing peacekeeping doctrine and engaged in training, the annual Vienna Seminar became its flagship event. It brought together military and civilian personnel from capitals and from UN centres to tackle simulated crises and to exchange views on how peacekeeping could best adapt to new challenges.

On the occasion of its thirtieth anniversary, IPA and Austria wanted to mark their happy association by organizing a somewhat different seminar, one including a broader range of individuals at all levels, to discuss the challenge for the UN and regional organizations of sharing political and operational space in Europe in seeking to handle crises in the Balkans, and, potentially, elsewhere. Our hosts were the Austrian Military Academy, IPA's long-time partner in Vienna, ably led by Lt. Gen. Ernest Koenig, and the Austrian Diplomatic Academy, now led by valued IPA Board member Ambassador Ernst Sucharipa. It proved a very successful experiment, one we hope to repeat in years ahead.

IPA would like to thank the Austrian Government warmly not only for its hospitality on the occasion of this seminar, but, more importantly, for its strong commitment to IPA and its goals over the last thirty years. We are also grateful to the broad range of participants who took time out from busy schedules to join us in Vienna in July 2000.

David M. Malone
President
International Peace Academy

**SHARING POLITICAL SPACE IN PEACEMAKING
THE UNITED NATIONS AND REGIONAL
ORGANIZATIONS:
THE CASE OF EUROPE**

Report on the 30th IPA Vienna Seminar

**Wahegru Pal SINGH SIDHU
Mac Arthurs Fellow, St. Antony's College, Oxford**

EXECUTIVE SUMMARY:

- Contrary to conventional wisdom, an organization - regional or global - with greater resources does not necessarily perform peace operations any more effectively than organizations with access to fewer resources.ⁱ
- Organizations reflect similar traits in peace operations, including a tendency to focus on tactical issues rather than strategic ones; an inertia both to conduct forward planning and also to undertake preventive action; and a propensity to ascribe their inaction to the "lack of political will" on the part of their constituent members.
- Member states are equally responsible for their inability to task the organizations to conduct formal contingency planning or to work towards the desired "end state". This was often, and perhaps conveniently, attributed to the lack of domestic political support or national interest.
- An effective peace operation is contingent on the "alignment" of key countries in the region. This group of key countries would differ from region to region. In the Balkans an alignment between the United States, Russia and Europe was imperative for the "stability package" to emerge. A Russia isolated in the process was not useful.
- Although peace operations should encourage states to become economically, socially and politically viable, they tend to be more successful at "mechanistic reconstruction" than "social reconstruction and nation building". The peace force must also guard against the state's leaders becoming dependent on external actors for their survival.

- If peace operations have worked at all in the Balkans, it was to the credit of the leadership. The role of key personalities was critical in providing not only both normative and operational leadership for such operations but also greater co-operation, especially when the effort involved more than one organization.
- Tools for peace operations tend to be region- and time-specific and may not be as effective when transferred to another region at another time. For instance, one incentive for states in Europe to alter their behavior may be the promise of joining an organization like the Council of Europe. This could not be offered outside Europe.
- While the issue of the legitimacy of non-UN endorsed military action remained unresolved, the consensus was that if intervention was inevitable then it was "optimal for the UN to be the authoriser of force". In the absence of a single chain of command, improved co-ordination between the different organizations was vital.

INTRODUCTION:

The 30th Annual International Peace Academy Seminar which brought together representatives from the United Nations (UN), member states, regional organizations, non-governmental organizations and academia, examined the experience of the world body and regional organizations in sharing political space in Europe in general and the Former Republic of Yugoslavia (FRY) in particular. The Austrian government generously hosted the seminar at the Diplomatic Academy of Vienna from 6 to 8 July 2000. The Diplomatic Academy as well as the Austrian Defense Academy acted as co-host. Held a year after the UN Security Council Resolution 1244 induced shotgun wedding of the UN and the North Atlantic Treaty Organisation (NATO) to work jointly in Kosovo; the impending elections in both Bosnia-Herzegovina and Kosovo; and the growing concern about the future of Montenegro and Macedonia, the timing of the seminar was particularly opportune.

Although appropriate resources are critical to embark upon a peace operation, a comparison of the experience in Bosnia-Herzegovina with Kosovo revealed that resources alone cannot determine the success or failure of such operations. Thus, in Kosovo, despite KFOR's abundant resources, deterrence has worked only partially, as the Presevo Valley remained a flashpoint and developments in Montenegro were a cause of concern. Similarly, although the environment was secure enough for UNMIK, Non-Governmental Organizations (NGOs) and Inter-Governmental Organizations (IGOs) to function, it has not led to a return of refugees. Finally, while the

demilitarization of the Kosovo Liberation Army (KLA) has been reasonably successful, the attempt to establish a multi-ethnic and responsible political organization leaves much to be desired. This was comparable to Bosnia-Herzegovina where despite five sets of international elections in five years, political power remains in the hands of extreme nationalist parties and as one speaker put it, the "same nationalist elite who led Bosnia into war are today's ruling kleptocracy." The same trend was also evident in Kosovo where underground groups are not getting weaker and the indications are that elections (as in Bosnia and Herzegovina) may consolidate ethnic politics. Thus, participants noted that other factors, such as the inability to forge a common strategic vision among the organizations and the constituent states, inadequate co-ordination among the various organizations and the resistance or dependence of the people in the Balkan entities are equally crucial for determining the outcome of peace operations. Thus the proceedings focused on three specific issues:

- First, what are the normative and operational factors that have hampered the effectiveness of joint UN-regional organizations peace operations in the FRY?
- Second how could this "awkward camel" of the UN and regional organizations be made more effective in pulling together peace operations in the FRY?
- Third, how could the Balkan entities, which are currently dependent on these peace operations, be encouraged to become economically, socially and politically viable?

STRATEGIC VISION:

The institutions involved in peace operations (here organizations, such as NATO or the UN, are identified as *operational* actor whose member states have endowed them with "a semi-independent identity and staffed them with semi-independent civil service") have displayed an inability to forge a common strategic vision both in the preventive as well as the intervention stage.

Several instances illustrated this propensity. For example, while there were concerns about developments in both Montenegro and Macedonia, the participants were divided as to which was in greater distress. Consequently, there was little consensus on what could be done with regard to either. Thus, the International Crisis Group's suggestion to provide a security guarantee to Montenegro as a separate republic within the FRY was not supported by all. Although NATO endorsed the 'security guarantee' for Montenegro, it had not done any evaluation of the situation or planned for possible options collectively were this guarantee to be challenged (even though individual NATO

countries had done their own planning). NATO's best and only deterrent was to use the *threat* of air strikes to signal Milosovic and also Montenegro not to rock the boat. This, according to some participants, was indicative of the absence of strategic thinking as to what would happen when deterrence failed and air strikes had to be launched and, more importantly, what would happen when the bombing stopped? As a corollary, it was noted that in the Balkans the present "end state" package was contingent on Milosovic leaving power.

Thus, participants felt that in planning for peace operations, these institutions reflected a "constant triumph of hope over experience" as such operations were invariably planned around early-exit best-case scenarios rather than long-drawn worst case scenarios. These early exit strategies were in contrast to the ground realities, which invariably required a longer-term engagement than the organizations had planned for. While the significance of a common strategic vision was recognized, it was not clear how it could be attained.

These institutions argued that their inhibition to conduct long term strategic planning was on account of the absence of a clear political mandate from their member states. However, it was not clear whether the institutions had sought the necessary mandate from the member states or whether the leadership had made efforts to create conditions to get the necessary mandate. Similarly, it was felt that the constituent member states, particularly those belonging to both regional organizations and the UN Security Council (UNSC), driven by parochial national interests and domestic politics, were equally remiss in either tasking the organizations or creating the necessary consensus for them to conduct contingency planning and to carry out their mandate. Again, several instances reflected this trend. It was exemplified in an exchange between US Senator John Warner and the US Permanent Representative to the UN, Ambassador Richard Holbrooke over the issue of providing power to Pristina. For Senator Warner, the continuing supply of power to Pristina was the litmus test for his support of the peace operation. When he queried Ambassador Holbrooke about it, the Ambassador instead of attempting to facilitate the supply of power simply responded that supplying power was not the responsibility of either the UN or NATO but of the European Union (EU).

OPERATIONAL HURDLES:

There was broad agreement that the multiplicity of organizations involved coupled with the inherent competition between them over the control for political space in the Balkans made it difficult not only to create a common strategic vision but also a coherent and single operational chain of command. Thus, one alternative suggested was *not* to attempt to create a single chain of command and decision making but to parcel out different aspects of the peace operation to different organizations and to improve co-ordination between them. In this context it was suggested that in the Balkans the UN might be better suited to provide normative leadership while allowing regional organizations to assume operational leadership.

Similarly, several participants felt that the EU was better equipped to provide economic, social and political incentives than to raise a 60,000 standing military force to conduct peace operations in Europe by 2003. While creating the force was endorsed by most of the European participants as an appropriate step to enhance peace operations in the region, several other participants regarded this as nothing more than a bid to reduce the role of the United States in European security. Besides there was also skepticism whether the EU would be able to meet its ambitious headline goal and raise such a force in the next three years. Similar reservations were raised by the participants on the creation of a special planning cell by the Organisation for Security and Co-operation in Europe (OSCE) to identify potential crisis areas and to make long term forecasts on two grounds. First, with a staff of just four, the Planning Cell was invariably understaffed. Second, were the situation to deteriorate, the OSCE had no wherewithal to intervene and would have to turn to other organizations to launch such an operation. On the other hand while some participants regarded policing and military action as reinforcing each other and argued in favor of NATO undertaking such an enlarged role, NATO officials were reluctant to consider policing and establishing an 'end state' as part of their mandate.

With a view to alleviate some of these operational hurdles and a desire to improve co-ordination between the different organizations, several suggestions were made. It was reiterated that there was a need for frequent consultations at the expert level between the UN and the OSCE; greater regular exchanges in headquarter meetings, exchanges of staff and workshops and conferences on specific topics between the UN and NATO, including revisiting the idea of establishing a NATO liaison office in New York. There was also a call for the need to engage the EU in the UN peace operation activities, particularly in Europe.

There was also some concern that in the absence of such close co-ordination, the various organizations may end up working at cross-purposes and their efforts may prove to be counter-productive. This was the experience in Bosnia and Herzegovina where, according to one speaker, there were several sets of field officers from different organizations "all with an identifiable niche but rarely with a combined strategic vision", which resulted in a "bonanza for manipulation by hard-line nationalists and obstructionists" who consolidated their own positions.

FROM DEPENDENCY TO INDEPENDENCE:

It was widely accepted by the participants that the ideal 'end state' for entities which are under peace operations should be a state which has these following four elements:

- A functioning government
- Law and order and public safety
- Free media
- Self-sustaining economy

However, the other hurdles of peace operations notwithstanding, one of the biggest challenges for organizations involved in such operations was, ironically, the resistance of the people in the entity to move from dependency to independence. The participants provided several explanations for this behavior. First, that the present sanctions regime, aimed at imposing costs on the regime, particularly in Bosnia and Herzegovina, may have inadvertently consolidated their political power. This was because widely applied sanctions perpetrated a "criminal war economy" and rewarded members of the regime who are involved in breaking sanctions.

Second, even without sanctions, the conditions were not right for reforms on the lines of the 1989 East European model to take root. This was primarily because the regime, particularly in Bosnia and Herzegovina, was keen on "self-preservation" and not in privatization. The regime has a vested interest in sustaining the inefficient and non-performing state corporations as this provided the basis for their patronage based political power. Indeed, the refusal to participate was the bargaining chip of the local leadership against the international community.

Third, although there was no formal protectorate arrangement, some of the local political actors are not only dependent on international actors for power but the presence of the latter at the top was the best guarantee for the continuation in power of the former. This in turn prevented the local leaders from making hard decisions or seeking a popular grass-roots level mandate. Participants noted that this was particularly true in Kosovo.

Fourth, the international community was hesitant to promote and sustain grass-root level NGOs to mobilize local leadership for fear of being drawn into a long-term commitment. This meant that there was no alternative to the top down, externally supported political structure. Thus, it was argued that instead of putting pressure on the international community to leave, the local leaders might create conditions that could make it difficult for the external actors to disengage.

In this context, the participants discussed what incentives could be offered to encourage the leaders of these entities to move towards the 'end state'. Could conditional aid or reduced external financial intervention provide such an incentive to prompt people in the region to make policy changes to receive funds? Or could the promise of membership of organizations, such as the Council of Europe, convince the leaders to change their behavior to conform to the norms of the regional organization they wish to join?

ALIGNMENT OF KEY COUNTRIES:

In every region the active participation of certain key countries, particularly from within the region was imperative for the success of peace operations. The exclusion of such key countries could adversely impact on the operation. In the Balkans the key countries have been identified as the United States, Russia and member states of the EU. A peace operation with these three participants may or may not succeed, but a peace operation *without* any one of them was bound to fail. For instance, it was noted that the active participation of Russia in the process had enabled the 'stability package' to materialize.

However, Russia's involvement in the UN and the regional organizations in Europe was problematic. In the UNSC Russia, according to one observer, was a "hostage to its own veto". In Europe it was outside the EU and NATO, although the 'partnership for peace' process could be used to bridge the gap. Moreover, even in the OSCE Russia behaved "almost" as if it had the veto and no veto made Russia question the OSCE's credibility.

This prompted calls for innovative ways to engage Russia. The trilateral dialogue between the US, Russia and the EU was considered to be one such platform. The G-8 forum was another possibility, as Moscow likes to participate in organizations where decisions are made. These steps have helped organizations to work *with* Russia in Europe although working *in* Russia (in Chechnya, for instance) remains out of bounds. Among other fora that could be utilized to engage Russia are the Commonwealth of Independent States (CIS) and the recently formed Shanghai Five group involving Russia, China and the three Central Asian states of Kazakhstan, Kyrgyzstan and Tajikistan.

ROLE OF PERSONALITIES:

Two personality related developments, particularly in the institutions sharing political space in peace operations, have been crucial in attaining the mandate from the constituent members and also ensuring better co-operation between the different institutions. The first development was institutional and relates to the evolution of existing positions while the second related to the personnel appointed to these positions.

Over the past decade one important innovation has been the growth in the exceptional law making powers of the Special Representative of the UN Secretary General (SRSG) to the extent that they have been given full executive and legislative authority in the field. As a result, the SRSGs have the authority to task their staff to "accurately identify and sequence the participation of other specialized agencies and organizations at the optimal time", thus ensuring greater cohesion and co-ordination of the operation on the ground. Although these powers may not grow further (for fear that they may stray beyond the mandate), they are adequate to ensure closer co-ordination between the UN Secretariat and the field mission. Ironically, the appointment of SRSGs has also taken pressure off the UN Secretariat to provide strategic and long term planning for the troubled regions. The onus for this has fallen on the SRSGs who are often preoccupied with day-to-day operational matters to focus on long term and normative issues.

According to some of the participants, part of the reason for the effectiveness of the SRSGs position has been the personalities appointed to these positions, particularly in Kosovo and East Timor. Similarly, it was felt that the closer interaction between the EU and the UN in the Balkans was primarily on account of the participation of Mr. Javier Solana, the Secretary General of the European Council in the Security Council's debate on peace operations in the Balkans. In the same vein, the present UN Secretary General, Kofi Annan's questioning of the normative principles, particularly regarding

humanitarian intervention, was commended by some participants. According to them it revealed not only a new openness but also reflected the desire to confront member states with decision-making dilemma, particularly in relation to sovereignty, which had been around since the 19th Century. The strong reaction to Annan's opening remarks on humanitarian intervention was indicative of this normative debate. Some participants also welcomed Annan's appointment of a panel led by Ambassador Lakhdar Brahimi as another effort to provide both conceptual and operational answers on how the UN could better tackle threats to peace.

ⁱ Although the focus of the seminar was on 'peacemaking' (which primarily involves "negotiated, facilitated or mediated conflict resolution"), the discussion covered activities, such as electoral assistance, civilian policing, humanitarian assistance and human rights monitoring, etc, which come under the broad ambit of 'peace operations'. Hence the more inclusive term of 'peace operations' has been used in this report.

IPA Seminar on Peacemaking and Peacekeeping

6-8 July 2000

Diplomatic Academy of Vienna

PROGRAMME OF SEMINAR

SHARING POLITICAL SPACE, EUROPEAN PERSPECTIVES

Opening Statement: “Roles of Multilateral Institutions in Addressing Conflicts”

Speaker: **Mr. Danilo Türk**, Assistant-Secretary-General, Department of Political Affairs, UN

Panel Presentation: “Roles of Multilateral Institutions in Addressing Conflicts in Europe”

Speakers:

Ambassador Christoph Heugen, Head of Policy Planning and Early Warning EU

H.E. Mr. Jan Kubis, Secretary – General, OSCE

Dr. Mats Berdal, Director of Studies, The International Institute for Strategic Studies, London

THE CASE OF BOSNIA & HERZEGOVIANA

Panel Presentation: “Bosnia & Herzegovina: The Field Experience”

Speakers:

Ambassador Ralph R. Johnson, Principal Deputy High Representative of the International community in Bosnia & Herzegovina

Ambassador Jaques Klein, Special Representative of the UN Secretary-General in Bosnia & Herzegovina.

Ambassador Robert L. Barry, Head of Mission in Bosnia & Herzegovina

Discussant: **Dr. Dimitrios Triantaphyllou**, WEU Institute for Security Studies

THE CASE OF KOSOVO

Panel Presentation: “Kosovo: The Field Experience”

Speakers:

Mr. Pieter C. Feith, Director, Crisis Management Operations Division, NATO

Mr. William O’Neill, Former Senior Advisor on Human Rights, United Nations Mission in Kosovo

Mr. John Cockell, Political Affairs Officer for Democratization, United Nations Mission in Kosovo

LESSONS LEARNED

Panel Presentation: “Lessons Learned for the Next Century”

Speakers:

Mr. Gareth Evans, President International Crisis Group

Prof. Thomas Weiss, The Graduate School and University Center, The City University of New York

Mr. Edward C. Luck, Executive Director, New York University School of Law

Dinner speech by **Ernst Sucharipa**, Director of the Diplomatic Academy, Vienna:
Austria’s Balkan Policy

Concluding Statement by: **Walter Schwimmer**, Secretary-General, Council of Europe:
The Future of European Peace

ROLES OF MULTILATERAL INSTITUTIONS IN ADDRESSING CONFLICTS OPENING STATEMENT BY

Danilo TÜRK
Assistant Secretary-General
Department for Political Affairs
United Nations, New York

It is a great pleasure to offer a few opening remarks at this important seminar. The theme of the seminar is highly pertinent and demanding and it is not difficult to discern some of the main reasons of its importance.

The end of the cold war has led to a profound change in the international political and security environment. The end of bipolarity unblocked the process of decision making in multilateral organizations. The scope of potential consensus expanded and at least for some time, it appeared that the UN and other multilateral mechanisms will be able to act in the manner envisaged by the Charter of the United Nations. Some international conflict situations were addressed with success and the recent literature on international security issues suggests that the actual number of armed conflicts has been decreasing since mid 1990s. I wish to mention this right at the beginning of my remarks because my subsequent, critical remarks have to be seen in their proper perspective.

The period since the end of cold war also gave rise to new complexities. Let me offer a few examples.

One of the side effects of the end of the cold war was the fragmentation of the global strategic space. Tensions and armed conflicts are no longer linked to a single, overarching strategic problem and the potential of their effects on the global peace and security has diminished. The notion of indivisibility of international peace and security which had a modicum of credibility in the cold war era is no longer something self evident. While the disappearance of the East-West confrontation of peacemaking is in itself a positive development, the corresponding lack of sense of global importance of peacemaking is not. Serious efforts are needed to mobilize international action to address many of the contemporary conflicts. Therefore the contemporary efforts for the maintenance of international peace and security face a dual challenge: The need to

convince the world that international action is necessary is added to the need to address the inherent problems of conflict prevention and conflict resolution.

A large number of contemporary conflicts are intra-state conflicts which are often not fully understood. Sometimes they are labelled as “ethnic” or in some other manner which adds little to the understanding of the real causes and realistic solutions. These are common but usually misleading labels which keep us away from an effort to recognize the causes of conflict and suggest, albeit implicitly, that such conflicts are beyond resolution. Often foreign military participation and other forms of foreign interference take new forms or are not properly recognized.

The economics of contemporary military conflicts, their economic rationales and their financing, the ways in which arms trafficking coincides with trafficking in drugs and other criminal activities are even less fully understood. This adds to the difficulties in the attempt to address the conflicts effectively.

The experience of the past decade has led to some understandings which are generally shared. One among them is that prevention is better than cure. The amount of attention to prevention of armed conflicts is growing and one should hope that the political will for conflict prevention will be strengthened further. The Security Council has expressed that will in its presidential statement last November and it will address the issues of prevention later this month once again, this time with a focus on the cooperation between the UN and the regional organizations. It is expected that the forthcoming summit of the G-8 countries in Okinawa will provide an additional boost to conflict prevention.

Another area of consensus relates to the need to strengthen the cooperation between the UN and regional organizations. Obviously, the scope of such cooperation is largely determined by the nature of the mandates of various regional organizations. In the past decade the UN has undergone a wide and generally positive experience in that regard. In many cases the UN is an indispensable source of legitimacy of action to be taken by a regional organization. Very often the UN is also a necessary instrument of effective international action to secure the implementation of the results of peacemaking undertaken at the regional level. On the other hand, the UN often relies on the expertise, the resources and initiative of the regional organizations. Sometimes the initiative of a regional organization to seek a diplomatic solution to an emerging or existing conflict is the only prudent approach to take and the UN has been careful not to engage in such situations without consultation and agreement with the relevant regional organization. Much of the experience gained is discussed at the meetings with the heads of the regional organizations organized on the initiative of the UN Secretary-General.

Today and tomorrow we are expected to discuss the interaction between the UN and the regional organizations in the sharing of political space in peacemaking. The formulation of the title of this seminar suggests a cooperative approach. Furthermore, the idea of sharing political space is particularly appealing in a world in which territorial determinants are being increasingly superseded by technological innovation. In an era of cyberspace one has to presume that the political space for cooperation will expand and that sharing political space is, generally speaking, infinitely more promising than struggle for territorial domination.

We are, therefore, probing an optimistic hypothesis befitting an optimistic era. However, in that process we need to address the problems which have been characterizing the cooperation between the UN and the regional organizations so far. I wish, very briefly and only by way of illustration to refer to some among them.

A certain degree of tension is inherent in any relationship between the regional i.e. territorially defined organizations and the UN which is a global organization with the primary responsibility for the maintenance of international peace and security.

Seen from a regional perspective the choice between regional and global means inevitably raises the question of adequacy of the global instrument and whether the choice of the global instrument in the first instance is the most effective one.

This tension was reflected in the debates in San Francisco and the resulting formulation of the Chapter VIII. of the Charter has been aptly described as an “ambivalent compromise between universalism and regionalism”.

Article 52 of the Charter requires that regional arrangements and agencies are consistent with the Purposes and Principles of the Charter and that they deal with such matters which are appropriate for regional action. It does not provide an answer to the questions on who makes the judgement of appropriateness of a particular matter and what needs to be done if there exist parallels and different judgements.

The same article gives priority to regional arrangements to pacific settlement of local disputes but it does not contain criteria by which the decision-makers could distinguish between local and non-local disputes.

In the recent case of the dispute between Eritrea and Ethiopia the UN organs left the initiative to the regional organization and other actors. However, it is hard to say that the dispute and the ensuing war were local in character. While the war seems to have ended, the question whether the Security Council fulfilled its primary responsibility for the maintenance of international peace and security remains open.

Article 53 of the Charter relates to enforcement action and postulates that no enforcement action will be taken without the authorization of the Security Council. While the Charter provisions seem clearer in this regard, the actual practice is not. This is particularly the case when enforcement takes the form of economic measures. Regional arrangements and groups of states have resorted to economic sanctions without authorization of the Security Council in such cases as Burundi or the Federal Republic of Yugoslavia.

It is not always easy to draw the frontiers between economic sanctions such as those envisaged in Article 41 of the Charter and permissible economic measures taken by regional and other organizations and groups of states or individual states which retain a relatively wide freedom of choice in matters of economic and other cooperation. It seems reasonable to expect that the current support to the idea of targeted or “smart” sanctions which the Security Council is trying to articulate will be followed by a similar effort by regional organizations.

The most difficult issues, however, arise in situations involving the use of military force.

The regional organizations can be instrumental in organizing collective self-defence action, consistent with Article 51 of the Charter of coalitions of the willing with the authorization of the Security Council. On the other hand, the use of force without explicit authorization of the Security Council, in situations other than self-defence, poses serious legal and political problems. The alternative bases for legitimisation of the use of force such as the need to prevent a humanitarian disaster may be deemed acceptable in particular circumstance of extreme necessity when the use of unauthorized military force is the only way to avert a greater evil. But they do not constitute an independent basis of legitimacy for the use of force. The examples from the recent past – Liberia (1991), Sierra Leone (1998) and Kosovo, Federal Republic of Yugoslavia (1999) do not represent precedents leading to an exception to the principles of the UN Charter.

The title of this seminar relates to the sharing of political space in peacemaking and is therefore inherently future oriented. Let me therefore conclude with a few remarks about the potential for the future cooperation between the main regional organizations in Europe and the UN.

Europe is a region which gives a high priority to human rights. This should be helpful to the UN especially in cases when peacemaking requires a strong human rights component. The UN is following the current experience of the Council of Europe

closely and will continue developing appropriate cooperation, in particular through the UN High Commissioner on Human Rights.

Cooperation between the OSCE and the UN is well established and has become especially intensive at the operational level in a number of situations in the Balkans, the Caucasus and in Central Asia. There is, however, ample scope for expansion of cooperation in the future, especially in the area of conflict prevention. More frequent and detailed consultations at the expert level would represent an important and easily achievable contribution to such cooperation.

An important potential exists in the future of cooperation between NATO and the UN. In a world in which the problems of security are no longer defined by the threat of enemies but rather by a variety of dangers, the traditional concept of collective self-defence necessarily loses its centrality. Self defence is increasingly replaced by other forms of action, especially by peacekeeping. This change is to some extent reflected in NATO's strategic concept of April 1999. The recent experience of operational cooperation between NATO and the UN in Bosnia, in Eastern Slavonia and, since June last year in Kosovo has demonstrated the necessity as well as the advantages of such a cooperation. As Jacques Paul Klein explained in a recent paper, examining the experience of NATO-UN cooperation, "The United Nations has a unique legal and moral authority and valuable operational experience in international peacekeeping. It is up to European Nations to determine how best to meet their legal obligations and utilize UN assets and advantages."

This experience has important implications for policy making at a more general level. The evolution of NATO into a broader transatlantic security community and its closer cooperation with the UN is bound to require new forms of partnership with the UN in the peacekeeping and in other areas, including conflict prevention and peacemaking. NATO and its members have substantial resources in information and could engage more regularly in headquarters meetings, exchange of staff and workshops and conferences on specific topics. The old idea of establishing a NATO liaison office needs to be revisited. In this manner NATO could assist the UN in peacemaking and could provide a model of cooperation to be followed with other organizations in the future. Peacemaking which can be carried out through the UN would also serve the interests of those organizations.

Finally, there is a growing need for engagement of the European Union in the UN activities in peacemaking and other activities in the domain of the maintenance of international peace and security. The recent participation of Mr. Javier Solana, the Secretary General of the European Council and High Representative of the EU

Common Foreign and Security Policy in the Security Council's debate on the peacemaking in the Balkans showed the potential of the EU as an actor in peacemaking and as a partner of the UN. The Balkans is a natural issue for development of such a role of the EU. However, it is not the only one, neither are specific crisis situations the only domain for a stronger role of the EU in the UN.

A serious reflection would clearly discover the EU as a potential leading group of member states in a future United Nations. The UN is an inclusive organization which needs active groups of member states, capable and willing to provide leadership. The EU is a group of states with an important potential and with a need to articulate its role on the multilateral scene. The message of Mr. Solana's participation in the work of the Security Council was clear but it has to be matched with an adequate and sufficiently broad and ambitious follow-up. The UN is open to a stronger role of the EU. The question now is whether the EU will be ready to assume a leading role which would be, from the UN standpoint both realistic and legitimate.

The cooperation of all European organizations with the UN should grow. The emergence of an inclusive European identity based on a body of shared principles and beliefs which are compatible with the UN Charter constitutes the natural basis for an intensified cooperation in the future.

THE ROLE OF THE OSCE IN ADDRESSING CONFLICTS IN EUROPE

Ján KUBIŠ
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I. The OSCE as a regional organization

I thank the organizers for having invited me to address the IPA Seminar on “Peacemaking and Peacekeeping”.

Reflecting on the recent history of Europe, the OSCE participating States, at the 1999 Istanbul Summit, recognised that although much has been achieved in the OSCE area during the last decade of the twentieth century, conflicts between and within states have not been eliminated. In the Charter for European Security the participating States declared that,

“We have put Europe’s old divisions behind us, but new risks and challenges have emerged. Since we signed the Charter of Paris it has become more obvious that threats to our security can stem from conflicts within States as well as from conflicts between States. We have experienced conflicts which have often resulted from flagrant violations of OSCE norms and principles. We have witnessed atrocities of a kind we had thought were relegated to the past. In this decade it has become clear that all such conflicts can represent a threat to the security of all OSCE participating States.”

As a regional arrangement in the sense of Chapter VIII of the United Nations Charter, the OSCE is a primary organization for the peaceful settlement of disputes within its region and **a key instrument for early warning, conflict prevention, crisis management and post-conflict rehabilitation.** It is the inclusive and comprehensive organization for consultation, decision-making and co-operation in its region. Security and peace is being promoted through an approach which combines two basic elements – building confidence among people within states and strengthening co-operation between states.

The OSCE's flexibility and ability to respond quickly to a changing political environment, its capacity to continuously review and strengthen the existing instruments and develop new ones to provide assistance and advice remain at the heart of **OSCE's co-operative and inclusive approach to common and indivisible security**. The OSCE's approaches and mechanisms correspond to this **comprehensive approach to security**, which focuses on the human dimension and the economic and environmental dimension as well as on the traditional security aspects – the politico-military dimension. The three dimensions are closely intertwined. The OSCE has in the past years increased its activities in all phases of the conflict cycle and has respectively developed also its **instruments**.

Indeed, among the best illustration of the changing Organization are:

- the creation of permanent negotiation and decision-making bodies and structures;
- a complex array of OSCE institutions covering all areas of OSCE mandate and its comprehensive approach to security with their activities and projects;
- and, not least, our missions and other field operations – over 20 of them functioning currently in different areas of OSCE responsibility, with their very specific mandates, based nevertheless on broad OSCE mandate and shared values and commitments.

Similarly, the scope of the changes in the five years can be also documented on three figures:

- the Organization's budget has increased almost ten times;
- some 87 per cent of it goes to finance our field operations, their activities and projects;
- the number of our international mission members has increased from around 40 to almost 1200, assisted by some 3700 nationally recruited staff.

All that has happened in the past decade, with a notable acceleration in the past five years – so we are still a very young organization, with all potential, but also shortcomings given by our rapid growth.

Due to its comprehensive approach to security and geographic outreach as well as its co-operative, inclusive nature, the OSCE is strongly interested in enhancing **co-operation and complementarity among other organizations and institutions**. Its

participating States in Istanbul have pledged themselves through the Platform for Co-operative Security, to further strengthen and develop co-operation with competent organizations on the basis of equality and in the spirit of partnership. The OSCE will seek to develop political and operational coherence, on the basis of shared values among all the various bodies dealing with security, both in responding to specific crisis and in formulating responses to new risks and challenges.

In the prevailing OSCE's interpretation, central factors in the conflict prevention and resolution cycle are the developments in the field of **human dimension**. In this, it in particular refers to the commitments made by the OSCE participating States to ensure the full respect for human rights and fundamental freedoms, to abide by the rule of law, to promote the principles of democracy and, to strengthen and protect democratic institutions and good governance as well as promote tolerance throughout the OSCE area. The experience of the OSCE points to the fact that weaknesses in the human dimension serve also as important indicators in early warning. Consequently, the OSCE encourages States to provide conditions for development of civil societies by applying OSCE principles and commitments. Based on its wide experience and comparative advantages, the OSCE continues to provide active support where needed for promoting democracy, the rule of law and respect for human rights throughout the OSCE area.

In the human dimension, the OSCE follows the principle first articulated in the 1991 Moscow Document that "commitments undertaken in the field of the human dimension of the OSCE are matters of direct and legitimate concern to all participating States and do not belong exclusively to the internal States concerned".

Moreover, in Istanbul in 1999 the participating States declared that "all OSCE commitments, without exception, apply equally to each participating State. Their implementation in good faith is essential for relations between States, between governments and their peoples, as well as between the organizations of which they are members. Participating States are accountable to their citizens and responsible to each other for their implementation of their OSCE commitments. We regard these commitments as our common achievement and therefore consider them to be matters of immediate and legitimate concern to all participating States."

The fact that Heads of State or Government are freely signing up to OSCE commitments in all dimensions of security, which in their very essence limit their sovereignty, is paradoxically also an affirmation of their sovereignty. This is a relevant statement also in the light of last year's developments around Kosovo as well as discussions around the concept of "humanitarian intervention". The UN Security Council, divided over the issues of the legitimacy of an intervention in the Kosovo

crisis, and later the engagement of NATO without a UN Security Council mandate, has pointed to a lack of consensus in the international community on the traditional interpretation of international law which stresses the inviolability of State sovereignty versus a new interpretation which stresses the imperative to act forcefully when faced with serious violations of human rights. This debate did not bypass the OSCE. Also in this context it is therefore worth noting that in Istanbul, in November 1999, the OSCE participating States underlined that they recognized the primary responsibility of the United Nations Security Council for the maintenance of international peace and security and its crucial role in contributing to security and stability in the OSCE region, and emphasized their commitment on the issue of the non-use of force or the threat of force and on seeking the peaceful resolution of disputes as set out in the Charter of the United Nations.

II. OSCE and some key partners in the field

As far as the UN is concerned, in 1992 the CSCE declared itself a **regional arrangement under Chapter VIII of the Charter of the United Nations** and has been recognized as such by the UN.

As mentioned above, at the OSCE Summit in Istanbul, the participating States reaffirmed their full adherence to the Charter of the United Nations and recognition of the responsibility of the United Nations Security Council. At the same time, they confirmed that the OSCE could also provide the mandate covering peacekeeping by others, or provide a co-ordinating framework for peacekeeping efforts.

The best actual example of close co-operation with the **United Nations** in a complex, military and civilian operation is Kosovo, although our co-operation in the past and present in Georgia, Tajikistan, Croatia, Bosnia and Herzegovina and the former Yugoslav Republic of Macedonia has been also prominent. In Kosovo, the OSCE is developing an innovative and close relationship with the UN, but also with the EU/EC, UNHCR and the Council of Europe, acting as one of the distinct pillars of the UNMiK in this integrated mission under the UN leadership.

New ground is being broken in our co-operation with the **EU/EC and the Council of Europe** – both on the headquarters level and in the field. The desire for enhanced complementarity and steady development and refinement of our tools of co-operation, of our capacities improving interoperability are our shared objectives. Our operations in

the Balkan, but also in the countries of Central and Eastern Europe and Central Asia can speak about this growing co-operation and harmonization of efforts.

Regarding **NATO**, the OSCE plays a role that can be considered as complementary in the regions where both organizations operate. The two organizations have worked in synergy in the monitoring of sanctions implementation and verification of arms control in the Balkans, in the implementation of the Dayton Agreement, NATO's Implementation Force (IFOR) and, subsequently, the Stabilization Force (SFOR) have been providing vital support for the OSCE field operation in Bosnia and Herzegovina - security for OSCE personnel and human and material assistance to the election efforts, for example - and KFOR provides security and support in Kosovo, while the OSCE and other organizations implement civilian tasks.

III. New potential areas of activity

The OSCE has been working on developing an approach to **peacekeeping** that would reflect its character, membership and decision-making procedures since 1992, when the CSCE became a regional arrangement under Chapter VIII of the Charter of the United Nations.

At the Istanbul Summit in 1999, OSCE participating States decided to explore options for a potentially greater and wider role for the OSCE in peacekeeping (including monitoring operations). Reaffirming their rights and obligations under the Charter of the United Nations, and on the basis of existing decisions, they confirmed that the OSCE could, on a case-by-case basis and by consensus, decide to play a role in peacekeeping, including a leading role when participating States judged it to be the most effective and appropriate organization. In this regard, it could also decide to provide the mandate covering peacekeeping by others and seek the support of participating States as well as other organizations to provide resources and expertise, or it could provide a co-ordinating framework for such efforts. In the OSCE area it is possible to find several countries or regions, where such operations might become relevant.

The case that clearly points both to the potential and constraints of the OSCE in the realm of peacekeeping is Nagorno-Karabakh, where the Organization has been involved in seeking an end to the conflict and its political settlement since 1992. A High-Level

Planning Group was created specially for the purpose of drawing up plans for a peacekeeping (monitoring) operation and the three co-chairmen (Russia, France, USA) steer the process on OSCE's behalf. Intensive bilateral (between Armenia and Azerbaijan) and multilateral dialogue has been taking place in recent months on modalities for a political solution of this conflict and action by the international community needed to support and underpin the eventual agreement, and this might create an opening for an OSCE operation there.

In Istanbul the participating States also decided to work to enhance the OSCE's role in **civilian police-related activities** as an integral part of the Organization's efforts in conflict prevention, crisis management and post-conflict rehabilitation. Such activities may comprise:

Police monitoring, including with the aim of preventing police from carrying out such activities as discrimination based on religious and ethnic identity;

Police training, which could, *inter alia*, include the following tasks:

Improving the operational and tactical capabilities of local police services and reforming paramilitary forces;

Providing new and modern policing skills, such as community policing, and anti-drug, anti-corruption and anti-terrorist capacities;

Creating a police service with a multi-ethnic and/or multi-religious composition that can enjoy the confidence of the entire population;

Promoting respect for human rights and fundamental freedoms in general.

The OSCE will encourage the provision of modern equipment appropriate to police services that receive training in such new skills. In addition, the OSCE will examine options and conditions for a role in law enforcement.

IV. Strengthening of OSCE: operational capacities and capabilities

The OSCE and its participating States constantly strive to improve instruments, enabling them to address the risks and challenges it faces today. In Istanbul it was decided to set up **Rapid Expert Assistance and Co-operation Teams (REACT)**

enabling OSCE bodies and institutions, acting in accordance with their respective procedures, to offer experts quickly to OSCE participating States to provide assistance, in compliance with OSCE norms, in conflict prevention, crisis management and post-conflict rehabilitation as well as to set up an Operation Centre to plan and deploy OSCE field operations, including those involving REACT resources.

In June 2000, the OSCE Permanent Council, after reviewing the prepared concept papers, decided to implement the REACT programme and make it fully operational in the shortest possible time; further decided to enhance the operational capacities of the Secretariat by implementing a Unified Human Resources Management System that will significantly improve the OSCE's rapid reaction capacity;

The REACT programme provides for rapid recruitment and deployment in crisis situations and an integrated staffing mechanism for all OSCE missions and field operations the Permanent Council has decided upon. It will become effective through standardization of the recruitment and staffing process, including training.

The Operation Centre, which will become functional in September 2000, apart from its function of identifying potential crisis areas will serve as a planning cell for future missions and field operations and it will prepare the deployment of new missions/field operations in case the Permanent Council has decided on such an operation.

These decisions should enable the OSCE to be better prepared for its field operations – and, equally important – for co-operation in this with its other key partners. With interest the OSCE has noted similar processes, undertaken by some partner organizations, aimed at improvement of their capabilities to dispatch, maintain and manage their field operations. Discussions, focused on peace-keeping in the UN or the development of military and non-military crisis management mechanisms by the EU and consequences and implications of these processes should prepare better conditions for our mutual co-operation, for making full use of the combined resources of the international community, in a complementary way.

NATO'S VIEWS ON PEACE SUPPORT OPERATIONS

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1. First some general thoughts based on lessons learned from our recent operations.
 - Multinational operations are becoming very much the norm. The history of the last ten years demonstrates this quite clearly – from the Gulf War in the Middle East, to Bosnia in Europe, to ECOMOG in Africa, to Kosovo.
 - The question is: why? Why are multinational operations becoming so much more common?
 - Let me suggest a number of considerations.
 - First: because they provide legitimacy. Of course, legitimacy for military operations still flows from the United Nations, and from the OSCE.
 - Unfortunately, sometimes the UN Security Council is unable, for political reasons, to agree on a mandate for robust military action, even when such action serves the principles that underpin the United Nations: responding to threats to peace and security and / or violations of human rights.
 - In these circumstances, legitimacy for military action can be found in multinational action. This legitimacy increases with the number of nations participating on an agreed legal basis. It is also enhanced if these countries are democracies and have the decision to act ratified by elected Parliaments.
 - All of this was the case in Kosovo. Allies decided to initiate air operations against Serbia last year because they agreed on a common legal basis: the need to avoid an international humanitarian catastrophe, preserve regional stability and the fact that the Security Council was incapable of acting because of lack of unanimity. Kofi Annan: “State frontiers can no longer be seen as watertight protection for war criminals or mass murderers. The fact that a conflict is internal does not give the parties any right to disregard the most basic rules of human conduct.”

- And we cannot forget that this decision was taken by 19 democracies, each of which had the decision ratified by their Parliaments. We should also not forget that virtually every country in Europe supported the operation, and many are taking part in KFOR. This was, by any realistic standard, a legitimate operation, in no small part because it was so multinational.
- Second: advantage of multinational operations: they bring more assets to the operation.
- Crises have become more complex and the risks involved have increased. The break-up of the former Yugoslavia has shown that the intensity of ethnic hatred, the resort to generalised means of warfare, the risk of spill over across the borders and the occurrence of widespread violations of international humanitarian principles provide a formidable challenge to the international community.
- As a result, in many cases, no individual country - with one notable exception - could possibly muster the military assets necessary.
- NATO is clearly the best example of multinational military capability. Our operations in the Balkans have shown that the Alliance disposes of unique assets and capabilities to respond to non-Article V situations, such as its integrated military structure, its headquarters and an effective planning and force generation capacity.
- Therefore, to build on this comparative advantage, the Alliance agreed on a new Strategic Concept at the Summit in Washington in April 1999. One of NATO's fundamental security tasks, in order to enhance the security and stability of the Euro-Atlantic area, is to contribute on a case-by-case basis and by consensus to effective conflict prevention and engage actively in crises management including crisis response options.
- But the Kosovo crisis was not just a success for the Alliance, but also for our Partners and neighbouring states in the region. We are fine-tuning our procedures for involving partners in the planning and decision shaping stages of NATO-led operations.
- This positive lesson, by the way, very much includes Russia. Our co-operation with Russian units in the field, both in Bosnia and Kosovo, remains excellent;

however, we have thus far failed to make our Russian friends understand that KFOR is not a NATO/Russian operation involving joint decision-making, but that it is a NATO-led operation involving close consultations with non-NATO troop contributing countries.

- My third point is that the case-by-case and therefore *ad hoc* nature of NATO response to crises, while achieving maximum political freedom of manoeuvre, requires timely generic or contingency military planning. As we have experienced over the last year, planning, preparing, monitoring, deploying and executing a military operation takes a considerable amount of effort and time. One of the main lessons learned is that Strategic Commanders should be granted authority to initiate prudent operations planning at an early stage, so as to provide timely, well reasoned military advice to the political level.
- Another important lesson from the Kosovo crises was the need to improve European defence capabilities. This includes the restructuring of forces for more mobile action and addressing a number of critical shortfalls that will be taken up as part of NATO's Defence Capabilities Initiative. The selection of Eurocorps to provide the core for the current HQ KFOR has considerable political significance and serves as an important first test that Eurocorps has the military capability to perform in a challenging environment.
- Finally, to us at NATO, it is very clear that multinational operations are here to stay, and that, even as nations must work together to accomplish our common goals, so must international organisations. We can see this in Bosnia and Kosovo. For both operations, NATO has developed an "exit strategy". But the majority of components of a successful "end state", such as a functioning government, public safety, independent media and a self-sustaining economy, are not under the responsibility of the military force. Hence the need for close civil/military interaction.
- NATO has become accustomed to working with other international organisations in complex crises response situations, and we have come to understand the absolute need for clarity in assigning responsibilities early in a crisis situation. Once the Alliance accepts a tasking, it must ensure tight linkage between mission, mandate and capabilities. Nowhere has this truth revealed itself more starkly as in our difficulty to come to grips with public order and security in Kosovo. More broadly speaking, we must harmonise civil and military planning and coordinate civil/military implementation.

- Bosnia is different from Kosovo, SFOR is facing different problems than KFOR. There is a need for total flexibility when approaching solutions to the resolution of crises. But we learn from our experiences. Civil/military co-ordination in the field is much better in Kosovo than it was in IFOR times, to the point that the UN Special Representative, Dr. Kouchner, and COMKFOR act like a single team. On the other hand, the Dayton Accords provide a clear blueprint for military and civil implementation in Bosnia, whereas such a framework is absent for Kosovo. Security Council Resolution 1244 leaves Kosovo's final status largely undetermined; however, it is to be hoped that the autumn elections in Kosovo will provide a legitimised local leadership capable of assuming responsibilities of self government in a next phase of a course leading towards substantial autonomy.

2. Let me now turn to current issues in the Balkans.

- Let me set the scene. When the NATO led KFOR arrived in Kosovo on 12 June 1999 the province was in chaos. The level of violence had to be seen to be believed and the total lack of law and order exacerbated the situation. In addition, there were no jobs, no shops for food and no cars on the roads. Today, the people of Kosovo enjoy a way of life not dissimilar to that in the rest of Europe. There is a joint administration in which UNMIK and Kosovars work side-by-side. Crime rates are comparable with most major European cities and the borders and boundaries are controlled.
- So what of NATO's or better said, KFOR's role. As you are aware, KFOR's mission in KOSOVO is derived from UN Security Council Resolution 1244 and it contains five elements.
- The first is deterrence. Deterrence remains KFOR's overarching priority. KFOR, and from the wider perspective NATO, is ready to prevent Yugoslav and Serbian forces from returning in large numbers. Our troops train frequently to maintain their ability to deploy quickly and we work hard to practice co-operation between air and ground assets. This deterrence remains key to ensuring security in the Balkans. Indeed I would go so far as to say that there is no evidence of preparation for a forced return to Kosovo. In addition, while you may hear about the situation in the Presevo Valley and its potential to destabilise the situation in Kosovo, there is no indication of any immediate threat to KFOR.

- The second is the provision of a safe and secure environment in which UNMIK, NGOs, IGOs and all the people of Kosovo can live and work in safety. Importantly the creation of this environment will also encourage the return of refugees and displaced persons. Please note that I said “encourage returns” – We must establish the conditions, the framework, that allows sustainable returns to take place. We must discourage forced returns that will have a destabilising effect on the delicate situation in Kosovo.
- These first two aspects of KFOR’s mission, and NATO’s role in ensuring security, are the two central pillars. To support this NATO and non-NATO countries combine to deliver a force structure that has the necessary capabilities to sustain the current level of peace support operations. KFOR-3 comprises some 43.000 troops from 19 NATO nations and 20 non-NATO nations.
- The third element is to demilitarise and transform the Kosovo Liberation Army. ‘This is the first time in history that anyone has attempted to transform a guerrilla army into a civil organisation – on the whole it has been successful. However, there is still work to be done. The KPC remains 98% mono-ethnic and although there are currently some 75 members drawn from the Bosniac, Roma and Turkish communities, we are still waiting for the first Kosovar-Serb members.
- The transformation process remains on track. That said, we should not be surprised by acts of non-compliance. Rather it must be understood that KFOR and UNMIK will not tolerate non-compliance and that we continue to develop and refine procedures and responsibilities for investigating and, if necessary, addressing non-compliance.
- The KPC has delivered tangible success. Originally it’s members worked without wages and equipment. Today, they have basic equipment and minimal wages. My concern is that there is no long-term budget to pay them in the future. The KPC is an essential aspect of progress in Kosovo. We must fully support this important organisation.
- The fourth: to support international humanitarian effort. We have learned the lessons of other Peace Support Operations. KFOR has restored houses; inspected and cleared mines and other devices from roads, schools, houses and public buildings; repaired and re-opened the railway network; repaired and

reopened Pristina Airport; and assisted in restoring the basic necessities of life, water, heating communications and electric power.

- There is still work to be done. The downsizing of the UNHCR mission will bear watching. I would draw your attention to two critical aspects. Food support to Kosovo – likely to reduce; and the returns of refugees and Internally Displaced Persons (IDPs). These are the critical humanitarian assistance issues that we will face in the short-term.
- UNMIK and KFOR continue to address the issue of the return of refugees and internally displaced persons. We are determined to deliver safe and sustainable returns – These are an essential element of progress in Kosovo with implications for the region.
- And finally: to support the international civil presence within Kosovo KFOR maintains a good and close working relationship with UNMIK and each of its pillars: Humanitarian Affairs – UNHCR, Civil Administration – UN, Institution Building – OSCE and Reconstruction – EU. Indeed never before have two halves of the same mission been so close. In daily meetings, in joint planning, in joint strategy sessions at all levels, the relationship works and it is a central element of both progress and stability.
- The fact of the matter remains though that UNMIK are working under severe constraints due to the lack of adequate funding and inadequate numbers of personnel. These constraints have a direct and serious implication on the security situation in KOSOVO. I would like to touch on three specific areas:
- First, Law and Order. Law and order remains an overriding concern. Its establishment underpins our efforts in KOSOVO. The Kosovo Police Service (KPS), still in its infancy, and the UNMIK-Police are the key elements. However, KFOR will continue to support them, and if necessary lead, until police primacy can be assured. The aim remains to allow the police to be on the streets fighting crime.

At the same time the absence of a fully functioning judicial system remains one of, if not the largest, problem in establishing law and order. Local judges and prosecutors are being appointed and courts are being set up. But it is a slow process, and the absence of infrastructure, especially prisons, poses difficulties. In the current climate, it is impossible to imagine an Albanian judge in MITROVICA sitting judgement over a Serb defendant.

- Second. The Electoral Process. The electoral process is underway and we are moving towards municipal elections. UNMIK and KFOR are working closely together to prepare for this critical event. The Organisation for Security and Co-operation in Europe (OSCE) is primarily responsible for the elections and KFOR will provide the secure environment for the process; Registration, Campaigning and Polling. This process is crucial. Kosovars must realise that this is an opportunity to invest in their future, to demonstrate ownership of their developing political structures, and importantly to drive forward the consolidation of the civil administration at the community level.
- And finally, an important aspect of the deployment is our relationship with the Former Yugoslav Republic of Macedonia and Albania. Both have important roles to play in the stability and development of the region. KFOR's presence in both is designed not only to support our work in Kosovo but also to be a tangible sign of our support to their development and regional stability. Where possible we assist both, within means and capabilities, and we maintain close and good working relationships with their governments.

KOSOVO - THE FIELD EXPERIENCE

William G. O'NEILL

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This paper addresses several issues that fall into either of two broad categories: a lesson to be learned from the Kosovo experience for the United Nations and NATO and a challenge for Kosovo's future.

I The Human Rights Situation

The intervention in Kosovo stemmed from a human rights catastrophe that was at least 10 years in the making. From 1989, the Yugoslav authorities committed systematic violations of all kinds of rights of the Albanian population in Kosovo: civil and political rights and economic, social and cultural rights. These violations reached an unprecedented level during the first half of 1999 and only intensified during the 78-day NATO bombing campaign. Before 1989, although nowhere near the same scale, the rights of Serbs in Kosovo were periodically violated. The Roma community, regardless of who was in power, suffered regular violations of their rights. The key to building a stable, enduring peace is to insure that all the people of Kosovo, no matter what their ethnicity, enjoy all the rights guaranteed under international, national and local law. Given recent experience in the region, this will not be easy yet this is the United Nations Mission in Kosovo (UNMIK) and NATO's principal task.

In Kosovo, a human rights infrastructure must be built, not rebuilt. There never were institutional protections for human rights no matter who was in charge. The authorities used the legal system, the police and the prisons to control and punish, not to protect or prosecute those responsible for abuses. Civil society in Kosovo as a result has limited experience in fulfilling the watchdog and advocacy roles typical in societies with greater exposure to human rights values. Years of violence and mistrust, and communist traditions, don't die easily.

Another reason the task is difficult is that there is an understandable desire for revenge on the part of some Kosovo Albanians, but not all. Many want justice, some type of formal accounting for what happened. They want trials if possible, and those who committed crimes against humanity and war crimes to be formally sentenced and to serve time in prison. But most do not want more killing or more corpses. Curiously, those who want revenge often did not suffer directly from the Serb authorities. I noticed a similar phenomenon in post-genocide Rwanda. The Tutsis who actually lost family or

friends in the genocide wanted the complete story told and those responsible punished, but they wanted no more killing. I heard the same from Kosovo Albanians: justice yes, revenge no. UNMIK and NATO must seek to marginalize extremists on all sides while identifying, supporting and strengthening moderates in the Serb and Albanian communities. They are there, but they too are under threat. This is an important lesson for UNMIK and NATO: don't let those who have a stake in continuing the violence shape or control the agenda.

This lesson has not been applied in Kosovo up until now. The human rights situation is deplorable. The attacks on minorities continue; Serbs, Roma, Turks and Slavic Muslims are targeted based on their ethnicity and on a presumption of collective guilt. Attacks on Albanians by Albanians have also increased. Some of these are politically motivated with the supporters of Ibrahim Rugova's political party especially targeted. And Serb extremists in northern Kosovo around Mitrovica have attacked Albanians, UN workers and UN Civilian police, all as part of a planned strategy to maintain control.

The current violence in Kosovo is not random, spasmodic or the work of "rogue elements," but rather is often carefully planned and organized and conducted in a way that requires hierarchical command and control. Access to and knowledge of how to handle explosives, grenades and rocket launchers is required. Even new land mines have been planted, particularly on roads leading to all-Serb enclaves. The violence is not as bad as it was during Milosevic's campaign of ethnic cleansing, but this is neither reassuring nor acceptable. Kosovo is now essentially a UN-governed protectorate with 40,000 NATO troops known as KFOR and 4,000 international civilian police patrolling an area smaller than the state of Connecticut with a population less than that of Port-au-Prince, Haiti.

UNMIK is the government in Kosovo and therefore it must guarantee human rights. UNMIK is directly accountable for insuring non-discrimination and for punishing violations of human rights. This is a new situation for the UN; Kosovo is the first trusteeship to be created in the era when international human rights law has matured. The last trusteeships existed when human rights law was in a nascent state. Now there is intense international scrutiny and treaties cover all aspects of human rights. These treaties have enforcement mechanisms, which while weak, nonetheless expose violations and seek to hold authorities accountable. UNMIK, as the de facto government of Kosovo must enforce the standards found in UN treaties. And the Federal Republic of Yugoslavia, of which Kosovo is still legally a constituent part, has ratified most international human rights treaties.

Given this responsibility, combined with the reality that Kosovo, following the NATO bombing campaign, resembled post-World War II Europe, UNMIK should have recognized early on that it was facing a true emergency. It was unrealistic for the UN and NATO to refuse to admit that they faced a crisis and could not conduct business as usual. This failure has real legal repercussions. For example, some human rights may be suspended for a time. Under Article 4 of the International Covenant on Civil and Political Rights, the provisions governing arrests, detention, fair trial, freedom of expression, assembly and association, among others, may be “derogated” during a national or public emergency. As a human rights lawyer, I usually am suspicious whenever a state suspends rights based on a supposed emergency situation; usually this is merely a pretext to clamp down on dissidents or to strengthen a clique’s hold on power.

The situation in Kosovo, however, was and is a real emergency. Moreover, UNMIK has suspended certain rights without admitting that there is an emergency, thus arguably violating the UN’s own human rights guarantees. The level of violence in Kosovo justifies suspending some rights covering detention, arrest, searches, and the freedoms of expression, assembly, association and movement. Their suspension should be announced, the geographic scope specified and a periodic review conducted to determine when the suspension might be lifted if and when circumstances allow. This is an important lesson for the UN and NATO: don’t be afraid to admit there is an emergency and to take forceful measures. This should have been done in Kosovo from the entry of NATO. In fact, NATO should have declared martial law on entering Kosovo. This would have sent a strong message to the Kosovo Liberation Army (KLA) that NATO was in charge and that any on-going violence would not be tolerated. It also would have filled a void since the judicial system and police force had collapsed because most of their personnel fled with the Serb forces.

UNMIK has acted vigorously in one area: freedom of speech. KFOR, on UNMIK’s authorization, temporarily shut down a radio station in Gnjilane that was broadcasting the names and addresses of remaining Serbs in the town. This was correctly seen as a direct incitement to violence and prohibiting such speech is required under Article 20 of the International Covenant on Civil and Political Rights. This quick action shows that the UN has learned a lesson from its peacekeeping experience in Rwanda. In 1994, General Dallaire, the UN force commander, begged UN headquarters in New York to allow him to stop *Radio Mille Collines* from broadcasting. This station, run by Hutu extremists, had called for the extermination of all Tutsis and played a central role in the Rwandan genocide. The UN refused Dallaire’s request. In the summer of 2000 UNMIK also temporarily closed the newspaper *Dita* after it had published the picture

and address of a Serb employee of UNMIK and charged that he had committed war crimes. His body was found a few days after the article had appeared.

Another lesson is that the KFOR troops need to take robust action. Where they have done so, security has improved. The nature of the security threat in Kosovo requires close military and police coordination. I would argue that instead of constantly trying to demarcate policing from military action or distinguishing how they are different, we should be trying to see where they overlap, merge and can reinforce each other. This is true not only in Kosovo and could be a lesson for other post-conflict situations. In Kosovo, the security threat on any given day can range from rampant common crime, to mortars launched from hill-tops at Serb villages, to new land mines being planted, to increasingly violent organized crime involving the drug trade, trafficking in women and stolen cars, to planned provocations by Serb extremists in northern Mitrovica and insurgency operations inside Kosovo and southern Serbia proper. And all may involve the same perpetrators or people closely linked. KFOR and CIVPOL must work together to control any and all of these threats. They already patrol together in several parts of Kosovo and will need to do so for quite some time. Joint training and doctrine also need to be developed.

The successor organization to the KLA, the TMK (the acronym in Albanian for the Kosovo Protection Corps) presents a grave challenge to human rights and security in Kosovo. The TMK, by UN regulation, are supposed to respond to natural disasters; they are not a law enforcement body. The new Kosovo Police Service will do policing. Yet any brief conversation with TMK members reveals that they see themselves as the army of a future independent Kosovo. OSCE human rights monitors, UNHCR protection officers and the UNMIK's own Human Rights Office documented human rights violations and illegal policing committed by TMK members from the first days of its operations in January 2000. They warned both UNMIK and NATO that the TMK saw itself above any law or regulation. The discovery by KFOR patrols in June 2000 of huge weapons caches near TMK headquarters only reinforces this finding. KFOR and UNMIK must not coddle the TMK. The TMK's consistent refusal to limit itself to the activities stipulated in UNMIK Regulation 8/1999 undermines respect for the rule of law and for KFOR and UNMIK. Many Kosovo Albanians would be grateful for increased oversight of the TMK since they are most often the victim of TMK abuses which include illegal apartment evictions and extortion labeled as "taxes" imposed on shopkeepers. Growing attacks on Kosovo Albanian politicians not aligned with the TMK or KLA have contributed to the sense of lawlessness as the October 2000 municipal elections approach.

II Police

Instead, even greater effort should be devoted to the Kosovo Police Service (KPS) who receive their initial training at the OSCE-run Kosovo Police School. The KPS is the one success story I can point to in Kosovo. The KPS is the only truly multi-ethnic organization working in Kosovo today; it includes all ethnic groups (Albanians, Serbs, Roma, Turks and Slavic Muslims) and women comprise about 15% of the force. They train together for nine weeks at the school in Vucitrn. There have been no ethnically based incidents thus far. The KPS shows that reconciliation and tolerance are possible now in Kosovo. But the KPS also shows that the UN and KFOR must take a fair, tough-minded and pro-active approach to create the environment in which the various ethnic groups can live and work together. The OSCE leadership at the Kosovo Police School is clear and consistent: act like professionals or else you lose your job.

III Judicial Reform

Experience in peacekeeping operations has shown that judicial system reform must be a top priority, yet this lesson was not applied in Kosovo. Efforts were slow, desultory even. KFOR troops in the summer of 1999 stepped in and started making arrests, detaining suspects and arranging for hearings. Some Albanian judges and prosecutors were identified and KFOR flew them to various detention sites at KFOR bases to interview suspects and examine evidence. The US and British troops were particularly effective and recognized the high priority of judicial matters in what was essentially a lawless environment following the end of the bombing campaign. Revenge attacks against Serbs and Roma had begun almost immediately. As mentioned above, I believe that UNMIK and KFOR should have jointly declared a state of martial law for the June-September 1999 period until a civilian judiciary could gradually take over. KFOR, taking a strong stand on law and order, would have sent a clear message that attacks on civilians based solely on their ethnicity were a thing of the past and would not be tolerated. This would have stifled the KLA and its efforts to take control of large parts of the province. It would also have sent a reassuring signal to minorities that they would be protected and did not have to flee Kosovo.

UNMIK made a grave error when it decided in July 1999 not to include international judges and prosecutors in the legal system, at least on an interim basis. There was a fear of offending local sensibilities, that to do so would smack of “colonialism.” This was political correctness run amok. In the intensely polarized environment of Kosovo, it was unrealistic in the extreme to think that a Serb, for example, could get a fair trial in an Albanian-dominated judiciary. No one was proposing to leave the police work solely to the locals, everyone understood that

international police would be required in Kosovo. Yet no one seemed to realize that you could not leave the judging solely to the locals either, that international jurists would be needed. International intervention in the judicial arena is every bit as necessary as intervention in the military and police spheres. UNMIK lost many months and much credibility before this was realized and now it is much harder to make up for this lost time.

UNMIK was simply asking too much to expect fair trials for minorities or for Kosovo Albanian judges to try prominent Kosovo Albanians charged with serious crimes. I know of cases where Kosovo Albanian judges have asked OSCE legal system monitors to take these cases away from them. They say “it’s too dangerous and I’m afraid for my family.” Moreover, a dysfunctional judicial system leads to frustrated police and populace and overcrowded prisons; an already battered legal system enjoys even less respect and trust. We’re seeing this now in Kosovo just as we have seen it before in Haiti, El Salvador and Rwanda.

IV Detainees

The Serbs took around 2,000 detainees from Kosovo to Serbia-proper when they withdrew in June 1999. The Kosovo Albanians understandably made the return of the detainees from Serbia-proper a top priority. This issue quickly emerged as the most volatile and emotional challenge UNMIK faced. Large demonstrations in Pristina, Djakovica/Jakova, Prizren and other cities demanded the return of the Kosovo Albanians held in Serb prisons. Groups of distraught mothers of the detainees met with UNMIK officials, begging that UNMIK “do something”, go to Serbia to visit the detainees, negotiate with the Serbs, do anything to get their sons back home. UNMIK officials had to explain that its mandate covered Kosovo only and it had no right or authority to go to Serbia-proper. Others would have to deal with this issue. This explanation satisfied neither the mothers nor the UNMIK officials charged with delivering it.

The detainees in Serbia became a huge political issue. Even their number was in dispute which caused further rancor, heartache and recriminations. Kosovo Albanian political leaders often cited 5,000 to 10,000 as the number of detainees held in Serbia-proper. It was in their political interest to inflate the figure. Some UNMIK officials unfortunately repeated these numbers without checking first. Even the UN spokesperson’s office in New York used the 5,000 figure. The International Committee of the Red Cross, however, has a mandate to inspect all prisons in the Federal Republic of Yugoslavia. The ICRC’s prison census showed 1,962 Kosovo Albanians in detention in Serbia-proper towards the end of 1999. The ICRC said the number could be slightly

higher since there were a few military prisons to which the Serbs had refused access, but ICRC doubted that these prisons contained significant numbers of Kosovo Albanians. Throughout the early months of 2000 the Serbs released waves of detainees from Kosovo. By April, the figure was down to about 1,200 and has declined further. This is still much too many, but the UN must always strive to be accurate, especially on such a politically volatile issue. Otherwise, its credibility and impartiality are undermined.

The main lesson for the UN regarding the Kosovo Albanian detainees is that their status should have been resolved at the peace talks at Kumanovo, Macedonia in June, 1999 (the question had been raised at the Rambouillet talks in March 1999 and then dropped). This issue further poisoned relations between Albanians and Serbs in general and created much ill will towards UNMIK on the part of the Albanian families. This should never be repeated. Every peace negotiation should resolve the status of prisoners, detainees and POWs. The problem cannot be left to fester, otherwise the already difficult effort to rebuild human rights institutions and promote some minimal form of tolerance becomes even harder.

V Parallel systems

Kosovo Albanian society has a tradition of organizing and creating “parallel systems.” This is how Kosovo Albanians dealt with the 10 years of stripped autonomy. Underground systems emerged to provide education, health care and other needs. Yet these organizations have had little exposure to international human rights norms. And the young in Kosovo, who comprise a huge percentage of the population, have seen and heard awful things during Milosevic’s ethnic cleansing campaign. Even worse, some parents have furthered their extremist ethnic political agenda by using children to commit crimes and human rights abuses knowing that KFOR and CIVPOL will not detain them for lack of an appropriate juvenile detention facility. Children as young as eight have beaten elderly people from minority groups, thrown rocks at cars and busses transporting Serbs and have set fire to houses owned by minorities.

VI Youth

The OSCE and UNMIK need to devote much more attention and resources to the youth of Kosovo. Innovative efforts to get the young out of their closed circles and narrow perspectives must be made. While Kosovo never was a model of ethnic tolerance and mutual understanding, people did essentially get along, lived and worked if not together then alongside the other without killing or attacking each other. This is the minimum that UNMIK and KFOR should strive to recreate.

There are several examples of burgeoning cooperation already. In two towns for example, members of a Serb human rights organization and an Albanian human rights organization meet each week to exchange information and concerns. The participants treat each other with respect and courtesy. Their reward is often threats from extremists in their own ethnic group who accuses them of “being traitors.” These brave people must be supported and encouraged by UNMIK and KFOR so that others will also emerge and the extremists marginalized.

UNMIK should sponsor other innovative efforts. For example, youth summer camps (similar to those for kids from both communities in Northern Ireland) could remove children from Kosovo for several weeks to provide space and time for them to get to know each other across ethnic divides. Initiatives using sports, art and music are fertile areas to promote human rights values and tolerance.

Everyone in Kosovo is literally aching to become part of Europe. It is astonishing if you go to Mitrovica, you see the Serb kids in the north and the Albanian kids in the south listening to the same international music, idolizing the same sports and movie stars, wearing the same kind of clothes, and wanting basically the same things in life. UNMIK and KFOR should exploit this yearning and help these youth achieve their goals in peace and mutual respect.

THE CASE OF BOSNIA AND HERZEGOVINA

Jacques Paul KLEIN

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Herzegovina**

It is a pleasure to address this International Peace Academy Seminar on “Sharing Political Space in Peacemaking”. In this period of sub-regional instability and global transition, four trends are evident: increased calls for international intervention, new international actors and capabilities, an apparent scarcity of peace keeping resources, and important questions of legal authority and political will. Consideration of the optimum roles of regional and international organizations is thus both timely and necessary.

I should also say that I am proud to be here as a UN peacekeeping official. Despite media commentary to the contrary, the fact is that the UN’s record in peacekeeping in the past decade has been mixed, not disastrous. There were more solid successes than grave failures.

And where there were failures, history will make a more considered judgement as to whether these were operational, and thus in the hands of the Secretariat, or political, and thus in the purview of the Member States of the Security Council. Portrayal of the UN as organizationally incompetent, inefficient and structurally incapable, is an analysis more opportunistic than objective.

With respect to sharing political space between regional organizations and the UN, my basic views may be simply stated:

- it is far less problematic to work within the UN Charter than outside of it,
- operational efficiency should be the determinant of how peace operations are to be structured
- the power to ”coordinate” is a dysfunctional substitute for “command and control”.

Within these parameters, sharing political space is a challenge but not a problem. Outside of these parameters, legitimacy is difficult, coordination can become a nightmare, and peace operations are likely to be unnecessarily prolonged and expensive.

These views are based on five years peacekeeping in the Balkans in two UN and one non-UN missions. The organizers of this seminar have asked that we focus on practical operational concerns. To understand what is going wrong in Bosnia, it is important to appreciate what went right in Eastern Slavonia.

UNTAES was a model mission which demonstrated that with the right mandate, resources and organizational structure, the UN has the ability and experience to manage complex conflicts. In UNTAES, we had the active participation of every single principal civilian organization which is now active in Bosnia. But as the SRSG, I had more than just a coordination role. I had full executive control. This meant that my planning cell could accurately identify and sequence the participation of other specialized agencies and organizations at the optimal time.

The mission was guided by four operational principles which I believe are the essence of successful peacekeeping: clearly identify the objectives in tangible terms; keep a tight hold on the agenda; always keep up the momentum; and never let opposition stop you. In addition, I considered it important for the restoration of UN credibility that the mission should end on time.

When we were faced with a problem in integrated education curricula, we called in UNESCO. When we needed economic planning advice and assistance, we called on the EC. We ran local elections ourselves with the assistance of an electoral unit which began deployment in September 1996, ran elections in April 1997, and was disbanded six weeks later. At all times we moved forward on a very broad front.

While NATO provided the security umbrella, UNTAES had its own robust structure. My troops had sufficient capability “to hold the fort” so to speak until others could come to assist. UNHCR was active on all return issues. And we carefully vetted all NGOs to ensure their relevance and capability before letting them into the region.

Halfway through our mandate we began to seek a successor organization to ensure that the UNTAES achievements would not be lost. The OSCE was the natural successor, but it had no field deployment capability. We urged the Permanent Council to take the necessary measures to provide a substantial field presence. While the OSCE geared itself for this, we provided an interim Police Support Group. And when the OSCE did come, we transferred to them equipment and infrastructure as well as making available experienced UN contractual personnel.

Above all, the legitimacy and legality of the mission were never contested. The result was a mission that finished successfully, on time and under budget, and whose positive legacy remains in Croatia until this day as a testament to sequential collaboration of major players rather than an alphabet soup of agencies under a loose coordination mechanism.

In Bosnia and Herzegovina, despite the best efforts of committed personnel, we have not achieved the same sense of purpose, efficiency and utilization of resources. Bosnia is the only state in the world where there is one country, two entities, three constituent peoples, four religions, and five international organizations running it.

What are the implications of having so many complex, contradictory and competing realities within one country? In this environment there are bound to be overlapping mandates, confusion and lack of clarity in developing strategies and implementing mandates. Five different organizations means five reporting chains. These organizations also have their own budgets, their own headquarters and policy staff, their own competing priorities, their own timetables, and their own standard operating procedures.

And on the ground, there are often five sets of field officers, all with an identifiable niche but rarely with a combined strategic vision, and all of them seeking to meet with the same local officials. The result is a bonanza for manipulation by hard-line nationalists and obstructionists.

All of this duplication is taking place in Bosnia at a time of diminishing resources. Nearly five years since Dayton ended the military fighting, and after some \$5 billion in reconstruction assistance, international political fatigue, compassion fatigue and donor fatigue have set in.

At precisely the time when the last large tranche of minority returns of refugees and displaced persons is accelerating, which is one of the litmus tests of the ultimate success of Dayton, donor funding is becoming difficult to find.

UNHCR is short of 10,500 housing units for returnees. UNMIBH, which monitors return security and police performance, is 400 police short of its authorized strength, and has sent 300 vehicles and 100 experienced personnel to Kosovo. And it appears that part of the OSCE election agenda has also been influenced by resource constraints.

There is a strong sense of frustration that more has not been achieved, that the Bosnian people must take greater responsibility for their own future and that they must earn their way into Europe. This is the language of development assistance –

“ownership’ and “conditionality”. But I am not at all sure that we are using the right approach or focusing on the right target.

Ownership is only effective when you have empowered those who would use it wisely. In five sets of international elections in five years, we have still not succeeded in taking political power out of the hands of extreme nationalist parties. The same nationalist elites who led Bosnia into war are today’s ruling kleptocracy, sustained by corruption, intimidation and organized crime.

Our forefathers got it right after the Second World War when they imposed five years of occupation, de-nazification and massive economic support. Why did we get it so wrong in Bosnia, and then compound our errors by repeating the same dysfunctional structures in Kosovo?

Five years after Dayton we are still poised between declaring Bosnia to be a protectorate, or putting it on the slow burner which, I fear, will keep it indefinitely in a Balkan no-man’s land while the talented youth continue to leave and an air of hopelessness and fatalism becomes pervasive.

Precisely to avoid this outcome, I have been advocating the early entry of Bosnia into the Council of Europe. Until the people of Bosnia feel they are accepted in a wider political, strategic and social construct, they will continue to be the objects of contending forces. We have spent too much attention on mechanistic reconstruction and not enough on social reconstruction and nation building.

This brings me back to the broad question of sharing political space between the UN and regional organizations in Europe.

The UN Charter when it was conceived envisaged that the Security Council would have the primary role in the world’s peace and security arrangements. It gave to the Security Council unique legal authority, and to the UN Secretary General, unique moral authority to present global values. It was envisaged that regional organizations had an essential part in the peacekeeping process, but that these organizations should act within the framework of the UN Charter.

Ten years ago, freed at last from cold-war constraints, the UN had 18 missions and over sixty thousand personnel in the field. Yes, there was a large dose of naivete in the ‘new world order’ and the ‘death of history’, but there was also optimism which led to unprecedented cooperation in collectively addressing some longstanding conflicts including Cambodia and Mozambique.

But in Europe, the UN was sent into the former Yugoslavia as a counsel of despair. No-one else was politically or organizationally willing to do a job that had no obvious solution and no plan. Eighty Security Council resolutions and 140 Presidential Statements do not constitute a viable mandate.

I fear that much the same situation is taking place in Kosovo today. When an SRSO must come back to the Council nine months after the mission has begun and ask for clarification as to what his mandate means, something has gone desperately wrong in the mission planning process.

Five years ago, UN credibility was in tatters – it was not even invited to Dayton. Think tanks were announcing the end of UN peacekeeping on the grounds that the organization was allegedly structurally unable to perform the task of the ‘new’ international peacekeeping in this period of inter-ethnic conflict and failed states.

And new actors had emerged, or rather, old actors were redefining their roles. NATO had begun to develop a peacekeeping doctrine, and the OSCE, with encouragement and assistance from the UN, was preparing its first major field mission with a substantial police component in Croatia.

These developments are positive, as long as we do not throw out the baby with the bath water. Not NATO; or the EU, or the OSCE can substitute for the legal and moral authority of the UN. And we do our mutual goals a disservice if the UN is sent, out of despair, to attempt “mission impossible”, or brought in at the last minute to rubber stamp an agreement made elsewhere, or operationally confined to a marginal role, or if it de facto loses its global scope and reach.

In an increasingly interdependent world, is it desirable and feasible to build a global security construct based on a small number of major powers and regional organizations? Are we confident that domestic concerns in key states will not inhibit necessary action or weaken prospects of success through heightened concern about force protection, for example?

The framers of the UN Charter wisely recognized the regional role within a wider construct of global order based on universal values. Breaking the nexus between regional operations and global institutions weakens the authority of universal values. The special European contribution to the maintenance of global order should not be an exclusive exercise. Rather it should remain the vanguard within an inclusive international institution.

My conclusion is, therefore, that sharing political space in peace operations is both desirable and achievable, but we have a long way to go in consistently applying the optimum operational model for sharing the burden without diluting the effect.

LESSONS LEARNED FOR THE NEXT CENTURY REGIONAL ORGANISATIONS – THE CASE OF EUROPE

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A lot of things happen by happenstance, accident rather than design, in international relations, but the optimal way for things to move forward is for three things to come together: for the decision making culture to be right; for the right concepts to be applied to the problem by policy makers at the right time; and for the delivery to be right.

There are substantive lessons to be learned, from our recent experience, at all three of these levels. But the first lesson is a process one.

The Process Lesson

In the practical world of public decision making people are often too busy doing things to think about things, and the urgent is always driving out the important.

We have not focused enough on the way in which, in this environment, it can happen that lessons *are* learned, ideas and approaches change, received wisdom evolves, and delivery eventually improves. This is a subject which intrigued me as a Minister, and now as an NGO supplicant from the other side of the fence intrigues – and frustrates – me even more.

There are ways in which we can do better, and not only governments and intergovernmental organizations, but the research community and NGOs, can and should contribute to the process. Seminars like this (particularly if they are attended by Ministers, which they usually aren't) are important; so are formal lessons-learned units; UNITAR training programs; and personnel secondments to research institutes, field NGOs and other governments, to mention just a few. When resources are scarce these are the first areas to be cut: they should be among the last.

Substantive Lesson I: Culture of Decision Making

There are two crucial general mindsets which it is important to encourage. If they are present, good decision-making is that much easier to achieve. In their absence, it's hard work all the way.

The first is that of *cooperative security*. This is an approach to security which stresses the virtue of multilateralism rather than bilateralism, the value of dialogue and reassurance rather than the muscular assertion, and the multi-dimensional character of security threats and protections. It's a more complex concept than collective security (renouncing force among yourselves, and coming to the aid of anyone attacked); more broad ranging than common security (finding security with rather than against others); and more subtle than comprehensive security (the notion that security is multidimensional, not just military in character): but it embraces elements of all three of these more traditional concepts.

Europeans tend to think more instinctively in cooperative security terms than either Americans or Russians. Life would be a lot easier if this mindset prevailed more universally. Probably the most relevant feature of the cooperative security mindset for our purposes here is that it implies a considerable degree of comfort with a regional environment, like that which prevails in Europe, in which there are multiple multilateral organisations with overlapping security roles. The argument is that the more opportunities there are for dialogue and cooperative action, the thicker will be the ties that bind.

The second crucial mindset which it is important to embed is that of *prevention* – so that real primacy is given to it by policymakers, not just lip service. That's much easier said than done, not least because if you're successful at prevention nobody tends to notice. And getting a politician to perform good works that nobody will notice is like trying to bath a dog.

Partly it's a matter of getting policy makers simply to understand the range of conflict prevention tools that are in fact on offer – there is a cupboard full of longer-term structural prevention tools, and another cupboard full of shorter-term operational tools; and in each cupboard there are separate shelves for economic, social, political, bureaucratic, diplomatic and military measures potentially available to bring to bear on different kinds of situations. We are in a better position to label a lot of those tools now, as a result of experiences in the Balkans in particular, than we were before. A lot of them, again, are appropriately delivered through multilateral regional institutions like the EU and OSCE.

Here as so often elsewhere, a bigger problem than understanding the right response is the lack of political will to deliver it. We would do better in the next century, however, to spend less time lamenting the absence of political will, and more time doing something about generating it. From my own experience in politics I think there are five kinds of arguments that count:

- (1) Moral: preventing human suffering. It's more difficult to move them when the blood is not yet flowing, and there are no amputees for CNN to film, but governments always like to be seen to be acting from higher motives.
- (2) Financial: spending a few millions on prevention now saves billions we will have to spend in reaction later.
- (3) National security and trade: avoiding regional destabilization, refugee outflows, disruption to resource supply lines, trade routes; peace is better for business than war.
- (4) International reputation: being seen to be a good international citizen. Others are watching us.
- (5) Manageability: taking action to help here doesn't necessarily mean we have to do it everywhere. Things are not hopeless; a small contribution now doesn't necessarily mean a big contribution later.

Substantive Lesson II: Applying the Right Concepts at the Right Time

Having a cooperative security mindset, and the political will to act preventively, would be an important start, but it's only a start. When security problems arise, a great many more specific questions have to be asked and answered. The biggest single lesson we can learn from the last decade is the importance of asking and answering exactly the right questions, viz

- Is this problem one that demands a response at all by the international community?
- What is the most appropriate category of response? Does it involve peace building (pre or post conflict), peace maintenance (preventive diplomacy or preventive deployment), peace restoration (peace making or peace keeping) or peace enforcement (sanctions or military enforcement)?

- Who is best placed to respond?
- How, in detail, should that response be implemented? What precisely are the objectives of the response, how are those objectives to be met, and are the resources necessary to meet those objectives available?
- What do we do if the preferred response fails and some escalated response is called for to meet the identified objective? (A question that arises especially sharply in the context of preventive deployment – happily it didn't have to be answered in Macedonia – and for high risk peacekeeping operations, where escalation contingencies should always be part of the planning, both military and political, from the outset).

For present purposes, the “who” question is the most pertinent one. The short answer is that for every category of response apart from military peace enforcement, there is plenty of space for multiple players to share – the UN, regional organisations, and individual governments all have room to make useful contributions (though desirably coordinated ones) when it comes to preventive strategies, peacemaking diplomacy, traditional peacekeeping and peace building measures.

When it comes to military enforcement the conceptual space is rather more confined. The optimal situation is for the UN itself, or for regional organisations like NATO – or on occasion individual countries – acting with the direct and explicit authority of the UN Security Council, to take the necessary action.

It won't always be optimal for the UN itself to deliver the enforcement response – because of all the familiar difficulties with its planning and implementation capacity, and those of meshing operationally multiple troop contributors. But it will always be optimal for the UN to be the authoriser of force – because the UN is the only body that we have with effectively universal membership *and* the unchallenged legal authority to exercise enforcement powers.

To say that the UN is the optimal authoriser of force does not conclude the argument as to whether it should be the *only* one. In circumstances where the UN won't act, but there is a catastrophic risk of human suffering unless someone does, it is very hard to argue against unauthorised intervention. But it will always be a question of fact as to whether there was such a catastrophic risk, and whether the kind of enforcement intervention in question was necessary to avert it: in the case of Kosovo, for example, it is reasonable to go on asking, among other things, whether an early, credible, and sustained threat of introduction of ground troops would have made unnecessary the attacks which later occurred.

Substantive Lesson III: Delivery

The lessons we have learned, or re-learned, in recent years about operational failures, and the need for improved delivery mechanisms, are legion. They have been covered excellently in the course of this seminar, and its hardly necessary to spell them out, but the most obvious and notorious are:

- the need to match the mandate to the problem, and the resources to the mandate
- the need to have rapid deployment of both military and civilian personnel
- the need for those personnel to be properly trained.
- the need to meet law and order breakdown situations with fully developed “justice packages” (comprising police, prosecutors, judges, prison administrators and a predrafted UN Criminal Code)
- the need to recognise that in highly divided societies holding elections early and often may not be the best way to consolidate democracy, and
- the need to have a coherent (and preferably single) chain of command in all situations where multiple agencies are sharing the action in question.

Many of these delivery issues are now being more seriously and systematically addressed than they have ever been before, not least by the UN Brahimi panel. All that is needed now is for all the major governments in the UN system and regional organisations to show intelligence, goodwill, stamina and financial generosity, and the problem *will* be solved by the next century – 2100 should be a very good year....

LESSONS LEARNED FOR THE NEXT CENTURY

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When considering what lessons should be learned from the efforts of the United Nations and European organizations to work together in bringing peace to Bosnia-Herzegovina and Kosovo, the old political adage that where you stand depends on where you sit seems particularly apt. I view these events from across the Atlantic and through the dual lens of American politics and of the systemic problems involved in trying to enhance coordination and coherence within the UN SYSTEM: My perspective, therefore tends to be strategic and political not operational or tactical. Since the operations in both Bosnia-Herzegovina and Kosovo are still unfolding, with the final chapter yet to be written, it is too early to assess which pieces will ultimately be deemed more or less successful. Such complex and dynamic operations usually look rather muddled and uncertain during their early and even middle stages. Yet sometimes – Namibia and Mozambique come to mind – things turn out reasonably well in the end, because the strategic calculus on the ground turned out to have been favourable, even if the external actors fumbled a bit along the way. Ultimately it will be the people of Bosnia and Kosovo who determine the outcomes, not the UN; NATO, or regional organizations.

Despite these caveats, I would suggest that five lessons suggest themselves at this point.

Lesson One: Sharing Space Is Not Equivalent to Having a Sensible System

An unusually large number of UN and regional organizations are involved in bringing peace to the Balkans. Under these circumstances, the best scenario would be for them to work out a reasonably coherent and rational division of labour based on their respective areas of comparative advantage. This appears to be in the works. A workable division of labour, however, cannot compensate for the lack of a well articulated and well-conceived strategic plan. One gets the impression that a variety of

groups and agencies are doing their best to cope valiantly within a fundamentally disjointed and dysfunctional system. It appears that the problem has less to do with the pieces than with the whole.

When lines of authority and responsibility are divided, the possibility of serious political complications is never far away. When everyone is responsible, it too often means that no one is responsible. Who is in charge? Who is accountable? It worries me when there is no straight forward answer to such simple question.

A recent anecdote illustrates the point. When the Senate Foreign Relations Committee held a hearing on UN reform in New York in January 2000, Senator John Warner, the seasoned Chairman of the Armed Services Committee, attended to press his concerns about the course of UN peacekeeping. He declared that Kosovo was the ultimate test – the third strike – and that if the UN failed to keep the peace there, then it would be “out” in his mind. He pointed to the inadequate power supply in Pristina over the winter as an indication of the UN’s failings. Richard Holbrooke, the US Permanent Representative to the UN, quickly responded that it had been the Europeans, not the UN; who were in charge of the power supply. But the very fact that someone as knowledgeable and powerful as Senator Warner could get confused about who is responsible for what is illustrative of the problem.

In Kosovo, the UN in charge of civil administration, but not of the prerequisites for successfully completing this task. To some, this may look like a healthy formula for political and bureaucratic interdependence. But it could also lead to a nasty round of finger-pointing should things go awry. As has often been said, success has many fathers, while failure I an orphan.

Lesson Two: Mixing Global and Regional Actors Produces an Uncertain Brew

In theory, the UN can lend a regionally-led operation political legitimacy and legal authority, as envisioned under Chapter VIII of the Charter. Regional groups, for their part, often bring more intimate knowledge of the area, greater resources, and a more sustained political commitment. But their members may also bring particular perspectives and interests based on a history of involvements in local affairs. Chapter VII (Article 53) therefore stipulates that such enforcement action should only be undertaken with the authorization of the Security Council. In this regard, the operations in both Bosnia-Herzegovina and Kosovo are legal hybrids, with enforcement responsibilities largely left to NATO rather than to the UN:

It remains to be seen whether too many cooks will spoil the broth. Depending on how one counts, there are at least three or four distinct layers of actors actively involved in the peace process. On the inter-governmental and governmental side, there are a variety of global, regional, and local authorities, in addition to scores of nongovernmental and civil society players at each layer. If local politics were not confuse enough, on top of them have been added all the complexities of inter-agency and inter-governmental politics in a multilateral context. For local parties inclined to make mischief, such as employing splitting tactics, these multi-level and multilateral arrangements must offer a variety of tempting opportunities to advance narrow and unhelpful agendas.

There may be no alternative in such high-cost, high-risk multilateral operations, but the involvement of multiple countries with different agendas in the process of setting mandates can look dysfunctional to outside observers. As others have pointed out, the Security council has produced more than 200 sometimes inconsistent resolutions and Presidential statements on Bosnia-Herzegovina, and there is no agreed end state for Kosovo. Inter-state outcomes that appear from the outside to be myopic and to lack careful planning may simply reflect the depth of division among the member states. In such cases, diplomats must be adept at obfuscation and purposeful ambiguity. It remains to be seen, however, whether it is possible to derive legitimacy from ambiguity.

Complexity on the operational level may also have dysfunctional consequences. On the military side, the complications involved in having units deployed from a number of countries are less visible under NATO than under the UN, but they are not insignificant. Differences in the interpretation of rules of engagement and the existence of dual reporting lines matter most when the going gets tough and a mandate gets harder to carry out. On the civilian side, the involvement of scores of actors puts a premium on inter-agency coordination to minimize duplication of effort. Even when this is done well, it absorbs a great deal of time and energy that could be better spent on the delivery of services or on building local capacities.

In retrospect, all of this raises the question of whether the UN needed to be a major operational player in the Balkans, especially over the long-term. Given the wealth of Europe and the multiplicity of non-governmental, governmental, and inter-governmental institutions there, could not regional actors have absorbed more of the UN's humanitarian and administrative responsibilities over time? Major commitments in Bosnia-Herzegovina and Kosovo have absorbed a substantial portion of the UN's limited people, resources, and attention. Some feel that these efforts have distorted the UN's priorities, making it less able to respond to crises in the developing world, where

regional bodies do not have resources comparable to those in Europe. The result, it is argued, has been an exacerbation of already acute North-South differences in the world body.

Lesson Three: Humanitarian and Political Goals sometimes Diverge

As guides to practical policymaking, humanitarian impulses can be misleading. They are usually insufficiently embedded in the national interests of major donors or troops contributors to provide a sustainable basis for large-scale commitments if costs or risks escalate. National leaders may be inclined, in such cases, to add strategic rationales for involvement that strain credibility or that distort the objectives on the ground. Humanitarian concerns, moreover, may cloud understandings and assessments of the cultural, economic, social, and geopolitical dynamics of the conflict. Either way, there is likely to be some tension between the larger goals declared by the leaders of major powers and those pursued in theatre by local, regional, and international actors.

Beyond a shared sense that the horrendous humanitarian abuses in Bosnia-Herzegovina and Kosovo had to be stopped, coalition partners and Security council members have had somewhat different views on what longer-range objectives should be, especially in Kosovo. Should the primary goal be security or the establishment of a society that respects human rights and observes western democratic values? Moreover, it is sometimes hard to square humanitarian goals with the means required to achieve them, since economic sanctions or military enforcement actions produce further humanitarian damage and may be supported by difference constituencies at home. Beyond generalities, there has been an appalling lack of agreed strategic goals in Kosovo. In Bosnia and Herzegovina, on the other hand, while the Dayton agreement identifies an impressive set of goals, there has yet to be a meaningful convergence among goals, tactics, resources and commitments. In terms of public support or of cementing the coalition, these differences matter. It is hard to reach your destination if you cannot agree on where you are going.

Lesson Four: Ambiguity Breeds Ambivalence

Neither Bosnia and Herzegovina nor Kosovo are likely to produce the kinds of decisive results or dramatic turnarounds that stir public interest and enthusiasm. Victories in the Balkans tend to be partial and fleeting. Given the number of distinct appeals being made for the support of publics and parliaments, as well as the special pleadings by the parties to the conflicts, it is not surprising that people are only vaguely supportive of the effort. Fragmented missions, it seems, produce fragmented messages. When perceptions matter as much as substance, ambiguous goals and mandates have produced ambivalent public and legislative responses.

Contrary to common wisdom, the American public is not innately adverse to sacrifices. As in Desert Storm less than a decade ago, the public responds to strong and consistent leadership and to a compelling cause. It does expect, however, that something good and durable will be achieved. Though not adverse to acting alone, it prefers to act together with partners and, if possible, with the authorization of the UN or at least of a respectable regional organization. The ambivalence felt by many Americans towards these missions, therefore, has not been eased by the shifting and vague objectives articulated for them and by the grudging responses of various parties to the conflicts.

For the public, and especially for Congress, context does matter, for these are not the only crises on the US foreign affairs agenda. Congress has reason to worry about open-ended commitments and about the number of simultaneous crises around the world. As the last remaining superpower, the US is expected to assist in the resolution of all, or most, of them. While a triage philosophy is not called for at this point, Washington must weigh the relative urgency of various situations, where it can make the most difference, and where positive outcomes are most likely. Legislators and soldiers alike want to know what they are getting into, and they may have reasons to be suspicious of executive branch salesmanship. So it would be wiser to abandon best-case arguments and to be more candid and up-front about the likely difficulty of the task and the length of commitment required.

Lesson Five: Control Expectations

If the leaders of the institutions and nations involved in a peace-building operation do not establish realistic expectations at the outset, then critics of all political stripes will do it for them. This is, of course, harder than it sounds. As suggested above, there is a great temptation to paint the operation and its tasks in overly grand and sweeping colours. Setting sensible standards is doubly difficult given the fragmented nature of multifaceted, multilateral operations and the lack of historical precedents. There do not appear to be ready historical models from either the UN or European experience that would be fully applicable to the Balkans, though pieces could be drawn from UN operations elsewhere. As noted above, there is insufficient agreement on what would constitute a satisfactory future for Bosnia and Herzegovina or Kosovo. Would an ugly peace be enough? And can the international community, even with concerted effort, deliver the kind of future it envisions if local parties are uncooperative? As the old saying goes, say what you mean and mean what you say.

Conclusion

All in all, it appears as if global and regional organizations have learned to share political space in the Balkans. That is a real accomplishment, but hardly a grand one when viewed from some distance.

Organizations learn to adapt when that is their only option. The fundamental problems, which are strategic and systemic run much deeper. There are far too many autonomous groups crowded into the limited political space available. Efforts to structure and facilitate their cooperation are largely jury-rigged and ad hoc, lacking a longer-term constitutional or political basis. While many groups deserve credit for once again displaying their coping skills, the best that can be achieved under present conditions is a higher order of muddling through. Some day, if the will can be summoned to revamp the system, perhaps, we can aim much higher.

AUSTRIA'S BALKAN POLICY

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I am proud to see that IPA's 30th Vienna Seminar has assembled such a well informed, intellectually "high powered" group. As a Board Member of IPA and Director of the Diplomatic Academy, Vienna, it is of course a distinct honour for me personally that you have accepted our invitation to meet at DA's premises.

The topic which I was asked to address is *Austria's Balkan policy* in the specific context of the situation in South Eastern Europe. I shall do this with special consideration of the contribution the OSCE makes to the stabilisation of this region.

In identifying the key questions and the issues we have to address in order to ensure lasting peace and security in the Balkans - a trouble spot over centuries - one has, first of all, to look at the causes for the conflict. In the second part I will focus on the particular contribution of the OSCE could and continues to make to the stabilisation of this region.

Let me start on a positive note: The worst seems to be behind us: the last months have seen certain improvements in the security situation in general and in the implementation of both the Dayton Accords and SC-Resolution 1244 in particular. Certainly, there are still simmering conflicts in *Montenegro and Serbia*. And it is also clear that in *Kosovo* the situation is far from being stable. But, all in all, there is hope that this region is now entering into the post-conflict stage. In this transitional phase it will be crucial to deliver assistance to Kosovo and Montenegro both in the economic and the political fields. It seems to be of crucial importance that in both cases, Kosovo & Bosnia and Herzegovina, the post conflict stage will be used for social, economic and political reconstruction. Stabilisation by itself must not become the ultimate goal but should rather be seen as the necessary basis for further positive action. In both cases support is needed in creating effective democratic structures where rule of law can prevail. They need economic assistance in order to generate a self-sustaining economic development. And they need credible assurances by the West that they will be protected against destabilising influences from their immediate neighbourhood.

There is a huge challenge for us Europeans. History has very clearly shown that there can be no security in Europe as long as there is instability in the Balkans. Especially the first years of the conflict have illustrated the helplessness of Europe in coping with the conflict. Now we have to assume a comprehensive policy approach which addresses the whole region and tries to promote regional integration.

In these efforts we can already build on considerable achievements. This is most clearly evident in *Bosnia and Herzegovina* where the Dayton Accords brought an end to terrible warfare and a certain guarantee for a common Bosnian state. Austria considers it to be important to support a process of normalisation which leads to the reintegration of the ethnically determined parts of the country into genuine statehood. There are some encouraging signs in this direction such as the significant increase of minority refugee returns, the adoption of the Brcko statute or the general acceptance of the "*Konvertibilna marka*". The ongoing presence of international troops and the massive international aid programme should further help to support this development. On the other hand it, is also clear that - if this is to become a lasting and sustainable process - the culture of dependency must be replaced by a culture of local ownership.

The elections in *Croatia* which brought about a change in the government and the presidency should also provide a positive momentum for the development in Bosnia and Herzegovina. There are clear signs that the ambiguous attitude of the former regime towards Bosnia-Herzegovina has changed. The prospects for the return and integration of refugees and internally displaced persons as well as the elimination of certain democratic deficits have considerably improved. Croatia should be able to follow Slovenia and take up a place in Europe commensurate with its history and identity.

The *Former Yugoslav Republic of Macedonia* proved, against all odds, to be a stabilising factor in this region. And - of course - the UN, through UNPREDEP, played an important role in this regard. One of the poorest Republics of former Yugoslavia, it was able to gain independence without the outbreak of war and - difficult in this region with a number of (often contradicting) historical claims - to find acceptance by its neighbours. Macedonia also provided a safe haven for many refugees from Kosovo. It will be of key importance that this country with a large ethnic Albanian minority continues to keep the delicate ethnic balance.

Given the fact that *Albania* was ruled by one of the most isolationist and oppressive communist regimes it fared quite well in the Balkan crisis. The most pertinent problem of the country which was, more than once, at the verge of imploding, is to ensure a minimum of internal cohesion and security. To this end much help in assisting the country in its consolidation efforts is still needed.

Lasting peace and security in the Balkans will not be able without a democratic change in the *Federal Republic of Yugoslavia*. An almost bankrupt Serbia finds itself today in a fragile union with a more and more reluctant and independent minded Montenegro and the international community has made Serbia an outlaw because of its aggressionist policies. Serbia had to accept hundred of thousands of refugees from the Krajina, Western and Eastern Slavonia and the Kosovo. The economy is in shambles and the once thriving middle class has disappeared. The political and economic life as well as the media are dominated by the ruling parties.

The full integration of the FRY into the international community is one of the key goals of international efforts in the region but that will require a fundamental democratisation, including free media, a reform of the judicial system and a political leadership elected through free and fair elections. The democratic opposition deserves the moral and material support of the international community. And it will also be necessary to break up the isolationism which has captured a large part of the population which, already in the past, has all too often perceived themselves as perennial victims of history.

If Serbia becomes democratic the call for independence might weaken in Montenegro and it will be also a lot easier to find a solution with regard to the future status of *Kosovo*. At present the most important task for the international community in Kosovo is internal stabilisation. It is of particular importance to create an appropriate environment for peaceful coexistence of all ethnic groups in political life, in particular the Serb minority. In this context, the main tenet must be, that ethnic and minority rights are universal, they have to be applied in all minority situations. What was and is true for the Albanian minority within and vis à vis the FRY must also be true for a Serbian minority within Kosovo, independently of the final political solution. It is crucial to prevent destabilising effects from spilling over from the Kosovo to neighbouring regions like Southern Serbia and Macedonia and it is crucial that the emerging administrative and legislative structures continue to develop with the participation of all.

The international community faces important challenges in its efforts to promote lasting peace and stability in the Balkans. The starting point, the main foundation for the future development is the *internal situation* in these countries. And here I see an *important role for the OSCE*, a role that is often not perceived in its full potential and dimension.

The Organisation has undergone a fundamental transformation since the fall of the iron curtain. The CSCE, the predecessor of the OSCE was designed to be a forum

for dialogue in a bipolar world. The OSCE has now become also, or rather mainly, a forum for action and has thereby adapted itself to the far-reaching changes in the security landscape of Europe. One of the great assets of the OSCE is its flexibility to adapt itself – under the political responsibility of the chair person in office - rapidly to new situations and challenges.

The OSCE has developed into an organisation with a network of 20 Missions and other field operations working in the area of conflict prevention, crisis management and post-conflict rehabilitation; this evolution has also been confirmed by the Charter for European Security which was adopted at the OSCE Summit in Istanbul in November last year.

The work of the OSCE recognises the close link between the stability of inter-State relations and the peace-promoting effects of strong and self-confident *civil societies*. And if there is one common denominator for causes of conflicts in the Balkans, then it is the lack of such strong civil societies. All too often the ethnic factor, further charged by religious connotations and historical-cultural myths, has determined politics in South Eastern Europe. In manifold ways, the OSCE is trying to create the right environment for the strengthening of civil societies, societies which are able to live through conflicts in a constructive and democratic manner.

A very significant contribution of the OSCE to peace and stability in South Eastern Europe are the large OSCE missions established within the region, making the organisation an important actor in the area. Indeed, the OSCE entertains missions in almost all parts of former Yugoslavia and Albania. They assume tasks which vary from one area of responsibility to the other. In Croatia and in Bosnia-Herzegovina the missions are mainly conducting post-conflict rehabilitation activities. In Macedonia the mission participated in international efforts to prevent the extension of conflict to this area. In Kosovo, the OSCE constitutes a distinct component within the overall framework of the United Nations Interim Administration Mission (UNMIK) and takes a lead-role in matters relating to institution- and democracy building and human rights. The OSCE Presence in Albania and the personal contribution of former Austrian Federal Chancellor Vranitzky helped to overcome the crisis started by the collapse of the pyramid scheme. Finally, the OSCE is also present in Montenegro through the local office of the Office for Democratic Institutions and Human Rights (ODIHR).

I have deliberately focused on one segment of the OSCE's work in the Balkans. It goes without saying that the Organisation is covering a far broader spectrum of activities which include, among others, the organisation and monitoring of elections, institution building and judicial reform, police training and media development.

In all of the mentioned countries the OSCE works closely with the host government and with other international actors, in particular the UN and NGO's. As no international organisation on its own is able to address effectively the multifaceted risks to security and stability in South Eastern Europe there is a clear need for co-operation and co-ordination as well as for a division of labour among the various international as well as regional organisations and actors; a division of labour which has been even institutionalised in the case of Kosovo with the UN, OSCE and the European Commission as the main partners in the framework of UNMIK. I am glad that this Year's Vienna IPA Seminar focuses on the issue of *organisational interplay*.

Austrian Policy in the Balkans has not changed significantly during the last years. But it has become more effective. Nobody denies anymore that the analyses of the causes and nature of the Yugoslav conflict made in the early nineties in Vienna were correct and that Austrian proposals should have received more attention. As long as Austria was not a member of the EU, it was only marginally involved in international decision-making. In addition, Austria - just like the other neighbours of Yugoslavia - had decided, for easily understandable reasons, not to contribute personnel to the various international missions in the Balkans. In retrospect it was a mistake not to compensate this abstinence with particularly large financial contributions. This sometimes caused the impression that Austria provided good advice, but was not willing to carry its share of the burden.

In the course of the years, and especially after Austria's accession to the EU, it became evident that historical and psychological arguments had to recede against the need for solidarity. Since then, Austria is participating in practically all international missions in the Balkans, whether under the aegis of the United Nations, the EU, the WEU, the OSCE or NATO, and consequently has acquired the right to participate in the decision-making processes. In the first instance, however, it is the membership in the EU itself which has increased Austria's influence in the Balkans. Today, in contrast to previous times, EU partners listen to Austria's views and initiatives. At the time of the Austrian EU Presidency our activities in the Balkans were recognized in August 1999 when the then Austrian Ambassador to the FRY, Wolfgang Petritsch, and the EU Special Envoy to Kosovo was made the High Representative thus being responsible for the civil implementation of the Dayton Peace Accords.

If there is anything remotely positive to be seen in the tragedy in the former Yugoslavia, from the Austrian perspective, it is the development in Slovenia. Austria has gained a stable, democratic, market economy-oriented neighbour which has the best prospects to be soon admitted to the European Union and the Euro-Atlantic security structures. That Slovenia receives the full support of Austria in these objectives is

obvious. Croatia, too, is to be regarded as an indirect neighbour and deserves Austrian assistance on its way to Europe. A European development of this country fully corresponds to Austrian interests and deserves every support. The consistent backing of Austria for Bosnia and Herzegovina and, above all, for the Bosnian Moslems has surprised many observers. This Austrian attitude has several reasons. In no other Yugoslav republic were the most elementary principles of international law and human rights violated in such a blatant way as in Bosnia and Herzegovina; no people were so obviously the victims of unimaginable crimes as the Bosniaks.

Smaller states, such as Austria, have a special interest in a functioning international order and the respect for recognized norms of behaviour. Austria's policy in the Balkan conflicts and, above all, towards Bosnia and Herzegovina was therefore consistently based on the principles formulated in the UN Charter and the Paris "Charter for a New Europe".

In addition Austria is probably more aware than any other country of the traditionally secular character of Bosnian Moslems. The threat of Islamic fundamentalism in the heart of the Balkans, so often mentioned by Belgrade, Zagreb and some capitals in Western Europe, will only materialize if Bosnia and Herzegovina is split apart. The best recipe against a fundamental threat is the most complete reconstitution of a multi-ethnic society in Bosnia and Herzegovina, the most appropriate method to let a militant fundamentalism become reality, is the final partition of the country and the creation of a Bosniak mini-state.

The open questions which exist in regard to official relations with the Federal Republic of Yugoslavia have already been mentioned. A vilification of the Serb people as a whole however, is in no way justified. A variety of informal contacts with Serbia were maintained during all these years and form a healthy basis for the future relations between the two countries. Austria - just like all EU partners - has the greatest interest in a democratic process of transformation in the Federal Republic of Yugoslavia and in the full integration of this country in to the international community.

The importance of Macedonia as a factor of stability in the Southern Balkans is recognized by Austria as well as the dangers which still exist for this state and the whole region. Austria will continue to support Macedonia in its efforts to secure political and economic consolidation.

One does not have to be a prophet in order to predict that the international community will have to deal with the problems in the Balkans for a long time to come. Many questions remain unresolved, a durable pacification of the region is not in sight despite certain progress achieved during the last two years. For Austria this means that

it will continue to be confronted with dangerous instability in its neighborhood. This is all the more a reason why, after joining the EU, Austria also has to think about its future relations with the Euro-Atlantic security structures.

It is obvious that Austria will lend active support to all measures and initiatives directed towards peace, stability and cooperation in the Balkans. This applies to the Central European Initiative, the Royaumont process, the Southeast European Cooperative Initiative as well as to other regional activities, but, above all, to a gradual rapprochement of the Balkan countries to the European Union. Even if this is today a far-removed vision, the Balkans will ultimately only find stability if this region is brought into the European integration process.

THE FUTURE OF EUROPE IN EUROPEAN PEACE

Walter SCHWIMMER
Secretary General, Council of Europe

During the last days you have discussed many aspects of former and current conflicts in Europe and about the different ways to solve these problems. I would like to add only a few remarks in the context of the oldest multilateral Organisation in Europe, the Strasbourg-based Council of Europe.

It was 10 years ago, when the end of the division of Europe offered us – the Council of Europe and our partner Organisations – the historic opportunity to consolidate peace and stability on the continent. It is my deep conviction that there is a progression towards peace in Europe, we are moving in the right direction, but there are still unresolved conflicts. And we have to face the fact that human rights violations underlay this whole situation.

Let me refer firstly to Chechnya, where recently three Council-of-Europe experts started their work in the office of Mr. Kalamonov, the Special Representative of President Putin for Human Rights in Chechnya. This is not an easy task, not at all, but we are making progress. To give you an example: just at the beginning of this week 30 detained people were released with the help of this Office.

In Bosnia-Herzegovina and in Kosovo – the case studies during this Seminar – the Council takes also actively part in a process which should lead (eg. by means of the observation of local elections, by means of training programmes for judges or policemen) to normalisation, democratisation and stability in South-East Europe.

The reason why we are strongly obliged to take up the challenges to the design of a new common Europe is clear: We have to avoid the isolation of Russia, we have to avoid the coming-up of new violencies in Kosovo or in other parts of South-East Europe. We have to avoid being driven from one conflict into the next, we have to break through the recurring circle of violence in Europe.

The answer the Council of Europe can contribute is a concept for which we have developed the name “democratic security”. Democratic security is the guarantee of stability and security between states and within states through the implementation of what we call the three pillars of the Council: which are democracy, human rights and the rule of law.

These fundamental elements have been referred to as the specific contribution of the Council of Europe to the elaboration of a common and comprehensive security model for Europe for the 21st century. It is based on a Platform between Organisations and Institutions concerned with the promotion of comprehensive security in Europe – a Platform comprising UN, OSCE, EU and CoE. Each of these Organisations has its own merits. The EU acts as motor and core effort for those who can live up to integration discipline. The OSCE with its longstanding diplomatic skills provides a platform for USA and Canada participation within Europe, and NATO military security.

What we want to achieve by the different structures for co-operation and co-ordination among Organisations and Institutions in Europe such as Quadripartite and Tripartite-meetings or 2+2 talks is clearly defined: we want to achieve real progress towards “one great Europe” in peace and security. I would therefore welcome to see even closer co-operation between all of us who are so concerned about these matters – including our partners in the NGOs. Together we will succeed in moving even faster in the right direction.