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The International Community's Management of 'Post-
Conflict' with particular reference to Bosnia and
Herzegovina.

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Abstract

The purpose of the thesis is to examine the International Community's (IC) responses to post-conflict at the turn of the twenty-first century and in a period of transition. The thesis will establish whether there are any standard models for the IC's engagement in post-conflict and if so whether these models are gradually 'evolutionary' or subject to radical change. The thesis will situate the IC's response within the existing academic models and will encompass a review of these models so as to establish whether recent post-conflict interventions can be adequately defined by them. The thesis will also define a typology of post-conflict so as to establish whether the existing definitions are 'fit for purpose'.

The thesis will make use of a substantial body of empirical evidence which was gathered by the author during a period of fourteen years spent in the Western Balkans. It will in consequence address the issue of 'observation' in the research design and conclusion. The thesis will use this corpus of evidence gathered to illuminate the points raised during the thesis and to establish whether the changes in the typology of the IC's response to post-conflict in the Western Balkans were specific to those particular missions or whether they represented a longer-term change in approach by the IC. As part of this changing approach to post-conflict, the thesis will also examine the role of the European Union (EU) and question the role which the EU, only one amongst many regional and sub-regional organisations, has ascribed to itself in the IC's management of post-conflict.

GUIDE TO ACRONYMS

(in English)

AFBiH	-	Armed Forces of Bosnia and Herzegovina
AFRICOM	-	Africa Command
AFV	-	Armoured Fighting Vehicles
ANP	-	Afghan National Police
ANSF	-	Afghan National Security Forces
APEC	-	Asia Pacific Economic Forum
ARRC	-	Allied Rapid Reaction Corps
ASCII	-	American Standard Code for Information Interchange
AU	-	African Union (successor to the OAU)
AV	-	Alternative Vote
BG	-	Battlegroup
BBC	-	British Broadcasting Corporation
BFBS	-	British Forces Broadcasting Service
BiH	-	Bosnia and Herzegovina
BRIC	-	Brazil, Russia, India and China
C3	-	Command, Control and Communications
CAFAO	-	Customs and Fiscal Assistance Office
CAG	-	Civil Affairs Group
CAM	-	Customs Assistance Mission (of the EU), suffix letter denotes state or entity e.g. CAM-A is the CAM for Albania. Has now been replaced by CAFAO
CAPOC	-	Civil Affairs and Psychological Operations Command
CAR	-	Central African Republic
CARDS	-	Community Assistance for Reconstruction, Development and Stabilisation
CAST	-	Conflict Assessment System Tool
CCA	-	Control Commission for Austria
CCG	-	Control Commission for Germany

CEC	-	Central Election Commission
CEU	-	Central European University
CFE	-	Conventional Forces Europe
CFSP	-	Common Foreign and Security Policy (of the EU)
CIMIC	-	Civil Military Co-operation
CMEA	-	Council for Mutual and Economic Assistance (The civilian equivalent of the Warsaw Pact)
CMT	-	Crisis Management Team
CNN	-	Cable News Network (a US Time-Warner owned broadcaster)
COE	-	Council of Europe
CORE	-	Centre for OSCE Research (in Hamburg, Germany)
CP	-	Close Protection
CPA	-	Coalition Provisional Authority
CPC	-	Conflict Prevention Centre (of the OSCE)
CRHB	-	Croat Republic of Herceg-Bosna, (the wartime third 'entity' in BiH)
CSCE	-	Conference on Security and Co-operation Europe
CSDP	-	Common Security and Defence Policy (of the EU)
CSRC	-	Conflict Studies Research Centre (of the UK Defence Academy)
DCAF	-	Geneva Centre for the Democratic Control of Armed Forces
DDR	-	Disarmament, Demobilisation and Re-integration
DECC	-	Department of Environment & Climate Change
DfID	-	Department for International Development (UK)
DHM	-	Deputy Head of Mission
DHR	-	Deputy High Representative
DM	-	<i>Deutschmark</i>
DoD	-	Department of Defense (of the USA), see MoD for UK
DPKO	-	Department of Peacekeeping Operations (at the UN)
DRC	-	Democratic Republic of the Congo

DRS	-	Data Research Systems
DSF	-	Directorate of Special Forces
EAM	-	National Liberation Front (in Greece, from 1941)
EC	-	European Commission
ECB	-	European Central Bank
ECMM	-	European Commission Military Monitors
EDB	-	European Development Bank
EEAS	-	European External Action Service
EEC	-	European Economic Community
EEZ	-	Exclusive Economic Zone
EIC	-	East India Company
ELAS	-	National People's Liberation Army (in Greece, from 1941)
EPC	-	European Political Co-operation
ESDP	-	European Security and Defence Policy (now the CSDP)
ESRC	-	Economic and Social Research Council (UK)
ESS	-	European Security Strategy
EU	-	European Union
EUFOR	-	European Union Force
EUFOR RD Congo	-	European Union Force Democratic Republic of Congo
EULEX	-	European Union Rule of Law Mission in Kosovo
EUMM	-	European Union Military Monitors
EUNAVFOR	-	European Union Naval Force
EUPM	-	European Union Police Mission
EUROPOL	-	European Police Office
EUSR	-	European Union Special Representative
FAC	-	Forward Air Control
FAO	-	Food and Agriculture Organization
FASP	-	Foreign Affairs and Security Policy (see also HR FASP)
FCO	-	Foreign and Commonwealth Office
FDI	-	Foreign Direct Investment
FIDF	-	Falklands Islands Defence Force

FO	-	Field Offices
FOM	-	Freedom of Movement
FOO	-	Forward Artillery Observation
FPTP	-	'First Past The Post' – Element of an electoral system such as that used in the UK
FRG	-	Federal Republic of Germany
FRY	-	Federal Republic of Yugoslavia
FY	-	'Former' Yugoslavia
FSI	-	Failed States Index
fYROM	-	former Yugoslav Republic of Macedonia
GATT	-	General Agreement on Trade and Tariffs
G8	-	Group of eight (leading economies)
G20	-	Group of 20 (leading economies)
GDR	-	German Democratic Republic
GFAP	-	General Framework for Peace, often referred to as the Dayton Agreement
GDP	-	Gross Domestic Product
GDR	-	German Democratic Republic (GDR) – DDR in German
GTZ	-	German Agency for Technical Cooperation
HCNM	-	High Commissioner for National Minorities (OSCE)
HDZ	-	Croatian Democratic Union, the principal Bosnian-Croat political party, whose parent political party is based in Croatia
HGV	-	Heavy Goods Vehicle
HighRep	-	High Representative (in Kosovo)
HLPG	-	High Level Planning Group (of the OSCE)
HMSO	-	His/Her Majesty's Stationery Office
HOM	-	Head of Mission
HR	-	High Representative (in BiH)
HRFASP	-	High Representative for Foreign Affairs and Security Policy
HIV	-	Human Immunodeficiency Virus
HV	-	Croatian Army (in Croatia)

HVO	-	Croatian Defence Forces (in BiH)
IAWG	-	Inter Agency Working Group
IBIS	-	Institute for British-Irish Studies
IBRD	-	International Bank for Reconstruction and Development
IC	-	International Community
ICAO	-	International Civil Aviation Organisation
ICC	-	International Criminal Court
ICG	-	International Crisis Group
ICITAP	-	International Criminal Investigative Assistance Training Program (US)
ICRC	-	International Committee of the Red Cross
ICTR	-	International Criminal Tribunal for Rwanda
ICTY	-	International Criminal Tribunal for Yugoslavia (sometimes referred to as the 'Hague' tribunal)
ID	-	Identity (Card/s)
IDEA	-	International Institute for Democracy and Electoral Assistance
IDP	-	Internally Displaced Person
IED	-	Improvised Explosive Device
IGB	-	Inner German Border
IEBL	-	Inter Entity Boundary Line
IED	-	Improvised Explosive Device
IFES	-	International Foundation for Electoral Systems
IICK	-	Independent International Commission on Kosovo
IFOR	-	Intervention Force
II	-	Image Intensifying
ILO	-	International Labour Organisation
IMC	-	International Mercy Corps
IMF	-	International Monetary Fund
INGO	-	International Non-Governmental Organisations

INTERPOL	-	International Criminal Police Organisation (a UN affiliated body with 184 member countries)
IO	-	International Organisation
IO	-	Information Operations (UK & US Military term) see also PsyOps
IOM	-	International Organisation for Migration
IPTF	-	International Police Task Force
IR	-	International Relations
ISAF	-	International Stabilisation Force
IT	-	Information Technology
ITU	-	International Telecommunications Union
JCC	-	Joint Civil Commission
JCG	-	Joint CIMIC Group (UK Military)
JCO	-	Joint Commission Observer team/organisation (in BiH)
JHQ	-	Joint Headquarters
JMC	-	Joint Military Commission
JNA	-	Yugoslav National Army
JSC	-	Joint Staff College
KE	-	Convertible Euro (the currency of Kosovo)
KFOR	-	Kosovo Force (the IC military presence)
KLA	-	Kosovo Liberation Army
KM	-	Convertible Mark (the BiH currency)
KPC	-	Kosovo Protection Corps
KPS	-	Kosovo Police Service
KVM	-	Kosovo Verification Mission
LDK	-	Liberal Democratic Union (A major political party in Kosovo)
LRA	-	Lords Resistance Army
LTO	-	Long Term (election) Observer
MAC	-	Mine Action Centre
MBT	-	Main Battle Tank(s)
MEU	-	Marine Expeditionary Unit (of the US Marine Corps)

MNC	-	Multi-National Corporations
MND	-	Multi-National Division
MONUC	-	United Nations Organization Mission in the Democratic Republic of the Congo
MONUSCO	-	United Nations Organization Stabilization Mission in the Democratic Republic of the Congo
MPRI	-	Military Professional Resources International
MoD	-	Ministry of Defence, see also DoD for USA
MSF	-	<i>Medecins Sans Frontieres</i> (a medical INGO)
MSU	-	Multi-national Specialist Unit
NAFTA	-	North American Free Trade Area
NATO	-	North Atlantic Treaty Organisation
NDI	-	National Democratic Institute
NGO	-	Non-Governmental Organisation
NHQT	-	NATO Headquarters Team (in Skopje, FYROM)
NHS	-	National Health Service
NIC	-	National Intelligence Cell e.g. UKNIC for UK
NM	-	Nautical Mile
NV	-	Night Vision
OAU	-	Organisation of African Unity (now the AU)
OCHA	-	Office for the Co-ordination of Humanitarian Affairs
OCR	-	Optical Character Read/Readable/Reading
ODIHR	-	Office of Democratic Institutions and Human Rights
OED	-	Oxford English Dictionary
OHCHR	-	Office of the High Commissioner for Human Rights
OHR	-	Office of the High Representative (in BiH)
OIC	-	Organisation of the Islamic Conference
OMIK	-	OSCE Mission in Kosovo
ONS	-	Office of National Statistics (UK)
OPCON	-	Operational Control
OSCE	-	Organisation for Security and Co-operation in Europe

OTI	-	Office of Transition Initiatives (US)
OUP	-	Oxford University Press
P5	-	Permanent members of the UN Security Council
PACE	-	Police and Criminal Evidence Act
PC	-	Permanent Council (of the OSCE)
PCRU	-	Post-Conflict Reconstruction Unit – UK joint DfID and FCO
PfP	-	Partnership for Peace
PIC	-	Peace Implementation Council
PIFWC	-	Person(s) Indicted For War Crime(s)
PKSOI	-	United States Army Peacekeeping and Stability Operations Institute
POG	-	Psychological Operations Group
POLAD	-	Political Advisor
POW	-	Prisoner/s Of War
PRC	-	Political Resource Centre
PsyOps	-	Psychological Operations (Military) (Was replaced by “Information Operations” and later by “Perception Operations”)
The ‘Quint’	-	The informal EU equivalent of the P5; includes, France, Germany, Italy, UK and the rotating Presidency, but does not have veto powers
RCDS	-	Royal College of Defence Studies
RDF	-	Rapid Deployment Force
REACT	-	Rapid Expert Assistance and Co-operation Teams
RFE	-	Radio Free Europe
RHA	-	Rolled Homogenous Armour
RIB	-	Rigid Inflatable Boats
RL	-	Radio Liberty
RPN	-	Refugee Participation Network
RS	-	‘Serb Republic’, the predominantly Bosnian-Serb entity within BiH
RUSI	-	Royal United Services Institute

SAA	-	Stabilisation and Accession Agreement (process for admission to the EU)
SACEUR	-	Supreme Allied Commander Europe (of NATO forces)
SAS	-	Special Air Service
SF	-	Special Forces
SAM	-	Serbia and Montenegro (the transitional successor state to the FRY).
SAT	-	Standard Assessment Tasks
SBS	-	BiH State Border Service (Border Police)
SDA	-	Party for Democratic Action (the principal Bosniac party in BiH)
SDS	-	Serb Democratic Party (the principal Bosnian-Serb party in BiH)
SFOR	-	Stabilisation Force
SFRY	-	Socialist Federal Republic of Yugoslavia
SHAPE	-	Supreme Headquarters Allied Personnel Europe
SHERBRIG	-	(UN) Standby High Readiness Brigade
SIDA	-	Swedish International Development Cooperation Agency
SME	-	Subject Matter Experts
SMR	-	Senior Military Representative (of NATO)
SOCA	-	Serious and Organised Crime Agency (UK)
SOCEUR	-	Special Operations Command Europe (US Military)
SOF	-	Special Operations Forces (US Military)
SPRK	-	Special Prosecutors Task Force (Kosovo)
SRSG	-	Special Representative of the Secretary General (of the UN)
SS	-	<i>SchutzStaffel</i> part of the world war two German armed forces in particular the <i>Waffen-SS</i> , literally the Military SS
SSR	-	Security Sector Reform
STASI	-	Ministry for State Security (in the GDR)
T & AVR	-	Territorial and Army Volunteer Reserve
TI	-	Thermal Imaging

TIMS	-	Total Information Management System
UAE	-	United Arab Emirates
UAV	-	Unmanned Aerial Vehicle
UK	-	United Kingdom
UKBA	-	UK Borders Agency
UKLO	-	UK Liaison Officer
UKSF	-	UK Special Forces
UN	-	United Nations
UNAMIC	-	United Nations Advanced Mission in Cambodia
UNAMID	-	African Union/United Nations Hybrid operation in Darfur
UNCA	-	United Nations Civil Affairs
UN CIVPOL	-	United Nations Civilian Police
UNDOF	-	United Nations Disengagement Observer Force
UNDP	-	United Nations Development Programme
UNDPA	-	United Nations Department of Political Affairs
UNDPKO	-	United Nations Department of Peacekeeping Operations
UNFPA	-	United Nations Population Fund
UNGA	-	United Nations General Assembly
UN-HABITAT	-	United Nations Human Settlements Programme
UNHCR	-	United Nations High Commissioner for Refugees
UNICEF	-	United Nations Children's Fund
UNIFIL	-	United Nations Interim Force in Lebanon
UNIKOM	-	United Nations Iraq Kuwait Observer Mission
UNITAF	-	Unified Task Force
UNLOSC	-	United Nations Law of the Sea Conference (Based in London)
UNMAS	-	United Nations Mine Action Service
UNMIBH	-	United Nations Mission to Bosnia & Herzegovina
UNMO	-	United Nations Military Observer
UNMOGIP	-	United Nations Military Observer Group in India and Pakistan

UNOPS	-	The United Nations Office for Project Services
UNOSOM	-	United Nations Operations in Somalia – two missions
		UNOSOM I and UNOSOM II
UNPA	-	United Nations Political Affairs
UNPROFOR	-	United Nations Protection Force
UNRWA	-	United Nations Relief and Works Agency
UNSC	-	United Nations Security Council
UNSCR	-	United Nations Security Council Resolution
UNSG	-	United Nations Secretary General
UNTAC	-	United Nations Transitional Authority in Cambodia
UNTAES	-	United Nations Transitional Administration in Eastern Slavonia, Baranja and Western Sirmium
UNTSO	-	United Nations Truce Supervision Organisation
UNV	-	United Nations Volunteers
UNWFP	-	United Nations World Food Programme
UN Women	-	UN Entity for Gender Equality and the Empowerment of Women
USAID	-	United States Agency for International Development
USAR	-	United States Army Reserve
USB	-	Universal Serial Bus
USIP	-	United States Institute for Peace
USMC	-	United States Marine Corps
UXO	-	Unexploded Ordnance
VRS	-	Army of the 'Serb Republic'
VSAT	-	Via satellite
WB	-	World Bank
WHO	-	World Health Organisation
WMD	-	Weapons of Mass Destruction
WP	-	Warsaw Pact
WSF	-	World Social Forum
WTO	-	World Trade Organisation

Chapter 1

Introduction

Statement of aims

This thesis will examine the International Community's (IC)¹ role in the management of post-conflict. It will do so by interrogating received theories of IC intervention in relation to three case studies. As part of this examination it will offer a novel typology of IC intervention in post-conflict based on a historical and comparative analysis of such interventions.

The thesis will also aim to demonstrate the changing relationship between old and new actors, for example the EU, and to demonstrate how that changing relationship, for example the increasing marginalisation of the UN, has altered the concept and theories of post-conflict intervention. The thesis will contrast the essentially worldwide multilateral concept of liberal-interventionism adopted by the UN with the post-conflict interventions of small ad-hoc groups, or even single states or regional organisations which have recently taken place and question whether these often more closely fit the colonialist or imperialist models.

¹ The IC is generally taken to include the diplomatic and other representation of nation states and the representatives of accredited international organisations such as the UN, the EU, NATO, the OSCE and other associated bodies of these organisations. Although the understanding of the 'IC' varies in composition from place to place and across time, it will in general conform to the definition given in the preceding sentence.

The thesis will demonstrate these changing relationships, concepts and theories through a detailed examination of the IC's management of post-conflict, as it was manifested in the late twentieth and early twenty-first centuries. Not only will it achieve this by judging those interventions in the light of some key concepts and theories as these will provide the necessary link to the existing corpus of knowledge on this theme, but uniquely it will also examine the practical impact of these new approaches as they affected both the post-conflict states and the International Organisations (IO) engaged in the process.

While the thesis will specifically examine the methodologies used by the IC to manage the post-conflict period in both Bosnia and Herzegovina (BiH) and Kosovo, it will do so by focusing upon the empirical evidence as gathered by a senior practitioner of post-conflict at the time. In focusing upon the empirical evidence, this will be evaluated within the thesis in the context of the theoretical constructs and as such make a bridge between a purely empirical study and a theoretical and often normative study which would be lacking in historical and empirical weight. The thesis will also clearly demonstrate which concepts and analytical frameworks are relevant to the illustrative cases and which are not.

In identifying and focusing upon the impact of the absence, or reduced role of the United Nations (UN) within the overall IC post-conflict structure, the thesis will identify whether the different co-ordinating mechanisms identified at that time as

being required were more, or less effective, than the UN.² The thesis will also examine the increasing impact of the EU in terms of post-conflict, The Western Balkans conflicts were keynote events for the development of the EU and ones which with few exceptions such as those identified by Whitman³ were little noted at the time. They have, however, already become of increasing importance and will continue to grow in relevance in the years ahead.

The thesis will further identify how change within the IC strategy for post-conflict management has evolved over time by using the examples of BiH and Kosovo as case studies. This has previously been suggested as being an appropriate approach to this type of research by both Yin and Blaxter⁴. BiH and Kosovo were two episodes separated very briefly in time, 1995 and 1999, but not in any meaningful sense by space as at their closest points the borders of BiH and Kosovo are significantly less than one hundred miles apart and both lie within the former Yugoslavia.

The structure of the thesis

The research design and the methodology will be covered in Chapter 2. As stated in the 'aims', the thesis benefits from a considerable body of empirical

² For Kosovo the discussions around the final status talks clearly identified the EU as the lead organisation, particularly after the planned withdrawal of the UN once an agreement had been reached, but the thesis will examine the process by which this decision came about.

³ Richard Whitman, *From Civilian Power to Superpower? The international identity of the EU*.

⁴ Robert K. Yin, *Case Study Research – Design and Methods*, p 1; and Loraine Blaxter, Catherine Hughes, and Malcolm Tight, *How to Research*, p 66.

knowledge; as such the research design adopted is key. It will concentrate on linking the empirical knowledge of what happened, or was planned to have happened, during the IC's management of the post-conflict operations in both Bosnia and Kosovo to the various academic models and methodologies currently in use. This will enable the thesis to examine which of the models are most relevant to the IC's management of post-conflict in the late twentieth and early twenty-first centuries and to indicate whether these models are evolving to respond to the increasing complexity of post-conflict operations. In order to do this the thesis will refer to texts and discussions about the IC's engagement in post-conflict which have been made primarily from an academic background as well as to texts and other data supplied by the organisations directly involved in the operations themselves. The chapter will illustrate that some academics, often of considerable stature such as Donald Horowitz,⁵ were also present as practitioners on the ground in Bosnia⁶ and Kosovo and the thesis will examine how closely their practical decisions 'on the ground', matched the academic propositions that have been made in their work. In particular, the thesis will attempt to map the impact of politics and the policies of contributing states upon those implementing post-conflict strategies by using all of the data available.

The research design of this thesis is based upon a novel approach to the collection of empirical data. It raises key issues about how such research and

⁵ Donald L. Horowitz, *Ethnic Groups in Conflict*.

⁶ Horowitz was a member of the elections advisory panel in Bosnia in the period 1997-9. This appointment was directly relevant to his academic experience. It is believed that he performed a similar function in Kosovo.

perhaps this type of research in general can or ought to be conducted.⁷ Finally, this chapter will propose that the issue of the nature of participant observation should be re-examined, so as to recognise that ‘decision makers’ in the process are also ‘participants’.

In Chapter 3, the thesis will judge interventions in the light of key concepts and theories. It will examine whether the theories of colonialism, imperialism, or even nationalism are relevant to post-conflict. If so, then the thesis will examine whether the definitions of the words themselves are always used in the correct context, noting the possible tensions between what practitioners say and academic studies describe. The thesis will also briefly note the casual and sometimes pejorative use and misuse of these words by some sectors of the media and political elites. If as the thesis will demonstrate they are generally not relevant to the IC’s management of modern post-conflict situations, then it will examine whether the IC’s activities have more to do with the theories of ‘liberal interventionism’ and ‘cosmopolitanism’ as developed and enlarged upon by the ‘constructivists’ and in particular by the ‘English school’. Among these models there are interesting and critical questions about the use of these terms and their

⁷ Mark Etherington, for example, who had previously served in more junior positions both in Bosnia and Kosovo, then went on to become a provincial governor in Iraq and wrote a book about the year that he spent there; *Revolt on the Tigris – The Al-Sadr Uprising and the Governing of Iraq*. Senior post-conflict managers, such as Paddy Ashdown also write memoirs or autobiographies; *A Fortunate Life: The Autobiography of Paddy Ashdown*, which are in general self-justifying or self-congratulatory rather than detailed examinations of the processes involved. In Ashdown’s autobiography, only pp 331–72 are devoted to Bosnia with pp 345-47 briefly describing his twin role as both High Representative (HR) and EU Special Representative (EUSR).

relevance to a post-conflict as opposed to, say, a humanitarian intervention environment.

Indeed, even with the terms 'post-conflict' and 'humanitarian intervention' there are grounds for debate over some of the definitions which have been used to demarcate them. Murphy⁸ when discussing humanitarian intervention refers in his definition to the use of force or the threat of force, thus implying that any intervention which takes place without any force, or threat of force being present, cannot by definition be 'humanitarian'. This is patently not so as shown by the North American and Western European interventions in Aceh in the immediate aftermath of the Asian tsunami in 2004. At that stage, the northern part of Aceh in areas affected by the tsunami were in conflict, yet those individuals deployed, even if military, were for the most part unarmed⁹ and it was made clear from the outset that where the military were present they were only there to facilitate the civilian relief effort, usually by providing capabilities which did not exist (or at least in the right quantities), in the civilian sphere. The tsunami disaster acted as a trigger for the peace settlement which followed.¹⁰ This was facilitated by a Finnish NGO,¹¹ but was negotiated between the domestic actors in conflict and

⁸ Sean D. Murphy, *Humanitarian Intervention: In an Evolving World Order*.

⁹ Amongst the few deployed UK military personnel were seven members, some of them reservists, of the UK Joint CIMIC Group (JCG). Their role, working initially from light poncho 'tents' on the airfield was to coordinate the UK supply of relief materials being brought in by RAF Hercules transports in order to supply those items in greatest need at each stage of the operation. As with most, if not all, of the deployed UK personnel they lived amongst the community and were not armed.

¹⁰ The Memorandum of Understanding (MOU) between the Government of the Republic of Indonesia and the 'Free Aceh' Movement which was signed by both parties on 15 August 2005

¹¹ The NGO was 'Crisis Management Initiative' led by former Finnish President Martti Ahtisaari. He was also a key actor in the negotiations in Kosovo.

did not involve the IC. That the EU then moved on to assist in the post-conflict restitution of Aceh, and to establish a mission there,¹² does not diminish the humanitarian nature of the initial intervention post-tsunami. A similar and even more convincing case can be made for a 'civilian' humanitarian intervention during the Mozambican floods in 2000 and 2001 where both UK and South African military helicopters were extensively used in a purely humanitarian and civilian role.¹³

In Chapter 4 the thesis will also briefly examine the history of what can broadly be called liberal interventionism and the international management of conflict and post-conflict. This will cover from what Bass¹⁴ would argue was its first deployment in 1829 until 1990. The thesis will also examine the evolutionary nature of this activity, particularly in the period from 1945 and discuss some of the impacts of failing to take a more revolutionary approach such as the foundation of a UN Army.¹⁵ The chapter will also map the steady rise in the role of the UN and other international bodies in post-conflict to that point in 1993 when, with 78,000 UN peacekeepers deployed across a wide range of operations worldwide, the UN had, some observers such as Shawcross argued, become

¹² This mission too was civilian and unarmed in nature. In addition to the HQ there were observers and monitors positioned across Northern Aceh. Its purpose was primarily to act as a 'tripwire' and its functions were definitely post-conflict rather than humanitarian as can be illustrated by the fact that it had a large number of political and diplomatic rather than aid posts within the mission.

¹³ BBC – 5 March 2001: "Two South African military transport aircraft carrying support staff to operate helicopters and light planes have arrived in Mozambique to help with flood relief operations as the Zambezi river continues to rise. Observers say the aircraft are urgently needed for ferrying emergency aid and for moving people out of flooded areas, because Mozambique has only two serviceable helicopters of its own."

¹⁴ Gary J. Bass, *Freedom's Battle - The Origins of Humanitarian Intervention*.

¹⁵ See Adam Roberts, *Proposals for UN Standing Forces: A critical History*, pp 99–132.

visibly 'overstretched'.¹⁶ This provides a backdrop to the consistent attempts by the USA and others to conduct post-conflict operations either without the involvement of the UN or, certainly, without the UN in a lead role and has become a feature of US-supported post-conflict intervention in the period 1995 – 2010 for which Bosnia and Kosovo were the ground-breaking models.

Post-conflict intervention in the period from 1945¹⁷ to the present day will also be considered in Chapter 5 which will propose a typology of post-conflict intervention. It will examine whether the evolutionary change observed both in Kosovo and earlier has continued and whether there was continuous forward progress or whether some lessons, previously learned, had been 'unlearned'. For the EU and the UN the thesis will examine the increasing trend towards 'hybrid' operations and in particular the UN's operations with the AU, such as the UNAMID mission in Dharfur as well as operations mounted by regional organisations under the UN banner such as the AU UNISOM mission in Mogadishu. Lastly, it will consider the two US-led post-conflict interventions in Iraq and Afghanistan, examining whether or not developments made during the Bosnia and Kosovo operations were maintained in these two operations, particularly given that in the case of Iraq many of the same senior and mid-level managers were involved. This chapter will also consider those interventions for

¹⁶ William Shawcross, *Deliver us from Evil – Warlords and Peacekeepers in a World of Endless Conflict*.

¹⁷ It will therefore include both the management of the referendum in East Timor, the violence which took place as a consequence of the result, and the subsequent post-conflict mission.

which considerable planning, has taken place,¹⁸ but are pending, perhaps as the result of ‘frozen conflicts’ such as those in Moldova and Nagorno-Karabakh, to see if these too have been ‘informed’ by the operations of the recent past. It will also examine why some regional organisations have been relatively successful at developing and leading post-conflict operations while others such as the OSCE in the wider European sphere, have been less successful both in developing missions and in gaining international support for doing so.

Chapters 6 and 7 of the thesis, will attempt to identify some key lessons learned from the BiH and Kosovo experiences which may be utilised elsewhere and will touch upon those alternative methodologies to the management of post-conflict either applied elsewhere in the world in that particular epoch or in the twenty-first century which may illustrate effective future methodologies for conducting international post-conflict intervention.

Chapter 8 will examine the developing role of the EU in post-conflict. The Western Balkans conflicts marked the first time that the EU and its institutions became an ‘actor’ on the world stage, rather than simply a source of funding for humanitarian aid. They will also indicate that the EU’s presence will continue to grow in relevance in the years ahead. Although active at the time of the Balkans conflicts in the mid-1990s the EU was very much a regional player focused upon Western Europe and the fringes of Europe. Now not only its money but its

¹⁸ The OSCE has maintained a seven person planning team in Vienna since 2000 solely to prepare for a future intervention in Nagorno-Karabakh. It maintains a further four-person monitoring team in Nagorno-Karabakh itself.

activities and its aspirations stretch worldwide. As a result of these developments, the thesis devotes a chapter to this topic and in particular examines the conditions which the EU imposes as a basis for receiving funds and assistance from what is often now a single source of funds as aid contributions from the EU member states are becoming increasingly pooled. In particular, when it comes to models it challenges whether the EU's involvement fits within the traditional model of liberal interventionism or whether it is, or is at least perceived to be, closer to one of the other models. Is it possible, as some may argue, that a multi-national institution rather than, or perhaps in addition to, a sovereign state could be accused of 'colonialism' and 'imperialism'? This chapter will also examine how an organisation, most of whose key functionaries are not directly elected, can advise others on democracy and the importance of the ballot. This is a particularly relevant factor for those who have been intimately involved in the organisation and management of elections on their behalf.

Chapter 9 will examine the legacies and consequences of the IC's intervention in BiH and Kosovo and will illustrate that sixteen and twelve years on, both remain 'works in progress'. The chapter will examine the impact of both post-conflict missions not only on the states themselves and the wider Europe, but also in terms of their relevance to subsequent operations and, in particular, the development of the EU models for post-conflict intervention.

Finally, Chapter 10 will offer some conclusions on the evidence presented within the thesis and make suggestions as to how the approaches to post-conflict operations may be modified so as to make them more effective.

The empirical evidence

The empirical evidence forms the core of this thesis. A considerable amount of the empirical data comes from the privileged position and access available to the author during the initial period of post-conflict intervention in both Bosnia and Kosovo. Having occupied a position in a UK ministry supervising personnel on the ground in Bosnia and Croatia in the period from March 1994 to August 1995, the author was present in Bosnia and Kosovo from August 1995 until October 2002 and continued to have regular direct involvement both in Bosnia and Kosovo, particularly in the field of elections management and observation, whilst serving as the Deputy Head of Mission (DHM) for the OSCE in Albania from October 2002 to April 2009. In his role as director of the Joint Elections Operations Centre (JEOC) in Bosnia in 1996-7 and then as Director General (DG) for elections in Bosnia in 1997–2000 he had considerable exposure to decision making at senior levels both in Bosnia and in capital cities across the whole range of the post-conflict operation. As the co-author of the elections plan for Kosovo prepared for the Rambouillet peace talks in March 1999 (implemented from July 1999), he had considerable exposure to the process of mission formulation; the management structure for the Kosovo mission, and in

particular to the creation of the OSCE post-conflict capability both in Kosovo and later in Macedonia.¹⁹ As the research design will make clear, much of the material made available to the author is now in the public domain, but the direct sources for a very limited amount of information must remain confidential.

Concluding statement

Whilst the empirical evidence was collected during a considerable amount of time spent 'on the ground' in Bosnia and Kosovo, the collection of evidence continued during activities conducted both within the UK, European, and North American arenas in post-conflict planning activities, in training those deploying on post-conflict operations, and in debriefing those who have returned. As a result, the material previously gathered was throughout, continuously being supplemented with the current 'ground truth' whenever possible. In consequence, while this thesis has been completed, the overall study of post-conflict is in fact, as it must be, a 'work in progress'. This leads us back to the aim of the thesis which is to report and analyse a set of post-conflict interventions so as to inform the reader of a critical period during which the IC's management of post-conflict, whilst continuing to evolve, underwent a fundamental shift from dependency upon the UN and its agencies as the solution to all post-conflict problems, to one where the UN became just one more partner and in some cases had no involvement in particular post-conflict missions.

¹⁹ Although the OSCE had maintained a small mission in the former Yugoslav Republic of Macedonia (fYROM) since 1993, the author was closely involved in the deployment of the OSCE 'Monitors' to fYROM in 2000-1 and the establishment of the later, larger mission.

The thesis will demonstrate that the recent developments in post-conflict intervention are worthy of study and of mapping against the theoretical framework already in place, so as to see whether that framework remains 'fit for purpose' or must itself again evolve. If it must evolve, the thesis will proffer potential solutions and provide indicators as to areas where further work is required.

This thesis will contribute to informing the various theories through its discussion of what took place and what concepts and models can be derived from the IC's management of post-conflict in both BiH and Kosovo. At the practitioner level, it is clear that many lessons have already been learned²⁰ and that yet more are known, but are awaiting a suitable scenario in which to be implemented. This thesis, therefore, incorporates a 'legacies and consequences' chapter, so that some of these developments may be usefully summarised in an accessible manner.

The thesis has theoretical and practical (policy) applications. While the thesis may be of interest to other researchers and academics as theory informs practice, at the opposite end of the spectrum, practice informs theory, not only

²⁰ The effective development of a worldwide electoral registration and postal ballot methodology, later utilised in both Afghanistan and Iraq is one such. This particular electoral technique, developed in BiH was described at the worldwide conference of electoral officials in Guadalajara, Mexico in 1998, as being; the most comprehensive and effective absentee voter strategy developed anywhere. For a description of this and the impact upon the electoral system see; Hans Schmeets *The 1997 Municipal Elections in Bosnia and Herzegovina – An Analysis of the Observations*.

directly through academic works and theses, but also by providing the bedrock of work on which the next generation of senior practitioners base their ideas, whether this be through general study and research, as for example at Wilton Park²¹ and the Royal College of Defence Studies (RCDS) or in detailed study of a particular area and zone of operations, in the period before deployment.²² In particular, at the most senior levels, new incumbents and their immediate staffs are likely to make use of 'one-on-one' interviews with existing or previous practitioners,²³ who are either specialists in the area²⁴ to which they are to be

²¹ Wilton Park is an FCO-run study centre in Sussex. This is used extensively not only by UK foreign service personnel. See for example the description of the conference held there involving Iraqi exiles in David L Phillips *Losing Iraq – Inside the Post War Reconstruction Fiasco*.

²² This process is very clearly and extensively described by Michael Rose *Fighting for Peace*. Whilst Rose made use of local practitioners both current and dating back to World War Two, such as Fitzroy Maclean, for some time the UK advisor to Tito and the partisans (see Fitzroy Maclean *Eastern Approaches* for a description of these events) and someone he had known personally for many years. Rose also made extensive use of those academic sources that were immediately available to him and co-located with him at Sandhurst where he was Commandant of the Army Staff College, namely the Conflict Studies Research Centre (CSRC) under C. J. Dick. The CSRC initially under its new head, Ann Alldis and later at the Defence Academy at Shrivenham played a similar role since at least February 2005 in the pre-briefing of Lt-Gen. Richards, the Commander of the Allied Rapid Reaction Corps (ARRC) prior to the deployment of the ARRC to Afghanistan in May 2006. The centre, renamed in 2006 as the Advanced Research and Analysis Group (ARAG), was closed down in 2010, but the briefing requirement remains.

²³ By their very nature such interviews, or the governmental material listed below, are likely to take place 'unattributably' and are therefore unlikely to appear in either the academic or more biographical literature of post-conflict activities. Neither are the extensive briefings given by news media personalities with knowledge of these areas and in particular the local political actors, likely to feature. Again given that in most post-conflict environments the media are likely to have got there first, we can expect to see this as a regular feature of the briefings prior to future IC interventions. For some reference to this symbiotic relationship between the IC and the media see Kate Adie, *The Autobiography: The Kindness of Strangers*. Some writers combine both the academic and 'media' or 'populist' roles, notably in the Western and Southern Balkans James Pettifer and Misha Glenny (*The Balkans – Nationalism, War and the Great Powers*) who combines writing with a successful print and radio journalism career.

²⁴ There are very few areas of the world where this cannot be done, as Lt-Col. Blashford-Snell the famous explorer discovered, when he claimed in the 1970s to have been the first 'Westerner' to have visited a part of Ethiopia. 'M' Force led by Orde Wingate with a team of officers and men including Laurens Van der Post and J. Neilson Lapraik, had operated in the area extensively during the period 1940–42 and Blashford-Snell was discretely advised to adjust his 'publicity material'. This he did. He left the Army shortly thereafter.

deployed,²⁵ or who have particular subject specialisms, in the period prior to their deployment. This was certainly the case with Lord Ashdown prior to his deployment as High Representative in BiH.²⁶ In addition, such persons²⁷ will also have access to a wide range of governmental data²⁸ on the area to which they are deployed and increasingly access to the data of other coalition states.²⁹

²⁵ It is unlikely that the leader of any IC post-conflict organisation will find himself or herself to be either the first in the area and most likely that many IC agencies will have been represented in the area both pre and even during the conflict. This was the case even in Kosovo, where many humanitarian and church affiliated INGOs remained even during the bombing. One such INGO international, a US citizen, had been in Kosovo for eleven years at the time of the bombing and remained in Pristina, unmolested throughout. He subsequently provided briefings to incoming KFOR commanders and other senior IC actors during their pre-deployment work-up.

²⁶ Prior to his deployment, Lord Ashdown worked for a number of months from a suite of offices in the Foreign and Commonwealth Office (FCO) with his immediate staff.

²⁷ It is worth noting that Lord Ashdown's two principal advisors are now the principal foreign policy advisors for the Prime Minister and the Foreign and Commonwealth Secretary, so the long-term impact of their three-year service in and about Bosnia upon UK foreign policy should not be underestimated. Additionally a further member of the Prime Minister's foreign policy staff is a Bosnian national recruited during the same period.

²⁸ In the case of BiH those managing the 'post-conflict' period also had access to an extensive archive created by UNPROFOR and the UN during the period 1992–95. There were also the files maintained by the individual nation states which had troop contributions within UNPROFOR. This data ranged from the extremely useful but banal lists of available interpreters by ethnicity and location, through to detailed information on the political structures and linkages in specific areas, to the detailed plans, diagrams and surviving functionality of essential infrastructure projects such as the hydro barrages on the Neretva river, who the surviving technicians were and where they were located. Information such as this was vital for the rapid (re)start-up of BiH's infrastructure. Similar data was maintained on Kosovo, it was, however, in practice less effective due to the more rapid, recent displacement of the population and the Kosovars' desire to ethnically cleanse or murder anyone who was not ethnically Albanian. An example of this last practice relates to the manager of the thermal power plant outside Pristina. He was identified post-conflict and returned to work. He was murdered within weeks despite being not a Serb but a Bosnian, who had been brought in to manage the plant during the 'Tito' era. This power plant, which was not damaged either by the Serbs, or by NATO bombing, is still not running at full capacity, leading to frequent power outages.

²⁹ In the case of the Netherlands contingent to UNPROFOR, for example, they were allowed access to the German World War Two *sicherheit strangeheim* (literally 'Secret Security' – i.e. German eyes only) files which presumably provided much case file information on personalities and locations. The UK had also in the past (and may continue to do so) maintained files and membership records of people who had served with the pro-allied resistance in the Western Balkans and Greece during the Second World War.

These senior practitioners are also likely both to have read the practitioners' 'memoirs' and more general literature³⁰ and perhaps³¹ to have studied the academic literature carefully, particularly in areas which may not be going so well or are of concern. In BiH for example this included the difficulty of effectively integrating the education systems at all levels and moving from 'three schools under one roof, to one school under one roof',³² with the students from the various ethnic groups studying together and using the same syllabus and textbooks. This was a principal concern of Lord Ashdown and led to the establishment of an education department within the OSCE Mission to BiH. It was, of course, realised early on that there was already considerable expertise in this field elsewhere and the Bosnian experience,³³ repeated later in Sierra Leone and elsewhere, has also helped stimulate further study and literature on the topic.³⁴

³⁰ In BiH for example there were few if any senior UK personnel who did not have a copy of Rebecca West's *Black Lamb and Grey Falcon – A Journey Through Yugoslavia* on their desk or bookshelf and/or a well thumbed copy of Fitzroy Maclean's *Eastern Approaches*, often with Baedekers Yugoslavia (2nd Edn, 1984) as the most comprehensive and current guide-book.

³¹ This mechanism for briefing, one-on-one interviews and correspondence with experts, as well as the reading of 'histories' would have been familiar to any Roman governor during the Imperial period, see; N. J. E. Austin and N. B. Rankov, *Exploratio: Military and Political Intelligence in the Roman World from the Second Punic War to the Battle of Adrianople*. See in particular Chapter 2 – The Hostile Horizon – Strategic Intelligence, pp 12-38 for a detailed description of this process.

³² Ambassador Robert Beecroft (US), OSCE Ambassador in BiH 2001–04 discussing the establishment of an Education Department within the OSCE Mission to BiH in 2001.

³³ There was no comparable experience in Kosovo, as the post-NATO intervention led to the expulsion of the Serbs from all non-Serb majority areas and their corralling into enclaves. This ensures that education remains firmly segregated.

³⁴ An example of this is the Commonwealth Secretariat's publication, Peter Williams, *Good Practice in Crisis and Post-conflict Reconstruction: A Handbook for Education Policy Makers and Practitioners in Commonwealth Countries*.

Having identified the aims and objectives of this thesis, the following two chapters covering the research design and then the theoretical underpinning of the thesis, will enable the thesis to examine both the academic and other contemporary material along with the empirical data to see how the two effectively interrelate and how the empirical evidence informs the theoretical models.

Chapter 2

Research Design

The role of the observer

In discussing the research design of this thesis, it is necessary to start by addressing the matter of the author's role as an active participant in the process of post-conflict development and what impact, if any, that may have upon the narrative of the thesis. In particular, as the academic literature currently defines it, the author can either be a discrete and impartial, 'analytical observer', or a 'participating observer'. It can be argued that in the author's case, and as referred to but not discussed by Bernard,¹ he was neither of the above, but was in fact an 'active participant'. As the research design will go on to indicate, the role and definition of an 'active participant' have yet to be adequately defined, but the thesis will demonstrate that there remains a need for such a definition, given that there are a significant number of academics deployed as 'active participants' on post-conflict operations and who themselves go on to publish academic works relating to their activities. In addition, many of those who go on to obtain higher level degrees through the dissertation by publication route have themselves done so by being active participants in post-conflict, such as Mark Etherington.² In the conclusion to this thesis, such a definition will be provided

¹ H. Russell Bernard, *Social research Methods: Qualitative and Quantitative Approached*, p 321.

² Mark Etherington, *Revolt on the Tigris – The Al-Sadr Uprising and the Governing of Iraq*.

and will delineate clearly the division between an 'active participant' and a 'participating observer'. As a review of Etherington's book will demonstrate, to describe someone who has been the administrator of a key province in post-conflict Iraq for one year as a 'participant observer' would not adequately reflect the influence that he brought to bear upon the post-conflict process.

Traditionally the role of an impartial analytical observer has been the approach taken in most studies of post-conflict. However, if the author has acknowledged their role in the events as they occurred, and has stated that although this could be seen to qualify their impartiality as it has given them a particular insight into what happened, then this may be designated as the 'participatory observer' approach. This is also a valuable approach and is becoming increasingly common, given the unwillingness of the military in particular, to have remote and dangerous areas visited by academics. The participatory observer approach, too, will often make best use of the material that researchers may have gathered during their period in the post-conflict area.

For this thesis the use of the 'impartial observer' approach would permit the author to cite a number of 'elite interviews', etc within the text. This will not be possible if the 'participatory observer' approach is to be adopted, as the 'elite interviews' would have to be recognised as part of the everyday work routine, as is made clear by the discussion on the preparation for elite interviews in Arksey

and Knight .¹ They state that some 60 per cent of the time devoted to such interviews is negotiating access. In this case, it would clearly be inappropriate to claim an 'elite' interview with someone, for example, the OSCE Ambassador in Bosnia or even the High Representative to whom the author (by nature of his employment), had daily, or at least regular, access.

If the observer were to be totally independent, then they would have to depend solely upon published resources. If the author were to totally disassociate himself from the events which took place and to present themselves as an independent observer, then this is what they must do. Alternatively, if he has adopted the participatory observer approach as described by Whisker,² it would have to be acknowledged that some information to which he has been privy cannot be corroborated by documentary evidence, either simply because none is available, or alternatively it may be withheld from public purview either for a few more years or perhaps permanently.³ This might be true particularly for the period from March 1994 when the author again became involved with Yugoslavia at the UK Joint Headquarters (JHQ) at Wilton near Salisbury, to the period in May 1997 when he officially ceased to be attached to what had by then become the Stabilisation Force (SFOR).

¹ Hilary Arksey and Peter Knight, *Interviewing for Social Scientists*, pp 122-5.

² Gina Wisker, *The Post Graduate Research Handbook*, p 142.

³ The author had previously been in Yugoslavia with the FCO in the 1970s.

As stated above, one of the most useful discussions on the roles of observers is conducted by Bernard,⁴ who, whilst primarily discussing ethnographic research, identifies three rather than two different classes of observer; the complete participant, the participant observer, and the complete observer. Rather unhelpfully, Bernard then proceeds to describe the latter two groups and to illustrate them with examples from his own research, whilst making no further comment on the 'complete participant'. This may be in part because Bernard has perhaps⁵ had no direct experience of being an active participant so whilst recognising the need to identify a third class of observer, still felt unqualified himself to define it more fully. However, Bernard does comment on the participant observer as follows:

By far, most ethnographic research is based on the second role, that of the participant observer. Participant observers can be insiders who observe and record some aspects of life around them or they can be outsiders who participate in some aspects of life around them and record what they can.⁶

In the absence of definitions of the 'complete participant' it is likely that the most apt current definition for the position in which the author found himself, is that of the participant observer insider, but it is suspected that this rather understates the role and that there is, as has just been described, a place for describing the 'complete participant' in terms of their role as a researcher as well as a participant. None of the academic descriptions which have so far described the

⁴ Bernard (2000).

⁵ See H. Russell Bernard CV on the internet (last updated March 2011).

⁶ Bernard (2000), p 321.

role of a 'participant observer' indicate that a 'participant observer' can frame or indeed drive and alter policy and yet some of those who have recently completed academic papers have done just that. Indeed, throughout the literature the emphasis is on the word 'observer', but particularly in the field of post-conflict there are now a generation of researchers and academics who are, or who have been, placed in the position of decision makers, even if only at a local level and for whom clearly the term 'complete participant' is more appropriate.

As an example, take the recent career of Dr J. H. Nichols, Professor, Rule of Law, Security, Reconstruction & Transition at the US Army Peacekeeping & Stability Operations Institute (PSKOI), who has written extensively about Bosnia and Afghanistan. Nichols served in Bosnia as a military officer in the US Army Reserve (USAR) in 1996 and then in increasingly senior roles within the OSCE in Bosnia as a civilian between 1997 and 2000 before returning to the military in the office of the US Assistant Secretary for Defence as part of the Balkans task force in 2000–2, at which point he retired as a colonel. After a spell at the PSKOI he served as the field program officer for USAID in Gardez, Afghanistan 2003-4 and then returned to the PSKOI. Given that Nichols was accredited to the academic staff of the PSKOI from 2000, to say that his field texts were based on those of an informed participating observer,⁷ would do a disservice to those who genuinely are 'participating observers' and who will have lacked the access and experience that Nichols clearly enjoyed and continues to enjoy. Throughout Nichols' involvement with post-conflict, he has maintained the complete

⁷ Bernard (2000).

confidence of his employers and his government, thus permitting access to and a detailed knowledge of the processes involved, such as would be denied to a traditional academic researcher. The constraints of the existing approaches determine that this thesis will be based on that of 'participatory observer' approach, albeit, for the reasons given, this is an inadequate definition, particularly in areas such as the electoral policy of post-conflict in the Western Balkans. There the author was the director general for three years in Bosnia and the drafter of the policy and the de facto first acting head of the OSCE elections department in Kosovo.

There is another and related area to the role of the 'complete participant'. Within the sphere of business and indeed within the community involved in post-conflict, there is a very specific research and analytical role assigned to them in the context of 'lessons learned'. Lessons learned has become an increasingly complex methodology for recording what happened, 'what went well' and in particular 'what went wrong' and why and how that happened. Increasingly, the 'lessons learned' methodology is making use of academic approaches to research, including the use of 'elite interviews' and it will be worthwhile examining their approaches to 'complete participants' to see if the void left by Bernard can be filled.

In business and government 'lessons learned' techniques evolved originally from the field of 'project management', but have now moved across the whole sphere

of government and business and have been further complemented by 'project audits', which are often more detailed and are certainly more time sensitive. To quote 'Get Smart', a semi-official UK website for project managers,⁸ 'lessons learned' are designed:

to incrementally capture with 20-20 hindsight (lessons learned) and turning that hindsight into 20-20 foresight (best practices), you will achieve far greater long-term success than if you simply ignore or forget what occurred once a project ends. This approach can greatly reduce the negative effects of attrition on a company's intellectual assets when people leave because they quit, retire, are laid off, or were temporary workers to begin with.

Whilst couched in 'business language', such a definition is clearly very relevant to post-conflict, where the process is by its very nature transitional and ephemeral and the staff, with their multi-national membership and typically ninety-day and six-month tour rotations, even more so.

In defining project audits Michael Stanleigh says that⁹:

a project audit provides an opportunity to uncover issues, concerns and challenges encountered during the project lifecycle. Conducted midway through the project, an audit affords the project manager, project sponsor

⁸ It was established to support those who are, or who have, undertaken PRINCE 2 project management courses and are project management professionals.

⁹ Stanleigh is a leading project management professional and the author of; *From Crisis to Control: A New Era in Strategic Project Management*.

and project team an interim view of what has gone well, as well as what needs to be improved to successfully complete the project. If done at the close of a project, the audit can be used to develop success criteria for future projects by providing a forensic review.

Again a very relevant process for post-conflict and one that was, to an extent, conducted during the Bosnian and Kosovan post-conflict phases, but one which was apparently ignored in the latter phases of the planning for post-conflict in Iraq, as will be discussed later in the thesis.

The role of autobiography and auto-ethnography

It is also clear that a thesis of this kind, which is attempting to analyse the IC's changing management strategy towards post conflict, is not the place for any element of autobiographical or auto-ethnographical writing as it is currently defined in the literature. In any event, the literature on auto-ethnographical writing currently focuses almost exclusively upon the literary, clinical, and psychiatric areas. Indeed, unlike many such events, for example, the mass killings which took place in Rwanda or elsewhere in the 'Great Lakes' region of Africa in the 1990s, where everyone present, both participants and observers, were profoundly affected, it is possible to argue that in the Western Balkans by simply not being Bosnian or Kosovan, many of the tensions that may have arisen because of one's direct participation in events, may not be so acute. In that case

any such auto-ethnographic experiences would be of very limited use and would not produce a text which adequately:

seeks to describe and systematically analyze personal experience in order to understand cultural experience.¹⁰

Denscombe¹¹ makes some asides on the problem of self in his chapter on 'ethnography'. Unfortunately as with much of the other available literature of which Blaxter, Hughes, and Tight are but one example, Denscombe takes a purely 'ethnographic' approach.¹² In Denscombe's work, a considerable amount of the focus on participant observation is specifically focused on the subject of participant observation in the context of 'ethnography' and little else. Gray¹³ too takes the same approach, but comes closest to describing the true nature of the author's role within the fieldwork model with his description of the practitioner researcher. That might particularly be the case if one could argue that the participatory observer was able to display a sense of 'professionalism' during his or her deployment to the areas that are the subject of study and had also been exposed previously to other conflict situations in various areas of the globe. It is hoped that this assumption will be accepted by the reader, as this is indeed the case.¹⁴

¹⁰ Carolyn Ellis, Tony E. Adams and Arthur P. Bochner, *Autoethnography: An Overview*.

¹¹ Martyn Denscombe, *The Good Research Guide*, p 89.

¹² Loraine Blaxter, Christina Hughes, and Malcolm Tight (1996), *How to Research*, pp 58 – 66.

¹³ David E. Gray, *Doing Research in the Real World*, p 243.

¹⁴ Amongst other activities the author served with the Diplomatic Service in Lebanon during the Arab-Israeli conflict in October 1973, Greece during the coup in February 1974, and subsequently during the Cyprus invasion June 1974 and its aftermath including the transition to democracy in Greece. The author also had cause to visit the Mayan Highlands of Guatemala in 1978-9 during the Mayan revolt, again whilst serving with the Diplomatic Service, and the Kurdish areas of Eastern Turkey in 1983 whilst serving with the military. During the 'Great Lakes' crisis, which overlapped the Yugoslav conflict the author was employed as part of a small team in the UK, on

Furthermore, auto-ethnography as outlined in Clandinin and Connelly's¹⁵ hypotheses is not particularly relevant, nor is the comment accurate when related to the work of a member of the IC in a post-conflict environment. It is certainly not true to state that the 'field text', where these exist, contains stories and does not contain analysis and interpretation¹⁶ and that this is solely the province of the academic researcher.¹⁷ Indeed, much fieldwork, particularly in the area of elections, which has principally been the author's own post-conflict 'discipline', is almost exclusively of an analytical and interpretative nature and in many cases was focused upon accurate quantitative data collection. It is, however, recognised that in many, if not most cases, such activity is focused upon 'operational' and current issues, rather than the 'strategic' and long term or theoretical and even hypothetical, as is much academic work. Indeed, the role of either a political officer or an elections officer in a post-conflict environment can be described as almost entirely analytical and interpretative when placed within the practical setting where he/she is employed.

It is also unlikely that a participant observer will need to be aware of his or her role as a researcher as described by Stacy Holman,¹⁸ but it is, of course, essential that they were and are aware of their roles and aims as a participant

the creation of an information campaign for refugees. These products were in a range of media, given the lack of a written form of the principal language Kinyarwanda and designed to assist the return of Tutsi refugees in the camps of Eastern Zaire, mostly women and children, to their homes in Rwanda.

¹⁵ D. Jean Clandinin and F. Michael Connelly, *Narrative Enquiry: Experience and Story in Qualitative Research*.

¹⁶ Clandinin & Connelly (2004), p 121.

¹⁷ Ibid.,

¹⁸ Stacy Holman Jones, *Mothering Loss: Telling adoption stories, Telling Performativity*, pp 113-35.

observer and of the distortions in viewpoint that this might (necessarily) bring about. It is perhaps also relevant that the work which had led to this thesis was first initiated in 1997 as part of the study for an MA and that the process of data collection whether of oral written or other testimony and documentation has been a deliberate and systematic one since that date, as has been the pursuance of academic research into the topic. It is also worth noting at this point that were the position of a participatory observer to be taken by the author, so too several other key members of staff in the IC organisations were either themselves academics, such as Donald Horowitz, whose seminal work was on the topic of ethnic groups in conflict¹⁹ and Arend J. Lijphart, or people who were undertaking similar research work in parallel with their official duties.²⁰

In practice, for the 'participant observer' there will exist a considerable blurring of the roles, where the 'field text'²¹ will have been in fact generated as a result of

¹⁹ Donald L. Horowitz, *Ethnic Groups in Conflict*.

²⁰ Both Horowitz and Lijphart served as members of the OSCE's Elections Advisory Commission (EAC) in Bosnia and this presumably led to their joint interest in Consociationalism. Indeed, given his experiences it comes as no surprise, seeing that he saw it being implemented first hand by the practitioners in the period from 1996 to 2000 in Bosnia, that Lijphart could say of Consociationalism in 2004, that he had merely discovered what political practitioners had repeatedly – and independently of both academic experts and one another – invented years earlier. This active participation by academics enabled considerable scope for academic discussion both during the course of the operation and subsequently. It also gave considerable exposure not only to the academics themselves but also to the practitioners of academia and academic methods of problem solving. Furthermore as the requirement for appointment to middle and senior management appointments within the OSCE required a higher-level degree or equivalent, much of the methodological discussion around resolving practical problems were often conducted in an academic manner. A further factor and one perhaps not easily appreciated was that it exposed academics in this environment to the real 'political pressures': being experienced by the practitioners. To cite just one example, Horowitz stated publicly in Bosnia while a member of the EAC and sharing a platform with the (US) OSCE Ambassador that ethnicity need not be the primary motivating factor in Bosnia post-conflict politics. This statement is contrary to the central tenets of his seminal work which states that where and once ethnicity becomes an issue it will always be the primary driver of the political process and political parties.

²¹ Clandinin and Connelly (2004).

employment which is also 'field work'. Similarly, the role of the participant observer will result in much of the subsequent academic work taking the form of a written 'elite interview', so that the concept of interviewing one's own self as outlined by Devault,²² Hobbs,²³ and others, is not relevant within this model. It is also perhaps worth noting that much of the extant literature incorporating auto-ethnography such as that by Devault, Jones, Jago,²⁴ Ronai,²⁵ and others, focuses on the use of auto-ethnography in a social or purely clinical environment, but that this need not invalidate auto-ethnography as a methodological approach used within the post-conflict environment.

Auto-ethnography is a method which if developed correctly is ideally suited to recovering the experiences of both 'participant observers' and 'active participants' which can then be exploited by subsequent academic research. Indeed, at the 'strategic' level this already takes place in terms of the academic commentary on political memoirs and so on.²⁶ That auto-ethnography may be a useful methodology, is particularly true for research which will examine those mechanisms adopted by post-conflict practitioners at the operational and tactical

²² Marjorie L. Devault, *Personal Writing in Social Research*, pp 216-28.

²³ Catherine L. Hobbs, *The Elements of Autobiography and Life Narratives (Elements of Composition)*.

²⁴ B.J. Jago, *Chronicling an Academic Depression*, pp 729–57.

²⁵ C.R. Ronai, *Multiple Reflections of Child Sex Abuse: An Argument for a Layered Account*, pp 395 – 426.

²⁶ See for example the extensive and often highly critical commentaries upon Donald Rumsfeld *Known and Unknown: A Memoir*. Reviewed by Jonathan Powell, Tony Blair's former chief of staff, in the *New Statesman* on 9 March 2011. Powell, quoting Talleyrand, said that Rumsfeld; learned nothing and forgot nothing.

level, where there are few direct or detailed reports of what took place.²⁷ There is clear evidence that this lack of first-hand exposure to and experience of practical post-conflict problem solving was recognised at the time in UK official circles. This can be indicated by the use of the Defence Debriefing Team (DDT) to conduct skilled debriefs of civilian officials upon their return to the UK at the completion of their mission so as to aid the ‘lessons learned’ process. One could argue that had the UK trained and encouraged its own civilian staff to undertake an auto-ethnographical approach to their work when deployed the DDT would not have been required, nor would it continue to be required.²⁸

The role of ‘elite interviews’

The use of military debriefing teams to conduct in-depth interviewing of post-conflict practitioners, leads directly to the use of the analogous academic research methodology the ‘elite interview’. The role of ‘elite interviews’ has been mentioned briefly in the introductory paragraphs to this chapter, both in the case of the discrete and impartial ‘analytical observer’ and with the ‘participatory observer’. It will be appropriate at this stage to examine whether the methodology for ‘elite interviews’ might not also be employed effectively by the participant observer. In this context it will also be important to identify what are

²⁷ In contrast to both the ‘Strategic’ level and the military sphere of post-conflict where there is often a wealth of, admittedly not impartial, political and other memoirs.

²⁸ It is believed to be still active in this role in 2011 but whether it is only partially effective due to a lack of resources, is not clear. The author recently received a presentation from and had a conversation with the UK political officer who had served for a year in Sangin within Helmand province, Afghanistan in 2009-10. He stated that he had not been formally debriefed for the ‘lessons learned’ process by his seconding department, DfID.

the likely differences in the approach, the conduct of the interview, and the results obtained, between the discrete 'impartial observer' and the 'participatory observer' and then to link these observations specifically to the context of the research for this thesis.

In addition to having examined the academic literary sources on the topic of elite interviews, the author has been fortunate enough to participate as the 'interviewee' in some thirty to forty elite interviews. These ranged from the discrete 'impartial observer', through those who were in practice 'participatory observers' to colleagues and associates such as Lijphart who were interviewing the author specifically for their own academic purposes. Unsurprisingly, the author was able to observe significant differences between those interviews conducted by 'impartial observers' from those who were already intimately involved with the specific processes to which the interviews related. Whilst the views given are necessarily impressionistic, some clear points emerge which indicate that it would have been impossible for someone so heavily engaged in the process as the author then was, to have conducted typical, discrete, and impartial interviews. Whilst the interviews conducted did not in every case form part of the everyday work routine and in some cases were conducted, usually in an informal setting, so as to gather material with the consent of the interviewee for this thesis, it is clear from Arksey and Knight²⁹ and others that these did not constitute elite interviews, even if they were conducted in the same manner.

²⁹ Arksey and Knight (1999).

As previously stated by Arksey et al, some 60 per cent of the time devoted to obtaining elite interviews is negotiating access. It is this emphasis upon access which is perhaps the key element and which is reflected in the difference between an elite interview by an 'impartial observer' and an interview conducted by a participant observer. Namely, that the discrete 'impartial observer' has a need to demonstrate that they have come as close as they can to the 'ground truth' of the decision-making process and that this can be achieved through the mechanism of the elite interview. The participant observer, on the other hand, has no such requirement as they can demonstrate that they themselves were part of or were closely associated with the processes taking place.

Whilst it is true that in a similar interview conducted by a 'participant observer' access is not usually an issue nor often is there a need to demonstrate that such access was possible, there are, however, a number of other more relevant factors which will inform the outcome of the interview. The 'participant observer' is likely already to know exactly where the interviewee will be located within the overall architecture of the post-conflict structure and so will be better able to 'situate' their questions accordingly. Hence the 'participant observer' is likely to be better able to focus upon the questions to which they need to find the answers, rather than asking broad generalities. As the depth of perception of the questioner will be greater and the questions more focused, it is likely that they will be more challenging to the interviewee. Indeed, it is possible that the interview may take the form of two meetings with the first discussion largely

raising the topics to be discussed and the second providing answers which may have had to be researched by the interviewee or his staff. There are, it should be stated, potential problems with this approach. If the interlocutors are familiar with each other much may be taken for granted or assumed. There may be issues of rank and seniority which will affect the relationship between the interviewer and the interviewee and, finally, if both have been involved in the same long-term project, there may be a fear by both participants of identifying systemic problems or difficulties and in either upsetting a cosy atmosphere or simply an inability to break through 'groupthink'.

As for the interview itself, it is most likely that both participants know each other, if not formally then informally, so that the meetings are usually more relaxed and the questions can hence be wider ranging and as Bernard³⁰ states, 'semi-structured' and often 'unstructured'. Neither the interviewer nor the interviewee are required to establish any 'groundwork' as to their role etc, nor be distracted by discussing details of which both participants would already be aware. Additionally, there is the issue of 'trust' to consider. The interviewee is likely to 'trust'³¹ the 'participant observer' to a greater extent, in terms of what is discussed, recognising that this is a purely 'academic exercise' and that both of them will be continuing to work together in the future. Why is this issue of 'trust' relevant? It is because those members of the IC working in post-conflict (and

³⁰ Bernard (2000), p 191.

³¹ In this context 'trust' in the broadest context and not in the context of the interviewer having received security clearance etc, although this might also be relevant when for example interviewing a senior military officer or a key member of the High Representative's staff.

probably elsewhere) know, that many post-graduate students, particularly from Central and Eastern European countries and the United States of America, fund their studies and, in many cases, their research visits by also acting as part-time 'journalists'; indeed some appear to be full time journalists and part-time students. Being cautious of appearing on the front page of *Česky Pravda*, as happened once to the Director General for Elections in Bosnia³² having participated in an 'elite interview', those being invited to take part in 'elite interviews' or their support staff are likely to be extremely restrained in what they say and the interviewer will in many cases get little that would not otherwise be available elsewhere. With the participant observer, on the other hand, the interviewee may well be willing to explain 'why' they took a particular decision and what the thought process was behind the decision and, in some cases, what particular information drove them to take a particular decision at a certain time, confident that the privileged information will not be later revealed. This is valuable to the interviewer as they can then understand the context in which decisions were taken and in many cases the competing pressures upon key decision makers, in particular from participating states and donors.³³

³² He was interviewed by a Czech MA student of International Relations (IR) at the Charles University in Prague at the time of the Sarajevo Conference. Her visit had been funded by *Česky Pravda* and whilst she had been unable to get any personal interviews at the Conference itself, she was able to conduct others by presenting herself as a legitimate IR and politics MA student. 'Snapshots' of these interviews then appeared in the newspaper, with the elections piece on the front page. As background, the interviews had been set up by a Czech Diplomat working for the OSCE.

³³ A practical example can serve to illustrate the proposition just made. One can observe the skewing of social and developmental programmes as a result of decisions taken in remote capitals by donors and particularly from those states which grant substantial amount of aid funds directly and not through third parties such as the EU or the UN. In 1998-9 if on a field visit to Bosnia, a discrete and impartial observer may well have noticed that many of the programmes being run by a number of agencies such as the OSCE focused particularly upon the development of the roles of women in a wide range of areas of society. If they asked a question in an 'elite

Ethical issues

The role of ethical issues as they impact on either the analytical observation or participant-observer approaches, should also be examined and it is important that both analytical and participant observers are aware of these. Critically both types of observer should be open and transparent with their 'subjects' about their aims and the methodologies they will use to achieve them. In the cases examined in the thesis, both the role of the observer and the majority of the process itself, was open and transparent. It is also a limiting factor, that in line with their conditions of employment, the participant observer will not disclose confidential material or that which is gained 'in confidence' by nature of their employment. This raises a second ethical issue. If, to the participant observer, there is for them at least, as Rumsfeld³⁴ would say, a known unknown and this information is not reported, then he or she, is guilty of deliberately misleading their audience. It was specifically for this reason that the author focused the case studies on the period after he had left military service.

interview' about why there was such a focus they might have been told that it was because this was an important issue, there was a lot of ground to make up in the treatment of women etc. All of which was, of course, true. What they might not have been told and a participant observer might, or may indeed already have known or guessed, was that the sudden switch of emphasis across those agencies, such as the OSCE, which were implementers of aid provided from elsewhere, had all been told that Swedish International Development Cooperation Agency (SIDA) would only fund those programmes in the coming two years which had a major gender component. Bureaucrats, being what they are and wishing to maintain their departments and a significant number of their staff, had adjusted their programming accordingly, but they are unlikely to say this publicly. There are many similar cases and, indeed, the same adjustments were made later in Albania for exactly the same reason in 2006, when once again SIDA decided to focus its funding almost exclusively on women's issues. As a result the emphasis in post-conflict developmental terms was and is often guided by what funds were available and who was prepared to commit funding, rather than on the basis of the strict criteria of needs as assessed by the experts on the ground.

³⁴ Rumsfeld (2011).

The fact that one of the active participants in the electoral and other process was also observing them, was in this case, neither harmful nor raised ethical issues.³⁵ Indeed, the author was actively encouraged to adopt this approach by his management and both was and continues to be encouraged to do so. Additionally, the thesis will not be making use of excerpts or quotes from personal correspondence or e-mails, except on those rare occasions where information was specifically requested for the purpose of the thesis.

Furthermore, the fact that 'participant observation' was taking place was also widely known at the time, as it was openly discussed in the author's places of employment and, as has been suggested earlier, was taking place across the process with a number of other participant observers of differing specialities and in various locations.

On balance, the benefits of the 'participatory observer' approach do outweigh the 'impartiality' of the 'discrete, impartial observer' approach. The participatory observer approach is also intellectually and in every way, 'more honest' in that having been a 'participatory observer', it is then very difficult to act as if one had not been present. It is also worth noting that much of the literature discussing

³⁵ That this should be so, is perhaps not a surprise. David De Vaus, *Research Design in Social Research*, especially pp 246–47. De Vaus makes this point in his discussion on ethical issues. Were this observation to be an investigation of for example criminal or domestic violence issues it will, De Vaus suggests, be more relevant.

research, such as Wisker³⁶ and others, discuss the participatory observer inserting themselves into a group for anything up to three years, so as to conduct research. This particular participant observer did not need to insert himself as he was present by nature of his employment. As such, the phrase practitioner researcher or active participant, both of which are used by Gray³⁷ appear to come closer to the reality. Unfortunately his terminology and approach, which allows of a number of participatory observer approaches, is not widely used elsewhere, perhaps because his work post-dates much of the other material on the subject and that work which is equally current, such as that of Seale³⁸ whose Chapter 6 on participatory observation, simply abstracts a chapter from McCall and Simmons³⁹. The work by McCall and Simmons consists of the original journal piece by Becker and Geer⁴⁰ with an additional unattributed commentary by Trow and a 'riposte' by Becker and Geer. Other recent literature, such as that by Bauma,⁴¹ fails to discuss the issue at all, whereas Robson,⁴² unlike much of the other literature, at least recognised the participant observer as a full participant in the process while Richards, and Pestle⁴³ also recognised that the role of participant observer put the researcher under considerable additional pressure.

³⁶ Wisker (2001), p 178.

³⁷ Gray (2004).

³⁸ Clive Seale (ed), *Social Research Methods – A Reader*.

³⁹ G. McCall and J. L. Simmons (eds), *Issues in Participant Observation*.

⁴⁰ H. Becker and B. Geer, *Participant Observation and Interviewing: a Comparison*, pp 28–35.

⁴¹ Gary D. Bauma, *The Research Process*, pp 58–66.

⁴² Colin Robson, *Real World Research*.

⁴³ S. Richards and K. Pestle, *Surviving in the Field: an Exploration of the Challenges of Participant Observation in Social Work Settings*, pp 7–41.

At the very least, if one were to claim to be a disinterested observer, one would be intellectually dishonest as there are things that a participant observer knows that would be denied to the outside observer. This is not a matter of 'going native', it is a question, of by being directly involved, being 'grainier', 'grittier', and being able to add more analytical nuances. The participant observer will also have access to information and impressions which would be denied to the researcher who had not been present when these events took place. Moreover, as the observer was present in a natural way by virtue of his employment, it was not 'disturbing the environment' as a reporter or researcher would have done and which has been one of the concerns of Blaxter, Hughes, and Tight.⁴⁴ Nor did he have to negotiate 'access' as this was given by nature of his employment.

This access and the means by which it was acquired was particularly relevant in the case of BiH and Kosovo and, it is suspected, in other post-conflict situations, as so many activities took place which were neither minuted, nor recorded in any way, often in informal meetings with no agenda and no set list of invitees. This was not in an attempt to preserve secrecy but simply because the key aim of the participants was to 'get the job done' and to take 'sensible' decisions. An example of such a process may be seen in the meetings between the IC and generals such as Ratko Mladic. The IC routinely met the generals commanding all the warring factions including Mladic. The meetings with Mladic stopped because it appeared appropriate to do so, not because of a formal order, although this would have undoubtedly been issued at some stage had it proved

⁴⁴ Blaxter et al. (1998). pp 142–5.

necessary to do so. This action was taken despite the fact that at that point Mladic had not been formally indicted by the ICTY. It is highly unlikely that any written record exists of the initial decision taken nor of any similar decision that officials from the OSCE should not meet Karadzic.

In addition, whilst the author may have needed to get permission for certain statements and documents to be used in, for example, the bibliography, or as footnotes, most if not all are now in the public domain; for those which are not, as a participatory observer, he will be at least aware of their existence and can acknowledge them. Whereas were he to present himself as a disinterested academic observer and analyst, the observer should, if he were to be honest, ignore their existence. The discussions at the US Army Institute for Peace in Carlisle, Pennsylvania on the nature of the future pillar structure within Kosovo and on which organisation was to carry out which activity and which were held before these proposals were put to the UN in May 1999, would be a case in point. The minutes and notes from this conference which included the UN SRSG in BiH and the future Deputy High Representative in Kosovo have never been made public, whereas the author attended as a guest speaker talking about elections and could clearly report on the decision-making process as a 'participatory observer'. Similarly, both the elections and 'Policing' plans presented to the participants at the 'Rambouillet' summit have never been made public.

A discussion of the methodology used

The preceding elements of the chapter outline the initial question as to which methodology to adopt. They inevitably lead to the conclusion that the study will lean very heavily on practical fieldwork or as Yin⁴⁵ described it, the method of choice when the phenomenon under study is not readily distinguishable from its context. This I would suggest is an accurate description of BiH and Kosovo in the post-conflict period. The methodology will also employ the available empirical evidence. Cosley and Lung⁴⁶ describe in some detail the nature of the data that may typically be collected by using this approach, although their illustration is founded upon a business and governmental example based upon one state, while the range of data collected on this occasion has been somewhat wider, being by definition multi-national. This research material was gathered from a fourteen-year stay in the Balkans, in increasingly responsible posts whilst seconded by the UK Government. Over seven years of this time was spent based in BiH from 1995 to 2002 and the author was present on both the date of the implementation of the Dayton Agreement hence the formal move to a post-conflict state and on 1 July 2004, the date at which BiH formally moved from a post-conflict to a transitional state in EU and European terms. He also made frequent visits to other areas within the Western Balkans, including Serbia and Kosovo, both before and after the NATO bombing campaign. For the majority of

⁴⁵ Robert K. Yin, *Applications of Case Study Research Applied Social Research Methods*. In particular p 3.

⁴⁶ D. Casley and D. Lury, *Data Collection in Developing Countries*, especially p 65.

that period he was directly involved in the management and organisation of elections for both BiH and Kosovo, for a significant period as the OSCE Director General for Elections in BiH. These electoral processes included the very large refugee populations in Croatia, Serbia (including Kosovo), and Montenegro (at that time still part of Federal Yugoslavia), hence the visits to those places.⁴⁷

The empirical fieldwork gathered using participatory observation in this type of qualitative research reaps benefits as described by Bryman,⁴⁸ where he debates participatory observation at length in making his thesis and would indicate that, for most social scientists, qualitative research is superior to quantitative research. Bryman's views are shared by Waddington.⁴⁹ It is clear from the evidence presented as a result of previous academic research that the correct methodology for this thesis is to use the participatory-observer approach making use, wherever possible, of an auto-ethnographical methodology in order to obtain most value from the material thus available.

Using the empirical evidence available from the participatory-observer approach it will be necessary to carefully select certain themes for more detailed investigation. The empirical evidence which has been collected and which will form the core of the thesis, will be set against both a historical perspective of

⁴⁷ In 1998 there were estimated to be 30,000 Bosnian Serb voters registered within the boundaries of Kosovo and four registration and polling stations in Pristina, Mitrovica/Kozarska Mitrovica Pec/Peja, and Prizren. All had to be established and manned by international personnel in the period May – July and September 1998.

⁴⁸ Alan Bryman, *Quantity and Quality in Social Research*, in particular pp 47–91.

⁴⁹ D. Waddington, *Participant Observation*, see in particular pp 24 and 27.

post-conflict intervention as well as the perspective of international colonialism, imperialism, cosmopolitanism, and liberal interventionism and any other theoretical models which are relevant and which it is appropriate to discuss.

Theory and practice in this research

Whilst it would not be appropriate within the research design to delve too deeply into the theoretical construct within which the thesis is emplaced, it is important to state at this point that it is this which will underpin the empirical evidence throughout. As an example, whilst liberal interventionism can be traced back to Palmerston in the mid-nineteenth century and even before, it was also the model used by US academics such as Peceny and Sanchez⁵⁰ and Daalder⁵¹ to describe President Clinton's lift and strike proposals made with regard to Bosnia in 1992. Additionally Beck and Cronin⁵² believe that the UN can be seen as one element of the idea of cosmopolitanism. They also see within that vision, the development of the thought that crimes against humanity should become an accepted concept within humanitarian law and that it was this idea which led to the development of the International Criminal Tribunals (ICT). Of the ICT, the International Criminal Tribunal for Yugoslavia (ICTY) forms but one example and the ICT is of particular relevance not only to Bosnia, but also to the other post

⁵⁰ Mark Peceny and Shannon Sanchez-Terry, *Liberal Interventionism in Bosnia*.

⁵¹ Ivo H. Daalder, *Getting to Dayton: The Making of America's Bosnia Policy*.

⁵² Ulrich Beck and Ciaran Cronin, *Cosmopolitan Vision*, p 45.

war genocides. For some such as Klitou,⁵³ it was specifically these human rights elements which attracted them towards the cosmopolitanism model.

By definition, the thesis will focus upon the IC's management of post-conflict and not humanitarian intervention which has been defined amongst others by Murphy⁵⁴ as:

the threat or use of force by a state, group of states, or international organization primarily for the purpose of protecting the nationals of the target state from widespread deprivation of internationally recognized human rights.⁵⁵

That said, it is impossible to de-link the two activities or phases within a conflict. It would also appear that not only do some textbook writers such as Heywood,⁵⁶ understandably given his undergraduate audience, take a simplistic definition of humanitarian intervention and the immediate issues surrounding it, so did many of those responsible for political decision making, with regards to BiH and Kosovo including, perhaps, many close to President Clinton.

In general it can be argued that humanitarian intervention and post-conflict should and in most cases necessarily are intertwined. It was arguably the principal problem with the UNPROFOR mandate 1992–95, that it was not, and that each issue had been addressed independently in the case of the ongoing

⁵³ Demetrius Klitou, *The Friends and Foes of Human Rights*.

⁵⁴ Sean D. Murphy, *Humanitarian intervention: In an evolving world order*.

⁵⁵ Murphy (1996), p 343.

⁵⁶ Andrew Heywood, *Politics*, p 134.

conflict, if at all. For the policy and practical effects of this strategic de-linkage both in BiH and elsewhere Shawcross⁵⁷ gives a good catalogue of the impacts, both upon those within BiH and the peacemakers, whilst Rose⁵⁸ illustrates the practical impacts at the operational level across BiH and Richardson⁵⁹ and Stewart⁶⁰ describe the impact at the local level in Gorazde in 1994 and Central Bosnia in 1993. Except in so far as they directly relate to the conduct of operations both within BiH and Kosovo, these issues will not be covered within the thematic chapters of the thesis. Where they are relevant to the concepts and ideas being examined, one example being the response drawn from the unplanned and impromptu 'humanitarian intervention' in Kosovo caused by Milosevic's expulsion of the Kosovars in 1999, these will be discussed primarily in the 'lessons learned'⁶¹ elements of the thesis. Chomsky⁶² in particular gives a more general description of the impact of these events upon Kosovo.

In a similar manner the thesis will not deal specifically with gender issues within post-conflict, except in so far as they are relevant to the thesis or the description of post-modern definitions of 'colonialism' and 'imperialism'; as space will not permit such digressions. That is not to say that gender issues are not extremely relevant, particularly in both BiH and Kosovo, where rape was used as a weapon

⁵⁷ William Shawcross, op.cit.

⁵⁸ Michael Rose, *Fighting for Peace*.

⁵⁹ Nick Richardson, *No Escape Zone*.

⁶⁰ Bob Stewart, *Broken Lives: A Personal View of the Bosnian Conflict*.

⁶¹ It is worth noting that this specific 'lesson' does not appear to have been 'learned' by the IC. Ghaddafi threatened to flood Europe with third country nationals from Libya and is now in mid-2011 doing so via Libya's Mediterranean coastline. Yet again the IC is fumbling to make an 'emergency' and currently ineffective response to this action.

⁶² Noam Chomsky, *The New Military Humanism – Lessons from Kosovo*.

of war by a number of protagonists. The impact of specialised NGOs such as the Dublin Rape Crisis Centre⁶³ who brought their previous experience, of dealing with rape victims in a society where abortion was not permitted (namely the Republic of Ireland), to both BiH and Kosovo cannot be underestimated, particularly as the number of agencies willing to deal with long-term psychiatric and psycho-sexual care was and remains extremely limited, because of both the cost and the investment in time required. Whilst in the thematic chapters the focus will be upon the Western Balkans, it is important to recognise that for example in Rwanda issues of gender were desperately important, because in those areas affected there were mostly only adult females left who, moreover, were not only usually displaced, but also forced to act in unfamiliar roles such as head of household.

The thesis will limit the use of non-European examples and these, where given, will generally be from Africa and Eurasia so as to provide a degree of broad continuity within the limited space available. This is not to say that the problems encountered and the methodologies adopted elsewhere are not relevant, they are. It is, however, true that in some cases, both the international response to the trigger for conflict, for example the Indonesian occupation of the former Portuguese Timor⁶⁴ and the eventual post-conflict IC intervention, will vary in context from case to case. Whilst the international responses to the initial

⁶³ For the Dublin Rape Crisis Centre and their activities see; www.drcc.ie.

⁶⁴ The Indian military assault and occupation of Portuguese Goa, undertaken whilst Goa remained a Portuguese colony in 1961 and resulting in over sixty combat deaths could be noted as a parallel case. For more details see Oliviera Salazar, *The Invasion and Occupation of Goa by the Indian Union*.

causes of the conflict are unlikely to be replicated in Eurasia, some events leading up to the independence of what is now Timor-Leste are potentially relevant to other cases of post-conflict and should be examined as part of the lessons to be learned for the future. One such example in the case of Timor-Leste, was the impact and aftermath of the referendum on independence organised and conducted under foreign supervision. The result of this referendum, in August 1999, was clear even before polling began and whilst the exact nature of the Indonesian response could not necessarily have been predicted, the fact that the Indonesians were likely to respond negatively and, perhaps, extremely violently, should have been. It is clear, however, that both those members of the IC working on the ground and the local population, who were swept along in an outpouring of euphoria over the forthcoming independence, neither foresaw the Indonesian response nor had in place any contingency plans for any electoral outcome other than a peaceful vote for independence. This was clear from a conversation with Jeff Fisher of the International Foundation for Electoral Systems (IFES), who was the director of the electoral administration for the referendum.⁶⁵ That these lessons appear to

⁶⁵ Jeff Fisher was an executive Vice-President of IFES and the elections Director for the first round of elections in Bosnia. Even before the East Timor referendum had taken place Fisher had been selected to be the first Director of the Joint Registration Task Force (JRTF) in Kosovo in September 1999. I spoke to him in Kosovo about his experiences in Timor and he was still traumatised by them and suffering from a feeling of guilt that the referendum could have had such a traumatic aftermath. It was clear from that interview that the violent response had come as a complete shock to him. The Indonesian government sponsored Timorese Militias killed approximately 1,400 Timorese and drove a further 300,000 people into West Timor as refugees. The majority of the country's already limited infrastructure was destroyed. In part, as a result of this disaster, the independence of East Timor, now the state of Timor-Leste was not recognised by the UN until 20 May 2002.

have been learned⁶⁶ is clear from the way in which the referendum on the independence of South Sudan has been handled and the slow and cautious build-up over three years to the referendum day itself.

For the thematic chapters on BiH and Kosovo, both the start point and, in the case of Bosnia, the end point for the 'post-conflict' period is fairly clear. A cease-fire is signed with an agreed start date when the fighting ceases almost completely and it can be reasonably stated, particularly with the benefit of hindsight that a post-conflict phase has begun. It was not immediately clear that this was the case at the time in Sarajevo. December 1995 saw one particularly bloody incident with seven deaths on a tram after it had been hit by a rocket-propelled grenade fired from Serb Sarajevo. UK and French troops in Sarajevo were still dealing with (and engaging) Bosnian Serb snipers in March 1996. Was this argument regarding post-conflict valid, for example, in Iraq in 2005-7 and, if not, how do we define post-conflict? Phillips⁶⁷ convincingly argues that having reached the 'post-conflict' phase in Iraq in late 2003, the US and its allies then withdrew from this phase in 2004-7. If one of the definitions for a 'post-conflict' phase for the military is the ability to deploy Civil Military Co-operation (CIMIC) teams into isolated 'team houses', as was done in Iraq in 2003, then Phillips' argument is correct. These CIMIC teams were withdrawn in 2004 as it was no

⁶⁶ Fisher himself has, subsequently, twice written on the issue of violence at election times: *Democratic Control of Armed Forces and Kosovo Security in the Absence of State* (2001) and *Electoral Conflict and Violence: A Strategy for Study and Prevention* (2002).

⁶⁷ David L. Phillips, *Losing Iraq – Inside The Post War Reconstruction Fiasco*.

longer safe. Etherington⁶⁸ makes a similar point from a UK perspective and drawing upon his previous experience of conflict and post-conflict in Northern Ireland, BiH, and Kosovo. The thesis will also define a typology of specifically post-conflict intervention, as opposed to conflict and even pre-conflict intervention which by definition and by their nature are earlier phases of the conflict. Whilst some of these interventions have been tabulated by Nye⁶⁹ amongst others, it is possible that some of the conclusions drawn by Nye in defining intervention during conflicts might also be claimed to have some utility in post-conflict situations. However, it may be doubted whether international actors would regard some of his low-level interventions e.g. making radio broadcasts, as making any contribution to the management of post-conflict at all. Nor will the thesis examine examples where both 'conflict' and 'post-conflict' IC operations are taking place within the same nation state, as currently in Sudan. In EU terms, at least, South Sudan is in the post-conflict phase and activities such as police training programmes are taking place,⁷⁰ but in Western Dharfur there are emergency relief operations and (AU-led) military interventions.

This thesis will focus primarily on BiH and Kosovo as the basis for its case studies. Whilst Brady and Collier⁷¹ and Gray⁷² amongst others, talk about the

⁶⁸ Mark Etherington, *The Revolt on the Tigris - The Al-Sadr Uprising and the Governing of Iraq*.

⁶⁹ Joseph S. Nye, *Understanding International conflicts – An introduction to Theory and History*, in particular Figure 6.1, p 161 and others.

⁷⁰ E-mail dialogue with Mr Brian Steers, currently chief of logistics for the EU funded police development mission in Southern Sudan 2005, and conversations with Mr Peter Phillips CBE, formerly Deputy Head of the DFID mission to South Sudan. UK-led police training programmes have been taking place since at least 2002.

⁷¹ Henry E. Brady and David Collier (2004), *Rethinking Social Enquiry*, pp 105–21.

⁷² David Gray (2004), p 125.

selection of case studies, this is not relevant to this research design, in that the observer was only able to participate directly in these two relatively recent post-conflict situations. As such, the thesis will not identify 'third world' IC intervention and post-conflict activity in very much detail. In addition, the thesis will try to determine clear examples of each type of intervention. This will include those interventions that prevented further worsening of an already existing conflict or internal chaos and which are not perhaps, *post facto*, recognised as 'post-conflict' as, in these cases, full-scale military operations never took place. The Italian intervention during Operation 'ALBA' in Albania in 1997–8 would be one such and several of the US interventions in Haiti would also fit this model, although in both the Albanian and the Haitian examples, interventions by in excess of 8,000 military personnel, albeit with a primarily humanitarian focus, at least initially, would perhaps be deemed by some commentators as full-scale military operations.

The thesis will further attempt to identify if there are, or were, clear models for IC post-conflict activity in BiH and Kosovo and which are relevant for elsewhere, even if these were not immediately apparent to those implementing them at the time. If there are no models it will attempt to define if there are clear and identifiable guidelines to which the international actors work, or whether these are developed solely on a case-by-case basis. Additionally, it will examine whether the evolutionary nature of the methodologies employed is in part linked to the fact that they depend upon the same relatively small group of technical

experts who are simply 'recycled' through each post-conflict operation as they occur. The field of elections is one such area where the number of practitioners at senior, middle, and even junior levels, are limited and where inevitably those practitioners base their current practices on the lessons they personally have learnt from past operations. Again Fisher, the referendum director in East Timor,⁷³ is possibly a useful case in point, a fact confirmed by some of his writing,⁷⁴ as would be Erben⁷⁵ and Sekniashvili⁷⁶ and others. Additionally, given the limited number of practitioners, the academic community has been forced to rely upon a limited source of references when sampling direct experiences of electoral operations in post-conflict. For an example of this one need look no further than the bibliography of writers such as Sisk,⁷⁷ where it can be seen that many of the practical references come from a limited number of sources including former IFES employees and the Swedish based international Institute for Democracy and Electoral Assistance (IDEA).

The fieldwork and empirical evidence will also be used to help identify and define the 'legacies' and 'consequences' of the IC's involvement in these two post-conflict environments and to compare them not only with previous examples

⁷³ Fisher was the Director of the electoral authorities during the transition in Angola, Mozambique, El Salvador, Bosnia, Kosovo, East Timor (Referendum), and Iraq as well as being involved in 'out of country voting' in Afghanistan.

⁷⁴ Fisher (2002). Fisher uses his experiences in the countries where he has worked as case studies.

⁷⁵ Peter Erben held various appointments in Bosnia, was for a while the Director for Elections in Kosovo and then managed 'out of country voting', a key appointment for both Iraq and Afghanistan.

⁷⁶ Although always in field appointments, Sekniashvili served as an elections officer in Georgia, his mother country, Bosnia, Kosovo, and as a voter registration officer in Pakistan for the Afghan Electoral Authority.

⁷⁷ Timothy D. Sisk, *Elections in Fragile States: Between Voice and Violence*.

including those from the traditional 'colonial' period, but also those others that were taking place in parallel such as in Lebanon. There will also be an attempt to define clearly the terms 'legacy' and 'consequence' and to differentiate between 'intended' and 'unintended' legacies and consequences. Furthermore, the fieldwork will also be used to identify and exemplify any 'lessons learned' from both BiH and Kosovo, particularly those which may have a utility elsewhere and to demonstrate whether any of those lessons learned have been either implemented or ignored, where they were relevant to later or current post-conflict environments.

Finally, the research design has been formulated so as to situate the study within the context of the key literatures on the subject and will attempt to identify where the thesis either corroborates or departs from this existing thinking. Whilst this element will focus on the literature in areas such as post-conflict reconstruction, democracy promotion, the character of the IC, its intervention strategies and record, it will also look at the issue of the EU's attempted 'governance' of non-EU spaces, in other words government without governance, a topic which will be covered in more detail within the relevant chapter.

As discussed earlier in this chapter, 'elite interviews' and similar devices are not part of the research design as they would appear as an artifice for a participatory observer who had a considerable degree of access to those who might be interviewed. As will be demonstrated, it is intended to maximise the practical

benefits that elite interviews would otherwise bring, particularly to theses which are based primarily upon qualitative research as described by Arksey and Knight,⁷⁸ Bryman,⁷⁹ and others, by integrating that empirical material which was collected orally throughout the thesis.

It is important to return at this point to the ethical question which affects all participant observers. Should the author quote from written texts which had been requested or received in a personal capacity and where they have not been written specifically for the purposes of inclusion in this thesis, it has been necessary to obtain informed consent. This has been done. In all cases where it has been possible to refer to material which is now in the public domain the author has done so. In a similar manner the author has only used oral material, such as the comments from Fisher on the referendum, where it has been necessary in this case to indicate that the shock at the Indonesian response went right to the top. Rather than submitting these documents as individual papers, instead, these actors and the relevant papers will be brought into the thesis where they are relevant and as part of the main body of the text. For a similar reason questionnaires and sampling techniques were not employed, except where they occurred as a result of work carried out at the time and which is now being quoted as 'evidence' within the text.

⁷⁸ Hilary Arksey and Peter Knight (1999).

⁷⁹ Alan Bryman (2006), pp 47–91.

In the conclusion, the thesis will illustrate the evolving nature of the research models which are in practical use today and will attempt to provide adequate definitions of the activities of fellow researchers who were in similar positions to the author. It will recognise that the post-conflict operations in Bosnia and Kosovo whilst both being 'snapshots in time' were representative of key developments in that particular evolutionary process which is the development of post-conflict operations. In particular, it will note the move away from purely UN and UN-led operations, to a more state and regional based multi-national environment that has increasingly become the model for post-conflict operations in the twenty-first century.

Chapter 3

Imperialism, Colonialism and other Post-Conflict models

Introduction

This chapter, and the next, provide the conceptual and comparative historical underpinning and background to the empirical case chapters. This chapter will establish whether the imperialist and colonialist models which were certainly applicable for most of the nineteenth and perhaps early twentieth century remain valid. Alternatively it will examine whether, as practitioners would claim, they have increasingly given way in modern post-conflict models to more liberal interventionist, cosmopolitan, and humanitarian interventionist approaches or whether, in the twenty-first century, they remain valid and are explicable by the theories that have been developed. In order to do so it will also be necessary first to discuss 'capitalism' as the concepts of colonialism and imperialism, at least within the overall Marxist framework and as used in modern times are often linked to capitalist expansion. As Callinicos states:

Imperialism is neither a transhistorical political form, nor a state policy but 'a special stage in the development of capitalism'.¹

This chapter will demonstrate that both the theories and concepts of colonialism and imperialism need to be re-examined in the light of the increasing complexity

¹ Alex Callinicos, *Imperialism and Global Political Economy*, p 3.

of the modern world, where a relatively limited short-duration conflict in one small part of the African continent² can have a global impact upon policies, commodities, and potentially, livelihoods worldwide. Further, it is possible to demonstrate that, whilst the definition of what constitutes 'colonialism' has altered, it is still recognisable in terms of 'colonialism' as understood in the classical period i.e. from the eighteenth Century up and until 1948. Unlike colonialism, it will be argued that for a number of reasons the earlier 'traditional' definitions of imperialism have not stood the test of time and that the theory of imperialism has evolved to take these changes into account. It will also be argued that in the twenty-first century the definition of imperialism is regarded not only as being wider than formerly, so as to include such areas as cultural imperialism which are discussed within the chapter, but also the scope of imperialism and post-imperialism in both a conceptual and definitional sense, if indeed they still exist, are still a matter of current debate.³ That said, imperialism it will be argued, is defined too widely by various vested and other sectarian interests, amongst them environmentalists and regional nationalist groups.

While acknowledging the impact of unintended 'cultural imperialism' and perhaps also that of 'economic imperialism' in some cases,⁴ the chapter will then proceed to examine theories of 'liberal interventionism' and their relevance to post-conflict intervention. As the historical overview will demonstrate, the link between 'liberal

² For example the conflict in early 2011 within the Ivory Coast.

³ See for example the arguments for 'empire' versus imperialism in, amongst others, Michael Hardt and Antonio Negris, *Empire*.

⁴ For example in Iraq.

interventionism' and the IC's intervention in post-conflict has been consistently, if initially at least, intermittently demonstrated over the past one hundred and fifty years. The chapter will demonstrate that this close link between the theory of 'liberal interventionism' and the IC's involvement in post-conflict in general remains relevant in the early twenty-first century.

Finally, while neither a model nor a theory, the chapter will also briefly examine the concept of a 'protectorate', as this has been regularly raised in discussions in connection with the IC's management of post-conflict. It will demonstrate that in the context of IC intervention in post-conflict that, with one possible exception, the term is of little relevance to present-day IC activities. The issue of whether the behaviour of the EU in terms of post-conflict, in particular within the 'wider Europe', is relevant in the concept of 'protectorates' will be discussed in more detail in a later chapter.

Capitalism

An understanding of capitalism is key to an understanding of both colonialism and imperialism in so far as modern interpretations of these terms derive from the Marxist 'dependency theory'⁵ of the 1960s and 1970s. Capitalism links colonialism and imperialism to the matter of capital accumulation and hence 'capitalism'. It is that linkage, theorists such as Baran and Sweezy⁶ and later

⁵ It is also sometimes referred to as the 'world systems theory'.

⁶ Baran and Sweezy, *Monopoly Capital: An Essay on the American Economic and Social Order*.

dependency theorists such as Callinicos⁷ were to argue, which was, and remains, the driver for colonialism and imperialism. Indeed, Callinicos in his later writings is explicit in linking imperialism to capitalism, particularly in relation to the USA.⁸ If the accumulation of capital, as proposed by the theorists, has been the driver of the external policies and relations of core states in their dealings with other states throughout the last two centuries, capitalism must therefore be considered and discussed as to how much it is relevant to the post-conflict environment. In both its historical sense and in the twentieth century capitalist imperialism was an essential part of the process of the creation of empires and its pivotal role is well defined by Colas, who states that:

developing international trade must be seen as key process in Empire-building.⁹

With reference to what Colas says, capitalist imperialism is not a new phenomenon but has existed as long as empires have existed, not only in Europe but also elsewhere.¹⁰ Capitalism has been and is still the basis on which both colonialism and imperialism developed in the modern period and was, as

⁷ Callinicos, *op.cit.*, p 104.

⁸ Alex Callinicos, *New mandarins of American power: the Bush administration's plans for the world.*

⁹ Alejandro Colas, *Empire*, p 75.

¹⁰ *Ibid* p 75. He specifically mentions the Abbasid and Ummayyad empires in the Middle East and the Chinese as examples.

Marx¹¹ and others have indicated the motor for much¹² of the colonialism and imperialism in the eighteenth and nineteenth centuries.¹³

The theory of 'unequal exchange' forms an essential element of the Marxist approach to capitalism and is integral to their development of the theories of colonialism and imperialism. In its simplest form it involves the extraction of raw materials, such as cotton or minerals, at the lowest price possible and the sale of the processed materials back to the dependent colony or state at a much higher price, indeed the highest price possible. This is an accurate description of the practices of most colonial empires starting with that of the Spanish.¹⁴ As Harvey¹⁵ and others such as Kiely¹⁶ correctly identify, this process need not necessarily be carried out by states themselves; any capitalist entity can conduct these activities,¹⁷ particularly if they manage to place themselves in a monopoly position through regulations or other means, or are more often, as Kiely points out, supported by a powerful state:

¹¹ Karl Marx, *Das Kapital*.

¹² But by no means all. Some colonial expansion took place, at least initially, both in the classical period and in the eighteenth and nineteenth centuries to relieve population overpressure or for other purposes, for example the penal colonies in Australia.

¹³ It could be claimed that capitalism, or at least the development of trade and commerce was a driving force in the colonies of the classical period also, but to define the economic system at that stage of human development as capitalist in nature would be premature.

¹⁴ The Spanish developed this by prohibiting their colonies from importing any materials not manufactured in Spain and thereby creating an effective cartel.

¹⁵ David Harvey, *A Brief History of Neoliberalism*, p 7.

¹⁶ Ray Kiely, *Empire in the Age of Globalisation: US Hegemony and Neo-Liberal Disorder (Critical Introductions to World Politics)*.

¹⁷ The British East India Company would be a seventeenth - nineteenth century example of this.

the post-war era saw a massive increase in the growth of multinational companies, and US hegemony played a key role in policing the profits of this expansion.¹⁸

Halliburton's activities in Iraq were those of an organisation which has benefited from what Harvey describes as:

a state apparatus whose fundamental mission was to facilitate conditions for profitable capital accumulation on the part of both domestic and foreign capital.¹⁹

With the exception of Iraq, and possibly now Libya, capitalism is now perhaps somewhat less relevant to the context of the IC's management of post-conflict in the twenty-first century and there are examples from even the late nineteenth and early twentieth century where capitalism does not appear to have been the primary motivating factor.²⁰ Belgium for example, acquired its colonies out of both national pride and a desire to unify and defend a divided state. As Pakenham²¹ says:

Leopold I had picked up a throne in Belgium – but a throne perched on a tightrope. Inside Belgium were two warring people...outside Belgium,

¹⁸ Kiely, op cit, p 61.

¹⁹ David Harvey (1991), op cit, p 7.

²⁰ Much of the colonialist and imperialist fervour of the nineteenth century, in particular, was driven by the need to 'block' political competitors from particular areas, especially in the later period at the turn of the nineteenth/twentieth century. There could be no capitalist or directly colonialist motive for the occupation of the Sudan or Chad for example, quite the reverse. Much German and Italian colonisation, coming later than the other European powers was made for prestige purposes rather than for any other motive. It was also the abhorrence of a vacuum, and the fear of the possible motives of the competitors, that drove the British and Russians forward in the Himalayas; not colonialism or capitalism. See for example Peter Hopkirk *The Great Game: On Secret Service in High Asia*, for a more detailed explanation.

²¹ Thomas Pakenham, *The Scramble for Africa*, p 12.

hemming it in, were two warring powers...Belgium's survival depended upon two greedy neighbours.

To his son Leopold II who seemed obsessed by the lesson of history,²² the solution to the problem appeared to be that a colony or colonies would:

prove to the people of Belgium...that they were, despite themselves, an 'imperial people' capable of dominating and civilizing others.²³

The thesis will therefore confine its later comments on capitalism, to those areas where capitalist expansion or alleged crisis management techniques directly impinge upon both the models and the case studies in the thematic chapters. As the thesis will illustrate in the thematic chapters, while capitalism has not been a primary driver in many of the post-conflict interventions in the second half of the twentieth century and the beginning of the twenty-first,²⁴ capitalists have not failed to profit from the opportunities provided to them by such interventions. By wielding their influence, they can procure business, as the examination of the various telecommunications and IT projects in Kosovo will demonstrate. Using the case studies the thesis will examine in the context of those international interventions, whether capitalism was the context within which these interventions were played out, or whether they took place within the context of a genuinely liberal interventionist model.

²² Ibid.

²³ Ibid. Leopold as Crown Prince, presented the Minister of Finance with a paperweight saying that Belgium needs a colony in 1861.

²⁴ It could be argued that the defence manufacturers had a vested interest in for example the Korean War, but they clearly did not promote the intervention which was made following a UN resolution on purely human rights and rule of law grounds.

Colonialism and Imperialism.

Imperialism is the extension of the British Empire where trade needs the protection of the flag.²⁵

Colonialism is the political control, physical occupation and domination of (one) people over another people and their land for purposes of extraction and settlement to benefit the occupiers.²⁶

This section will address modal definitions and theories. Often, and particularly it would appear by Bosnian and Kosovan journalists, the terms colonialism and imperialism have become conflated. It is worth noting that their origins are quite different. In terms of both definition and reality the term colonialism implies a controlled and long-term plan. The classical Greek concept of a colony²⁷ was a settlement of people from the mother state or 'metropolis', designed to bring an area and its peoples under the control of, and exploited for the benefit of, the mother state. Explicit in the word and the model from its Roman and Greek origins, is the concept of control through settlement and the attempt through that settlement and influence, to transform the society upon which it is visited. From

²⁵ In 1920 the 'Oxford English Dictionary' defined Imperialism as follows: 'Imperialism is the extension of the British Empire where trade needs the protection of the flag' quoted in P. T. Leckie, *Economic Causes of War*, Chapter XV.

²⁶ Neta Crawford, *Argument and Change in World Politics: Ethics, Decolonization and Humanitarian intervention*, p 131.

²⁷ The Greeks believed their own definition to be inadequate, and borrowed both the word and definition of 'colonia' from Latin in about 300 BC.

ancient Greece through to the early twentieth century, colonialism was a process well understood by its practitioners.

Within these definitions there was scope for variations, but on most occasions the colonising state simply used the colonisation process to exploit the area concerned, or developed the area so as to house or to resettle some of their existing populations.²⁸ Such processes remained common until the Second World War, when the Nazi German concept of Lebensraum and the Italian colonization of Albania from 1939 may be seen as mid-twentieth-century examples of the genre. Equally in some limited number of states, the practice of internal colonialism designates a domestic process involving the displacement and complete removal elsewhere within the state of existing populations and replacing them with those of another ethnic group or clan. According to Hechter:

one of the defining characteristics of the colonial situation is that it must involve the interaction of at least two cultures - that of the conquering metropolitan elite, and of the native culture.²⁹

The move of the Crimean Tatars to the Baltic States within the Soviet Union in 1944-5, where clearly the intent was to:

increase the individual's dependence upon and loyalty to the government.³⁰

²⁸ This was often simply due to population pressure and in more primitive societies often took place in a fairly random and unstructured manner. Within Europe the Norse peoples were one such group and more recently in Australasia the colonization of New Zealand by the Polynesian peoples we know today as the Maoris, would be another such example.

²⁹ Michael Hechter, *Internal Colonialism: The Celtic Fringe in British National Development*, p 73.

³⁰ Hechter, *Ibid* p 16.

may be seen as a late example of this; as can the movement and enforced resettlement of clans across Albania in the immediate post-war period. Finally, an extreme form of colonialism would be where the 'incomers' either eliminate or displace the entire resident population to a third state and simply take over. Two examples of this process from the beginning and end of the colonial period would be the British in Tasmania in the first half of the nineteenth century³¹ and the move of the Chagos Islanders to Mauritius,³² again by the British, in the second half of the twentieth.

In what is now largely understood to be a post-colonial world, the colonialism model has been refined in the literature in order to reflect those changes which have largely occurred as a result of the initial acts of colonisation, and so as to embrace broader concepts, for example race and gender, which were not originally taken as instances of colonialism. The relatively rapid demise of traditional colonialism in the second half of the twentieth century led to the elaboration of the concept of post-colonialism which has been described in its simplest form by Baylis, Smith, and Owens as focusing upon:

the persistence of colonial forms of power in contemporary world politics, especially how the social construction of racial, gendered, and class differences uphold relations of power and subordination.³³

³¹ The native Aboriginal population had been reduced to approximately 200 by 1833 and was entirely eliminated from Tasmania by 1876.

³² The Chagos archipelago forms the principal element of the British Indian Ocean Territory (BIOT). The islanders were displaced to Mauritius in 1957 so as to permit the building of the Diego Garcia air base.

³³ John Baylis, Steve Smith, and Patricia Owens, *The Globalization of World Politics*.

While Baylis et al, were attempting to arrive at a definition which expressed both the persistence and the general utility of the concept of post-colonialism, they demonstrated how post-colonialism could be used as a model when describing the treatment of diaspora populations in the UK from a 'new commonwealth' country. There also remained 'direct' examples of the impact of post-colonialism across the Commonwealth and elsewhere. In at least three 'new' Commonwealth countries,³⁴ the current political elites and much of the wealth is concentrated in the hands of a population directly transported there by the British, with the resident ethnic groups³⁵ continuing to be placed in a 'subordinate' position. In at least one of these states, Fiji, the new arrivals now also dominate demographically.³⁶ A further form of colonial activity which has led to another form of post-colonialism was the practice of the colonialists selecting a dominant, and often 'martial', race or ethnicity already resident³⁷ within the state which, whilst subjugated by the colonisers, would themselves subject other settled populations. This approach worked to a degree during the colonial era through martial means. In the post-colonial period, however, it has often led to serious inter-communal violence in the post-colonial states of the Commonwealth for example in India and South Africa.³⁸ Elsewhere, and particularly within the

³⁴ Fiji, Guyana, and Trinidad and Tobago. In each case the 'incoming' ethnic group was from the Indian sub-continent.

³⁵ In the case of Trinidad and Tobago this refers to the Afro-Caribbeans, themselves 'incomers', as the original resident Indian population has been assimilated, died out or been exterminated.

³⁶ The *CIA World Fact Book*, 2009 gives the percentages of ethnic groups in states where this is regarded as a significant factor.

³⁷ It is worth noting here that the Bantu and in particular the Zulu, arrived in South Africa **after** the Dutch settlers. The original occupants, the Bushmen and Hottentots, were either eliminated or driven to the areas of marginal land, especially in Namibia.

³⁸ The Sikhs and the Zulus respectively.

former Belgian colonies,³⁹ it has led to the need for repeated IC intervention in Burundi and Rwanda.

As with the issue of the 'martial races', Grovogui⁴⁰ argues that in order to end colonial rule it is simply not enough to hand over the 'baton of command' or to pull down a flag and replace it with a new one. Colonial influence will remain into the post-colonial period for a significant period of time, if not indefinitely. Grovogui cites as examples the legal and political structures which were handed over. He also discusses the fact that, less obviously, the training⁴¹ and the manner in which the new elites were brought up and to whom power was often transferred, was also influenced by the nature of the colonial regime, even if not overtly⁴². Grovogui demonstrates that this 'allegiance', even if it is antithetical to the stance adopted by the individual, will, for the most part, affect their mindset and in some cases their methodologies.

At the time of de-colonization and in an attempt to adequately describe how the West managed to maintain so much control and influence in the Global South, the neo-colonialist model was evolved and with it the continued domination of

³⁹ In Rwanda and Burundi the Tutsi were the favoured 'martial' race over the majority Hutu.

⁴⁰ Siba N'Zatioula Grovogui *Sovereigns and Quasi Sovereigns, and Africans: Race and Self-Determination in International Law* (Borderlines).

⁴¹ For example Mahatma Gandhi's legal training at University College London and his 'calling' to the London Bar. It is clear that at least during his period in South Africa (1895-1907) Gandhi attempted to work within the British system and, indeed, his methodology of 'passive resistance' was developed whilst he was in Natal.

⁴² Lee Kuan Yew for example having been brought up with the BBC World Service, listened to it every morning when he was Prime Minister of Singapore and regarded it as his principal media source for world affairs. Whilst he was, and clearly remains, a 'nationalist', he frequently looked to the UK for support and guidance during the period when he was in power in Singapore.

'subaltern' peoples as originally defined by Gramsci⁴³ in his "Notes on Italian History: History of the subaltern classes". Many writers, for example Duffield⁴⁴ and Grovogui,⁴⁵ stress that the level of control of Western interests politically, economically, and militarily over the Global South is now stronger than when large areas of the South were under direct colonial control. For example, Grovogui demonstrates that the formulation of international law itself represents a kind of dominance and an imposition of Western legal values upon the South; as does the persistence of the administrative and political structures of the imported Western religions. While in his key work,⁴⁶ Grovogui focused on the continuing role of the Catholic Church in Africa and its domination at the senior level by Westerners, a similar case could also be made for the Anglican Church in Africa, where it now has more adherents than in the West, a fact not recognised in its management structure. Additionally, and as a further complication, much of this increasing control, the neo-colonialists would argue, is not exercised by Western states or international organisations, but directly and increasingly by Multi-National Corporations (MNC). Even the representatives of some of the MNCs directly concerned, for example Del Monte™,⁴⁷ in Kenya, are

⁴³ A. Gramsci, *Selections from the Prison Notebooks*. See in particular Chapter 3; 'Notes on Italian History' in which 'The History of the subaltern classes: Methodological Criteria' forms part. This volume was translated into English and published in 1971, but the text was written in the 1920s and 1930s.

⁴⁴ M. Duffield, *Global Governance and the New Wars*.

⁴⁵ Grovogui (1996). Op. cit.

⁴⁶ Ibid.

⁴⁷ Conversation between the author and Barry Morgan (now deceased), formerly Director of Del Monte, Kenya during the 1980s. Morgan pointed out that not only were Del Monte at that point controlling the production of and exporting greater quantities of soft fruit from Kenya than in the colonial period, but that there were now more UK citizens in Kenya earning relatively higher wages than under the colonial regime. Separately the increase in coffee growing and hence a monoculture particularly in the fertile areas around Mount Kenya, have led to increasing food shortages and malnutrition in some districts.

willing to admit that privately this has been, and continues to be, the case. William Smith, a representative of the Papua New Guinea (PNG) Government, made the same point in regard to the operations of Rio Tinto Zinc (RTZ) in his own country in 2008.⁴⁸ As part of their agreement with the PNG Government, RTZ have appointed a UK academic as an official anthropologist, who designs projects intended to support native communities. Most of these are not implemented.⁴⁹

Imperialism

Imperialism as a concept is recognised as having classical roots and the history of imperialism can be traced back at least as far as the Egyptians, two thousand years before the Roman and Chinese empires. Imperialism has taken a wide range of forms as described by Colas,⁵⁰ who illustrates the differing political, economical, cultural and military aspects of empires and how these evolved through time. Even by the second half of the nineteenth century, it had been recognized for some nineteen centuries by both practitioners and observers alike, that imperialism was a much more transformational concept than colonialism and whereas colonialists would always remain 'outsiders' in the areas which they occupied, the ultimate aim of imperialists was to transform the occupied area into a fully integrated part of the state or 'imperium' itself. As

⁴⁸ William Smith, a PNG government advisor in conversation with the author in October 2008.

⁴⁹ Conversation by the author with Dr Katrina MacLeay of the UK Department of Environment & Climate Change (DECC), March 2011.

⁵⁰ Colas (2006).

Richardson states, the Romans under the Caesars understood this concept as 'imperium'⁵¹ and, in describing the Roman Empire, Colas tells of a:

specific socio-political and geographic entity known as the Roman Empire,⁵²

and goes on to define an empire as built on expansion⁵³ and invariably entailing:

a relatively small political community...conquering other peoples and territories often settling among them, and always absorbing them through combination of coercive, legal cultural and economic mechanisms into a larger socio-economic and political entity – a(n) empire.⁵⁴

A classic definition of imperialism as it would have been perceived by the political elites of Western Europe and North America at the end of the nineteenth century, although written a century later might be:

a system in which a country rules other countries, sometimes having used force to get power over them,⁵⁵

but that definition could already have been obsolete by 1900 as increasingly, 'imperialism' as practised by both the UK and the USA could be better defined as:

when one country has a lot of power or influence over others, especially in political and economic matters.⁵⁶

⁵¹ J. S. Richardson, *Imperium Romanum: Empire and the Language of Power*, p 1. The full definition of Roman 'imperium' and its evolution is on pp 1-9.

⁵² *Ibid*, p 25.

⁵³ *Ibid*.

⁵⁴ *Ibid*.

⁵⁵ *Cambridge English Dictionary*.

⁵⁶ *Ibid*.

While capitalist-imperialism was not fully comprehended at the time, as Colas states:

it was with the globalization of capital under nineteenth century British hegemony that the world market emerged as a distinctive social domain governed by a specific form of exchange.⁵⁷

Our forefathers would have recognized the dictionary definition applied to Imperial India, but they may not have recognized the second definition, although British imperialism was clearly already well underway in countries outside of the British Empire, in for example Argentina and Chile. A modern-day student of Imperialism would reasonably argue as did Karl Polanyi,⁵⁸ that in a country where an outsider owned and managed, usually through British-born 'compradors',⁵⁹ millions of acres of ranches and also owned the railways, the meat-packing plants, and the associated ports and ships, as the British did in Southern Chile, that this was indeed imperialism. The phenomenon of this 'comprador' class supporting largely absent landlords has been extensively discussed in the literatures on Latin American development. Andre Gunder Frank⁶⁰ and Barry Gills when discussing the relationships between the core

⁵⁷ Colas (2006), p 75.

⁵⁸ Karl Polanyi with K. Conrad, K. Arensburg and H.W. Pearson, *Trade and Market in the Early Empires - Economies in history and theory*, pp 246-7. Polanyi looked back to Marx a century earlier and defined capitalism as, Outside of a system of price-making markets [capitalism] economic analysis loses most of its relevance as a method of inquiry into the working of the economy. A centrally planned economy, relying on nonmarket prices is a well-known instance. The choice between capitalism and socialism, for instance, refers to two different ways of instituting modern technology in the process of production. Polanyi makes clear that he believes that this process was well entrenched in the British Empire in the nineteenth century and continued through into the period after the formal withdrawal from empire (which was still underway at the time that he was writing).

⁵⁹ In Spanish: 'Agent'.

⁶⁰ Andre Gunder Frank, *Capitalism and Underdevelopment in Latin America: Historical Studies of Chile and Brazil*, p 174.

industrialized world and the developing world, described the ‘*compradors*’ as its “agents” in the developing world.⁶¹

What is more the ‘imperial’ period thus constituted lasted much longer than the traditional period of the ‘political’ empires⁶² and in some cases continues to this day. In the USA, for example, academics recognized that the position of the USA post-Second World War was analogous to that of Britain in the late nineteenth century, and that while its formal empire was tiny,⁶³ US imperialism rested largely on economic and cultural domination. As Colas states:

This reality forced commentators on post-war US foreign policy to consider the nature of imperialism in a post colonial world, developing new theories and insights into how and why the USA can exercise global supremacy without formally controlling overseas territories.⁶⁴

This concept they defined as ‘post-colonial imperialism’ a definition which has been used both to define the worldwide economic and political dominance of the USA in the 1950s and 1960s and President Bush’s imperial turn⁶⁵, in the invasions of Afghanistan and Iraq. Therefore, unlike colonialism and the end of the colonial era, there has been no clear end date for imperialism and thus no

⁶¹ Barry K. Gills with Jason P. Abbott and Barry Worth, *Critical Perspectives on International Political Economy (Advances in Political Science)*.

⁶² The ranches, railways, and packing plants were only dis-established in Chile in 1963-7 and in the Falkland Islands (itself a colony) remained extant in the form of the Falklands Islands Company until 1982. The role of the United Fruit Company (still referred to in Spanish as the Octopus) in Cuba up and until 1959 and in Guatemala until the early 1970s would be a parallel US example.

⁶³ It consisted only of Puerto Rico, Guam, the US Virgin Islands, and several other very small dependencies.

⁶⁴ Colas (2006), *op cit*, p 158.

⁶⁵ *Ibid*, p 158.

immediate need to invent a new model rather than to extensively revise and broaden the older model so as to reflect the new conditions and to subsume colonialism within it. Thus writers such as Colas can argue in defining post-colonial imperialism that:

Imperialism in the old, territorial form...has disappeared and been replaced (so to speak) by a new form of global rule by – an Empire – which is boundless and universal in its real subsumption of all the world's population.⁶⁶

Hardt and Negri in the preface to *Empire*⁶⁷ write in almost identical terms about imperialism having been **replaced** by 'empire'. They define the changes thus:

in contrast to imperialism, Empire established no territorial center of power and does not rely on fixed boundaries or barriers. It is a *decentered* and *detrterritorializing* apparatus of rule that progressively incorporates the entire global realm within its open, expanding frontiers.⁶⁸

The authors link these changes to the development of the capitalist method of production and state that the passage from modernity to postmodernity⁶⁹ is really that from imperialism to Empire⁷⁰. Hardt and Negri go on to describe 'empire' as a third phase beyond both colonialism and imperialism and where,

⁶⁶ Ibid, p 160.

⁶⁷ Michael Hardt and Antonio Negri, *Empire*. p: xiii.

⁶⁸ Ibid, p xiii.

⁶⁹ Ibid, p xvi..

⁷⁰ Ibid, p xvi

this relationship has fully matured, in which large transnational corporations have effectively surpassed the jurisdiction and authority of nation states.⁷¹

As a consequence and as illustrated above, in the post-colonial era, post-colonialism and 'post-imperialism' became increasingly conflated⁷². This was particularly as regards the impact of post-imperialism upon the imperialists themselves. One example of the 'end of empire' was the return of many of the former colonists⁷³ or their descendants, in considerable numbers and often in a very abrupt manner, as in the case of those former colonies which had been 'liberated' by direct military action. Additionally, the mother country was often forced to absorb migrants to the colony who had originated from elsewhere in the empire and who had been imported by the imperial power to 'manage' the colony.⁷⁴ Increasingly the end of the imperial period was also signalled by the arrival of citizens of the British Commonwealth to the UK, and former members of the other European empires to their 'mother' countries. Initially, their arrival in the mother country was often seen as the short-term solution to an increasing

⁷¹ Ibid, p 323.

⁷² See for example, Luke Strongman whose paper is entitled *Post-Colonialism or Post-Imperialism*.

⁷³ Of whom perhaps the best known were the *pieds-noir* who were Algerians of French heritage who were forced to return to France in 1962 when Algeria became independent. This resulted in the movement of over one million people from Algeria to France.

⁷⁴ Of these a good example would be the arrival in the UK in the early 1970s of some 40,000 Ugandan Asians expelled from that country. These were the descendants of indentured labour brought to Uganda and Kenya from India during the early twentieth century.

shortage of labour,⁷⁵ but their continued presence and the later arrival of further waves of migrants⁷⁶ is now very much seen as one of the issues of post-colonialism. Whilst the subject was discussed by Fanon in the 1950s and 1960s⁷⁷ and by Said⁷⁸ in the 1970s, post-colonialism remains a relevant issue in the twenty-first century; European states continue to struggle with concepts such as multi-culturalism and the need to integrate an ethnically diverse and increasingly native-born population⁷⁹ that has its origins and retains its cultural roots in their former colonies. Indeed, an understanding of post-colonialism is increasingly seen as a weapon in the 'Prevent' strategy of the 'war on terror' in the twenty-first century, in the same way that Fanon's work, along with that of Taber,⁸⁰ were seen as essential reading for students of 'counter-insurgency' in the 1970s and 1980s.⁸¹

⁷⁵ An example would be the recruitment of 492 Jamaicans to work for London Transport. They arrived at Tilbury along with other Caribbean 'invitees' on 23 June 1948, aboard the MV Empire Windrush.

⁷⁶ As an example, the total ethnic Jamaican population in the UK as at 2010 is estimated by the Office of National Statistics (ONS) to be about 800,000 only 144,000 of whom were born in Jamaica. Of these, only 47,000 of these first-generation immigrants continue to hold Jamaican citizenship.

⁷⁷ Frantz Fanon, *The Wretched of the Earth*.

⁷⁸ Edward Said, *Orientalism*.

⁷⁹ The ONS data demonstrates that the majority of UK citizens of Jamaican descent, were born in the UK. Even of those born in Jamaica, the number retaining dual nationality, i.e. maintaining their Jamaican citizenship, is less than one-fifth.

⁸⁰ Robert Taber, *War of the Flea: Study of Guerrilla Warfare Theory and Practice*.

⁸¹ The author has held both volumes since that period, and both were regularly quoted from in the 1970s in the context of 'counter-insurgency'.

The impact of the 'Cold War' period upon the concepts of imperialism and colonialism

The period of the 'Cold War' broadly between 1947 and 1989 saw a worldwide struggle between two competing political systems each of which had a clear champion and which led, for some Marxists as Kiely says, to a new era of imperialism based on a return to inter-imperialist rivalry.⁸² What is clear and what has led in part to the confusion over terminology is that 'colonialism' and 'imperialism' along with 'neo-colonialism' became politically charged phrases and are now regarded as negative, indeed highly pejorative terms. This, in part, is due to the work of Marxist, nationalist and some libertarian philosophers and to the position of Marxist and nationalist writers in general, towards the overthrow of much of the former colonial architecture of governance in the period after the Second World War. While Marx was arguing from a primarily economic standpoint,⁸³ his arguments were developed to the point where they could be used as 'weapons' in the political sphere, particularly given the specific conditions of bi-polarity during the 'Cold War'. Whilst it was clear that both the USA and the USSR were economic empires,⁸⁴ the language of Marx was adopted and adapted by one side to further its own essentially ideological arguments. This was not a new process, it having been initiated by Lenin⁸⁵ at

⁸² Kiely, op cit, p 61.

⁸³ Karl Marx and Martin Nicolaus (Translator), *Grundrisse: Foundations of the Critique of Political Economy*, pp 12-3 gives a catalogue of his other economic works throughout this period.

⁸⁴ In the case of the USSR a physical empire also, as the break up of the 'Union' in 1999 vividly demonstrated.

⁸⁵ Vladimir Ilyich Lenin, *Imperialism the Highest Stage of Capitalism*, pp 111–22.

the time of the First World War, and within which he saw the conflict as exemplifying imperial capitalist competition (between the British and German empires); and where industrial cartels gave rise to finance capital, the basis of imperialism which, for Lenin,⁸⁶ was the zenith of capitalism. During the Cold War period, one could argue that phrases such as 'imperialist', 'capitalist', and 'colonialist' became almost interchangeable epithets to be frequently repeated in the political speeches of socialist leaderships. As such the terms carry an ideological or polemical intent.⁸⁷

In the post Cold War period some Marxists, such as Justin Rosenberg, have been re-examining Marxist approaches to international relations theory and have, in effect, incorporated the second definition of imperialism given above⁸⁸ into the Marxist model; critiquing the orthodox realist theory of international relations and providing a historical-materialist approach to the international system. Rosenberg quotes Marx who states:

It is always the direct relationship of the owners of production to the direct producers...which reveal the innermost secret, the hidden basis of the entire social structure, and with it the political form of the relation of

⁸⁶ Lenin effectively 'translated' the works of Marx and Engels, changing the emphasis somewhat from a primarily economic into a more political model. In doing so he borrowed heavily from the earlier work of Kautsky and Helfferding.

⁸⁷ See Kozloff and others for rhetorical assaults on capitalism, colonialism, and imperialism by Castro, Chavez, Qadhafi and others. Castro most recently used these terms to condemn the West's interventions in Libya, see the [Boston Herald](#) of 22 February 2011.

⁸⁸ Lenin (1916), op, cit.

sovereignty and dependence, in short, the corresponding specific form of the state.⁸⁹

Read thus, the role of BP in Brunei today⁹⁰ is the same as that of BP in Brunei prior to 1967, when it was, as Cheru and others would describe it,⁹¹ an organic part of the Imperial project. So, although Brunei has been independent for over forty years, it is still subject to post-colonial imperialism particularly in terms of the ownership of the 'means of production'. Given that even when it became independent, the United Kingdom retained responsibility for its defence and foreign affairs,⁹² Marxist academics such as Rosenberg could easily have referred to Brunei as a 'protectorate'. Others, such as Gowan,⁹³ Hudson,⁹⁴ Kiely, and Callinicos⁹⁵ see in the role of the USA the development of a 'super-imperialism', a thesis which emphasises the success of the US in exercising its hegemony in this competitive [post cold war] environment.⁹⁶ Hudson, however, points out that where in particular, the USA has differed from previous imperialists, is that it has achieved this objective both by virtue of its preeminent creditor status prior to 1960 and that critically since that time it has done so by virtue of its debtor position.⁹⁷

⁸⁹ See Justin Rosenberg, *The Empire of Civil Society: A Critique of the Realist Theory of International Relations*, p 51.

⁹⁰ Brunei has been independent since 1967.

⁹¹ Fantu Cheru, *Development in Africa: The Imperial Project Versus the Nationalist Project and the Need for Policy Space*, pp 275-8.

⁹² Brunei was the last British 'protected' state. It only gained full independence in 1984.

⁹³ Peter Gowan, *The Global Gamble: Washington's Faustian Bid for World Dominance*.

⁹⁴ Michael Hudson, *Super Imperialism: The Origin and Fundamentals of U.S. World Dominance*.

⁹⁵ Callinicos (2009), op, cit.

⁹⁶ Ray Kiely, *Empire in the Age of Globalisation: US Hegemony and Neo-Liberal Disorder (Critical Introductions to World Politics)*, p 62.

⁹⁷ Hudson, *Justice, Intervention and Force in International Relations (Contemporary Security Studies)*, p 24.

What it is true to say is that whereas 'imperialism' was once solely seen as the dominance of one state over another, this is no longer the case. Imperialism is now seen as extant in an increasing economic and cultural dominance in a wide range of activities. This is not solely where one state is dominant over the other, but also in areas where an MNC or even one model or culture may dominate another. In this sense, since the Second World War, imperialism has become 'post-modern' in that it has become to quote Jameson, an element of the dominant cultural logic of late capitalism.⁹⁸ Both Jameson and Harvey⁹⁹ based their ideas on that of the Marxist theorist Ernest Mandel¹⁰⁰ for whom 'post-modernism' encompassed not only culture, but also such issues as 'globalisation' and 'multi-national capitalism'. One example that Mandel could have used by way of illustration of both globalisation and cultural-imperialism is the world of modern computing and the internet. In the use of computers whether over the internet or elsewhere, it is the medium and culture of English which dominates, through its influence both directly and indirectly upon computer programming,¹⁰¹ rather than that of the (predominantly) Japanese, Korean, and Chinese hardware producers. It is these shifts in emphases that have led to the growth of models examining 'economic-imperialism' and 'cultural-imperialism'. As the technology of computing is advancing so fast there is no guarantee that the long hegemony of English will be maintained; however, a clearer example is that of air traffic

⁹⁸ Fredric Jameson, *Postmodernism, or, the Cultural Logic of Late capitalism (Poetics of Social Forms)*.

⁹⁹ David Harvey, *The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change*.

¹⁰⁰ Ernest Mandel, *An Introduction to Marxist Economic Theory*.

¹⁰¹ Even where the programming has been carried out in another language, such as Japanese, the underlying 'logic' of the computer software systems is based upon the English language. This is something upon which the Chinese have recently commented, stating that they will attempt to create an alternative standard.

control. Here, the medium of communication is English, even on domestic flights in non-English-speaking countries. This hegemony is currently neither challenged nor under threat.

In the context of looking at these and other International Relations (IR) models and theories which might have closer relevance to the IC's management of post-conflict, it is perhaps important to pause and briefly mention the increasing diversity of these global models. A diversification compounded by the relatively recent¹⁰² and rapid development of para-statal institutions such as the UN and the EU. While the thesis will examine some of these examples in detail in the thematic chapters, it is worth pointing out at this stage that these developments, particularly in the period following the formation of the UN in 1945, have fundamentally altered the relationships between nation states¹⁰³ and in some cases subsumed them totally.¹⁰⁴ These changes in relationships will clearly have an effect upon the definition of 'colonialism', in that any 'post-modern' IC

¹⁰² Only in May 1913 did the first multinational post-conflict intervention take place. To quote Ivo Andric, "King Nikolla of Montenegro was, nonetheless, forced to yield, and on 4 May, in a telegramme sent to Sir Edward Grey, he ceded Shkodra to the Great Powers. The international occupation of Shkodra was to last from 5 May 1913 to the beginning of the World War." – Ivo Andric "Draft on Albania" taken from *Elaborat dra Ive Andrica o Albaniji*.in "Casopis za suvremenu povijest", pp 77-89. It was translated from the Serbo-Croatian by Robert Elsie on the basis of an existing English version. First published R. Elsie, *Gathering Clouds: the Roots of Ethnic Cleansing in Kosovo and Macedonia*, pp 131-148.

¹⁰³ Professor Richard Falk and others argue that these new para-statal structures undermine the 'Westphalian System' of Nation States which has been in being since the Peace of Westphalia in 1607. For this view see, amongst others, Joseph S. Nye Jr, *Understanding International Conflicts – An Introduction to Theory and History*, p 6.

¹⁰⁴ The Palestinian 'State', if such it is, would be one probable example. It is, as has recently been clearly demonstrated (January – May 2006), completely dependent upon the EU for its ability to pay its staff and to feed itself and is dependent upon the UN not only for its medical facilities, but also for such fundamental items of state sovereignty as the issue of passports and internationally accepted transit documents.

intervention into either a conflict or post-conflict situation will in most cases¹⁰⁵ certainly involve or take place alongside¹⁰⁶ a multi-national entry into an area of activity, even if it does not formally involve a para-statal body.¹⁰⁷ It is at this point, with the entry of a multi-national body,¹⁰⁸ where the concept or process of 'colonialism' could be said to be either working in parallel with other models which will be examined later, such as 'liberal interventionism', or in some cases to have been followed by them. There are numerous examples from 1945 of the 'colonialist' model being succeeded in practice by other conceptual models, particularly when a colonial power gives way to a multilateral intervention force. One example of this was the introduction of a UN force into Cyprus¹⁰⁹ following inter-communal conflict in a newly independent Cyprus. The mandate of United Nations Forces In Cyprus (UNFICYP) clearly indicated its liberal interventionist agenda¹¹⁰ and is in clear contrast to the mandate of the British colonial forces in the 'Grivas campaign' from 1953 to 1960,¹¹¹ which was to prevent the union¹¹² of Cyprus with Greece and which therefore (successfully) aimed to frustrate the wishes of the Greek Cypriot majority on the island.

¹⁰⁵ The US 'invasions' of both Grenada (Operation Urgent Fury) in 1983 and Panama (Operation Just Cause) in 1989 were noteworthy exceptions.

¹⁰⁶ See John Pilger, *New Rulers of the World*. Such was the case in Lebanon where both the Syrian and the later Israeli intervention (in 1981) took place in parallel to, or perhaps more appropriately 'over the top of' the existing UN presence, UNIFIL.

¹⁰⁷ The US-led assault on and subsequent occupation of Iraq would be one such example. See D. L. Phillips (2005), *op. cit.*

¹⁰⁸ In terms of 'multi-national' bodies we mean those bodies which are sanctioned by the EU, the UN or some other such recognised body. This would not include the so-called coalition of the willing in Iraq.

¹⁰⁹ The UN Forces In Cyprus (UNFICYP) was established on 13 March 1964.

¹¹⁰ The UNFICYP mandate is given on the UNFICYP website as follows: To use its best efforts to prevent a recurrence of fighting and, as necessary, to contribute to the maintenance and restoration of law and order and a return to normal conditions.

¹¹¹ Cyprus became an independent state within the Commonwealth on 16 August 1960.

¹¹² In Greek, *Enosis*.

The very nature of the use of the term 'colonialism' perhaps also raises the issue of 'intent'. When the term 'colonialism' is used today, apart from having a pejorative connotation, there is also the underlying impression of permanence in terms of its status. The notion of permanence is not carried or implied by the term 'intervention', which both in linguistic terms and by implication, suggests a relatively brief occupation or activity, although in practice most modern interventions by the IC endure for about ten years in some form.¹¹³

The issue of 'permanence' was never mentioned in the 'classical' definitions of colonialism, because it was assumed that having reached the status of colony, or perhaps the uniquely British, but legally and conceptually different, status of 'dominion', this was to be a permanent condition. Even in more recent periods, typically from 1945 to 1965 and in a relatively few cases at an even later date,¹¹⁴ it was assumed that 'de-colonization' was taking place after a sustained period of occupation and had to be planned for as initially it had not really been intended to happen. How does this definition of colonialism sit with the accusation made by some present-day authors,¹¹⁵ that the IC's management of post-conflict is

¹¹³ Many of those which have been for a shorter duration have been failed missions such as the United Nations Intervention in Somalia (UNISOM) II Mission, whereas some UN interventions in particular have lasted significantly longer, the UN mission in Palestine having been present since 1948. Mission size at the end of the ten-year period has in many cases been very modest and in the order of tens or hundreds of international personnel. In the Balkans and the states of the Former Soviet Union (FSU) the initial peacekeeping mission has often been replaced by a permanent mission from the EU. Albania, Kosovo, and Georgia would be examples of these phenomena.

¹¹⁴ Such as the British withdrawal from Aden in 1967 and the Portuguese abandonment of Angola and Mozambique in 1975.

¹¹⁵ See amongst others, Chapman et al. (2011), op. cit.

'colonialist' and that it involves the setting up of 'protectorates'? This is despite the fact that when the IC enters a country it usually states that its primary aim is to leave as soon as possible¹¹⁶ or as soon as it has assisted the territory concerned to recover to a point where it can function effectively without external intervention. That this transitional period may typically take a decade or more is recognised by many Western governments and by post-conflict contingency planners¹¹⁷ and in that way, this transitional period is similar at least in duration, to the period¹¹⁸ in which the Control Commissions (CC) managed the affairs of Austria (CCA) and Germany (CCG).¹¹⁹

Thus the definition of 'colonialism' implies the conscious creation of a long-term dependency upon the 'mother state'.¹²⁰ It also implies that the colony is developed only in those ways which favour the mother state either through the extraction of raw materials or the development of transport links, provision of

¹¹⁶ President Clinton's commitment to a one-year programme for BiH outlined in the GFAP was according to Ambassador Robert Frowick, the Head of the OSCE Mission to BiH and a Democrat an essential if he was to secure a second term in office in November 1996, even though it was known to be unrealistic. It was for the same reason that the attempt to run municipal elections in BiH was maintained until early October 1996 even though it was known that the capacity to do so did not exist.

¹¹⁷ Both the DfID Stabilisation Unit and the UN Department for Peacekeeping Operations (UNDPKO) would agree with this analysis.

¹¹⁸ The Control Commission for Austria was terminated on 15 May 1955 whilst that for Germany was not formally dissolved until 11 March 1991.

¹¹⁹ These CCs do not appear to have been considered as colonialist. If they were, then no-one within the Anglo-Saxon literature has said so, either at the time or since.

¹²⁰ Exactly as it was intended by the Greeks who saw their 'colonies' as dependencies or adjuncts to the metropolis or literally 'motherstate' which had dispatched their founding fathers. As such both the Greeks and the Romans in antiquity saw the status of a colony as being a permanent one. Colonia for example (modern Koln or Cologne) remained a Colonia (Claudia Ara Agrippinensium) for over four hundred years, throughout the Roman period, in this case from approximately AD49 to AD459 when it fell to the Franks.

labour, etc. Clearly this 'classical' definition is not relevant to interventions, particularly UN-sanctioned post-1945 interventions.

Many scholars would argue that colonialism is, however, still possible if solely political and economic dependencies are taken into consideration. Whilst that argument could have been applied to the various post-war US interventions in Central America, this cannot be said to be the case for most, if not all, of the interventions which were sponsored by international organisations, such as the UN and the regional bodies which are subordinate to it, particularly those which were genuinely multilateral in nature. Had, for example, the relatively brief UN intervention into post-independence Congo, later Zaire¹²¹ been successful, it may have, in the longer term, stimulated the development of the vast mineral wealth of the country. As with the subsequent UN interventions¹²² that was not to be the case, but it can be argued that a longer intervention of this nature is not a colonialist or even a post-colonialist intervention. Indeed, any development within Zaire is unlikely to solely benefit those who have intervened with peacekeepers on behalf of the UN, or indeed to benefit some of them at all.¹²³ In practice, were Zaire to be fully developed for mineral extraction, or the Sudan for

¹²¹ 1960 to 1964, and where direct military action by the UN led to the reunification of mineral rich Katanga with the rest of the Congo.

¹²² From July 1999 the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) and from 28 May 2010 the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO).

¹²³ For example Bangladesh, which is a major troop contributor, but which has very limited metallurgical industries domestically.

oil, then neither of the two likely principal beneficiaries would have contributed directly to the preceding peacekeeping process.¹²⁴

Even where interventions on a unilateral basis have taken place, such as the UK re-occupation of the Falkland Islands in 1982, these interventions were at the request of the islanders who were resident there and designed to protect, not to violate or exploit, their rights.¹²⁵ As such, whilst the original settlements were 'colonialist' or even 'imperialist', this intervention in the face of hostile aggression, one which was resisted by the islanders themselves,¹²⁶ can be seen as a humanitarian intervention.

It can be argued that the claim that current international and explicitly UN-sanctioned humanitarian interventions are colonialist, cannot be upheld by the evidence. Attention is drawn by those leading the post-conflict missions to the fact that these claims are usually voiced by local politicians, or the media outlets under their control¹²⁷ in an attempt to accelerate the process towards full autonomy, or more to the point, where those local actors can personally assume

¹²⁴ Particularly the USA and China. The primary developers of the (South) Sudanese oilfields are Chinese petro-chemical industries.

¹²⁵ Hardt and Negris (2001), *op. cit.*, are in error in their statement that the break up of the British South Africa Company and others at the turn of the twentieth century represented the close of private capitalist colonial exploitation within the British Empire/Commonwealth. The almost total control of the Falklands Islands Company (owned latterly by 'Coalite') over this particular dependency was only relinquished following the UK military occupation in 1982. Indeed, this was one of the few particularly beneficial impacts of the Argentine invasion.

¹²⁶ In particular by the Falklands Islands Defence Force (FIDF). This was a locally recruited and funded militia.

¹²⁷ Such messages are usually delivered either to a domestic audience, as in Bosnia, or to a very specific international audience such as Russia in the case of the Serbs in both Bosnia and Kosovo, and perhaps also to a regional audience as in the case of Iraq in the Middle East and Afghanistan on the Indian sub-continent.

control or indeed circumvent international management. While in some cases, the claim that the IC is not 'colonialist' can easily be upheld when it comes to the behaviour of, for example, the EU in a potential accession state, these claims should be examined carefully.

One facet of modern media reporting is that any positive aspects of colonialism have been subsumed by the powerful normative charge now associated with the word. The conclusion, however, must be reached that 'colonialism' is not an appropriate model to use in conjunction with the majority of international conflict and post-conflict interventions in the last twenty-five years. There have been exceptions which involve interventions particularly by the USA and to an extent the USSR and its successor states, but these have generally either not been multilateral in nature¹²⁸ or in the case of the USSR occurred either in their own domestic space or near abroad.¹²⁹

As stated above, where this statement may require some significant qualification is in the evolving role of the EU. This is a matter which has already been raised in the introduction to this thesis and will be addressed in detail in a later chapter. Whilst the EU has been active in post-conflict intervention, particularly in its near abroad such as in Kosovo, its role has increasingly evolved into that of a semi-permanent source of funds and as a protector, much as was the case with the

¹²⁸ Such as the interventions made by the USA into Central America in the 1950s, most notably Guatemala, and also into Eurasia, for example Lebanon in 1961.

¹²⁹ Such as the interventions by the USSR into East Germany in 1951, Hungary in 1956, and, with its' Warsaw Pact allies into Czechoslovakia in 1968.

colonial powers. If Albania is taken as an example, a state which can only be considered as partially post-conflict following the collapse of 1998, the EU completed the construction of an impressive purpose-built office in Tirana in 2006 and has now surpassed the US as the single largest donor of aid.¹³⁰ Additionally, unlike the US, the EU has considerable power over domestic Albanian legislation as Albania is now an EU accession state and as such is obliged to conform to the EU '*acquis*'.¹³¹ The impact of the EU, both in the Balkans and elsewhere, will merit specific examination.

The evolution of imperialism in the late twentieth and early twenty-first centuries

This chapter has considered both colonialism and imperialism but the conceptual framework of today's world view has been complicated not only by the more rapid improvements in communications, but also by the growing realisation that those developments thought of as being incorporated within the recent notion of 'globalisation' were already becoming visible by the 1870s during the "The Age of Empire".¹³² It will be important to examine those models which have evolved from the original concept of 'imperialism' which are relevant to both the current practices and consequences¹³³ of the IC's intervention in post-conflict.

¹³⁰ The EU tranche of aid funds for Albania in 2009-10 was planned to be in the order of €240 million.

¹³¹ Short for '*acquis communautaire*.' These are the accumulated legislation, legal acts, and court decisions which constitute the body of European Union law.

¹³² Hobsbawm, op.cit..

¹³³ Both 'intended' and 'unintended'.

As Thompson says:

From the 1870s onwards, the integration of labour, capital and commodity markets promoted by empire, was very much skewed towards its white settler societies. The economic benefits of empire for the so-called dependent colonies were much more meagre in comparison, or did not exist at all.¹³⁴

Similarly, the impact upon the affairs of nation states of the MNC, worldwide banking and other transnational arrangements such as those relating to trade agreements,¹³⁵ is not a new phenomenon and can be traced back to at least the 1870s. That these institutions can dwarf the resources, at least financially, of even relatively large nation states¹³⁶ has been known for decades, as the activities of 'el pulpo',¹³⁷ the United Fruit Company in Cuba and across Central America in the late nineteenth¹³⁸ and the first half of the twentieth century, testify.¹³⁹ These MNCs, although they may have headquarters in one location, generally owe no loyalty to a particular nation state and yet as commercial entities can often be seen to be imperialist in the way in which they do business.

¹³⁴ Andrew Thompson, *Is Britain to blame for many of the world's problems?*, BBC website, 7 April 2011.

¹³⁵ Shell Oil, for example, can trace its history back to 1833 and was a worldwide developer of oilfields, an oil transporter and retailer by 1907. Shell's principal competitor Standard Oil was founded in 1870 and by 1907 was the world's largest multinational company. It was broken up as a result of a ruling passed by the US Supreme Court in 1911.

¹³⁶ One financial institution, Banco Santander, is currently the world's sixth largest MNC by value and holds global assets of some UK £8.81 Billion, a figure which is equivalent to the annual GDP of Honduras (2009).

¹³⁷ The octopus. See Peter Chapman, *Bananas: How the United Fruit Company Shaped the World*, for a more detailed description of their activities.

¹³⁸ The precursor to the United Fruit Company (formed 1899), was established by Minor C Keith in 1873.

¹³⁹ For more details see Raj Patel, *Stuffed and Starved: Markets, Power and the Hidden Battle for the World Food System*, particularly Chapter V – 'Permanent Banana Republic – The United Fruit Company' and especially pp 99–102.

Prominent among the MNCs are many of the oil 'majors', most of whom find much of their business in areas populated by the more fragile nation states, including those where 'frozen conflicts'¹⁴⁰ are present, such as Azerbaijan and Georgia. Furthermore, the concept of 'imperialism' has in recent years become especially focused on the development of pure economic imperialism as can be demonstrated by the definition provided by standard reference works such as the 'Oxford Dictionary of Economics'¹⁴¹ but this may not be a nuanced enough tool to describe imperialism in the modern globalised world¹⁴² where issues of control, power, and prestige still have considerable relevance, whether it be economic or political. These issues of power and prestige will be examined in more detail, particularly in the chapter on the EU, where one can argue that the EU as with the new German Empire after 1871 is a relative newcomer to the world stage and

¹⁴⁰ A 'frozen conflict' is one where there has previously been conflict but no formal ceasefire and where the opposing forces, minefields, etc, remain in place, but there is, 'at the present time', no conflict. Conflict could break out at any time but this state of affairs may persist for many years. Some frozen conflicts alternate between 'hot' and 'cold' phases such as the Thai – Cambodian border disputes, which last went through a 'hot' phase in May–June 2011, leading to artillery exchanges.

¹⁴¹ The 'Oxford Dictionary of Economics' online defines economic imperialism as: Domination of the economies of colonies by their rulers, or of politically independent countries by foreign or multinational companies. It can be argued that true independence is impossible for small, weak, and backward countries faced with domination of their trade, and possibly their extractive industries, by large sophisticated and monopolistic firms based in the advanced countries. The dependency of peripheral countries is accentuated when the rules governing international trade and investment are written by the most advanced countries.

¹⁴² Nor even in the late nineteenth century. Words such as 'power' and 'prestige' do not feature in many of the academic or dictionary definitions but are highly relevant, particularly when examining imperialism during the 'Age of Empires'. See for example E. J. Hobsbawm, *The Age of Empire 1875 – 1914* and Pakenham (1991), op. cit for a general discussion of these affects. The Belgian acquisition of Zaire has already been mentioned and certainly the Imperial German acquisition of the Marshall Islands for example was certainly not made for economic reasons.

is still trying to define its position within global society¹⁴³ and to 'secure' its 'place in the sun'.¹⁴⁴ Johnston defines imperialism as:

the creation and maintenance of an unequal economic, cultural, and territorial relationship, usually between states and often in the form of an empire, based on domination and subordination.¹⁴⁵

Although this definition is broader, it still retains a greater emphasis upon the relationships between states and empires than is seen today, at the dawn of the twenty-first century. In addition, it is technological and cultural-imperialism, or at least cultural-transfer, which may be as important and in some ways more important than pure economic imperialism. For example, access to mobile telephony, satellite communication, and media outlets¹⁴⁶ in general can also be controlled by the 'imperialists' whether that be a state entity or an MNC.¹⁴⁷ It is perhaps so as to maintain their independence in terms of controlling their own communications, that the United Arab Emirates (UAE) developed their own satellite communications system,¹⁴⁸ while they still have the resources to do so.¹⁴⁹ Many people will argue that the development of the computer and, particularly, of the almost ubiquitous 'Microsoft' software, has led to cultural-

¹⁴³ The continuing discussion whether the 'EU' as opposed to the other nation states should have a seat as a permanent member of the UN Security Council (UNSC) is a case in point.

¹⁴⁴ Kaiser Wilhelm II of Germany, talking of the need for the German Empire to have a place in the sun in a speech to the North German Regatta Association, 1901.

¹⁴⁵ Ronald John Johnston, *The Dictionary of Human Geography* (4th ed), p 375.

¹⁴⁶ As for example Rupert Murdoch's News Corporation.

¹⁴⁷ As the News Corporation, chaired by Rupert Murdoch testifies.

¹⁴⁸ The 'Thuraya'TM system. Despite its 'independence' the system still requires a European or North American launch system to place its satellites into geo-stationary orbit.

¹⁴⁹ The members of the UAE, particularly Dubai, are well aware that their oil revenues will diminish in the short to medium term and are taking active steps to diversify their activities prior to that date, hence the ThurayaTM system and the purchase of large Western companies such as P & O and Associated British Ports in the UK, not to say MNCs.

imperialism, wherein knowledge of Western scripts and particularly of English¹⁵⁰ is necessary if one is to master the new technology. Similarly, many people in Islamic communities might regard Western liberal democratic attitudes to gender as imperialist, especially if these are being exemplified by Westerners as the way towards development and advancement. Whilst attempts were made to define cultural-imperialism in the mid-1960s, these earlier definitions owed a great deal to the metaphors of a more traditional colonialism which was increasingly less relevant. By 1975 the media critic Herbert Schiller was writing:

The concept of cultural imperialism today best describes the sum of the processes by which a society is brought into the modern world system and how its dominating stratum is attracted, pressured, forced, and sometimes bribed into shaping social institutions to correspond to, or even promote, the values and structures of the dominating centre of the system.¹⁵¹

Schiller appeared to recognise that in the future cultural-imperialism would perhaps owe little to nation states, or even to oligarchs such as the head of the Hollywood film studios who must, to most of his peers, have represented at the time archetypal 'cultural imperialists'. What Schiller and later Tom McPhail, who described one subset of cultural-imperialism, observed was that cultural-imperialism did not depend upon any one state or technology, but could and did occur in a whole manner of ways simultaneously. McPhail defined 'electronic imperialism' thus:

¹⁵⁰ The reference to English is not so much to the vocabulary, although that will greatly assist the user, but to the English syntax which underlies the software programs within the Microsoft and other linked families of software.

¹⁵¹ Herbert I. Schiller, *Communication and cultural domination*, pp 9–10.

as the dependency relationship established by the importation of communication hardware, foreign-produced software, along with engineers, technicians, and related information protocols, that vicariously establish a set of foreign norms, values, and expectations which, in varying degrees, may alter the domestic cultures and socialization processes.¹⁵²

This accurately defines at least the subset of cultural-imperialism of concern to McPhail, but he at no point discusses nation states or even MNCs. As he states in his definition, imperialism in the twenty-first century has moved beyond states and organisations and is about the control and domination, not only of technology and equipment, but also increasingly about the control of ideas and concepts by an often unidentifiable and independent group of technical experts who for the most part are free of all control. If one were to accept these arguments of McPhail's and Schiller, taken to their broadest extent, it is possible for one culture to be 'guilty' of cultural or technological imperialism in one sphere whilst itself being subjected to cultural or technological imperialism in another related sphere. To return to McPhail and electronic imperialism as an example, Japan, Korea, and increasingly China are manufacturers of most of the hardware and much of the software being produced in the world in the twenty-first century. Using McPhail's definition they could be defined as electronic imperialists. The language upon which the software was based, however, was written by English

¹⁵² Thomas L. McPhail, *Electronic Colonialism: the Future of International Broadcasting and communication*, p 18.

speakers and it is this language form McPhail would argue¹⁵³ and the ideas contained within it, which has both shaped and constrained computer software development thus far.¹⁵⁴ Japan, Korea, and China could thus be seen to be simultaneously both the exploiters and the victims of cultural-imperialism. The views of McPhail and other cultural-imperialists have been challenged by amongst others, Jessica Gienow-Hechts¹⁵⁵ and Tom Smith¹⁵⁶ who argue that there is a more nuanced process at work, one of cultural-transfers of goods and cultural symbols and that while one culture may predominate, it is not all a one-way flow, nor is there a monopoly of dominance such as an 'empire' might exert necessary. As Gienow-Hecht states:

A number of critical studies on the concept of Americanization as cultural imperialism have shown that this concept ignores that cultural transfers work differently from economic takeovers or the monopolization of markets.¹⁵⁷

In particular cultural-transfer recognizes that on occasions it is: global rather than national forces behind cultural transfers,¹⁵⁸ and the changes which are taking place.

¹⁵³ This is an argument with which Noam Chomsky would probably disagree. Chomsky developed the 'Chomsky hierarchy' in 1956 as a containment formula to describe a hierarchy of grammar within languages including mathematical languages. The American Standard Code for Information Interchange (ASCII) computing code was developed from the late 1950s using the 'Chomsky hierarchy' and owes, Chomsky would argue, nothing to any specific language.

¹⁵⁴ From the beginning of the twenty-first century computer programming software has begun to move away from formal languages and hence from a hierarchy of grammars.

¹⁵⁵ Jessica Gienow-Hecht, *Cultural Imperialism in the Encyclopedia of American Foreign Policy*.

¹⁵⁶ Tom Smith, *Cultural Transfer or Cultural Imperialism*.

¹⁵⁷ Jessica Gienow-Hecht, *Decentering America (Explorations in Culture & International History)*.

¹⁵⁸ Smith (2000), op. cit.

What is the relevance of cultural-imperialism, cultural-transfers, and communications to this thesis? It is that whilst the IC interventions in post-conflict may not be imperialist in the traditional sense, their very intervention may lead to, or at least lead to, allegations of ‘cultural-imperialism’, even if this is inadvertent or unintended and where in many cases the term ‘cultural-transfer’ may be more appropriate. The impact of a large number of cosmopolitan foreigners on a relatively underdeveloped state and society, may, in the longer term, change that state more radically than the conflict that preceded it. To take an extreme example, the presence of a large¹⁵⁹ transient population from the UK on the Falkland Islands following the conflict in 1982, has led to the provision of UK television programmes transmitted via satellite¹⁶⁰ along with internet and mobile telephone communications provided, initially, not for the benefit of the islanders, but for the transient population. Likewise in BiH, some of the most popular radio stations¹⁶¹ are those that were initially provided for foreigners and for which a knowledge of English is required.¹⁶² As a result, cultural-imperialism, is of more relevant concern in post-conflict, certainly in the longer term than traditional imperialism.

As illustrated above, economic, technological, cultural-imperialism and cultural-transfer, are increasingly complex areas of research and will continue to be so.

¹⁵⁹ Almost matching in some cases, that of the indigenous population. The current figures are: UK government employees 1,750, Falkland Islanders 1,800.

¹⁶⁰ There is no Falkland Islands TV, so Falkland Islanders watch for example the UK news. There is a Falkland Islands radio which gives the local news.

¹⁶¹ Largely due to the range of music which they played.

¹⁶² Virgin Radio plays a live feed into Sarajevo and other cities in Bosnia. This includes the London traffic reports and weather.

For example Yogi Schulz,¹⁶³ Theresa Clifford,¹⁶⁴ and J. J. Velasco¹⁶⁵ all discussed the impact of the Microsoft Corporation in terms of the development of IT systems and the internet and developed different models for describing it, but these are unlikely to be directly relevant to this thesis. When examining post-conflict, it is recognized that cultural and to an extent economic issues are likely to be relevant and may lead to economic and cultural-imperialism, or at least a transfer of goods and cultural symbols as described by Gienow-Hecht.¹⁶⁶ These impacts will form only one small strand of the argument and will be addressed when appropriate. In cultural terms if a predominantly francophone or historically Slavic oriented country adopts English as a second language or, for example, moves from a Cyrillic to an Arabic script in post-conflict, then clearly the cultural effect of the intervention may have had an impact. Even in these circumstances it will be necessary to ascertain whether such a change would have occurred even if the state had not been involved in conflict. What will be easier to catalogue will be those few occasions where a post-conflict state moves to re-assert its own cultural heritage, moving in the other direction, for example from a predominantly Arabic script base to Cyrillic as Montenegro has done from 1995. Notwithstanding that some commentators such as Kiely believe that the current definition of cultural-imperialism is deeply flawed, he also acknowledges that cultural flows are far from equal.¹⁶⁷ In terms of economic imperialism, this thesis will examine the decision to underpin and ‘peg’ the currencies in Bosnia, Kosovo,

¹⁶³ Yogi Schulz, *Microsoft: Guilty of Deliberate Cultural Imperialism? Not!*.

¹⁶⁴ Theresa Clifford, *Is Microsoft really Guilty of Digital Imperialism?*.

¹⁶⁵ J. J. Velasco, *Russia and the imperialism of Microsoft software*.

¹⁶⁶ Gienow-Hecht (2007), p 126. See also p 26, for a discussion of US – UK cultural transfers.

¹⁶⁷ Kiely (2005), op. cit, p 5.

and Montenegro against initially the Deutschmark and later the Euro to see whether these decisions constituted a form of economic imperialism, even if unintentionally so.

Liberal Internationalism and Liberal Interventionism

The preceding pages demonstrate that neither colonialism nor imperialism provide adequate models for understanding international intervention at the close of the twentieth century and the beginning of the twenty-first. The motivation for IC intervention can be seen to be primarily related to immediate problem solving and generally to have a fixed duration. IC intervention is also not about the exertion of long-term control over other states; one of the key principles is the restoration of effective local democratic governance as soon as it is possible. None of the principles of IC intervention can be construed as obviously colonialism or imperialism. The questions which should be considered are:

- Is it more appropriate to examine the doctrine and practice of liberal internationalism, in particular liberal interventionism?
- Is this a more appropriate analytical framework upon which to base interpretations of the international interventions of the past twenty-five years?
- Can liberal interventionism be identified within the principle and practice of humanitarian intervention as the appropriate model to best define the IC's management of post-conflict?

There are variations on the theme of liberal interventionism and humanitarian intervention which will be discussed in this chapter and later in this thesis. Some, including the former Prime Minister Tony Blair, would see liberal interventionism as being based upon 'internationalism' and would describe the interventions made during his period in office as 'liberal internationalism'.¹⁶⁸ Whereas those who subscribe to the 'realist' approach to international affairs, such as Howard,¹⁶⁹ would describe his international policy as 'liberal interventionist' and would agree with those who claim that all interventions are backed by diplomatic pressure and, either the threat of, or, the use of, military force. Alongside these arguments about what constitutes a liberal intervention, is the issue of humanitarian intervention and whether that in any ways differ from liberal interventionism. Certainly in this case, the threat or use of force is an option, as Bass describes in the case of Greece and Syria,¹⁷⁰ or indeed in the case of Dharfur today.¹⁷¹ From the perspective of Blair,¹⁷² both humanitarian intervention and liberal interventionism can be defined on the basis of an intervention carried out purely on the basis of supporting a 'just cause' and where the principles of 'just war theory' can be seen to have been met. This is the position adopted by Evans, who states that:

¹⁶⁸ See Tony Blair in the 'comment' article in the Guardian of 26 April 2007.

¹⁶⁹ Roger Howard What's Wrong with Liberal Interventionism: The Dangers and Delusions of the Interventionist Doctrine.

¹⁷⁰ Bass (2008), op. cit.

¹⁷¹ Most commentators such as Howard do not distinguish between the use of force as an enforcement measure and that which is applied purely for the protection of the humanitarian intervention.

¹⁷² Blair (2007), op. cit.

'humanitarian intervention' asserts the right of other peoples to come to the aid of those whose state, in violating their rights, have consequently forfeited the right of inviolable sovereignty.¹⁷³

This view is challenged by Byers and Chesterman (who commented on the air war in Kosovo¹⁷⁴), Anthony F. Larg,¹⁷⁵ and others such as Jackson, who argue that:

humanitarian intervention would create disorder as states waged wars to protect their own way of life and force others to live by their ethical preferences.¹⁷⁶

Bellamy¹⁷⁷ explains in detail the breadth of the varying positions on 'just war' and their impact upon liberal interventionism and humanitarian intervention.

Commentators would claim that humanitarian intervention is not a new phenomena, Moore¹⁷⁸ argues that it was humanitarian intervention by other nation states which led to eight nation states achieving independence from colonial domination in the period 1783–1971.¹⁷⁹ The proponents of liberal interventionism¹⁸⁰ as both a doctrine and an analytical framework imply that in

¹⁷³ Mark Evans (ed), *Just War Theory: A Reappraisal*.

¹⁷⁴ Byers and Chesterman, *Changing the rules about rules: Unilateral humanitarian intervention and the future of international law*, pp 177-91 in J. L. Holzgrefe and Robert O. Keohane (eds), *Humanitarian Intervention: Ethical, Legal and Political Dilemmas*. See in particular p 181.

¹⁷⁵ Evans (2005), op. cit. p 51

¹⁷⁶ Robert Jackson, *The Global Covenant: Human Conduct in a World of States*, p 291.

¹⁷⁷ Alex J. Bellamy, *Just Wars from Cicero to Iraq*.

¹⁷⁸ See Roderick Moore, *The Limits of Humanitarian Intervention*.

¹⁷⁹ *Ibid*, p 3.

¹⁸⁰ Unlike the proponents of humanitarian interventionism most liberal interventionists start with Palmerston and Greece and do not include the US War of Independence, the liberation of Italy in 1859, or the liberation of Cuba and the Philippines in 1898, perhaps on the basis that the powers that assisted, respectively France, and the USA were not totally disinterested in the outcome.

these cases a state takes part in a conflict, or intervenes in some other way,¹⁸¹ purely on the basis of supporting a 'just cause' and not for any specific national gain. The British intervention in the Greek War of Independence is often cited as the first such case,¹⁸² with the Anglo-French operations in Lebanon and Syria in support of the Christian minorities in those provinces of the Turkish Empire as possibly the second. In both cases the intervention was undertaken because it was perceived to be morally right to do so and without any desire to assume control on the part of the states intervening,¹⁸³ both interventions were also intended to be, and were, of short duration.

The modern proponents of humanitarian interventionism as the model for UN and other multinational interventions make it clear that they do not regard it as a 'soft option', but more as a moral approach, even where martial intervention is involved. Indeed, the definitions espoused by Frye¹⁸⁴ in his work for the UN make it clear that in drawing together the material, he sees a consensus in its main characteristic as being one of military intervention,¹⁸⁵ by a state or states, into the affairs of another. This was also broadly the definition accepted by the Independent International Commission (IIC) appointed by the Swedish

Indeed, for both Cuba and the Philippines it could be argued that they simply substituted colonial powers.

¹⁸¹ Lord Soley of Hammersmith in a speech to the Henry Jackson Society conference on slavery and human trafficking at Chatham House on 11 June 2007, argued persuasively that the UK's role in the abolition of the worldwide slave trade was an example of this form of liberal interventionism. An abstract of this speech is available at <http://www.henryjacksonsociety.org/stories>.

¹⁸² Ibid. This gives descriptions of both Greece and Lebanon/Syria.

¹⁸³ This is certainly true in the case of the United Kingdom. The French motives in Syria were perhaps a little more opaque as Bass, op.cit. states in his text.

¹⁸⁴ Alton Frye, *Humanitarian Intervention: Crafting a Workable Doctrine*.

¹⁸⁵ Ibid. Frye's first characteristic is that 'Humanitarian Intervention involves the threat and use of military forces as a central feature'.

Government to review their participation in the Kosovo conflict in 1999.¹⁸⁶ In this case they stated that whilst the intervention was technically illegal, in that it had not been sanctioned by a UN resolution under Chapter VII of the charter,¹⁸⁷ they still reached the conclusion that the operations in Kosovo constituted a humanitarian intervention because both the intent and the impact of the intervention was to improve the human rights and humanitarian conditions of the Kosovars. What the IIC did not say was as Schechter points out:

the (whole) notion of humanitarian interventionism, for all its moral justifications, has no basis in international law. Furthermore, even if it were legal, some argue that issuing a blanket commitment to stop atrocities around the globe might actually provoke more of them. Truly effective humanitarian intervention would require the US¹⁸⁸ to seed the Third World with military bases in order to rapidly deploy to troubled spots. Such a policy would, however, invite charges of imperialism.¹⁸⁹

Unlike the conventions for the conduct of war and the treatment of prisoners etc,¹⁹⁰ there has never been a conference, a convention, or series of conventions, which govern the IC's intervention, humanitarian or otherwise, into

¹⁸⁶ The Executive Summary of the Commission's Findings can be found online at: <http://www.reliefweb.int/library/documents/thekosovoreport.htm>.

¹⁸⁷ This was due to a veto being imposed by two P5 member states, Russia and China.

¹⁸⁸ Given the nature of his text this author believes that must be an error and he presumably means the UN.

¹⁸⁹ Erik Schechter, *Should We Stop the Next Genocide?*, Carnegie International, Ethics Online, Monthly Aug. 2010, lead article.

¹⁹⁰ These are usually referred to as the 'Geneva Conventions', in particular the Convention of 1949 and the three additional protocols of 1977 and 2005.

the activities of third states.¹⁹¹ Each case is therefore dealt with on its own merits, often, with some reference to precedent. Whilst principles behind the decisions are rarely if ever discussed at this stage, the analysis would lead to the conclusion that the models outlined in this chapter inform much of the decision making, at least within the European and North American states, and are therefore relevant when the case studies are examined in the thematic chapters. In particular, it will be observed both from the concepts which follow and in the thematic chapters that the US attempted to embrace, retrospectively, the ideals of cosmopolitanism when it came to legitimizing its activities in Iraq from 2003.

Cosmopolitanism

Cosmopolitanism will now be discussed as the arguments advanced above by Frye are endorsed by those of cosmopolitan interventionists such as Smith.¹⁹² Of all of the theories and models 'cosmopolitanism' is by far the oldest and can be traced back to ancient Greece and Rome and the writings of Diogenes in the fourth century BC who cited earlier philosophers, whose works are now mostly lost.¹⁹³ Cosmopolitan thinking has only developed in its most modern form since the closing stages of the Second World War, in part as a result of the ethnic nature of some of the genocide which occurred. Unlike Beck and Cronin¹⁹⁴ at the turn of the twenty-first century many academics and others see

¹⁹¹ The closest may be the two Hague Conventions of 1899 and 1907, *For the Peaceful Adjustment of International Disputes*.

¹⁹² W. Smith, *Anticipating a Cosmopolitan Future: The Case of Humanitarian Military Intervention*.

¹⁹³ Laertius Diogenes, *The Lives of Eminent Philosophers*, Translated by C. D. Yonge.

¹⁹⁴ Ulrich Beck and Ciaran Cronin, *Cosmopolitan Vision*.

cosmopolitanism as but one further strand in the development of a progressive 'globalisation' in the world political order. They see global NGOs, trans-national social movements such as the World Social Forum (WSF), and the coming together of world political and economic leaders at events, such as the annual Davos Conference as examples of globalisation rather than cosmopolitanism. Held, in the preface to a recent series of essays, defines his view of cosmopolitanism by comparing it with democracy and globalization as follows:

democracy is about self determination, globalization about trans-border processes and cosmopolitanism which must shape and limit all human activity.¹⁹⁵

Held's extremely wide-ranging definition of cosmopolitanism would certainly, were it accepted across the academic community, embrace the activities of the IC in post-conflict, indeed, as phrased in this statement it would embrace almost any activity in conflict or post-conflict.

Given the key role of the UN family of organisations and the critical role of the development of the Rule of Law within post-conflict states, maybe it is possible to discern a few aspects of cosmopolitanism within the development of what might prove to be a new world social order. The idea of a universal concept of human rights has been a persistent theme of international multilateral intervention in the period since 1945. This concept has led on to the development of the International Criminal Court (ICC), whose jurisdiction has generally been accepted world wide and which is increasingly turned to by the international

¹⁹⁵ David Held, *Cosmopolitanism: Ideals and Realities*, p xi.

community when they feel that third parties' human rights have been infringed.¹⁹⁶ These are the practical applications of the cosmopolitan ideal, but they occur only within narrow niches of multilateral intervention and not across the whole spectrum of activities. There is no set standard or process for the IC to intervene, nor even a clear definition of what constitutes a 'conflict'¹⁹⁷ triggering an international intervention. In general, multilateral intervention has been pursued pragmatically and on a case-by-case basis, rather than in any systematic or wholesale normative manner. As such, the IC rarely articulates cosmopolitan principles, except in perhaps the limited manner described above, nor does it attempt to implement the normative and prescriptive principles of cosmopolitanism into the practical resolution of conflict and post-conflict issues. What the IC is always attempting to do is to unite to pursue a 'just war', or at least one which can be presented as such and also to enter into a pragmatic arrangement to justify ignoring the principle of 'sovereignty' which states on their own would be reluctant to transgress. This mechanism is most often illustrated by the attempts of those states who wish to intervene (militarily) to obtain a UN Security Council (UNSC) mandate. A recent example of this process was the imposition of a 'no fly zone' over Libya which was legitimised by UNSC Resolution 1973.

¹⁹⁶ The recent references to the ICC in the cases of Libya (February 2011) and Ivory Coast (April 2011) are cases in point.

¹⁹⁷ The USA has attempted such definitions internally within the State Department and the United States Army Peacekeeping and Stability Operations Institute (PKSOI) and its predecessors, but these definitions themselves contain contradictions. According to the PKSOI definition of an internal conflict/civil war, this is triggered when there are fifteen or greater deaths per annum. Using that definition, Bahrain, Syria, Yemen, and Pakistan would all be in a state of internal open conflict, yet clearly the USA does not currently (July 2011) regard that to be the case.

While it is true to say that multilateral interventionism was a rarity prior to 1945, at least two examples stand out: the Anglo-French campaigns in Syria between 1859-61 described by Bass¹⁹⁸ and the formation of the multi-national force under British leadership in the Shkodra area of Albania in 1913 during the conflict between the Serbians and Montenegrins on one side and the Turks and Albanians on the other. This force, comprising British, French, German, Austro-Hungarian, Netherlands, and Russian officers and men was deployed in an area where there were no direct foreign interests and as such it differs from other joint deployments during that period such as the 'Boxer Rebellion' in China in 1900; here there were either commercial interests or threats to foreign nationals. Thus cosmopolitanism is linked to a new style of liberal interventionism which, for the last sixty years, has no longer been the sole prerogative of single nation states as was generally previously the case, but has also since 1945, been exercised by the multilateral structures which were put in place by the victors of the First and Second World Wars.

As a cosmopolitan interventionist Smith argues¹⁹⁹ not only from a moral perspective but also, where appropriate, espouses the use of force.²⁰⁰ Both Smith and Fine examined cosmopolitanism and military intervention through the prism of the 'just war' theory and conducted a broad-based review of current

¹⁹⁸ Gary J. Bass (2009).

¹⁹⁹ W. Smith, *Anticipating a Cosmopolitan Future: The Case of Humanitarian Military Intervention*.

²⁰⁰ Ibid.

work²⁰¹ on both the NATO operations in Kosovo in 1999 and the US-led intervention in Iraq in 2003.²⁰² Smith and Fine also argue that:

whilst cosmopolitanism in its normative variant is often presented as an ideal institutional blueprint, which 'actually existing' arrangements should approximate as much as possible...the downside is that cosmopolitanism may be conceptualised in an abstract and static way that detaches it from the ambivalences and complexities of the present-day world.²⁰³

Tom J. Farer also argues in a recent paper²⁰⁴ that, whilst cosmopolitanism is perhaps the oldest of the 'models', the use of the term 'cosmopolitan' in terms of humanitarian intervention and post-conflict management is a relatively new concept dating back only to the past fifteen years or so, and which had until recently yet to be critically defined. It is Farer's aim in the paper, not so much to define cosmopolitanism in this context, as to define the legitimate reasons for humanitarian intervention. Farer goes on to state:

it follows that I see no value in adding 'cosmopolitan' to the list of conditions for treating the projection of force across a recognized order as *legitimate*.²⁰⁵

²⁰¹ Including Michael Walzer, *Just and Unjust Wars: A Moral Argument with Historical Illustrations*.

²⁰² W. Smith and R. Fine, 'Cosmopolitanism and Military Intervention' in Christopher Hughes and Richard Devetak (eds), *The Globalization of Political Violence: Globalization's Shadow (Warwick Studies in Globalisation)*.

²⁰³ *ESRC New Security Challenges*, pp 14-16 citing W. Smith and R. Fine, *Kantian Cosmopolitanism Today: John Rawls and Jurgen Habermas on Immanuel Kant's Foedus Pacificum*, pp 5-22.

²⁰⁴ Tom Farer, *Cosmopolitan humanitarian intervention: a five-part test – On the meaning and uses of Cosmopolitan*, pp 211-50.

²⁰⁵ *Ibid*, p 213.

Farer argues that the criteria for humanitarian intervention must be much more restricted than the cosmopolitan ideal, or else large swathes of Sub-Saharan Africa and Latin America could be the legitimate targets for intervention with the result that much of those two continents would become or revert to protectorates.²⁰⁶ While the rights to freedom of association, to form political parties, etc, are recognized as being cosmopolitan ideals, Farer argues that there needs to be a specific trigger or 'spike' of egregious behaviour by a regime towards its citizens before humanitarian intervention can be justified, but that once an intervention has taken place this justification continues through to the post-conflict restoration phase. In defining these criteria, Farer also acknowledges that:

It follows that humanitarian intervention will remain what it has always been, a conditional license for the powerful to intervene in the weak for the sake of the defenseless.²⁰⁷

Farer et al make a further point that from the late twentieth century the possession of large destructive capacities within some developed and developing states, in particular those with Weapons of Mass Destruction (WMD), makes humanitarian intervention in a physical sense impossible. This they argue will be so, no matter how egregious the state's behaviour may be, on the basis that conflict will be more damaging to the populations than the maintenance of the status quo.

²⁰⁶ Indeed, if the mistreatment of and effective enslavement of women were taken into consideration then a much wider area would need to be included.

²⁰⁷ Farer (2005), p 218.

Increasingly, academic authors are seeing that the scope for humanitarian intervention is much wider than that for a physical intervention on the ground and such forms of intervention may come much closer to the cosmopolitan ideal. The establishment of international war crimes tribunals implies the acceptance of a universal and universally accepted 'human right' which is clearly cosmopolitan in origin. The imposition of sanctions and a travel ban on a state's elites and the freezing of assets also represent non-invasive humanitarian intervention methods. Travel bans and freezing of assets are directed at and targeted at individuals so recognise the cosmopolitan ideal that there are global criteria, which can be used to regulate behaviour. Whilst sanctions also meet these criteria, there has been an increasing recognition post-Iraq that they are a blunt instrument often most affecting those that they are supposed to be supporting and in some cases have led to a markedly increased mortality.²⁰⁸

A final, and perhaps more practical, development linked to the Humanitarian Interventionist model would be to place it within the constructivist theories of the 'English School'. While noting that constructivism is a meta-theory of social action and not a theory of international relations, let alone a theory of IC intervention, it does serve to demonstrate how the humanitarian intervention model is affected by the socially constructed character of international

²⁰⁸ International Commission on Intervention and State Sovereignty, *The Responsibility to Protect*; and Thomas G. Weiss and Don Hubert, *The Responsibility to Protect: Research, Bibliography, and Background*.

relations.²⁰⁹ Whilst John Ikenberry writing in 1996 was able to state that (in the nineteenth and twentieth centuries):

industrial democracies took it upon themselves to 'domesticate' their dealings through a dense set of institutions, intergovernmental relations, and joint management of the western world polity. Security and stability in the West were seen as intrinsically tied to an array of institutions [which], tied democracies together, constrained conflict, and facilitated political community.²¹⁰

This did not of itself entirely satisfy the hypotheses proposed by Wendt that:

such a structure is socially constructed – that is, not given by nature and hence, capable of being transformed by human practice.²¹¹

Examining the same proposition slightly earlier and from a sociological viewpoint, Giddens theory of 'structuration'²¹² postulates that social life is not merely a series of random social acts, nor is it motivated solely by social forces rather, Giddens suggests, that human agency and social structure are in a relationship with each other. Ted Hopf made the same point when he said that 'Actors and structures are mutually constituted'.²¹³ In his text Ikenberry²¹⁴ then proceeded to make clear that neither 'constructive realism' nor 'structuration' were the only phenomena at work and that it is the understanding of the concept of an

²⁰⁹ See Robert Jackson and Georg Sorensen, *Introduction to International Relations: Theories and Approaches* (4 ed), p 166; "Constructivism was introduced to International Relations by Nicholas Onuf (1989) who coined the term".

²¹⁰ G. John Ikenberry, *The Myth of Post-Cold War Chaos*.

²¹¹ Alexander Wendt, *Anarchy is What states Make of It: The Social Construction of Power Politics*, pp 396 – 403.

²¹² Anthony Giddens, *The Constitution of Society: Outline of the Theory of Structuration*.

²¹³ Ted Hopf, *The Promise of Constructivism in International Relations Theory*. See specifically, p 172.

²¹⁴ Ikenberry (1996), op. cit.

international society that enables the institutions of international society to function effectively. Hopf also identified that constructivism correctly identifies that states interests imply choices,²¹⁵ but that for constructivism unlike neo-realism, the choices that states make will be different even if they are 'constrained' within the same institutional structure. Hopf uses the EU as an example²¹⁶ of states which are structurally connected, but which do not always react homogenously. NATO in the context of military humanitarian intervention would be an equally apt example. As Zehfuss says in the title of her work, constructivism in international relations: [is] the politics of reality.²¹⁷ This is a statement with which at least some members of the 'English School' would agree. Zehfuss, however, proceeds to examine the scholars' role in international relations and to argue that by looking to constructivism as the future, they will be severely curtailing their ability to act responsibly in this area,²¹⁸ and reaches this conclusion based largely on her research into German international military interventions from the mid 1990s and which, of course, commenced with Bosnia and Kosovo.

Academics of the 'English School' and in particular Buzan²¹⁹ have added further sophistication to the human interventionist and constructivist models in the last decade by acknowledging that it is no longer an international society, but that the

²¹⁵ Ibid. p 146.

²¹⁶ Ibid.

²¹⁷ Maja Zehfuss, *Constructivism in International Relations: The Politics of Reality*.

²¹⁸ Cambridge University Press review of Zehfuss.

²¹⁹ Barry Buzan, *From International to World Society?: English School theory and the Social Structure of Globalisation*.

arena in which international relations are now played out is a world society where Ikenberry reviewing Buzan states:

two systems co-exist: the system of states, sovereignty, territory, nationalism and great power politics will interact with the much less coherent system of transnationalism, global markets, and universalistic society.²²⁰

While Ikenberry may reject some of the other 'pluralist' elements which have been espoused by Buzan, in particular that different societies should be permitted to evolve differently in terms of their democratic traditions etc,²²¹ it is clear that in this case, he agrees with Buzan's assessment of the future. The author would go further and argue that the two systems identified by Buzan have existed in parallel since the 1970s and that it is the Humanitarian Interventionist approach, modified by the ideas of the 'English School', particularly within the last ten years, which best defines the model of interventions made by the international community over the last fifteen years and which should inform any future interventions.

²²⁰ G. John Ikenberry reviewing Buzan in Foreign Affairs – Capsule Review.

²²¹ How much Ikenberry's commentary and this approach to democratic traditions has been framed or constrained as a result of his role as Professor of Geopolitics and Global Justice at the Foreign Service School at Georgetown University is not clear. Given his position as a civil servant, it is perhaps difficult for Ikenberry to argue, as Buzan does, that approaches and policies which are in Western European and North American terms 'undemocratic' should be permitted to evolve and, indeed, that they are 'legitimate' systems which should be supported by the West.

A note on 'protectorates'

Before looking directly at the models, it will be pertinent to define the term 'protectorate'. The use of this term has been invariably linked, often inappropriately, to both colonialism and imperialism. It is therefore relevant to any discussion of the theory of international intervention.

The term protectorate has been widely used, often in a pejorative context, within the past two decades to define the IC's position with regard to the post-conflict periods in both BiH and Kosovo and to a lesser extent in Iraq and elsewhere. Whilst the terms 'intervention' and 'protectorate' are not directly linked in any theoretical model, the term 'protectorate' has been used by some commentators, particularly in the print media, when referring to the long-term impacts of IC intervention. Additionally, in the case of Kosovo, the Albanian Kosovar leader Ibrahim Rugova²²² called for Kosovo to be made an international protectorate of the UN in 1998, whilst a respected NGO, the International Crisis Group (ICG), referred to Kosovo in June 1999 as the new protectorate.²²³ The exact concept of a 'protectorate' may vary, if the Cromwellian²²⁴ concepts of the seventeenth century²²⁵ are ignored, then the dictionary definitions are fairly harmonious, for example:

²²² BBC World; Europe: Rugova calls for Kosovo 'protectorate', 24 June 1988.

²²³ International Crisis Group, *The New Kosovo Protectorate*.

²²⁴ Oliver Cromwell installed himself as Lord Protector in December 1653, thus initiating the English 'protectorate', this lasted until May 1659, latterly under Oliver Cromwell's son Richard.

²²⁵ For more detail see Barry Coward, *The Cromwellian Protectorate (New Frontiers in History)*.

A relationship of protection and partial control assumed by a superior power over a dependent country or region,²²⁶ and, a territory largely controlled by but not annexed to a stronger state.²²⁷

What the definitions do not qualify however, is any sense of what is meant by 'permanence'. In practical terms, in the British and French empires a protectorate was a subordinate state ranked below that of a colony, where local rulers and practices often held sway, overseen by colonial 'advisors'. Many protectorates were formed from the hinterlands of existing colonies and acted in parallel with them.²²⁸ Over time, many protectorates were 'promoted' to the status of colonies or merged with them, as happened in Aden in 1937,²²⁹ whilst those which were simply too small to be self-funding, continued as protectorates or migrated to becoming territories and/or 'dependencies'.²³⁰ All of the above, from the colonial era, shows that protectorates were considered to be long-term 'possessions' of the governing state and that whilst the status of protectorate was seen as an interim measure in the graduation of these areas into fully fledged colonies or dominions, this could take a considerable amount of time.²³¹ In the absence of a formal and accepted definition of a protectorate,²³² the definitions

²²⁶ Houghton Mifflin *The American Heritage Dictionary of the English Language*.

²²⁷ Harper Collins *Collins English Dictionary – 30th Anniversary Edition*.

²²⁸ Such as the Sierra Leone protectorate whose capital was Bo and was linked to the colony based in Freetown. It remained in being as a separate protectorate throughout the colonial period up until independence in 1961.

²²⁹ East and West Aden were protectorates of India from 1839 to 1937 at which time they were merged with the Aden crown colony and came under direct administration from London.

²³⁰ The Falkland Islands Dependency, South Georgia and the South Sandwich Islands (currently uninhabited) are good examples. Until 1985 the latter two were territories administered by the Falkland Islands Dependency. All three are now overseas territories in their own right.

²³¹ In the case of the two Aden protectorates, ninety-eight years.

²³² In part this was because a wide range of nation states used the term but interpreted it in different ways. The Russians for example used it in Central Asia up and until 1920 in Bokhara

used here will be that provided by the British 'Protected States and Protected Persons Order 1949/140', where the definitions were spelt out for the purposes of controlling the migration of citizens from these states to the UK.²³³ The order also provides a catalogue of British protectorates at that date.

There is no evidence that IC intervention post the Second World War particularly multilateral intervention has ever, with the possible exception of the EU, had any such long-term plan in mind. The term 'protectorate' is being used in modern parlance as a journalistic shorthand to describe what is essentially a short-term transitional process, albeit one which may in the worst case last for some ten to fifteen years. The impact of the measures imposed by the EU particularly in the Western Balkans will be discussed in detail in a later chapter and may, indeed, be seen in some circumstances to mirror the actions of a 'protecting' power and in at least one case to have created a de facto protectorate.

and Khiva (now Uzbekistan and Turkmenistan) to describe semi-autonomous regions under local administration within imperial Russia.

²³³ Protected States and Protected Persons Order 1949/140

Protectorates and Protected States

1. Meaning of the expression

1.1 Protectorates and Protected States, like mandated/trust territories (see MANDATED AND TRUST TERRITORIES), were foreign territories to which British protection was extended in one form or another. However, while mandated/trust territories were established under the auspices of the League of Nations/United Nations, protectorates and Protected States were proclaimed at the will of the Crown.

1.2 Protected States were places in which:

- there was a properly organised internal government; and
- Britain controlled only the state's external affairs

1.3 Protectorates were protected territories in which

- there was no properly organised internal government; and
- Britain not only controlled external matters, such as the protectorate's defence and foreign relations, but also established an internal administration

1.4 In this sense, the extent of the Crown's involvement in a protectorate was similar to the extent of its involvement in a colony. The distinction was that the territories concerned were not brought formally within the Crown's dominions.

The relevance of the existing models to post-conflict

Much discussion of colonialism and imperialism in relation to post-conflict interventions has broadly followed the concepts which have been discussed in this chapter, hence commentators, both those inside and outside of academia refer to both BiH and Kosovo as 'protectorates'²³⁴ a term which harks back to the period of the mandates in Syria and Palestine in the 1920s and beyond.²³⁵ These terms are then picked up by the local media in these countries and used in a pejorative sense, but with little understanding of their provenance.²³⁶ Indeed in economic terms both BiH and Kosovo, far from having been protectorates in the period from 1995 to 2002, may only now be entering the period of becoming a 'protectorate' of the EU, whereat the EU provides both the finance and the real direct control of how the funds are spent²³⁷ and the state managed. In that, they are not alone and are now joining the ranks of the other and less well endowed potential EU accession states²³⁸ and even in one case, Kosovo a state well

²³⁴ For example David Chandler, *The Bosnian Protectorate and the Implications for Kosovo* and more recently in January 2006 by Catherine Samary, *Europe's Unwanted Protectorate* (again referring to BiH) which was printed under the strapline 'disintegrating states destabilised by their neighbours'.

²³⁵ The term was first used by the British to refer to the Cephalonian Islands (captured from France), as far back as 1809. By 1894 there were over a dozen such 'protectorates', but the term had effectively fallen into disuse by 1948 at which time the mandated territories such as Palestine and Syria had been granted independence.

²³⁶ For example, amongst others, Andrea Zivkovic, *The Protectorate, a Way to Dominate* as reprinted in 'Le Monde Diplomatique', July 1999, who builds both his text and his argument upon Chandler's book *Faking Dayton*, op. cit.

²³⁷ The EU CARDS programme for example stipulates that any monies granted to the States in the Western Balkans may not be handed directly to those states and must either be administered by an EU managed programme or through an intermediary or a 'contractor' which in most cases is an IO such as the OSCE or UNDP.

²³⁸ The CARDS programme, for example, in addition to BiH and Kosovo also includes Croatia, Serbia, Montenegro, fYROM, and Serbia which under most definitions are not considered as 'post-conflict' states.

beyond the current confines of the EU albeit one not yet formally endorsed by the UN. This is a topic which will be examined in more detail in the thematic chapters on Bosnia, Kosovo, and the EU.

Trans-nationalism and Conclusion

This thesis will argue that the international community's actions in conflict and post-conflict operations in the Western Balkans was entirely consistent with the concepts of liberal interventionism as it has evolved through the humanitarian interventionist model and been further developed by the constructivist ideas of the 'English School', as propounded by Buzan, Ikenberry, and others. Within the model recently proposed by Buzan are also included those elements of globalisation which are relevant to interventions in the last quarter of the twentieth century and beyond, namely the role of non-governmental actors and an increasing focus upon increasingly scarce global resources both within conflict as described by amongst others Klare, Ballard, and Renner²³⁹ and without. There has also been an increasing focus on the non-military elements of humanitarian intervention, such as the use of legal sanctions through the ICC and the imposition of restrictions upon assets held abroad by those who are perceived to have given rise to the humanitarian interventions concerned. Indeed, the international community's understanding of the financial factors affecting conflict and particularly domestic conflict has been one of those areas of most rapid development within post-conflict as, clearly, any political or

²³⁹ See, for example, Michael T. Klare, *Resource Wars: The New Landscape of Global Conflict*.

humanitarian intervention which ignores the impact of trans-nationalism and the global markets will be doomed to failure as the IC's interventions during the first Ivorian Civil War in 2002-4 demonstrated.²⁴⁰

This thesis will argue that most interventions in the period following the conflicts in the Western Balkans have also followed this model with the possible exceptions of Iraq and Afghanistan, which were driven by a much more heavily politicised agenda. It will also be argued in at least one case, that of South Sudan, a direct military humanitarian intervention was not required and that 'non-invasive' methods were effective in achieving the international community's objectives. This last point would suggest that the strict nature of the tenets of humanitarian interventionism propounded by Frye,²⁴¹ Smith,²⁴² and Fine²⁴³ only ten years ago, have already become outdated and that the world is perhaps more closely approaching a cosmopolitan ideal. Even within these revised definitions the concepts of humanitarian intervention continue to rapidly evolve. One could question whether a no-fly zone or a blockade imposed so as to support one particular element within a civil conflict, such as an oppressed

²⁴⁰ Rather than the conflict dislocating some 43% of the world's supply of cocoa, the impact of the conflict was to increase production so as to maximise the revenue to both of the warring factions. That in order so to do, they had to co-operate together in this one area, was a function of the global markets and access to ports, not to institutional or 'political' factors. Now at the onset of the second civil war Laurent Gbagbo one of the two 'Presidents' has once again moved swiftly in February 2011 to secure control of the cocoa market. There are similar examples from the Bosnian War which illustrate that this is not a new phenomenon, simply one that the academic community is only now beginning to fully understand and to define.

²⁴¹ Frye (2000), *op. cit.*

²⁴² Smith (2004), *op. cit.*

²⁴³ Fine (2007), *op. cit.*

civilian population²⁴⁴ and where no ground troops are involved, is 'non-invasive'.²⁴⁵ Both technically and in practical terms the implementation of the UNSCR on Libya involved the offensive use of substantial amounts of military force, both in order to deny the state or combatant concerned the use of its air assets and possibly also ground and/or maritime assets which the combatant may use both to harass their own civilian population and those intervening to enforce the no-fly zone, or even the wider international community.²⁴⁶

²⁴⁴ As opposed to, for example, the Iraq 'no-fly zone' and maritime blockade which was put in place in support of a UN sanctions regime and which did not entail the use of force except in the face of a direct threat or non-compliance with the no-fly zone.

²⁴⁵ Such as that imposed upon Libya by UNSCR 1970 on 26 February 2011.

²⁴⁶ For example, the attack on the long-range anti-shipping missiles in Libya which could perhaps have been used to threaten the commercial use of the Mediterranean, as promised by Colonel Qadhafi.

Chapter 4

A historical and comparative overview of International Intervention

Definitions

Before discussing the idea of 'post-conflict', it will be necessary to define what is meant by both 'conflict' and 'international intervention'. Clearly, although conflictual, the situation in Northern Ireland between 1969 and 1997 was not regarded as a 'conflict' by the state within which the dispute took place, nor by its Western allies. Numerous Soviet, and later Russian Federation attempts to have the Northern Ireland conflict designated as such in the OSCE and elsewhere have failed. The Russians have sought to have an OSCE Mission deployed to Northern Ireland and failed to achieve this objective on precisely these grounds; namely, that it would not be a conflict prevention measure, because there is no 'conflict'.¹ As over 3,000 people died as a result of the 'disturbances' in Northern Ireland and in the 1970s there was at least a simulacrum of 'ethnic cleansing'.² If Northern Ireland was not considered as a

¹ The last such attempt by the Russian Federation was at a Permanent Council (PC) meeting in 2006. On 29 June 2004, speaking at the OSCE Academy, Counsellor Andrey Rudenko from the Permanent Mission of the Russian Federation to the OSCE explained the Russian position in detail stating that:

Russia maintains that field missions could also be set up in the West and not just in post-Soviet states, for example in Northern Ireland. The usual argument against such involvement in Northern Ireland is that the OSCE would not bring any added value, but this is not necessarily true.

Report on the Summer Academy of the OSCE June 27 – 10 July 2004. pp 16-7.

² As the majority of the 'effective' ethnic cleansing and 'gerrymandering' of electoral boundaries had already taken place in the five decades following the partition of the island of Ireland.

conflict, then what is the difference between that and Moldova which has been defined as a 'zone of conflict', at least in IC terms, despite a much lower number of casualties. There appear to be two answers. The official response is based around a set of often nationally defined norms.¹ They include: the use of organised force and heavy weapons which result in levels of infrastructure destruction (which were not seen in Northern Ireland) and in the presence of foreign forces,² or the use of foreign mercenaries (such as occurred at least within the Trans-Dniestrian province in Moldova). If heavy weapons are to be a criterion then what constitutes 'heavy weapons'? In addition to the various CSCE treaties,³ the ceasefire agreement for the Bosnian conflict usefully sets out what it regards as heavy weapons in Annex 1A, Article IV⁴ of the General Framework Agreement for Peace (GFAP). This would appear to suggest that for the most part the use of such weapons systems as Main Battle Tanks (MBT), artillery, and mortars, combined with a

¹ These norms, however, are not internationally agreed, nor are they standardised. As a result the Russians can claim that Northern Ireland was a 'conflict', whilst the UK and the USA have consistently denied this. This goes against the internal 'norm' used by the US State Department to define 'conflict', which is an internal or cross-border dispute between armed groups (including the state's own military, but not the police) that results in fifteen or more deaths per year. Northern Ireland clearly met these criteria for a substantial period.

² Perhaps also the degree to which, the internal conflict was affected by external intervention? This was certainly the case not only in BiH and Kosovo, but also in the Trans-Dniestrian region of Moldova, where the Russian 14 Army based within Trans-Dniestria was a significant actor in the conflict and intervened on behalf of the 'Russian' elements within the population. For the degree to which this external involvement influences the conflict see Nichol Dima, *op. cit.*, Pal Kolsto, *op. cit.*, and also; Ann Lewis and Chris Patton. *op. cit.*, who are, however, more concerned with Russia's present-day interests in the region.

³ Such as the 'Conventional Forces Europe' (CFE) Treaty, signed in Paris on 19 November, 1990 by the twenty two members of NATO and the former Warsaw Pact. This specifies the number of weapons systems of each type that can be held in each sub-region of Europe from the Atlantic to the Caucasus. After the collapse of the Warsaw Pact and some NATO enlargement, thirty CFE States signed the Adaptation Agreement as Parties at the Istanbul OSCE Summit on 19 November 1999.

⁴ The GFAP, Annex_1A, Article IV. Note that this does not restrict the capability for waging and sustaining war, e.g. communications, fuel etc, but specifically defines heavy weapons, i.e. mortars greater than 75 mm calibre.

substantial devastation of the infrastructure would be what distinguishes, at least in the view of the IC, a conflict and hence a post-conflict intervention as opposed to a purely humanitarian intervention.⁵ Even in a humanitarian intervention there may still be a considerable military presence; after the tsunami in Aceh in 2004, where to quote UNICEF:

The tsunami response in Aceh led to an unprecedented level of interaction between the UN, NGOs and the military.⁶

There was no question, despite the presence of an ongoing civil conflict that this was anything but a humanitarian intervention. That said, in practice all post-conflict interventions will incorporate a considerable component of purely humanitarian activities and are often likely to focus principally on humanitarian activities in the early phases of the operation,⁷ particularly if a sustainable ceasefire is in place. The second issue which defined Moldova as a 'conflict',⁸ is a political one. Moldova was not a member of the North Atlantic Treaty Organisation (NATO) nor a permanent member of the United Nations (UN) Security Council (P5), and so did not have a power of veto

⁵ This may also incorporate a considerable IC military force. This is either for logistic support, or for local protection, or both. The IC force operating out of Goma in Eastern Zaire in 1997–8 would be one such example. The article by Nicholas Stockton; at that time, the Emergencies Director for Oxfam UK & Ireland, in *Refugee Participation Network (RPN)*, Chapter 4. The IC intervention following the Tsunami in South East Asia in December 2005, in which the INGO community depended heavily on IC military support to facilitate supplies and medical cover, would be another and where at the height of the response there were military units from fifteen countries – See the UNICEF report by Claudia Hudspeth, *Accessing IDPs in post-tsunami Aceh*, p 1.

⁶ Ibid, p 1.

⁷ One measure of the transition between 'humanitarian' and 'post-conflict' might be to look at the change in relationships and budgets between UNHCR/UNWFP on the one hand and UNDP. But this is beyond the scope of this thesis.

⁸ Technically Moldova has been described at the OSCE council as a 'frozen conflict'. That is a conflict where no actual conflict is taking place, but the issues have not been resolved and the combatants remain in place.

over the declaration of a 'conflict'. Moreover, the central government in Chisinau actively supported such a declaration. In Northern Ireland, on the other hand, not only was the conflict taking place in only one obscure province separate from the mainland, but the UK Government neither requested nor would have welcomed any foreign interference in what it saw as its own domestic problems. As a result Northern Ireland was not declared to be a 'conflict' whereas Moldova was and remains so. It is of some interest in the wider context that the UK was supported in its position on Northern Ireland by the USA, given that US State Department planners are one of the few groups who have attempted to define substantial internal and external conflict. Amongst other criteria, assuming that they use the US State Department criteria given earlier, they identify a conflict zone as one which gives rise to fifteen or more conflict-related deaths per annum.⁹ Throughout the period from 1970 to 1994¹⁰ the deaths from the ethnic conflict in Northern Ireland remained consistently above 25 and in one year¹¹ reached 467¹² and yet, in this case, the USA chose to ignore its own criteria for either intervening itself or for reporting the conflict to the UN. Similar anomalies

⁹ Similar benchmarks are used by UN DPKO and others to predict future operational requirements. Conversations with Hap Stutt of UNDPKO, by the author held at the NATO Defence School, in Oberammergau, Bavaria, FRG.

¹⁰ There were at least 8–25 deaths in every other year from 1969 to 2002 with 50 in 1998.

¹¹ 1973. It is also worth noting that during 1973, in the worst period of violence during the 'marching season' in June and July, there were more casualties due to street violence admitted to hospitals in Strathclyde than in the whole of Northern Ireland. These casualties were not commented upon in the UK national press as they were presumably regarded as 'routine'. As of 2011 there are over 1,000 Orange Order marches per year in the Glasgow City area and there continue to be numerous arrests for sectarian violence and of course, casualties, they remain similarly unreported in the national media.

¹² For more details on casualties during the peak of the 'troubles' from 1969 up until July 1989 see John McGarry and Brendan O'Leary (eds), *The Future of Northern Ireland*. See in particular, Appendix 3 Table A3.1.

occur on an annual basis and will be discussed in more detail when the typology of post-conflict is examined in the next chapter and for which this chapter will act as a prelude.

Of necessity, the selection of case studies below is limited. The international intervention in Greece which led to its independence is regarded as being the first 'modern' case of IC intervention and is the first case study. The remaining cases from the nineteenth century have been selected as they are of interest as examples of cyclical or repetitive conflict, some of which continue to the present day. Some, as with the Albanian case in the early twentieth century, are pertinent to the Western Balkans and are also illustrative of key developments in the IC's responses to conflict and post-conflict, such as the use of international observation. This theme is continued throughout the twentieth century in that the selected case studies have been chosen as illustrative of the evolution in the ICs management of post-conflict. This is true even where the mission failed or was withdrawn for other reasons, such as the United Nations Operations in Somalia II (UNOSOM II) mission. Where a choice has been possible I have used examples from those states either where the author has served, such as Lebanon and Palestine, or where the author was directly involved in the planning for the missions concerned, such as UNOSOM II.

Historical Examples of Conflict and Post-Conflict intervention

Greece 1827-32

Most political historians, including the US historian Gary J Bass,¹³ regard the first IC involvement in conflict in the modern era to have been the British, Russian, and French intervention against the Turks at Navarino,¹⁴ during the Greek War of Independence. This was the first multinational intervention and one where at least two of the powers involved were motivated principally by the desire to protect Greek Christian civilians from the depredations being visited upon them by Ibrahim Pasha, the Turkish Sultan's commander in the Peloponnese. Additionally, the Anglo-French intervention was designed to remove the motivation for a war between Turkey and Russia, which they believed the Turks would lose, and to focus the international effort instead solely upon Greek Independence. The Battle of Navarino in 1827 decided the issue of naval control of the Eastern Mediterranean, but failed to evict the Turks from the Peloponnese and Central Greece. This was only achieved after a landing by significant numbers of French troops in 1828 and the distraction of a major Russian invasion in another theatre in 1828-9¹⁵ thus

¹³ Gary J. Bass (2006), *op. cit.*

¹⁴ Bass (2000), *Ibid.* and C M Woodhouse, *The Battle of Navarino.*

¹⁵ The Russo-Turkish War of 1828-29, saw the invasion of Romania and Bulgaria by Russian forces. Peace was declared only when the Russian forces were within 40 miles of Constantinople, the Ottoman capital. Greece finally secured independence from the Ottomans in 1832.

negating the British campaign objectives to prevent a Russo-Turkish conflict. In terms of post-conflict or even rule of law issues there were no attempts during this campaign to address either these issues, nor the widespread starvation which had provided the major part of the justification for the attack in the first place. Additionally, the Greeks were not aided in creating independent political institutions by the international intervention, quite the reverse. The Great Powers insisted that the Greeks substitute Turkish sovereignty for a 'Greek' monarchy by importing a member of the Bavarian royal family.¹⁶ The conflict had, however, demonstrated one factor which was to be a continuing problem of IC interventions; that overwhelming sea and later air power, combined with a massive technical and material superiority, did not necessarily prove to be of much assistance when the opponent controls the ground and is determined to stay there.

The Greek War of Independence also witnessed the effective working of the 'Concert of Europe' which developed out of the Congress of Vienna. This was the informal grouping which consisted of the five great powers of Europe and which effectively managed international affairs both within Europe and the 'near abroad', for over fifty years. While the Powers were

¹⁶ The Convention of London in 1832 appointed the seventeen-year old Prince Otto, the second son of King Ludwig I of Bavaria as King Othon of Greece. Otto was advised initially by a three-man regency of Bavarian officials and ruled as an absolute monarch until 1843 when some constitutional reforms were introduced. He was eventually overthrown in 1862 to be replaced by King George, a member of the Danish royal house.

competitors and even, on occasions went to war with one another,¹⁷ this was the first time that an effective continent-wide diplomatic grouping had functioned effectively over such a sustained period. Whilst it was not an international organisation as we would understand it in the twenty-first century, the 'Concert of Europe' could perhaps be regarded as a 'proto-international' organisation. Also in the Greek War of Independence we see the first formal example of the policy of 'containment'¹⁸ in that the UK policy throughout was designed to 'contain', both in influence and physical terms, the other two powers and specifically to prevent the Turks from providing Russia with a *casus belli*. This policy of containment by the UK was to be repeated in the case of the Syrian intervention when it was directed against France and also once again at Russia during the Bulgarian crisis in the 1870s. Whilst the popular motives¹⁹ were undoubtedly liberal interventionist, those of the UK political leadership were undoubtedly also tinged with political realism.

¹⁷ For example France and Austria-Hungary in 1848 in Northern Italy, France and the UK versus Russia in the Crimea and elsewhere in 1854-6, and Prussia (Germany) versus Austria-Hungary in 1866 and versus France in 1870-1.

¹⁸ P. M. H Bell, *The World Since 1945 – An international History*, pp 105-29. Bell uses this term to describe US responses to the USSR in the early to mid Cold War period. The rationale and the methodology are, however, analogous to that used by the UK a century earlier and it would appear that 'containment' is an appropriate description of both the motivation and the methodology used.

¹⁹ In the case of both Syria and Bulgaria the motives of Queen Victoria were also those of a liberal interventionist, at least initially. The Queen was heavily committed emotionally to that part of Syria known today as Lebanon, in part because of its biblical connections. As an example the Queen paid for stone walls to be built around the few remaining stands of Lebanese cedars.

Syria 1859–61

Bass and many historians state that the second liberal interventionist episode again involved the UK and France acting against the Ottoman Empire, this time in the province of Syria²⁰ in 1859-61. This conflict arose out of initial attacks by the indigenous Christian population of the area against the Muslim Druze²¹ and the widespread Druze reprisals which led to the deaths of tens of thousands of Christians and which the Turks did nothing to suppress. As in the conflict in Greece the governments of the UK and France were driven by public outrage in their own countries at the massacres; pressure made worse by the growing power of the national press which had recently demonstrated its reach and capability during the Crimean War by using the growing worldwide cable network to send accurate and timely reports back to London and Paris. Additionally, the British response was driven by a need to match that of the French who under their adventurist monarch Napoleon III saw intervention in Syria by ground troops as a way of securing French influence in the area.²² Thus the British policy towards Syria, although primarily one of liberal interventionism

²⁰ At this time the province of Syria incorporated modern-day Syria, Lebanon, Jordan and Northern Palestine.

²¹ The Druze are a sect of Sunni Islam where the religious ritual is based upon an oral rather than a written tradition or liturgy. They continue to be spread widely through 'greater Syria', with communities in present-day Lebanon, Syria, and Israel.

²² This was important to France as in 1859 Ferdinand de Lesseps commenced the digging of the Suez Canal. A French-led project carried out with the support of the government in Egypt, which at that time was still nominally a dependency of the Ottoman Empire.

in that they had no direct interests in Syria, was for some in the British Government, largely driven by a desire to provide a check on the French.²³

The military intervention in Syria, which finally lasted for two years until 1861, was noteworthy in a number of ways. First, the interventionists attempted to apportion 'blame' for what would now be termed 'war crimes' and followed this up by insisting upon prosecutions for these 'crimes' through the Ottoman legal system. Secondly, they attempted to put into place measures which would prevent further bloodshed when they had left. Measures which included enshrining freedom of religion etc into the legal code of Syria and which led to the Lebanese Constitution of 1864. Whilst these were positive steps, the 'Great Powers' refused to accede to Lebanese demands for autonomy from the Ottoman Empire and consistently backed the Ottoman Empire in its struggle with the Lebanese people. This policy continued after the departure of the Anglo-French military forces, so that, even though the Lebanese forces under the Maronite leader Youssef Karam consistently defeated the Ottomans, they were unable to secure independence for Lebanon and in 1864 the French Government deported him from Lebanese territory.

²³ In particular there was a difference of opinion on this issue between Lord Palmerston, the Prime Minister and Lord John Russell, the Foreign Secretary. For further details of the British position on the intervention in Syria see; Paul H. Scherer, *Partner or puppet? Lord John Russell at the Foreign Office, 1859-62*, pp 347-71.

Although the Great Powers in Lebanon and Syria did not move the process of liberal interventionism very far, Karam, the Lebanese leader did do so in that while in exile he wrote an open letter in which he called for the establishment of a 'Human Rights Association' or 'League of Nations',²⁴ this he explained would be an 'international organisation', which would work for world peace and guarantee the rights of small nations. In parallel, Karam wrote a letter to Amir Abdul Kader Al Jazaa'irri encouraging him to liberate all Arabs from Ottoman occupation and to then establish a form of 'Arab League' where each Member State would retain sovereignty and independence. These letters, and the ideas contained within them, were written in the 1870s and 1880s and were well in advance of their time. Both ideas would eventually be taken up in the twentieth century following the final collapse of the Ottoman Empire.

The Bulgarian Crisis of 1876-8

The Bulgarian crisis²⁵ again involved the Ottoman Empire and the 'Concert of Europe'.²⁶ In this case the crisis was initiated by a revolt of the Bulgarian peasantry against oppressive taxation followed by the actions of Turkish

²⁴ In contrast to the 'Concert of Europe' which was an informal grouping of the five great powers of Europe (Britain, France, Austria-Hungary, Russia, and Prussia (later the German Empire), which functioned effectively between 1815 and 1880 and in a somewhat more haphazard manner after that date.

²⁵ Gary J. Bass (2000), *op. cit.*, pp 235–312.

²⁶ One of the 'Great Powers' France was still weakened as a result of the Prussian victory of 1870 and the effects of the Paris Commune of 1871 and, although largely following the UK line, exerted limited influence throughout the crisis.

irregulars²⁷ against the orthodox Christian Bulgarian population within that part of the Turkish province of Rumelia which today forms modern Bulgaria. The massacre of what is believed to be some 12,000 Bulgarians²⁸ was reported in the Western,²⁹ primarily British, press³⁰ and led to an outcry of public opinion both in the UK and in Russia where it fuelled a continuing rise in pan-Slavic nationalism. The situation was further complicated by the fact that Turkey was at war with Montenegro and Serbia, both also Slav states and where Serbia was already being supported by Russian military volunteers. From the outset the policy of the British Government under Disraeli³¹ was to minimise the extent of the crisis and to tacitly support the Ottoman Government whilst telling them to 'put their house in order'. The UK Government's concern was primarily to maintain the Ottoman Empire and to contain Russia. To that end the UK Government did not want the Turks to give the Russians any pretext for intervening in Bulgaria. In adopting this response the Conservative government in the UK misread the mood of the UK public and of the monarch who were horrified at the Turkish atrocities which were soon being reported to them on an almost daily basis

²⁷ They were referred to in the literature and print media of the time as Bashi Bazouks.

²⁸ Of which some 5,000 were at Batak. See R. J. Crampton, *A Concise History of Bulgaria*, pp 81-3.

²⁹ The initial story was written by Januarius Aloysius MacGahan an Irish-American journalist from Ohio. MacGahan was working for the *Daily News* in the UK and filed his story on 1 August 1876. Six days later it was front page news in Western Europe. See Bass (2000), *op. cit.*, pp 235-6.

³⁰ The removal of the newspaper tax in the UK in 1855 had greatly increased the popularity and reach of the press in the UK. See Bass (2000), *Ibid.* p 256.

³¹ And of Bismarck in Prussia who was also fearful of Russian expansionism in the Balkans.

and effectively in 'real time'.³² The public, the Queen, and the Liberal opposition led by Gladstone wanted the UK to intervene to stop the massacres and, as they developed, to secure the independence of the Bulgarians. These responses were ones of pure liberal interventionism and humanitarian action, as there were no direct UK interests at stake if Bulgaria were to become an effectively independent state either within or without the Ottoman Empire. However, the UK government's response and that of the German Empire under Bismarck, continued to be a policy of 'realpolitik' and of containment of Russian expansionism and imperialism.

While the UK deployed the Mediterranean fleet to Besikya Bay close to the Bosphorus, and Disraeli, under pressure from the public and the media, eventually threatened to dispatch 40,000 troops to Bulgaria, none of the Great Powers, with the exception of Russia took any decisive action. By the spring of 1877, whilst the atrocities in Bulgaria had declined but remained under international scrutiny, the Ottomans were close to defeating both Serbia and Montenegro, with the consequent fear of vicious Turkish reprisals in both countries. Under increasing pressure from the pan-Slavists within his own government and court, the Tsar declared war on the Ottoman Empire on 24 April 1877. At this point the policies of both Bismarck and Disraeli

³² The development in the preceding fifteen years of a worldwide submarine cable network meant that once a reporter could get his copy to a telegraph station it could appear within hours across Europe. Ironically in this the Turks were the agents of their own misfortune as the atrocities were occurring within a relatively easy train journey from Constantinople and the principal submarine cables. MacGahan filed his story by wire from Tatar Bazardjik which was only thirty miles from Batak.

were seen to have failed and in the UK both public and royal opinion swung rapidly from one of humanitarian intervention to that of countering Russian expansionism and therefore in favour of supporting the Turks. By March 1878, after putting up a strong resistance, the Turks were exhausted and sued for peace. The Treaty of San Stefano created a greater Bulgaria, reducing European Turkey to a few fragments and leaving Russia in charge of Bulgaria for an initial two-year period. As a result of this treaty the other Great Powers applied pressure upon Russia to withdraw, with the UK and Austria-Hungary rapidly deploying troops and the UK sending its fleet into Turkish waters. As a result of this pressure Russia agreed to a review of the peace treaty at the Congress of Berlin in June 1878.³³

The Congress of Berlin was a triumph for the Western powers and for imperialism rather than liberal interventionism. It was the aim of the British and the Germans that the Congress should deal a blow to the ambitions of Russia and to its policy of pan-slavism.³⁴ Austria-Hungary who along with Russia was the other Great Power with an interest in the Balkans secured a protectorate³⁵ over the Ottoman province of Bosnia and effective control

³³ The conference ran from 13 June to 13 July 1878.

³⁴ Arguably the Russians had already contributed to this by their own deal-making in the run up to the war. Notwithstanding the negotiations between the British and the Austro-Hungarians in Berlin, the Russians had already offered Bosnia to the Austro-Hungarians so that they would remain neutral in the war. To quote Bass Russia promised Bosnia to Austria-Hungary, as soon as it had been carved off from the Ottoman Empire – a monumental betrayal of the pan-slavist cause. Bass (2000), op. cit. p 297.

³⁵ Luigi Albertini, *Origins of the war of 1914* Vol 1, p 20. The British negotiations with Austria-Hungary ended on 6 June by Britain agreeing to all the Austrian proposals relative to Bosnia-Herzegovina about to come before the congress while Austria would support British demands.

over the province of Novi Pazar.³⁶ Russia was given Bessarabia³⁷ which was taken from Romania which secured full independence as a result of the Congress, while the UK received Cyprus from the Ottomans. For the Bulgarians there was independence, but only for part of 'greater Bulgaria', as Eastern Rumelia³⁸ and Macedonia were retained by the Turks who promised reforms in their administration. Both Serbia³⁹ and Greece, which like Austria-Hungary had not been a combatant, were also 'rewarded' with small gains in territory at Ottoman expense whilst Montenegro was given access to the Adriatic through the acquisition of the port of Bar.

The final result of international intervention over Bulgaria had therefore been a victory for the imperialists with direct gains in territory at the expense of the Ottomans, for all but the German Empire. It led to an expansion of the direct influence of the European Great Powers throughout the Balkans, which now formally became a part of Europe. Little heed was paid to the wishes of the citizens of the territories concerned and both the Serbs and Bosniacs fought on the side of the Ottomans against the Austro-Hungarians, in a vain attempt to prevent the annexation of Bosnia, whilst the new Bulgaria contained many hundreds of purely Turkish Muslim settlements. Finally Cyprus, a mixed community of Muslim Turk and orthodox Christian Greeks, had not sought

³⁶ Today the *Sanjak* of Novi Pazar forms part of Serbia and incorporating part of modern day Kosovo.

³⁷ Bessarabia is modern day Moldova.

³⁸ Eastern Rumelia encompassed most of the southern half of modern day Bulgaria.

³⁹ Both the Greeks and Serbs were disappointed with the gains they made. The Serbs were also very disappointed that Bosnia had been given to Austria-Hungary, a traditional enemy. Albertini (2005), op. cit. p 32.

independence from the Ottoman Empire and was occupied by the UK largely because of its perceived strategic position. As for IC activities in the post-conflict period, except for 'rump' Bulgaria, most of the citizens of the Balkans and Cyprus simply swapped from membership of one empire to another and were then swept along with whatever developments were occurring within their wider empires. For the Bosnians the direct impact was control from Budapest. As they fell within the Hungarian portion of Austria-Hungary, the Ottoman officials were replaced with an official and managerial class of Croats numbering eventually in excess of 100,000. Whilst a short-term pragmatic success, the Congress of Berlin did not prevent further conflict in the Balkans, most notably in the first and second Balkan wars of the early twentieth century, and contributed to both the First and Second World Wars and a legacy of problems which complicated the Balkan conflicts of the 1990s. Even at the time the British recognised that this was not a long-term solution. To quote Lord Salisbury, the UK's chief negotiator in Berlin;

We shall set up a rickety sort of Turkish rule again south of the Balkans. But it is a mere respite. There is no vitality left in them.⁴⁰

Albanian Independence

As described in the succeeding chapter where we examine the reasons both for IC intervention and non-intervention, the IC failed to intervene in any way

⁴⁰ A.J.P. Taylor, *The Struggle for Mastery in Europe 1848-1918*. See pp 228–54 for the Balkan Crisis and pp 250-2 for the Congress of Berlin. The quote is taken from p 253.

during the Ottoman massacres of the Armenians in the 1890s, and the next effective IC intervention⁴¹ was at the dawn of the next century during the siege of Shkodra in 1912. The Ottoman province of Albania was attacked by Montenegro and Serbia in defiance of an agreement made amongst the 'Great Powers'. Shkodra was very quickly besieged by the Montenegrins⁴² and most of the coastline between Shkodra and Durres was captured by the Serbians, who also occupied the mountains of northern Albania. By this stage the Great Powers had imposed a naval blockade on the coastline of Montenegro⁴³ and King Nikolla of Montenegro was forced to cede Shkodra⁴⁴ to the 'Great Powers' on 4 May 1912. The Great Powers then occupied Shkodra from 5 May 1913 until the beginning of the First World War. Whilst the IC's intervention was only in limited numbers, it was clearly, on the part of the Powers, motivated by a genuine desire to do 'right' and to honour the agreements that had been made to the Albanians. The direct intervention can be seen as a clear example of liberal interventionism as at least two of the Powers taking part in the intervention clearly acted against their overall interest.⁴⁵ In practice Shkodra was the first 'monitoring mission' with the IC providing a patrolling presence, so as to ensure that the warring parties maintained a 'zone of separation'. It was also noteworthy in that these small

⁴¹ The IC was a 'participant' rather than an 'intervener' during the 'Boxer rebellion' in China and the many other interventions during this period were made bilaterally and/or for imperial or colonialist reasons, an example being the Spanish-American war.

⁴² Shkodra was defended by 5,000 Turkish troops and 10,000 Albanians. It is worth noting that the Ottoman army throughout the Ottoman Empire was approximately one-third ethnic Albanian.

⁴³ The blockade was instituted on 12 April 1913.

⁴⁴ This was despite the fact that the Montenegrins had failed to capture the city. For further details see Andric.

⁴⁵ Russia, who in international affairs in general, supported Serbia and France.

teams of officers were fully integrated and therefore multinational in nature at the lowest level; this too was a new development. Finally, the Great Powers used their access to the port facilities and their access to Shkodra Lake⁴⁶ to bring relief supplies and medical support, not only to the defenders and civilian population of Shkodra, but also to their Montenegrin opponents who had suffered a very large number of casualties. The activities and posture of the Shkodra mission closely resembled many of the later missions in the second half of the twentieth century and many of their activities were solely humanitarian in nature.

The Albanians had fought alongside the Turks so as to secure their own existence as an independent state and this was supported by all of the Great Powers even though it would leave Russia's allies Serbia and Montenegro without a port or direct access to the sea.⁴⁷ It had been the desire of these two Powers, to gain access to a deep-water port, which had led to the war in the first place. The support of the Great Powers, and later their direct intervention, also led directly to the foundation of Albania as a sovereign state in 1912 and the guarantee of their territorial sovereignty at the 'Treaty of London' in May 1913. This treaty, however, also ensured that that part of the former Ottoman territory of Rumelia, which had included the entire Albanian population within the Ottoman Empire, would now be divided

⁴⁶ Ships could reach Shkodra port via the river and there was also a steamer service across the lake from a Montenegrin port which was linked by narrow gauge railway to the port of Bar on the Montenegrin coast.

⁴⁷ Kotor and the Bay of Kotor at that time and until 1919 formed part of the Austro-Hungarian province of Bosnia. Bar was not a natural harbour and had few if any facilities.

between the new Albanian state, and Serbia, with those parts of Rumelia now forming Kosovo⁴⁸ and Macedonia⁴⁹ being awarded to the Serbian state. This left significant numbers of Albanians outside Albania and within the Serbian state; a decision which would lead to repetitive cyclical conflict throughout the ensuing century. Finally, although the aspirations of the Great Powers had been liberal interventionist and humanitarian during the siege of Shkodra itself, they reverted to their imperialist 'type' at the Treaty of London by imposing on Albania a monarchy drawn from the family of a German prince,⁵⁰ much as they had done in Greece and elsewhere. This foreign management was unwelcome to the Albanians and Prince William of Wied, who arrived in Durrës on 7 March 1914 protected by an escort of Netherlands gendarmes, was to remain in Albania for only a brief period. Wied left the country on 3 September 1914⁵¹ following a pan-Islamic revolt led by Essad Pasha and from that date, apart from periods of occupation by the Italians and various powers during the First and Second World Wars⁵² was to be self-governing.

⁴⁸ Kosovo had formed an independent Vilayet within the Ottoman Empire since 1877 but was overrun by the Serbs in 1912.

⁴⁹ The Serbs and Bulgarians had driven the Turks out of Macedonia in 1912.

⁵⁰ William of Wied was a nephew of Queen Elisabeth of Romania. See Owen Pearson, *Albania in the Twentieth Century: A History*, p 50.

⁵¹ On September 3, 1914, Prince William had ended his inglorious six months' reign with (a) proclamation, informing his people that he deemed it necessary to absent himself temporarily, William Miller, *The Ottoman Empire and its Successors 1801–1927*, p 529.

⁵² The French and Greeks.

The aftermath of the First World War

The First World War provoked brief and often speculative incursions in a number of areas including that of Austria-Hungary into the area of Kosovo and this was followed by the inter-war period and the 'mandates'. For the first time individual nation states were asked to administer portions of a former empire⁵³ as autonomous 'states', on behalf of the League of Nations,⁵⁴ an international body set up with US prompting⁵⁵ at the end of the First World War.⁵⁶ Whilst not post-conflict as we would recognise it and not international in terms of its management of each state, the mandate powers⁵⁷ were for the first time at least authorised to carry out their activities on behalf of a worldwide body but in a colonialist, and in the case of the UK and France, an imperialist manner. The UK mandate of Palestine was frequently referred to as forming part of the British Empire and was certainly depicted as such on contemporary British mapping.

In other areas, the interwar period from 1918 to 1939 saw very little, in the way of humanitarian or international intervention, even where on occasions it

⁵³ These were almost exclusively from the former Turkish Empire, with a few former German colonies in the Pacific. See A. D. Harvey (1994), p. cit. See p 607 and others.

⁵⁴ There were in total fourteen mandates divided among six mandatory nations. In addition the League administered two territories directly, the Saarland until 1935 and Danzig until 1 September 1939.

⁵⁵ The initial proposal from which President Wilson's ideas derived had been made by Field Marshall Smuts in his 1918 treatise, Jan Smuts, *The League of Nations: A Practical Suggestion*.

⁵⁶ The decision to form the League of Nations was incorporated within the Versailles Treaty and the first meeting was on 6th January 1920.

⁵⁷ These were the UK, France, and the USA (in the Pacific basin).

was clearly required. Even before the peace treaties ending the First World War were concluded, the Turkish invasion of Armenia and the Greco-Turkish War in Anatolia of 1919-22 were underway. Both of these conflicts involved massive dislocation of civilian populations and widespread attacks directed at civilian populations. In the case of the Greco-Turkish War, these were directed against all those who were not ethnic Turk or Muslim and were described by Shelton⁵⁸ as genocide. Lack of international action arose in these cases from the unwillingness of the European Great Powers to intervene, as in both cases the Powers were split in terms of their support for the combatants. None of them chose to refer either of the conflicts to the League of Nations, nor any of the other conflicts in the immediate aftermath of the First World War.

The League of Nations

The League of Nations suffered from the outset in not being inclusive in terms of representation⁵⁹ and from the fact that the USA was never a member.⁶⁰ It did not exist as a permanent body⁶¹ with a robust secretariat.⁶²

⁵⁸ Dinah Shelton, *Encyclopaedia of Genocide and Crimes Against Humanity*, p 303.

⁵⁹ At its greatest extent between 28 September 1934 and 22 February 1935 there were only 58 members and by this time Germany, Japan, Brazil, and Costa Rica had already withdrawn from the League.

⁶⁰ The fact that the USA was not bound by League sanctions edicts made these worthless. This was a key factor in the League's failure to effectively censure Japan following the Mukden incident in 1930.

⁶¹ Routinely the Council of the League met only five times per year. Including 'extraordinary sessions' the Council of the League (equivalent to the UNSC) met only 107 times between January 1920 and September 1939 and the full membership only met once per year.

⁶² The total number of 'diplomatic' staff in 1924 was 75 and the clerical staff some 400.

The League did, however, see the start of the Permanent Court of International Justice, the International Labour Organisation (ILO), and the formation of a 'health organisation', the precursor of the World Health Organisation (WHO). By the mid-1920s, however, the League had become increasingly involved in resolving territorial disputes and what we would now understand as 'conflict resolution'. Although the League threatened armed intervention as part of its dispute resolution procedures, such as the dispute between Poland and Lithuania over Vilnius,⁶³ no armed intervention ever took place under League auspices. Similarly, the League threatened to exercise 'trusteeship' over Liberia unless it ceased slavery and forced labour.⁶⁴ but never carried it out as the threat proved effective.⁶⁵ As a result, despite requests for League interventions to stop conflicts such as that made by Paraguay during the 'Chaco War' in 1932,⁶⁶ the League throughout its twenty-six years, never participated in any conflict or international humanitarian intervention, or indeed any intervention and, as such, the period from 1919 to 1939 is marked by the lack of such interventions.

The Second World War and its aftermath

The Second World War saw numerous short-term occupations of states and territories by the combatant powers, including Kosovo by first the Italians and

⁶³ F. S. Northedge, *The League of Nations: Its Life and Times, 1920-1946*, p 86.

⁶⁴ Suzanne Miers, *Slavery in the Twentieth Century: The Evolution of a global Problem*, pp 140-1.

⁶⁵ W. E. Burghardt Du Bois, *Liberia, the League and the United States*, pp 682-95.

⁶⁶ George Scott, *The Rise and Fall of the League of Nations*, p 248.

then the Germans and BiH by first the Ustashe-led Croats and then increasingly by the Germans.⁶⁷ None of these interventions can be called post-conflict although the Italian occupation of Kosovo was seen by many Kosovars as a liberation from Serb domination⁶⁸ in much the same way as the Croat and German occupation of BiH was viewed by the Bosniacs and Bosnian-Croats,⁶⁹ for a brief while at least, from mid-1941 to mid-1943, both entities assumed some of the appearances of post-conflict states.⁷⁰ The final phases and the end of the Second World War was characterised by a number of IC or allied interventions into former occupied states, but whether all or indeed any of these can be called post-conflict is open to question.

The UK occupation of Greece from December 1944 until the end of 1948 is one such conflict and post-conflict intervention; where the British Army assisted the royalist Greek forces in suppressing the National People's Liberation Army (ELAS) and the communist partisans in the 'bandit wars'. This led to the expulsion of up to 400,000 Greeks from within Greece to neighbouring Yugoslavia, in particular to the province of Macedonia⁷¹ and to Albania. These operations were mostly bilateral in nature and formed part of

⁶⁷ The majority of the ethnic German troops deployed in the Balkans in the Second World War, were, as in the First World War, Austrian, but in this case from the Austrian component of the *Wehrmacht*.

⁶⁸ See the various references throughout Noel Malcolm, *Kosovo – A Short History*.

⁶⁹ For this response to the occupation see; Fitzroy Maclean, *Eastern Approaches*. In particular see pp 292, 336, and 359 amongst others and various references throughout Noel Malcolm, *Bosnia – A Short History*.

⁷⁰ The principal mosque and residence of the 'Reis', the national Muslim religious leader was completed in the centre of Sarajevo in this period. It was handed over to the Reis in an impressive ceremony in 1943, in which German troops in full dress uniform took part.

⁷¹ This forms a key sub-text to the current dispute between Macedonia and Greece in the twenty-first century. The Macedonian President for much of the period 2002-7 was half Greek and descended from a former ELAS fighter.

the competition at the end of the war between the 'East' and the 'West' as to whether or not states were to have communist or anti-communist regimes.⁷² The intervention of both sides, which attempted to use the policy of containment, was imperialist in nature as they struggled to spread their own value systems over the widest possible area of the globe.

The United Nations era and the Cold War.

The formation of the United Nations (UN) before⁷³ the conclusion of the Second World War learnt from the mistakes of the League of Nations. From the start it was more inclusive and included all the major powers at the time as 'permanent' members of a UN 'Security Council' (UNSC). The UN was also entrusted with conflict resolution and dispute mediation powers from the outset and the political structure, secretariat, and staff to use them. Critically, the 'permanent council' or, as it was now termed, the 'Security Council' was to remain in permanent session,⁷⁴ so that crises and conflicts could be dealt with immediately. Furthermore from the outset the UN was given a mandate and subordinate bodies which enabled it to deal with a wide range of issues in conflict and post-conflict situations, and all the tools that might be needed for both peace keeping and nation building. Also for the

⁷² The UK occupation of Vietnam prior to the arrival of the French occupation force in 1946 was another example of this. At one stage the British were forced to re-arm the Japanese Prisoners of War (POW) so as to contain Ho Chi Minh and the Vietminh.

⁷³ Bell (2000), op. cit. p 18. The first meeting was in San Francisco in June 1945. The UN declaration had been signed as far back as 1 January 1942 in Washington.

⁷⁴ Ibid., p 41.

first time, the UN charter enshrined what was in effect a mandate for humanitarian intervention in Article 39 of the charter which states:

The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken...to maintain or restore international peace and security.⁷⁵

The assumption, as Stahn suggests,⁷⁶ is that this statement implies that in future humanitarian intervention was to be considered only 'on a strictly multilateral, UN mandated authority'.

Israel and Palestine

From the outset the UN was entrusted by the Great Powers with difficult missions and intractable problems, most but not all, relating to decolonisation. The very first mission on which UN peacekeepers were deployed was related to the conflict that occurred immediately following the UK's completion of its stewardship of the Palestine mandate. The UK's withdrawal led to conflict between the Jews and the Arabs and the foundation of the State of Israel. Following a UN resolution the UN was asked to intervene and formed the UN Truce Supervision Organisation

⁷⁵ Charter of the United Nations.

⁷⁶ Carsten Stahn, *Responsibility to Protect: Political Rhetoric or Emerging Legal Norm?*, pp 99-120.

(UNTSO) in June 1948. As the conflict has never been resolved UNTSO remains in place in 2011.⁷⁷

Over time, however, the UN missions in the region and their mandates have been transformed, particularly in Palestine, into one of nation building and sustaining the parallel structures which for many years constituted the Palestinian state. Apart from direct relief efforts in Palestine and for the Palestinian population in the near abroad, for example in Jordan and Lebanon, the United Nations Relief and Works Agency (UNRWA), has been heavily engaged not only in direct relief work, but also in coordination with other UN agencies in creating a functioning education and health system and wider governmental structure. This experience of nation building was later to become extremely valuable to the UN in the late 1980s and early 1990s. It began to develop missions which moved beyond the purely peacekeeping and monitoring model, towards the post-conflict development⁷⁸ and nation building which the IC now has come to expect. In the initial stages, this nation building activity was exclusively a UN preserve but with the foundation of the Palestinian State the development of the state structures and particularly the security and justice structures such as the customs and the police, have become increasingly the domain of the EU.

⁷⁷ Officially the Israeli – Arab conflict is a frozen conflict, as Syria in particular remains technically at war with Israel. Despite the ongoing crisis in Syria, the United Nations Disengagement Observer Force (UNDOF) mandate was renewed for a further six months by the UNSC on 30 June 2011. UNDOF personnel man positions on the Golan Heights between Syria and Israel.

⁷⁸ See Cambodia and Mozambique below and Bosnia and Kosovo in later chapters.

These developments will be examined in Chapter 8 which will look at the increasing role of the EU, not only in its own 'near abroad', but worldwide and now even within the UN itself.⁷⁹

The Period of De-colonialization

Following the partition of British India, upon British withdrawal the successor states India and Pakistan almost immediately found themselves in conflict and the UN was called upon to form the UN Military Observer Group in India and Pakistan (UNMOGIP), again this remains in place. In the period 1950-3 came the largest UN intervention yet, involving a major commitment of ground troops in the Korean War in support of South Korea. Although the UNSC was unanimous⁸⁰ only Western countries supported the resolution with ground troops and the leadership of the operation, as well as most of the troops, came from the US. The UN involvement in the Korean conflict was not one of liberal interventionism, but one of containment on behalf of one of the world's two principal imperialist powers at that time. For the communist Chinese, who intervened on behalf of the North Koreans on 19 December 1950, the motivation was even simpler, one, as they saw it, of

⁷⁹ On 3 May 2011 the UN granted the EU the right to speak at the UN General Assembly (UNGA) in its own name rather than through the rotating presidency. This is the first international organisation to be given this privilege and, whilst it does not confer voting rights, effectively gives the 27 EU member states 28 seats in the UNGA. BBC News Europe 0134 4 May 2011.

⁸⁰ Yugoslavia was absent and the USSR boycotted the meeting. The Chinese seat was occupied by the Nationalists based in Taiwan.

survival. In addition, as Bell says of the Chinese: The Americans were not the only ones to fear the domino effect of their enemies' victories.⁸¹

The Korean War, although a major UN intervention, led to no major role for the UN in the post-conflict period. The management of post-conflict in North Korea was entirely the preserve of the Soviet Union and China;⁸² in the south of the peninsula it was largely US investment and an engagement with the US commercial model which characterized the post-conflict phase. As with Israel, the conflict remains 'frozen' as opposed to resolved.

What these first interventions demonstrated was that it was possible for the UN to intervene when called upon to do so, and to maintain a cease-fire, in some cases almost indefinitely.⁸³ However, it was much more difficult for an international organisation to create a long-term peace or indeed to build effective governance and institutions in areas where only a partial peace or a cease-fire has been achieved, or more often where a state is failing but has not yet 'failed' or admitted 'failure'.⁸⁴ The UN can only intervene when it is called upon to do so and even then political pressures may limit the mandate

⁸¹ Bell (2001), *op. cit.*, p 110.

⁸² Very little has been written about the post-conflict period in North Korea. It followed the standard doctrine for that time of focusing upon heavy industry.

⁸³ By 2011 there were no less than five UN peacekeeping missions which have been in place for thirty-three years or more.

⁸⁴ Yemen in the period from 2005 to 2010 may be a useful example.

in terms of the support which the UN can provide and the length of its programmes.⁸⁵

Returning to the case of Israel and its boundaries, the UN Interim Force in Lebanon (UNIFIL) is still in place after thirty-three years and it is now some thirty-five years⁸⁶ since any effective governance, Lebanese or otherwise, was in place in the region. While UNIFIL and the other UN agencies can supply food, medical help, assist with schooling and assist with a range of other issues, the area of Lebanon in which UNIFIL operates is in effect a failed state,⁸⁷ with almost no 'institutional capacity' as defined by Fukuyama.⁸⁸ Currently whilst there is little if any conflict, there is also only a limited amount of post-conflict activity taking place. According to Fukuyama it is the issue of failed states and the West's inability to do anything about it, rather than conflict itself, which should concern us. As Fukuyama says it is the:

lack of state capacity in poor states (that) has come to haunt the developed world much more directly. The end of the cold war left a band of failed and weak states stretching from the Balkans through the Caucasus, the Middle East, Central Asia and South Asia. State collapse or weakness had already created major humanitarian and

⁸⁵ Typically many UN mission mandates are for one year and renewable. Some are renewable at six-monthly intervals. This makes long-term programme work difficult.

⁸⁶ There had been effective governance in the region prior to the civil war in Lebanon. The author visited Nabatiyeh, the 'capital' of the area in February 1974 for a festival, and found a functioning society, with all of the organs of state including local police and gendarmerie.

⁸⁷ Francis Fukuyama, *State-Building: Governance and World Order in the 21st Century*.

⁸⁸ Professor Fukuyama was speaking at the Carnegie Council on 19 May 2004.

human rights disasters during the 1990s in Somalia, Haiti, Cambodia, Bosnia, Kosovo and East Timor.⁸⁹

According to the 'Carnegie Foundation' and the 'Fund for Peace', who together produce a yearly Failed States Index (FSI) using a Conflict Assessment System Tool (CAST)⁹⁰ to measure which states are most at risk of governance failure, there were no less than thirty-two states at risk in 2007, four more than in 2006. As Wilner says:

Put into context, one in every six national governments currently has difficulty in controlling aspects of its sovereign territory.⁹¹

Long before Fukuyama was writing and the Carnegie Foundation were producing their papers the UN and the international community had become heavily involved in conflict and post-conflict worldwide and particularly in sub-Saharan Africa. Almost all of the conflicts arose as a result of the de-colonization process, in many cases because the colonists had ignored existing political and tribal boundaries at the time of colonization⁹². In the period 1960-90, Bell⁹³ identifies no less than twenty-four conflicts, many of them of long duration.⁹⁴

⁸⁹ Fukuyama (2004), op. cit., p xix.

⁹⁰ The FSI and CAST are used by the USA and perhaps others as foreign policy planning tools.

⁹¹ Alex Wilner, *Making the World Safe for Canada – Canadian Security Policy in a World of Failed States*, p 4.

⁹² Typically the colonists used rivers as boundaries, whereas for the native Africans the rivers were usually the centre points of tribal areas, not the edges.

⁹³ Bell (2004), op. cit. See pp 448-9 which also includes a list of the conflicts.

⁹⁴ There were twelve conflicts which had durations of ten years or more.

Surprisingly given these numbers, during the period from 1948 to 1989 the UN was only involved in fourteen peacekeeping operations, of which only one was in sub-Saharan Africa.⁹⁵ Even in these cases many 'have amounted to little more than holding a slender line between two combatants'.⁹⁶ Due to the colonial origins of many of the conflicts and the 'Cold War' between two of the major powers, the manning of UN peacekeeping missions became the province of the second, and third-rank powers with little direct involvement of the major military powers. For the majority of these missions post-conflict activity focused upon the short-term sustenance of the often innocent victims of the conflict through the provision of food aid by UNWFP (and others) and of refugee camps. Although these were large scale and very costly activities,⁹⁷ they were primarily focused upon short-term relief and not long-term nation building and food sustainability. Little was done in the manner of formal Disarmament, Demobilisation and Re-integration (DDR) and so, even where UN or other interventions had proved successful in bringing a conflict to a conclusion, the states often remained vulnerable to further unrest, particularly if following the conflict there was little long-term employment available. Although primarily UN led, there were other sub-Saharan missions which, were led by other

⁹⁵ Bell (2004), op. cit. See pp 511-12 which includes a list of the missions.

⁹⁶ Ibid., p 511.

⁹⁷ They were also very profitable to those involved. One company contracted by WFP in Sub-Saharan Africa and elsewhere had a turnover of US \$110 million by 1990. This was, FEEDEM™, run by a former US marine and based in Kenya. By 1990 it had operations in twenty-one countries, where as the company name suggests, it supplied vehicle haulage and fed people on UNWFP contracts. FEEDEM™ was also a contractor for the UNOSOM missions.

organisations, or even by the former colonial powers, such as the UK intervention in Rhodesia (Zimbabwe) at the end of the Civil War. These were usually time limited and often for a specific purpose such as that in Rhodesia, which is referred to in more detail below.

Whilst the conflicts in sub-Saharan Africa and elsewhere had provided little practical opportunity for the UN or for other international interventions to develop their post-conflict procedures in the period from 1945 to 1990, the UN, and the IC at least, was able to establish the tools with which to do so and to develop procedures which would be of later use. The UK and Commonwealth intervention in Rhodesia/Zimbabwe, post-independence and pre-election, in the period 1979-80, saw the development both of a process of DDR and of military support to a free and fair elections process including the provision of the security framework for the polling day. A by-product of this intervention was that the UK military, whilst successfully completing the DD portion of DDR did not, in part due to the mandate,⁹⁸ remain long enough in the country to complete the re-integration process. This, it was quickly learned, is critical to ensuring long-term peace and stability.

The 'Post-Cold War' period

⁹⁸ The UK was not keen to have a large number of troops deployed to Rhodesia on a long-term basis. There was also considerable, but in the event unjustified, international concern that the UK might remain in Rhodesia for a prolonged period.

Although the transition to and early years of the 'post-Cold War' period overlapped the continuing decolonialisation and post-colonial processes described in the preceding section, it differs from them, in that the world had moved from a bi-polar system to an initially, at least, mono-polar system focused upon the US. Those states which had aligned themselves with the former Soviet Union, so as to receive large subsidies,⁹⁹ or indeed those states that had attempted to position themselves between the two Power 'blocs', so as to secure maximum financial and other advantages by bargaining with both sides, were now unable to do so. As a result the post-Cold War world saw a period of rapid change in the relationships between states.

As with the ending of the Second World War, the end of the Cold War saw a surge in world-wide conflict with six new UN operations starting in 1991 and a further three in 1992. In parallel, other international interventions began to take place, usually led by the USA or with the USA in a 'framework nation' role, but in support of or under the auspices of the UN. Most notably this included a coalition of twenty-seven countries which joined together to support a UNSC resolution¹⁰⁰ which had demanded that Iraq withdraw from

⁹⁹ The Soviet Union's guaranteed purchase price for Cuban sugar and discounted sale price for oil to Cuba would be an example.

¹⁰⁰ On 29 November 1990 the UN. passed Security Council resolution 678. This stated that if Iraq had not withdrawn from Kuwait by 15 January 1991, the member states were empowered to use: 'all necessary means' to eject Iraqi forces from Kuwait. The phrase 'all necessary means', has been employed in UNSC resolutions several times subsequently, most recently in 2011 in connection with Libya.

Kuwait, which it had invaded on 2 August 1990.¹⁰¹ The brief conflict which ensued¹⁰² resulted in the expulsion of the Iraqi forces and the restoration of the status quo ante. The Iraq War did not lead to any of the modern post-conflict processes as the government of Iraq remained in place and sovereign throughout its territory. Furthermore, the Kuwaiti Government Kuwait funded its own post-war restoration and it fell to the allies solely to maintain an air-exclusion zone over Iraq so as to minimise any future potential threats from that source. For the UN the only post-conflict involvement was to place the UN Iraq Kuwait Observer Mission (UNIKOM) at the border in April 1991,¹⁰³ where it remained until withdrawn following the Second Gulf War on 6 October 2003.¹⁰⁴ Originally authorised for, and never exceeding, 300 military observers, the mission had swollen to a size of 3,645 including the international and local UN support staff by 5 February 1993.¹⁰⁵ This massive expansion in UN staff involved in peacekeeping operations in Kuwait was mirrored elsewhere in the UN peacekeeping operations worldwide, so that by the mid-1990s Shawcross was able to write of the UN managing some 68,000 'deployed personnel'.¹⁰⁶ The UNIKOM mission also mirrored the UNOSOM missions in their relatively high casualty rate with eighteen fatalities, only five of whom were military observers.¹⁰⁷ These trends towards relatively high casualties and to expansion in the size of

¹⁰¹ Bell (2004), op. cit., pp 552-3.

¹⁰² The air campaign commenced on 16 January and the ground campaign on 24 February 1991. A cease-fire was unilaterally declared by the allies on 28 February 1991.

¹⁰³ It was established by UNSC Resolution 689 of 9 April 1991.

¹⁰⁴ UN peacekeeping website.

¹⁰⁵ Ibid.

¹⁰⁶ William Shawcross, op.cit.

¹⁰⁷ UN peacekeeping website.

missions were to lead to a change in composition of the military components of the UN missions and hence to their overall efficiency.¹⁰⁸ In a relatively short space of time (of about five years or so) the traditional contributors to UN peacekeeping forces such as Canada, Ireland, Sweden, Finland, and Belgium began to withdraw, to be replaced by Third World countries in particular: Kenya, Bangladesh, and Pakistan. It was also to lead to a radical overhaul of the UN's own machinery for managing peacekeeping operations and to the establishment of a new department., the United Nations Department of Peacekeeping Operations (UNDPKO) which became operational in 1992 and which was made directly answerable to the UN Secretary General (UNSG). The mandate of DPKO is exceptionally wide.¹⁰⁹ Most of the specific tasks within a modern peacekeeping mission fall within the DPKO's 'Office of the Rule of Law and Security Institutions' and include such elements as Security Sector Reform (SSR), policing, criminal justice and law reform, DDR and the UN Mine Action Service (UNMAS). Military reform is not typically a UN function but, where this takes place, this also falls within DPKO and within the 'military affairs division'.¹¹⁰ With the exception of 'field support', which remains under the remit of the UN Department of Political Affairs (UNDPA) at the UN, virtually all the functions within UN peacekeeping missions are now managed by DPKO which by

¹⁰⁸ The comments on military efficiency were made to me by Col. Hap Stutt in 2005. Stutt is a former Canadian officer now serving as one of the military planners in DPKO and who has been with the department since serving in Bosnia as a battalion commander with UNPROFOR. He commented that it was the generally narrower skill base, for example the focus on infantry personnel and the lack of modern equipment provided, that was most noticeable.

¹⁰⁹ UNDPKO official organisation chart.

¹¹⁰ Ibid.

2010 had grown to 125,000 staff spread amongst the UN HQ, regional centres, and some sixteen deployed missions.

Ironically, whilst the First Gulf War started with clear humanitarian interventionist objectives and was supported by a UN mandate, if not under UN command, the UN's own direct involvement through the UNIKOM mission appeared much more closely to resemble those of the 'containment' policies of the Great Powers in the nineteenth and early twentieth centuries. The UN, as an institution showed itself unable or unwilling to make any effective direct intervention under a UN banner¹¹¹ when, immediately following the First Gulf War the leader of Iraq, Saddam Hussein, wreaked revenge for his defeat, on first the 'marsh Arabs' in the south of Iraq and then upon the traditional 'whipping boy' the Kurds in the north of the country. It was a military coalition led by the USA and the UK¹¹² that, as part of 'Operation Provide Comfort I',¹¹³ deployed troops across the Turkish-Iraqi border to prevent a massacre of Kurdish civilians and provided humanitarian aid in the crisis which followed. This operation and 'Operation Provide Comfort II' were to continue until 31 December 1996 and were only terminated at the request of the government of Turkey. Although primarily and in the case of 'Operation Provide Comfort II', almost exclusively military in nature, these were clearly humanitarian intervention operations delivered

¹¹¹ It did pass the necessary resolutions which permitted operations 'Provide Comfort I' and 'II' to take place, but did not lead them.

¹¹² The UK operation was known as Operation HAVEN.

¹¹³ The operation was initiated in response to UN Security Council Resolution 688 of 5 April 1991.

in support of a civilian population whom both of their immediate neighbours, Turkey and Iran, had traditionally regarded with a degree of hostility. Unlike the First and Second Gulf Wars which could be claimed to have revolved around access to energy resources,¹¹⁴ none of the powers directly involved in the operations in support of the Kurds had any mineral or other interests in the area, nor did they have a strategic reason for involvement.

Following the First Gulf War there were a series of conflict resolutions to both long, and short-term conflicts in the early 1990s. These UN interventions saw the start of the continuous evolution¹¹⁵ of the 'standard' post-conflict processes which we see today and which themselves have been captured in an extensive UN DPKO lessons learned process.¹¹⁶ Of these, by far the most important were the ending of the civil wars in Cambodia and Mozambique and the beginning of the post-conflict governance and nation-building processes in both countries.

Cambodia

¹¹⁴ Which in the First Gulf War was linked more specifically to the pricing of oil. The principal reason for Iraq's invasion of Kuwait was the Kuwaiti increase in oil production. This drove down the price per barrel of oil to a point where Iraq was placed in a position of economic crisis.

¹¹⁵ The evolutionary process has been aided by the repetitive employment of several small groups of key specialists particularly amongst the middle and senior management of the UN, across numerous field missions complemented by the lessons learned process. An example of the former is Jacques Klein (US). He was UN SRSG to the United Nations Transitional Administration in Eastern Slavonia, Baranja, and Western Sirmium (UNTAES) 1996-7, then Deputy High Representative in Bosnia 1997-9 followed by UN SRSG in Bosnia 1999-03 and finally UN SRSG Liberia 2003-5. Not only was Klein succeeded at UNTAES by William Walker (US) who then went on to become OSCE Head of Mission in Moldova, but his head of finance and political officer also followed with him through his various postings in the Balkans and Liberia.

¹¹⁶ See UNDPKO organisation chart.

Cambodia had been in a state of conflict for some twenty years by the time that the Agreements on a Comprehensive Political Settlement of the Cambodia Conflict were signed in Paris on 23 October 1991. First, Cambodia had been involved indirectly in the Vietnam War from the early 1970s, then in a three-year war with the Vietnamese state from 1975 to 78 and, finally, it had been forced to deal with the excesses of the Pol Pot regime, where many thousands were murdered and many millions banished to the countryside. The signature in Paris was the result of ten years patient diplomatic effort by the UN and was to mark a transition from conflict to post-conflict for a country which had by now been devastated. As part of the peace agreement, the UN was to immediately deploy some 200 observers to monitor the ceasefire agreed as the United Nations Advanced Mission in Cambodia (UNAMIC). The UNAMIC force was to be absorbed into the larger United Nations Transitional Authority in Cambodia (UNTAC) once this arrived in the country.

One of the first tasks of UNAMIC was to map and then deal with the extensive mine¹¹⁷ contamination throughout Cambodia. In addition, they were to train the local Cambodian population how to detect and avoid mines by running a mine awareness programme. Very rapidly this programme was seen to be insufficient and following an expansion of its mandate by the UN,

¹¹⁷ Mine is used throughout this text as a 'shorthand' description for the whole range of activities including; booby traps, Unexploded Ordnance (UXO) including cluster bombs, and other devices as well as mines.

UNAMIC was told to prepare for a major de-mining effort, particularly in those areas which were designated to house refugees from the camps on the Thai border. As a result of these changes in mandate UNAMIC worked closely with the UN High Commissioner for Refugees (UNHCR) who were providing the practical and infrastructure support for the returning refugees. From 15 March 1992 these responsibilities were gradually transferred to UNTAC as it arrived in the country. The mandate given to UNTAC was limited to eighteen months, but was extremely broad and was designed to underpin the creation of a new democratic and independent Cambodian state, which was to be established by September 1993. In addition to the counter mine operations, the mandate included:

human rights, the organization and conduct of free and fair general elections, military arrangements, civil administration, the maintenance of law and order, the repatriation and resettlement of the Cambodian refugees and displaced persons and the rehabilitation of essential Cambodian infrastructure during the transitional period.¹¹⁸

This daunting list of activities and the tight timescale, combined with the state of Cambodia upon the arrival of the UN, would be typical not only of this mission but also of those elsewhere that were to follow on from it. In that sense Cambodia can be seen as the prototype of the modern post-conflict mission, as seen subsequently in the Balkans and elsewhere. Cambodia was to be where the UN was to put into practice the skills which

¹¹⁸ UN peacekeeping website.

had been gradually evolving over time and to develop new ones. As the UNTAC mission was successful in most areas, it would also become a 'touchstone' and reference point, not only for the UN, but all international organizations in the years to follow and, more importantly, it was to become the training ground for many of the leaders and most of the middle managers in the IC's resolution of post-conflict for the next ten or more years. Importantly, because it was not at the time known to possess strategic assets,¹¹⁹ Cambodia was a purely humanitarian intervention based upon liberal interventionist principles. Cambodia was of no direct interest to any major power and simply represented a destabilising threat¹²⁰ to the three medium-sized powers¹²¹ who bordered it.

To give an idea of the scale of the mandate and the effort required from the UN the simple term 'military arrangements' in the UN mandate incorporated: separation of the combatant forces, DDR, the creation of new unified and effective Cambodian armed forces from amongst the former warring combatants and, in addition to the mine awareness campaign, a large mine-clearance operation using mostly demobilised former combatants.

Significantly, the peace agreement mandated countrywide free and fair elections to take place within a very short timescale and under UN arrangements and management. Although the UN was also in the process

¹¹⁹ Exploitation of oil and gas has recently commenced.

¹²⁰ It was the Cambodians who had attacked the Vietnamese in 1975 and who had subsequently mounted border incursions into Thailand and Laos.

¹²¹ These are, Thailand, Laos, and Vietnam.

of supervising the elections process in Angola in 1992, the operation in Cambodia was the first time that the UN had undertaken to deliver a comprehensive elections process. This was to be delivered in a country which initially, at least, had very little infrastructure and where the experience of running multi-party elections was minimal. To give some idea of the scope of the problem, in the sixteen months between UNTAC's arrival and polling day, some 2,000¹²² polling stations had to be identified, some four million voters registered¹²³ and assigned to polling stations and the staff for polling and counting recruited and trained. In parallel, there was also to be activity in providing training and support to political parties, many of which were only formed during the election period itself. This list of electoral related activities and the short timescale imposed was to be typical of the UN and other international missions which were to follow elsewhere, whether it be Georgia, Bosnia, East Timor, Kosovo, Iraq, or Afghanistan and will be discussed in more detail in the thematic chapters on the Western Balkans which follow.

Significantly, the success of the Cambodian elections process was seen as being a methodology which effectively transformed a short-term ceasefire into a practical and fully implemented long-term peace agreement. For the UN and its financial backers, in particular the USA, this was a fundamental revelation. Formerly, the UN had regularly intervened with observers who would then *picquet* a ceasefire line often, it would appear, indefinitely. The

¹²² UN peacekeeping website.

¹²³ UNTAC website.

UN had failed, for example with UNTSO,¹²⁴ to achieve a long-term settlement of problems and had increasingly become a part of the problem. Almost overnight, or so it appeared to many observers, elections appeared to be the way forward and the way to 'end wars',¹²⁵ or at least the way to achieve a peaceful transition such as was to happen in South Africa. What was yet to become apparent was that polling day and the declaration of a result were only steps in the process towards effective governance and that the true results of an election could only be observed in retrospect.¹²⁶ This was a lesson which the IC would not fully learn until after the local elections in Bosnia in 1997.

In order for UNTAC to achieve this challenging mandate, of which the administration of elections formed only one component, it numbered at its peak some 22,000 personnel¹²⁷ and UNAMIC and UNTAC combined, in the less than two years of their joint existence, cost some US \$1.62 billion.¹²⁸ In addition to the monetary cost there was also a human cost as some sixty-four international personnel and fourteen national staff were killed,¹²⁹ many of them in mine incidents. The UN missions in Cambodia set the benchmark for a succession of large high-profile and high-cost missions delivering a

¹²⁴ At this stage UNTSO had been in being for forty-five years.

¹²⁵ George Sekniashvili, a member of the Georgian Central Election Commission (CEC), speaking to the author in 1997 about his own experiences in Georgia in 1994.

¹²⁶ Hung Sen's Cambodian People's Party although it lost the election initially shared power with Prince Ranariddh's FUNCINPEC party and eventually replaced it as the ruling party following a coup in 1997. Hung Sen, who has been the effective Prime Minister of Cambodia since 1986, remains in power today.

¹²⁷ UNTAC website.

¹²⁸ Ibid.

¹²⁹ Ibid.

wide range of post-conflict activities throughout the 1990s. Additionally, unlike the long-term observer missions such as UNTSO, where years would pass between casualties occurring for UN personnel, these new missions continued (and continue today) to incur relatively high casualty rates.¹³⁰

A further issue which arose, given the scope of the mandate, was over the impact of the UN'S wide powers which it was provided by the IC. Although the IC's role in Cambodia can be seen to be liberal interventionist and humanitarian in its primary focus, by voting for such a broad mandate in the UN, it could also be seen to be establishing, even if only temporarily, what was in effect a UN protectorate; a protectorate, moreover, guarded by the UN's own military and police. This argument gained little resonance in Cambodia as the effective duration of the UNTAC's presence in Cambodia was brief and the clear need to do something positive was widely understood. The argument, however, about the role and presence of the UN in post-conflict states and its apparent role in creating 'protectorate's' was to resurface later and with greater resonance, first in Bosnia and then more substantively in Kosovo.

Somalia – The UN Operation in Somalia the (UNOSOM) missions

¹³⁰ UNDPKO continues to have personnel killed on an annual basis, particularly on its DDR missions. In conversation with the Head of DDR in UNDPKO in September 2008 she told the author that her division within DPKO, typically lost between four to seven personnel per year, spread across the thirty DDR activities they had running at that time.

In parallel with the Cambodian missions the UN was also running a mission in Somalia between April 1992 and March 1993, UNOSOM I. Whilst given the size of its predecessors it was a very large mission in UN terms,¹³¹ nevertheless it was very much smaller than the operation in Cambodia and much more limited in its aims and objectives and hence its mandate.¹³² Again, however, there were significant UN casualties.¹³³ With the deteriorating security situation in Somalia which had led to the creation of the 'Unified Task Force' (UNITAF) and the good example of the Cambodian intervention drawing to a close, the UN was mandated to undertake a much larger and more comprehensive mission in Somalia under the designation UNOSOM II. This time the mandate was broader and not time bound, but clearly drew on the experiences from Cambodia.¹³⁴

¹³¹ UNOSOM website. It cost US \$42.9 million and involved 4,500 personnel.

¹³² Ibid. The core element of the mandate was to; 'monitor the cease-fire in Mogadishu, the capital of Somalia, and to provide protection and security for United Nations personnel, equipment and supplies at the seaports and airports in Mogadishu and escort deliveries of humanitarian supplies from there to distribution centres in the city and its immediate environs'. In August 1992, UNOSOM I's mandate and strength were enlarged to enable it to protect humanitarian convoys and distribution centres throughout Somalia.

¹³³ Ibid. There were eight fatalities.

¹³⁴ Ibid. The core elements of the mandate were to; take appropriate action, including enforcement measures, to establish throughout Somalia a secure environment for humanitarian assistance. To that end, UNOSOM II was to complete, through disarmament and reconciliation, the task begun by UNITAF for the restoration of peace, stability, law and order. Its main responsibilities included monitoring the cessation of hostilities, preventing resumption of violence, seizing unauthorized small arms, maintaining security at ports, airports, and lines of communication required for delivery of humanitarian assistance, continuing mine-clearing, and assisting in repatriation of refugees in Somalia. UNOSOM II was also entrusted with assisting the Somali people in rebuilding their economy and social and political life, re-establishing the country's institutional structure, achieving national political reconciliation, re-creating a Somali State based on democratic governance and rehabilitating the country's economy and infrastructure.

The budget for the new mission, which in the event lasted only two years, was some US \$1.64 billion. There were also some 28,000 international personnel and some 2,800 locally recruited personnel. What is not shown in the mandate is the detail which went into the planning for the UNOSOM II mission and which was based upon the UN's previous experience in the country and also Cambodia. Greater attention was paid to cultural sensitivities than hitherto, with advisors and experts being recruited where possible from across the African Continent and from all races. Extensive attention was given to the infrastructure planning along with detailed planning for implementation of a telecommunications infrastructure using, it was hoped initially at least, guarded sites for hubs. A key component of the UNOSOM II plan also envisaged support to both local and international NGOs being provided around small thirty-man sized military 'hubs', who would provide local security and other facilities such as a helipad or airstrip, a medical aid post, and vehicle repair facilities. Indeed, as planned in 1992 and early 1993,¹³⁵ UNOSOM II was a 'model' UN mission incorporating all of those elements which have since been observed on later UN missions.

Unfortunately UNOSOM II, although well planned, was both a political and practical failure almost from the start. Its initial liberal interventionist and

¹³⁵ The author was part of a UK civil-military team working on the provision of two components of UNOSOM II, the rural telecommunications and other communications infrastructure and the provision of the guard forces which would secure these facilities. The team's work was based upon the experience that had been gained in producing a similar communications infrastructure and guard force in Colombia across the Andes in support of the BP pipeline being built there.

humanitarian objectives became diverted, increasingly towards purely military tasks and after a series of increasingly heavy casualties,¹³⁶ which included the shooting down of two US Blackhawk helicopters, the mission which deployed in March 1993 was withdrawn in March 1995 and the tasks allocated were abandoned, so that Somalia continued and continues to be a 'failed state'. The UN's failure in Somalia and its inability to resolve the Bosnian crisis corroded the views towards the performance of the UN of one of its principal funders, the USA, throughout the remainder of the 1990s and into the early twentieth century, as the later chapters of this thesis will illustrate.

The UNOSOM missions can also be seen to have been designed to create a 'protectorate' in Somalia and one of their fatal flaws was that this is what they were perceived to be by the local populace and in particular the political elites. That UNOSOM II was not 'time bound', as the UNTAC mission had been, was in retrospect a fatal flaw, as was the presence of significant numbers of US troops; albeit that they were not ostensibly participating in UNOSOM II. Both of the UNOSOM missions were undoubtedly driven by liberal interventionist and humanitarian motives, but UNOSOM II in particular came to be identified too closely with US national aims and objectives which were clearly not.¹³⁷ In addition, the use of Cambodia as a 'role model' was

¹³⁶ UNOSOM website. There were 147 fatalities, 146 of them involving international personnel.

¹³⁷ The US aims still remain somewhat opaque. Although they were opposed to 'war-lordism' their principal concern appears to have been one of removing the justification for an

politically flawed as the political groundwork for a lasting ceasefire between all parties, even if by the time of UNOSOM II they could have been identified, had not been achieved. Further, and unlike Cambodia, Somalia was not a truly unified state with a long history; rather the amalgamation of two colonies from two different empires and one which did not even incorporate all of the ethnic Somali cultural heartland.¹³⁸

Mozambique

Following on from its success in Cambodia, the UN also assisted with the Mozambique elections in 1994.¹³⁹ These were the first to be held following the 'Liberation War' of 1964-74 and a long and bloody civil war from 1975 to 92. They also followed the promulgation of a new constitution in 1990, which allowed for Mozambique to become a multi-party democracy. This mission was a success and involved the UN in even wider areas of infrastructure development and nation building. As an example there was a considerable need within the country not only for DDR but also in instruction on how to grow crops, run a blacksmith's shop, and all of the other things necessary to maintain a rural community. As by 1992 the war had been in progress for thirty-eight years, many men from rural areas knew nothing other than how to be 'soldiers' and so DDR without extensive training programmes would

invasion of Somalia by Ethiopia, at that time ruled by the 'Derg', a regime to which the US, was opposed. If this was the case then the US policy was one of 'containment'.

¹³⁸ The North East province of Kenya was formerly part of Somalia. Italy exchanged it with the UK in return for concessions in what is today Puntland in former British Somaliland.

¹³⁹ UN Mozambique website.

not work and could indeed lead to starvation and hence a return to violence. Whilst the UN had an established agency, the Food and Agriculture Organization (FAO), this was focused principally upon long-term goals. What was needed in Mozambique were small multi-skilled teams who were able to sustain themselves in remote rural areas and who were equipped and capable of defending themselves if need be while providing the skills training required to make those communities self-sufficient. This was a new development for the UN, but another facet of post-conflict which can be observed being implemented in later UN missions such as in Liberia and Sierra Leone.

Mozambique was again a liberal intervention on the part of the UN although there were undoubtedly some capitalist companies who benefited from the stability it provided in the long term, as did the neighbouring states of South Africa, Malawi, Tanzania, and Zimbabwe. The mission was a success. It developed and implemented new processes which have proved of use in successor missions. Its emphasis on capital infrastructure projects has been maintained by Prime Minister Chissano and others after the departure of the mission so that today in 2011, Mozambique is one of the few countries in the world where the development of the strategic waterways and the railways, including links to Malawi and Zimbabwe,¹⁴⁰ continue to evolve, along with the

¹⁴⁰ For example, the Chipata-Mchinji railway line opened in August 2010 provides railway and marine transport links to the port of Nacala, to the central and northern parts of Mozambique, to the Zambezi Delta midway between Beira and Quelimane, and to the port of Beira from Malawi and through Malawi to both Zimbabwe and Zambia.

development of the largest deep-water port in East Africa at Nacala. The UN can also claim success in its DDR programme¹⁴¹ in that it successfully reintegrated 92,000 former combatants and collected 200,000 small arms by the end of its mission in late 1995.¹⁴² The misfortune for the UN was that the successes of the Mozambique mission were overshadowed by failures, not only in Somalia but also elsewhere and that, whilst the 'lessons learned' have been implemented, few now serving in the UN realise where many of them originated.

Conclusion

As these selected instances illustrate, although the IC has for almost two centuries come up with innovative solutions to the problems of conflict and post-conflict these 'solutions' have been evolutionary rather than revolutionary. This is particularly the case post-1945 where the concepts adopted have often been those that have worked previously; the use of international 'observation', or the concept and trial of people for war crimes. As the succeeding chapters will demonstrate, progress in the management of post-conflict has continued to be evolutionary and is likely to remain so, if only because of the continuity of the actors involved in securing its practical implementation, another factor that these historical examples also

141 *'Disarmament, Demobilization, Reintegration (DDR) and Stability in Africa – Conference Report'* p 19.

142 This was out of an estimated total of 1.5 – 1.6 million. Collection efforts continue using the local authorities and NGOs.

demonstrate. What is clear is that the perfect model for a post-conflict mission remains to be identified and that no handbook or manual for post-conflict implementation yet exists.

Separate from these issues, the IC has also continued to address the matter of what mechanism it can use collectively to resolve these problems whether it be by the 'Concert of Europe' in the nineteenth century, the League of Nations in the first half of the twentieth century, or the UN from 1945. Again, all have demonstrated weaknesses and the period since 1990 has seen a series of alternative solutions being adopted. These, too, have proved at best to be only partially successful and again there is no indication of a successful long-term solution being adopted. What the past two decades have illustrated is that the model will continue to evolve and that the advent of new actors, such as the EU, will increasingly challenge the convention that the UN remains the default option.

What the case studies do illustrate is that, even where liberal interventionism was the genuine reason for the initial intervention, there has been a tendency for that humanitarian response to conflict to be translated into an interventionism which all too often brings imperialism to the fore. Although this was particularly the case, in the period up until the First World War with the resolution of the Balkan Wars of 1876-8 and the Spanish-American wars being cases in point, there are many later examples with perhaps one of the

most recent and perhaps 'crudest' being the UK's intervention in Iraq in 1961 to protect 'their' oilfields. The case studies also demonstrate some cases of liberal interventionism which were exactly that. Albania again and more recently both Cambodia and Mozambique, but they also serve to indicate that this is a very weak 'driver' of foreign policy even for the major powers. The example of the USA and the Armenian genocide is a case which will be studied in the following chapter, but the failure of the IC to support both the Turkish and Greek civilian populations both during the conflict in 1920-1 and during the population exchanges which followed is another obvious example. There is also an implicit link between initial liberal interventionism and subsequent colonialism in the case studies given. It was clear that even during the humanitarian intervention in 1859-61 that the French would have been happy to remain in Syria as, potentially, a 'colonial power'. This was a wish that was eventually fulfilled when the French argued that they should be the recipient of the mandate, following the First World War, in part because of their continuing interest and involvement in the area, an involvement that was allegedly, in origin, wholly one of liberal interventionism!

The following chapters will examine the conflict and post-conflict period within the Balkans in the 1990s, to a limited extent the repetitive conflicts in the 'Great Lakes' region of sub-Saharan Africa, and the early years of the twenty-first century. The later conflicts in East Timor, Iraq, and elsewhere will be examined in more detail in the later chapters of this thesis. Prior to

moving on to the case studies, two groups of factors related to the IC's involvement in conflict and post-conflict must be examined, most of which are evident today and all of which have been evident in one way or another in the various conflicts discussed in this chapter. An examination of these factors is first an attempt to define why interventions either do, or, more often, do not take place and secondly an attempt to establish a typology of intervention so as to establish a baseline for existing and future IC interventions. Although the typology of interventions will be based primarily upon the IC's experiences in the last twenty years and the case studies presented in the later chapters of this thesis, it will be important to start with an overview of the earlier typology which developed as a result of the interventions illustrated in the earlier part of this current chapter.

Chapter 5

Towards a Typology of Post-Conflict intervention - (and an explanation as to why the IC does not always intervene)

Introduction

This chapter follows the chronology of previous IC interventions in conflict and post-conflict and initially will examine some of the reasons why there have not been more interventions. This chapter will develop the arguments made in the previous chapter and will illustrate the changing nature of the IC's intervention in post-conflict over time. It will commence by examining the factors why the IC does and does not intervene in conflicts and post-conflict, a particularly pertinent feature in the twenty-first century when comparing for example the ICs response to Libya and Syria.

After briefly examining the development of IC interventions in the period until the Second World War, by which point many of the features of modern post-conflict interventions had already been demonstrated, the chapter will then establish a typology of those IC interventions that have taken place in the period since the foundation of the UN in 1945. As has been demonstrated in the previous chapter, and will be illustrated in the historical overview, these have built upon the precedents established before the Second World War and some cases, pre-

1914. These typologies will illustrate the complexity of post-conflict operations and will demonstrate that not only are there various typologies and hence approaches to post-conflict that can take place at any one time, but that specific IC interventions can themselves change in terms of their typology over time. Thus a complex intervention such as the IC's response to the Iraqi invasion of Kuwait, can within a few years be transformed into a continuing IC presence, but at a low level and as a simple border-monitoring mission.¹ An understanding of the typology of interventions will illustrate the ground-breaking nature of the IC's various interventions in the Western Balkans in the 1990s and specifically those in Bosnia and Kosovo which are the subject of the later thematic chapters. This chapter will also reinforce the fact that IC intervention whether into conflict or post-conflict is selective and that there are certainly 'conditionalities' that have to be met before the IC will consider intervention. These 'conditionalities' appear to have changed little over time and are examined within the body of this chapter. Finally, it is essential to understand that there are various typologies which can be distinguished as these enable those studying and working in the field of post-conflict to identify the nature of the activities which are likely to be undertaken and the probable cost and duration of the intervention.

The case studies of Bosnia and Kosovo in the succeeding chapters will focus upon two states which in addition to entering conflict as part of a successful attempt to secede from a larger state, have also been the scene of long-term cyclical conflict based upon both religious and ethnic differences. These are

¹ The UNIKOM mission.

precisely the problems which have been highlighted in the preceding chapter and are specifically those which the IC has found most difficult to deal with over the preceding two centuries. Indeed, if Horowitz² is to be believed, long-term ethnic and religious conflicts have generally proved to be insoluble. As the IC has wrestled with the intractability of these problems in the period since 1945, it has evolved a series of ever more sophisticated mechanisms for dealing with them. To date none has been proven to be successful in the medium, let alone longer term, but the typology given below can be used to identify and corroborate the evolutionary response of the IC to these problems.

Before moving to examine a typology of international intervention and post-conflict resolution in the 'United Nations era' from 1945 to date, the thesis will first digress and examine the question as to what factors determine when intervention does and, more importantly, does not take place, as even today in mid-2011 there are three or four³ very similar regime transformations taking place within the Arab world. Two of them in countries bordering the North Atlantic Treaty Organisation (NATO), or with a Mediterranean littoral and yet the IC has chosen to take decisive action and intervene in only one case. Many of the factors which relate to the failure to intervene have been consistent throughout the last two centuries. It is appropriate to discuss these factors at this point so that it is clear that when the typology of the IC's post-conflict intervention is examined it can be observed that the conflicts concerned must meet certain pre-determined

² Horowitz (1985), *Op. cit.*

³ These are currently Libya, Syria, Bahrain, and Yemen. Regime transformation is already underway in Egypt and Tunisia.

criteria before any intervention by the IC takes place. As will be explained, the factors involved are complex and are not simply based upon access to mineral resources or strategic location, although undoubtedly in the twenty-first century these will continue to exert influence upon international decision makers.

Some questions as to why Intervention does and does not take place

Even if it is accepted that for at least one hundred and eighty years there have been states and international organisations which have held liberal interventionist and humanitarian views, then there are many other conflicts and natural disasters, both internal and external, in which they could have intervened but chose not to do so. Indeed, many of the greatest tragedies of the past two centuries have occurred when states did not intervene, either to prevent conflict and massacre or simply a humanitarian tragedy. This thesis will examine some of those where interventions did not take place, to identify why some events attract international attention and others do not. It will also identify what trends were specific to a particular era or epoch, such as the colonial period and what elements continue today in the twenty-first century as inhibitors to international intervention and what new inhibitors may have appeared since 1945.

A blindness to one's own inadequacies and the IC's unwillingness to intervene in the internal problems of 'developed' states

As an illustration of both historical and continuing biases in terms of the IC's willingness to intervene, the thesis will start with a comparison of the 'Bulgarian Crisis' of 1877-78 with the impact of the 'great famine' upon Madras in British India which occurred at the same time.

What to modern eyes appears astounding is the focus which liberal interventionists could have upon a relatively minor tragedy in a remote backwater of Europe (Bulgaria), whilst major catastrophes were taking place in states for which they had direct responsibility. The most glaring example of this is Gladstone and the British intelligentsia's liberal interventionist focus upon the sufferings of the Bulgarians in South-Eastern Europe where some 12,000⁴ are believed to have died at the hands of the Turks.⁵ The Bulgarian massacres took place between 1876 and 1878 at exactly the same time as the 'great famine'⁶ in India, a state for which Britain bore direct responsibility. That the famine in India was known and was being reported in the British media can be confirmed, as it was during this period that Britain was celebrating the relatively new responsibility of direct rule over India,⁷ by appointing Queen Victoria as 'Empress

⁴ 12,000 is the generally accepted figure and even the most extreme of the Russian pan-Slavists such as Ignatiev and Chernaev only claim 30,000. Bass, op. cit.

⁵ Ibid.

⁶ John Keay, *India: A History*, p 454.

⁷ This followed the Indian Mutiny in 1857. Prior to that India had been 'ruled' by the East India Company.

of India'.⁸ That the Queen's focus along with that of Disraeli her prime minister and the British public was almost exclusively on developments in Bulgaria and not on the 5.5 million of her subjects who are believed to have died during the famine,⁹ is something that would perhaps be unthinkable today. That many of the deaths were preventable, had enough energy and resources been devoted to them, would appear to be even more surprising and yet the episode merited relatively little coverage in the national press and almost none in the wider European and North American print media.

Countries at risk of instability, but not in NATO, the EU, or a member of the P5

This issue is a subset of the point just made and is a permanent condition. There is an assumption that countries at risk of instability and conflict, either internally or externally, are not in NATO or the EU, nor members of the P5 and, perhaps even these days, the BRIC, the Group of Eight (G8), or even the Group of 20 (G20). It is likely, therefore, that most if not all of the major powers consider their responses to conflicts and humanitarian disasters in countries which are in the 'second' or 'third' worlds and discount the impact of conflict or disaster in countries which are members of the groups given above. Consequently, not only will they be unwilling to intervene for any one or more of the various reasons given above or below, their contingency plans will be much less advanced or they will be unable to do so in a timely manner as they will have made no

⁸ Queen Victoria was created 'Empress of India' in 1877 at the suggestion of Disraeli.

⁹ The figure is from the *Imperial Gazetteer of India*, Vol III, 1907 and is cited in Keay, op. cit. p 488.

contingency plans at all. Whilst this point may be difficult to prove, as the information concerned is almost certainly 'sensitive', there is one potentially relevant fact and one parallel example which may be quoted. The potentially relevant fact is that the NATO charter prohibits the collection of intelligence on an ally. Intelligence per se is not defined, but in order to prepare for intervention in an internal conflict, or even a major humanitarian disaster, it is a prerequisite as the UN has discovered. The parallel example is the German Democratic Republic (GDR) in the run up to the fall of the Berlin wall. The GDR had an extremely efficient state security and intelligence service,¹⁰ but it had one blind spot. It was not allowed to look at the number one ally,¹¹ the Soviet Union. As a result the GDR leadership was completely unsighted on the policy of the Soviet Union and specifically that of Gorbachev, particularly with regard to the future of the satellite states of the Warsaw Pact (WP). The failure of the GDR to anticipate the eventual outcomes of Soviet policies were as a direct result of their inability to collect 'intelligence' as to what those policies might be.

A higher threshold as a 'trigger' for IC intervention in the 'third world'

One key and also one would hope 'historical' factor, at work in the comparison between Bulgaria and India was that of race and religion.¹² The Bulgarians were

¹⁰ The STASI – the GDR's, ministry for 'state security'.

¹¹ See Dr Hope M. Harrison's Op-Ed article in *Die Welt am Sonntag* 12 August 2004. Dr Harrison covers the earlier evolution of this relationship in more detail in, *Driving the Soviets up the Wall: Soviet-East German Relations, 1953-1961*.

¹² Racism was normal even in polite society until relatively recently. Even such a humanitarian and 'New Englander' as President Woodrow Wilson, could refer to African Americans as "an ignorant and inferior race", Bass, op. cit. pp 315-6.

'European' and Christian whereas the Indians¹³ were not. The second concern, and this is a permanently operating factor visible today, is that one episode was taking place within the confines of Europe whilst the other was occurring in what we would now call the 'third world'. The response to conflict and disaster within Europe has always and continues to elicit a far greater response both within Europe and North America than similar episodes elsewhere, as the differing responses to the internal conflicts in Bosnia and Algeria, occurring in parallel in the mid-1990s and with approximately the same number of casualties, testify.¹⁴ That this second factor continues to operate, regardless of the strategic importance of the state concerned, can be seen from the fact that Bosnia and later Kosovo were not only of limited strategic value in terms of resources¹⁵ compared with Algeria, but even in terms of diaspora population and the risk of a wave of refugees coming into Western Europe were a more limited 'risk' than in Algeria.¹⁶

¹³ Many of the attacks on Disraeli given his failure to react at an early stage to the Bulgarian crisis, made much of the fact that he was a 'Jew' and therefore did not possess 'Christian feelings'.

¹⁴ Whilst figures are imprecise, it is broadly accepted that about 30,000 people died in each of the two conflicts.

¹⁵ Algeria is a major exporter of oil to Western Europe and the world's second largest exporter of gas after Russia. It is also a major recipient of Foreign Direct Investment (FDI).

¹⁶ The French diaspora Algerian population currently totals 5.5 million, which is greater than the entire population of either Bosnia or Kosovo and broadly similar to both populations combined.

The IC's avoidance of general conflict and of dealing with 'great powers' or their protégés

A further permanently operating factor occurs if the conflict is in either the home country or a dependency of a 'great power'. At this point, other powers are unwilling to intervene unless they are invited to do so and in any event will do what they can to avoid a conflict with the power where the internal conflict or humanitarian catastrophe is taking place. Two examples from the beginning of the period will serve here; one a humanitarian tragedy and the other an internal conflict. The 'famine' in Ireland in 1845–51 alone, led to between 1.1 and 1.5 million deaths¹⁷ and continued in a reduced form until 1856. The causes of the famine were well known and indeed affected the rest of Europe and the British Government's failures were also well chronicled in the British and international press.¹⁸ Little if any pressure was applied on the British Government internally or internationally, despite a failed Irish revolt¹⁹ in 1848²⁰. Assistance from abroad for the victims was minimal because in part the UK rejected it²¹. At the same time famine was taking place in the highlands and islands of Scotland (and the fact of which is even today less well known), leading to approximately 150,000

¹⁷ Joel Mokyr, *Why Ireland Starved – a quantitative and analytical history of the Irish economy*, pp 266-7.

¹⁸ Amongst these was the failure to close Irish ports to food exports. Ireland continued to export food, primarily to the remainder of the UK, throughout the famine.

¹⁹ This was the 'Young Irelander' rebellion.

²⁰ Hobsbawm (*The Age of Revolution* (1988)).

²¹ The Sultan of Turkey offered £10,000 in famine relief but this was rejected and reduced to £1,000 by the British Government on the basis that Queen Victoria had only given £2,000. The Sultan then sent three ships laden with grain to Ireland, but these were turned away from the major ports by the British authorities. The grain was eventually unloaded at harbours in county Donegal.

deaths and accelerating the process of the 'highland clearances', so that 1.7 million people left Scotland in the period 1846–61. Again, no international pressure was applied, although the fact that large numbers of Scots were simply 'dumped' in Canada, led to relief efforts by the Scottish diaspora²² particularly in Canada and the United States. The massacres of Poles during the uprising of 1863–4 when 25,000 were killed²³ and the attacks against the Jews in Poland and European Russia from 1870 would be a second nineteenth-century example where an empire massacred thousands of ethnic minority inhabitants within its own boundaries and expelled tens of thousands more²⁴ without noticeable foreign intervention until 1907, when the US Government concluded an agreement with the Russians to reduce the number of pogroms because they were unable to cope with the number of Jewish immigrants arriving in the USA.

That this factor, of not wanting to antagonise or upset a Great Power, is still operative can be seen by the responses to the internal suppression of dissent by major powers until relatively recently, examples being the Chinese suppression of both ethnic minorities such as the Tibetans and in particular religious minorities such as the Muslim 'Uighurs' or the 'falun gong'. Similar relatively recent, but slightly earlier, examples can be seen in the former Soviet Union and even within second-tier states such as the massacre in Hama by the Syrian authorities in 1982 where estimates suggest that somewhere between 10,000

²² Harvey Strum, *Famine Relief from the Garden City to the Green Isle*, pp 388-91.

²³ Norman Davies, *Europe: A History*, p 828.

²⁴ In particular the expulsion of Jews following pogroms which occurred throughout the period up until 1910.

and 40,000²⁵ died. Seale²⁶ describes it as one of ‘the single deadliest acts by any Arab government against its own people in the modern Middle East’ and the culmination of a long campaign of terror,²⁷ in the campaign between the Sunni Islamists and the regime. Since 1945, if even a second-tier power has a single sponsor amongst the permanent members of the UNSC, the so-called P5, then it is almost impossible for the IC to operate in a co-ordinated way under the auspices of the UN. If it is a P5 member itself then it would appear that IC intervention is in practical terms impossible no matter how severe or catastrophic the event may be. As an example, between fifteen and twenty-five million Chinese are believed to have died in the period 1959–61 alone, due to the ‘great leap forward’ initiative,²⁸ policy failure and flooding.²⁹

No IC willingness to intervene if the problem is ‘too difficult’ or if there is no ‘exit strategy’

A further permanently operating factor inhibiting IC intervention may be observed in the general inactivity of the IC to the continuing massacres of the Armenians within the Ottoman Empire in the period from 1893 to 1916, despite the fact that

²⁵ Robert Fisk, *Pity the Nation: Lebanon at War*, pp 182-8. Fisk, who was present as a reporter at the time, initially suggested 10,000 had died but has revised the figure upward over time.

Whatever the true figure, the destruction of entire quarters of the town remains evident today, as do the visual reminders of the scale of the fighting - personal observation by the author in 2009.

²⁶ Patrick Seale, *Asad of Syria: The Struggle for the Middle East*, pp 93–104.

²⁷ *Ibid.*, pp 332–333.

²⁸ Dikötter, *Mao’s Great Famine*. In a recent publication where he had access to provincial archives, Dikötter offers an estimate of at least 45 million deaths between 1958 and 1962 (p 333). He argues that this figure is accepted amongst senior figures in the Chinese Communist Party, p 334.

²⁹ Cormac O’Grada, *Famine: A Short History*, p 2 Table 1.1.

the atrocities were well known, that they were well publicised in the media,³⁰ and that intervention was pressed for by senior figures in the establishment both in the UK³¹ and USA.³² In part, this apparent inability to respond to the massacres was due to the inaccessibility of the area where the massacres were taking place and therefore the inability of the 'West' to effectively intervene, in an era before effective air power. As with the Bulgarian conflict two decades earlier, effective intervention would have required the projection of sea power through the Dardanelles and into the Black Sea to support an Armenian uprising in its heartland in the lower Caucasus. This the 'Western' powers were neither able nor capable of doing as it would have involved a full-scale war with Ottoman Turkey and no guarantee of eventual success, as the Gallipoli operation some twenty years later was to illustrate.

The US failure to act in the so-called 'Hamidian massacres' in Armenia, was notable but as nothing compared with their behaviour almost twenty years later in April 1915 when the Turks started a much larger campaign of systematic extermination and deportation of the Armenians. At this time the USA was still a neutral in the First World War, the administration had received copious official reports and requests to become engaged from its ambassador in Constantinople³³ and was under pressure from both American public opinion and

³⁰ Although it was the same media, led by Randolph Hearst, that consistently pressed for an intervention in Cuba, not Turkey. Bass, (2000), op. cit., p 317.

³¹ An elderly Gladstone was one. Bass (2000), Ibid., p 216.

³² Activists in the USA included Julia Ward Howe, the President of the Massachusetts Institute of Technology (MIT) and the Governor of Massachusetts.

³³ Morgenthau was himself of Jewish extraction. He was also a personal friend and financial supporter of Woodrow Wilson. He eventually resigned his post in protest at the US position.

the media, in particular the *New York Times*.³⁴ President Wilson was even under pressure from his predecessor, Theodore Roosevelt, who said on this issue:

It is a wicked thing to be neutral between right and wrong. Impartiality does not mean neutrality.³⁵

In this instance the Turkish atrocities against the Armenians were extremely widespread including within Constantinople itself and the large Armenian communities on or close to the Mediterranean coast in such cities as Edessa and Aleppo. Additionally, the USA was asked by three of the other Major Powers³⁶ to take the lead on the 'Armenian question', both because they were fully engaged in the war and because the USA was neutral. At the cessation of formal hostilities the USA was asked to take on an Armenian mandate but declined. At which point the newly independent Armenian Republic in the lower Caucasus was attacked by both the Bolsheviks and the new Turkish Republic. France considered military intervention,³⁷ but was again deterred by the isolated nature of the conflict and the fact that yet again any military intervention would mean forcing the Dardanelles and then potentially facing hostile Turkish and Russian fleets. Finally, the Armenian Republic surrendered the land it had remaining to the Soviet Army and the Republic was extinguished. It was not to re-appear as an independent state until 1991.

³⁴ Bass (2000), op. cit., pp 322-6.

³⁵ Ibid., p 327.

³⁶ These were the UK, France and Russia. Germany and Austria-Hungary were allied to Turkey.

³⁷ Ibid., p 337.

Whilst Armenia is a clear example of the impact of geography upon international intervention there are others, including the lack of willingness of the IC to become involved in the various conflicts with the Maoists in Nepal and with the more modern 'frozen conflict' between Armenia and Azerbaijan over Nagorno-Karabakh. The lack of direct official British engagement in Dharfur following the conflict in 2003 may also, one suspects, be an example of a lack of willingness to intervene in conflicts where access is difficult and the terrain simply too extensive³⁸ to effectively control with the numbers that the IC would be willing to deploy.³⁹

There is no IC intervention if the event does not receive wide publicity or it is 'masked' by another larger event

The final permanently operating factors inhibiting IC intervention is if the conflict is not widely known about or reported in the 'West', or the event whether it be a conflict or a humanitarian episode is 'masked' by another wider event or events. Both of the principal examples given for this will come from within the former British Empire. Another 'masked' event which occurred in the continental US will

³⁸ Western Darfur alone is the size of France. The whole of the Darfur province is the size of continental Europe from the Polish – Belorussian border westward. There are no railway stations in western Darfur and the railhead in eastern Darfur is seven days by train from Khartoum and a further three days from Port Sudan on the Red Sea coast. At present the NGO community are bringing in relief supplies by road from the ports in the Bight of Benin. This is a distance of some 2,000 miles.

³⁹ As the effectively 'failed' joint AU and UN African Union/United Nations Hybrid operation in Darfur (UNAMID) mission demonstrated, any military force deployed to maintain the peace and ensure the delivery of relief supplies would require significantly more than the 17,000 troops assigned to UNAMID, whose mandate and mission was very limited.

be briefly touched upon to illustrate that geographical remoteness is not an inhibiting factor when it comes to 'masking'.

When studying a possible UK 'lead'⁴⁰ in terms of the humanitarian crisis in Dharfur⁴¹ the team looked to identify if there had been any precedents for dealing with major relief operations in terms of an action upon this scale and in so remote an area. In the process of this research it was discovered that there had been extensive massacres in Darfur in the period up to 1916 which had led on occasions to the wholesale displacement of large parts of the population. Equally whilst the conflict had been brought to a halt by the British, there had continued to be frequent famines and widespread starvation leading to large-scale loss of life. Major famines had taken place in 1913-4,⁴² through the 1920s and 1930s⁴³ and most recently in 1984-5 as chronicled by Alex de Waal.⁴⁴ The Darfur conflict was therefore not a 'new' problem, but simply yet another in a cycle of continuing conflicts⁴⁵ and humanitarian disasters in the region. Why has the renewed⁴⁶ conflict and subsequent humanitarian disaster provoked an

⁴⁰ This was an initiative of the then Prime Minister Tony Blair. The outline proposal was that the UK should act as the 'lead agency' and should co-ordinate the responses of the EU and the UN to the Dharfur conflict, including the provision of a military Brigade (Bde) to provide the framework security on the ground through a series of 'hubs'. The study team was a tri-service military team supported by NGO experts for technical advice. The author, as a reservist, formed a part of the military planning effort while on leave from Albania.

⁴¹ Following the study, the decision was taken not to proceed further with a 'British initiative' and Denmark took the European lead. Had it taken place a British proposal for Darfur would probably have resembled the UNOSOM II model for Somalia in terms of its components.

⁴² Alex de Waal, *Famine that Kills: Darfur, Sudan*.

⁴³ *Ibid.* See pp 68 – 70 for a description of the famines in the Sudan, and the 'closed society' status of the Darfur province.

⁴⁴ *Ibid.*

⁴⁵ That there had been endemic warfare between the various sultans had been recorded by western visitors to the area since the mid-eighteenth century.

⁴⁶ The current round of conflict started in 2003.

international response when previous crises, even those occurring after independence in 1956, had not? The answer appears to lie in the amount of media coverage which it generated, the apparent participation of the government in Khartoum in the massacres through its sponsorship of the 'janjaweed' militias, and the recognition that with the increased airlift capability of the late twentieth century that it was possible to get something done. Previous famines had generated no comment in the UK, European, or North American media so, despite their regularity, nothing substantive was done nor was there an IC response⁴⁷ leading to an IC intervention in the region until 2003.

An example of one major event masking another was the Bengal famine of 1943-5, described in detail by Keay and Sen.⁴⁸ This is believed⁴⁹ to have led to the deaths of between two to four million people⁵⁰ and was, at least in part, preventable. The deaths were as O'Grada briefly informs us, brought about by war, policy failure and supply shortfall,⁵¹ but the root causes of the famine go much deeper than this. Whilst it is true that the fall of Rangoon to the Japanese in early 1942 to some extent disrupted supply, a factor to which Sen gives due credit,⁵² the principal cause of the famine was the priority given by the British to

⁴⁷ Whilst it may have been able to justify a policy of non intervention during the colonial period (1894–1956) using the 'major power' and 'veto' arguments advanced earlier in the chapter, this was not a valid defence for inactivity by the IC post 1956.

⁴⁸ These are the dates as used in Amartya Sen, *Poverty and Famines: An Essay on Entitlement and Deprivation*, pp 52-85 and Keay (2001), op. cit.

⁴⁹ Sen, op.cit., p 52. The official Famine Inquiry Commission into the Bengal Famine of 1943 put the death toll at about 1.5 million. The overall death toll including 1944-5 must therefore be higher.

⁵⁰ The lower figure appears in O'Grada, op. cit., p 2 Table 1.1.

⁵¹ Ibid. p 2.

⁵² Sen, op. cit., p 52.

military considerations, in particular their desperate need to find additional shipping so that they could participate as a full partner in the North African landings in late 1942, 'Operation Torch'. In order to meet this requirement they stripped India of the coastal shipping which was used to move foodstuffs around the sub-continent and in the process created a famine in food dependent areas. That this was then compounded by bureaucratic inefficiency and inertia which led to people being shot in front of warehouses stocked with food 'because they did not have a legal entitlement to draw it',⁵³ only made the problem worse, although they perhaps could not be blamed for those deaths which occurred when rural peasants accustomed to eating rice, turned away wheat, over 100,000 tonnes of which was imported into Bengal in the final quarter of 1943.⁵⁴ Whatever the reasons, the Bengal famine remains one of the largest, largely preventable losses of life in the last century and one which outside India is barely known of. It would appear that outside of a major war it would be unthinkable that such an event could go largely unremarked, particularly in the USA, had they been made aware of it and had they been asked to assist. The principal cause of the disaster was the decision by the British to match the US effort in combating the Germans and others in North Africa and without that decision a famine could have been avoided. It was not, and as a result of the war the famine passed by the countries of the 'West' unnoticed, that is with the possible exception of academics in the Irish Free State.⁵⁵ Finally, in a very much more limited

⁵³ Sen, *Ibid.* p 45.

⁵⁴ Sen *op. cit.*, p 60.

⁵⁵ This became the Republic of Ireland in 1948. It is noteworthy that Irish scholars of the 'Famine', such as O'Grada, see many close parallels between the British treatment of the Indians

manner, but in the US itself and close to both Washington and New York, the 'great Atlantic hurricane' of 17 September 1944, which saw tidal waves of thirty to fifty feet devastate five hundred miles of the east coast⁵⁶ of the USA leaving 390 dead, was masked by the conflicts in western Europe⁵⁷ and in the Pacific. Amongst the many other casualties, four US warships were lost in the hurricane and the peak wave was assessed by the US coastguard at seventy feet, but an event, which was at least as devastating materially⁵⁸ as the Japanese tsunami in 2011 remains largely unrecorded⁵⁹ in the public record⁶⁰ as a result of the greater calamities occurring elsewhere at the same time.

An identification of those states where Intervention is more likely to take place

It is possible from studying the histories of IC interventions in conflict and post-conflict, to identify two typical groups of states who are likely to be candidates for IC intervention. These are states in transition, typically those either approaching

during the famine of 1943, with the British indifference and neglect of the Irish during their famine of the 1840s.

⁵⁶ The devastation stretched from North Carolina to Maine with the epicentre being the 'sunshine coast' of New Jersey north of Cape May. The centre of the hurricane remained 30-50 miles out to sea and never came onshore. Had it done so the destruction and tidal surge would have been even greater.

⁵⁷ In western Europe 17 September 1944 marked the start of 'Operation Market Garden' the Allied airborne assault on southern Holland - Eindhoven, Nijmegen and Arnhem - including the US 82nd and 101st Airborne Divisions. In the Pacific the US 81 Division landed on Palau against strong Japanese resistance on 17 September 1944.

⁵⁸ It was as devastating in financial and material terms, but not in terms of overall loss of life.

⁵⁹ There is a description of events on two New Jersey websites ('Tales of the New Jersey Shore' and 'Hurricane City') and visitors to Ocean City will notice a band painted eleven feet up on lamp posts in the historic centre. This indicates the maximum height of the surge tide in 1944. It is, however, difficult, except on local websites ('Tales of the New Jersey Shore'), to find references to the relocation of complete townships to safer ground post 1944.

⁶⁰ The author was tasked with conducting an emergency plans assessment in the coastal and Delaware river counties of New Jersey in August – September 2001. The impact of possible tidal surges on the Cape May peninsula, the offshore islands, Atlantic City, and Ocean City formed a significant portion of the study.

independence from colonial domination or who have just achieved independence, or, less commonly, which secede from an existing state⁶¹ and those states which are subject to cyclical bouts of conflict often due to ethnic or religious divisions. In some cases intervention occurs when both of the criteria given above are being met, such as was the case in Palestine in 1948 or Cyprus in 1961.

In the approach to independence from colonial rule, or separation from 'empire',⁶² it is likely that the colonial power will have attempted to select or 'manage' the transition to independence and will attempt to hand over power to a group selected for this purpose. If this group is felt to be unsuitable by the indigenous population for some reason, it is likely that this will result within a very short space of time in a coup, often military, where they will be replaced.⁶³ It is also possible that the colonial power will attempt to manage the boundaries of the new state either for their own benefit, or for that of others, or alternatively leave the final decisions on boundaries to a plebiscite to take place only following independence.⁶⁴ An example of the latter being the British who left Israel in May 1948, handing the question of the division of the state between Arabs and Israelis over to the UN. Finally, in some cases the colonial power will attempt to

⁶¹ This act of 'secession' almost invariably results in conflict. One notable exception was the Czech and Slovak 'velvet divorce' of 1 January 1993.

⁶² Within this term are incorporated such states as the former Soviet Union and Indonesia.

⁶³ That this did not happen in Zimbabwe was by accident. The British would have preferred a newly independent Rhodesia to have been led by Joshua Nkomo. Unfortunately for the British the need to hold a free and fair election meant that Robert Mugabe was elected instead. Nkomo was a member of the Ndebele tribe who whilst preferred by the colonialists formed only 10% of the population of Southern Rhodesia (later Zimbabwe).

⁶⁴ This was the case with the boundary between Nigeria and French Cameroon.

hand over power to an ethnic group which does not form the majority, thus creating problems for the future. The Belgian handover to the Tutsi in Rwanda is but one example,⁶⁵ but closer to home is the partition of Ireland where there was no plebiscite and few at that point strategic considerations. The Boundary Commission set the boundary in 1925, it is generally believed, in contradiction to the wishes of the people living closest to it and for whom it disrupted traditional patterns of life.⁶⁶ The consequences of this were at least a part cause of the late twentieth-century 'troubles'.

Often the independence settlement will itself include constitutional arrangements which prove to be unsustainable in the longer term. The division of political responsibilities between the various religious groups⁶⁷ agreed in Lebanon on the departure of the French was one example. This was based upon the breakdown of the populations at the time of the last accurate census which was in 1931. This was a rational decision in 1946, at the time of independence, but the agreement made became increasingly less relevant to Lebanon as the years progressed and was a significant contributory factor to the Lebanese Civil War of the 1970s and 1980s.⁶⁸

⁶⁵ A second example from the British Commonwealth was the transition of power to the ethnic Fijians in Fiji despite the fact that they were numerically inferior.

⁶⁶ K. J. Rankin, *The Creation and Consolidation of the Irish Border*, p 4.

⁶⁷ There had been similar agreements at various earlier dates in Lebanon, starting with the constitutional arrangement of 1864. For a description of the provisions and impact at that time see Bass, *op. cit.* p 230.

⁶⁸ Robert Fisk, *op. cit.*

The second group of states are those where violence is cyclical and is bound up with longstanding ethnic and/or religious rivalries. These were often suppressed during periods of colonial occupation, only to reappear at a later date. Within Europe and the Mediterranean basin the following are exemplars: in the Adriatic, Bosnia and later Kosovo; in the Mediterranean, Cyprus, Lebanon, and Syria; while in the Caucasus, periodic and cyclical conflict between the Armenians and the Azeris has also been present for over a century. To add to these 'traditional' conflicts there have also been a wide range of what are now ethnic and religious conflicts which were spawned as the result of the colonial powers bringing in indentured labour. Fiji has already been mentioned, but to that list can be added Guyana, Sri Lanka, and Malaysia⁶⁹ and, with lower levels of violence directed against their Indian communities, Trinidad and Tobago, Uganda, and Kenya.⁷⁰

As shown above the IC has shown itself willing to intervene in a wide range of these conflicts providing that they are manageable and fall within the confines of the permanently operating factors described earlier. Where they have not the IC has tended to stand back from the conflict and allow it to run its course. A notable example of the latter being the conflicts which arose during the 'partition' of India at independence and where according to Talbot,⁷¹ 'the death toll

⁶⁹ The communist insurgency in Malaya (later Malaysia) was almost exclusively an ethnic 'Chinese' insurgency. For a good general description of the insurgency see Noel Barber, *The War of the Running Dogs: Malaya 1948-1960* or Robert Jackson, *The Malayan Emergency and Indonesian Confrontation: The Commonwealth's Wars 1948-1966*.

⁷⁰ Kenya additionally has ethnic conflict associated with tribal rivalries particularly over fertile land, but these are neither associated with 'incomers' nor with colonial rule. The most recent effusion of such violence was in the Mount Elgon area of the rift valley during and following the electoral campaign of 2008.

⁷¹ Ian Talbot, *The Partition of India*, p 2.

remains disputed to this day, with figures ranging from 200,000 to two million' and perhaps the largest migrations in history.⁷² In this case, perhaps the first major test of the newly minted UN in 1947, the IC singularly failed to intervene in what became a widespread internal conflict as well as a humanitarian disaster on a vast scale, perhaps simply because the problem was primarily that of one of the 'P5' and also that they could see no scope for significant mitigation of the impact of partition without a commitment of resources,⁷³ which was at that time beyond their means.

A further inhibitor to IC action has been that in a period of decolonization the former colonial power, often the best equipped to manage the conflict and with the best local knowledge, has been, simply because it had been the colonial power, debarred from intervening as part of an IC intervention force especially if it was under the auspices of the UN.⁷⁴ As a result Belgian troops have been deployed in former French colonies in West Africa under UN auspices, whilst Portuguese have been deployed to the Balkans, but there are no Belgian or Portuguese troops in Zaire and Angola respectively with the UN missions there.

Developments in post-conflict intervention in the period up until the formation of the UN

⁷² Ibid. ch 4, pp 90 – 126 for specific examples. Some estimates put the total numbers of 'population transfers' at 14.5 million at the time of partition, but this excludes later migrations to Bengal in the 1950s and continuing population shifts (and conflicts) in Kashmir.

⁷³ The British 'Indian army', which in the event failed to maintain law and order consisted of 205,000 troops plus units from the Indian Navy and units detached from the British Army, perhaps 300,000 troops in total.

⁷⁴ A notable exception to this general rule is the presence of British troops as members of UNFICYP in Cyprus.

This brief examination of the types of intervention prior to the formation of the UN will serve both to illustrate the evolutionary response of the IC to conflict and post-conflict and to illustrate that many of the concepts in use today are simply developments of old techniques. To use UN terminology ‘first generation’ post-conflict missions, were being deployed before the First World War to focus on such issues as border monitoring in Iran.⁷⁵ ‘Third generation’ complex missions with a primary focus on humanitarian assistance were also taking place in Albania within a multinational context prior to the First World War, and some ninety years before Lakhdar Brahimi⁷⁶ categorised them in his report. The examples given below are necessarily restricted, but have been selected so as to demonstrate the development of IC intervention in the past century and to illustrate that the typology which follows builds upon these earlier interventions.

A typology of intervention prior to 1914

In terms of IC intervention in conflict or post-conflict, from an historical perspective, it becomes clear that prior to 1914 most IC interventions were by nation states acting independently⁷⁷ even if by prior agreement with others and/or as part of a well-established group of major powers, or, finally, as a

⁷⁵ Hopkirk, op. cit.

⁷⁶ Brahimi, op. cit.

⁷⁷ The IC’s response to the ‘Boxer’ rebellion in 1900 was one of the few noteworthy exceptions. See, for example, A D Harvey, *Collision of Empires – Britain in Three World Wars 1793 – 1945*, p 356.

wartime military coalition.⁷⁸ At this time 'interventions' were not always linked to the resolution of conflict, at least not one which had been 'inspired' by the state concerned and often formed part of a power struggle by European states which were attempting to expand their areas of influence. In every case they involved the domination of a weaker state by a stronger one.⁷⁹ In addition where such an intervention did occur, in what we would now regard as a 'post-conflict' scenario, often no conscious effort was made to develop a post-conflict strategy other than to incorporate the occupied territory directly within that of a more powerful state, or within its own empire.⁸⁰ Therefore a colonialist and/or an imperialist outcome was often the case, even where the stated and, perhaps initial, aim of the intervention had been one of liberal interventionism. The US intervention in Cuba in 1898 which was ostensibly to assist⁸¹ an oppressed people who had risen up against a despotic 'colonial' power,⁸² was just one such example and led to the Spanish-American War.⁸³ Once the USA had committed itself to military intervention in Cuba, the sentiments of the US population, political and economic

⁷⁸ It is clear that the UK action in Greece in late 1944 and beyond, if not encouraged or sanctioned by the other significant 'Western' ally, the USA, was at least supported or tolerated by them. The British activities were clearly against the interests of another 'ally', the Soviet Union, in that they resulted in the eventual destruction of the communist led resistance movement's military wing, ELAS, and to the arrest or expulsion of many members of the National Liberation Front (EAM).

⁷⁹ The Italian invasion of Libya in 1911 would classically fit this model. See Harvey, op. cit. pp 218-21.

⁸⁰ Here the incorporation of Bosnia and Herzegovina into the Austro-Hungarian Empire after 1878 would be an example. This was initially as a Protectorate following the Treaty of Berlin in 1878 and then finally incorporation into the Austrian Empire in October 1908. See *New York Times*, 12 October 1908.

⁸¹ President McKinley had originally proposed only to permit the shipment of weapons to the rebels, so as to assist them in their struggle against the Spanish.

⁸² By the time the US intervention took place, the colonial war was already virtually at an end and the Cuban rebels would not have required US intervention in order to achieve independence from Spain.

⁸³ George C. Herring, *From Colony to Superpower: U.S. Foreign relations since 1776*. Especially ch 8 pp 299 - 336.

lobbies rapidly changed to those of colonialism and imperialism that affected the conduct of US policy and leaving President McKinley, who had been the advocate of the original liberal interventionist policy, isolated and unable to resist these pressures. As a result, apart from Cuba, the USA's 'liberation' of the Philippines, another Spanish dependency which in practice had previously benefited from considerable autonomy from Spain, soon turned from a triumphant victory over the Spanish into the bloody Philippine – American War. This was a war in which many more American soldiers died than in the war against the Spanish.⁸⁴ It also led to the *de facto* annexation of the Philippines and Guam and, following the Cuba conflict, to the beginning of a permanent US presence on Cuba⁸⁵ which has lasted until today.

The few examples of IC multilateral involvement in conflict and post-conflict which were not directed or concluded as examples of colonial and imperialist expansion prior to the First World War have mostly been outlined in the previous chapter. Even amongst these there are examples which did not originate from the tenets of liberal or humanitarian interventionism, but often more from notions of that vague concept the 'balance of power' as the Bulgarian conflict from 1876 illustrates.⁸⁶ In three of the cases illustrated the interventions arose from the desire of the Major Powers, particularly the UK, to protect Turkey, which was

⁸⁴ Ibid. p 329.

⁸⁵ The continuous US occupation of Guantanamo Bay dates from this period.

⁸⁶ Bass (2000), op. cit. pp 256-96.

seen as the 'sick man of Europe',⁸⁷ from the predations of the other powers, in particular Russia and France. It is worth noting that whilst the US has been criticised for its colonialist and imperialist behaviour during the Spanish-American War, when the US Admiral Dewey sailed into Manila harbour in 1898 after defeating the Spanish fleet he found the navies of no fewer than eight European powers already in the harbour awaiting his arrival and in the case of the Germans, whose fleet was larger than Dewey's own, with instructions to secure the Philippines which Dewey had just 'liberated' as a German colony!⁸⁸

If there is a typology of post-conflict intervention prior to the First World War it is based upon the principles of the avoidance of war whenever possible and the maintenance of the balance of power between the 'Great Powers'. For the most part where post-conflict interventions occurred they resulted in the occupying power subsuming the territory concerned within their own, in most cases have acquired agreement to do so, for the other 'Great Powers'. There were however, one or two examples of a 'modern' approach to post-conflict, such as that in Albania, which provided useful lessons for post-conflict planners after 1945.

The Inter - War period

⁸⁷ A phrase attributed to Czar Nicholas I when describing the state of the Ottoman Empire to the British Ambassador in St Petersburg in 1853 prior to the Crimean War. The UK and France went to war with Russia in 1854 so as to assist the Ottoman Empire.

⁸⁸ Herring, op. cit., ch 8.

There was little change by the 'Great Powers' to the approach to intervention and post-conflict during this period. Despite the foundation of the League of Nations the secret agreement between the UK and France which agreed the division of the Near East was unquestioningly accepted and then endorsed by the award of the Syrian and Palestine mandates. This despite the promises made in the 'Balfour declaration'⁸⁹ to the Jews and separately, but on behalf of the British Government, by T. E. Lawrence⁹⁰ to the leaders of the 'Arab revolt' against the Turks.

While plebiscites were overseen and the results accepted and implemented,⁹¹ in limited areas⁹² within Europe the citizens of the former Ottoman Empire and the German colonies were not consulted and were simply transferred at the whim of the 'Great Powers'. This occurred even within the territories of the victors, one example being the transfer of the Jubaland Province of Kenya⁹³ including the port of Kismayo to Italian Somaliland in 1923 in exchange for the area now

⁸⁹ M.E. Yapp, *The Making of the Modern Near East 1792-1923*, p 290.

⁹⁰ T. E. Lawrence, *Seven Pillars of Wisdom*, p 119 and others. On p 119 Lawrence refers to the 1916 Sykes-Picot Agreement between the UK and France which commits them to the establishment of independent Arab states in Aleppo, Damascus, and Mosul, as well as in the Hejaz (modern day Saudi Arabia). This was an arrangement which the secret agreement repudiated and of which, at the time, Lawrence was unaware.

⁹¹ For example the plebiscites held in Schleswig-Holstein in 1920 and the Saarland in 1935.

⁹² The citizens of Alsace and Lorraine for example were not given the opportunity for a plebiscite and were simply transferred from Germany to France. Many ethnic Germans from Lorraine continued to serve in the German army post-war and the Luchtringen (Lorraine) regiment of the German army was not disbanded until 1927 in Oerlinghausen, Nord-Rhein Westfalen.

⁹³ But not that part which fell within the area of the current North East Province of Kenya. This area, north of the Tana River, is 95% ethnic Somali and which had until the time of the transfer formed part of the hinterland of Kismayo. This province is, Arab, Muslim, and Arabic speaking, but incorporated within a black African state and is treated as an 'internal colony' by independent Kenya. The police force for example is officered by black Africans and there are no Somalis serving in the police force above the rank of sergeant. Senior officers and the governor are 'posted' to the North East province on two year tours from Nairobi. The province is as a result a potential future flashpoint for ethnic conflict, which may now be exacerbated by the influx of Somali refugees to the Dadaab and other refugee camps, following the drought in Somalia.

known as Puntland in Northern Somalia.⁹⁴ This piece of territory was then attached to British Somaliland. As we can see from this example, the indigenous population was not consulted, nor was the re-allocation of territory made along a demographic or other natural boundary, indeed local and regional trading patterns were completely dislocated by the decision.

⁹⁴ This was done for purely strategic reasons by the British, so as to control both sides of the Straits of Aden at the entrance to the Red Sea.

A Typology of current Post-Conflict Interventions.

IDENTIFIED AS	FEATURES	EXAMPLE
Historic – Liberal Interventionist	Focus on humanitarian issues, generally short term in nature.	Anglo-French Mission to Syria, International Mission in Albania,
Historic – Colonialist or Imperialist	Focus on control and stability often resulted in incorporation of territory into an existing Empire and the movement of territories between Empires.	Cuba and the Philippines, Bulgarian crisis and the ‘Congress of Berlin’, Kenya – Somalia and the exchange of territories.
First Generation	Neutral and observational a simple mission; focussed on border monitoring and separation of combatants.	UNTSO, Israel – Palestine, UNIKOM, Iraq – Kuwait, UNFICYP, Cyprus.
Second Generation	A complex mission; focussed on post-conflict development and restoration of community and facilities.	UNTAC, Cambodia, UNMOGIP, Mozambique, Sierra Leone – UK sole state, Cote D’Ivoire – French sole state.
Third Generation	Focused on humanitarian issues, but robust with significant war-fighting capabilities.	UNPROFOR Bosnia Mission (1992-5), UNOSOM 1 Somalia Mission (1992-3)
Fourth Generation	Complex multi-dimensional missions, with robust war-fighting capabilities.	UNOSOM II, Somalia, MINUSTAH, Haiti, MONURSO, DRC, Bosnia post 1996.
Frozen Conflict	Focused on maintaining separation of combatant forces and dialogue.	OSCE - Nagorno-Karabakh Mission, OSCE - Moldova – Trans Dneestr dispute.

NOTE: The table above identifies a range of typologies for post-conflict intervention. The ‘historic’ interventions occurred in the period up and until 1945, but, on occasions, incorporated features found in the later post Second World War interventions. There are current examples of all four generations of post-conflict interventions. On occasions post-conflict missions move between generations. UNFICYP, for example, started as a first-generation mission in 1964, switching to a second-generation mission after the Turkish invasion in 1974, and then reverting to a first generation mission in the early 1980s.

Having now examined the historical typology of IC intervention and the drivers for IC action and inaction in conflict and post-conflict, this thesis will now move to establish a 'typology' of IC intervention in conflict and post-conflict during the 'UN era' from 1945. This typology will distinguish between the generic types of intervention and will also attempt to demonstrate how UN operations have evolved over time. In part this will include an explanation of the differences between the UN concepts of first to fourth generation operations.⁹⁵ The use of these common definitions both by academics such as Doyle⁹⁶ and within the UN itself are, however, of limited value in the context of 'time'. This is a 'language' issue, as the use of the word 'generation' implies that these terms of themselves represent an 'evolution' and that is not the case. It is for that reason that many commentators attempt to use other definitions for the evolving field of post-conflict, referring to 'ecologies' of missions, although these terms too are often unsatisfactory.

To remain with the UN as an example, the UNIKOM mission on the Iraq – Kuwait border was not deployed until April 1993 and as such, followed the initiation of the UNDPKO and a number of 'third generation' UN missions. UNIKOM was, however, clearly a first generation mission in terms of both its mandate and function. Indeed, the differences between first to fourth generation, relate entirely

⁹⁵ Prior to the Brahimi Report in 2000 the principal distinction as far as the UN was concerned was the chapter under which the mission was mandated. This was either chapter VI – the Pacific Settlement of Disputes or chapter VII – Actions with Respect to Threats to the Peace, Breaches of the Peace and Acts of Aggression. For a fuller description see the UN Charter. Op.cit.

⁹⁶ Michael W. Doyle (2001), *War Making and Peace Making: The United Nations' Post-Cold War Record* reprinted in Chester A. Crocker, Hampson and Aall (eds), *Turbulent Peace: The Challenges of Managing International Conflict*.

to the levels of complexity and sophistication of operations and whilst the terms were indeed introduced sequentially there are many effective first and second generation missions currently deployed. The UN itself compounds the difficulty by regarding 'modern' post-conflict activity as necessarily always incorporating 'complex operations'. To quote the Brahimi Report:

Peacekeeping is a 50-year-old enterprise that has evolved rapidly in the past decade from a traditional, primarily military model of observing ceasefires and force separations after inter-State wars, to incorporate a complex model of many elements, military and civilian, working together to build peace in the dangerous aftermath of civil wars.⁹⁷

Whilst as a statement that is generally true, there are a range of deployed UN missions such as UNTSO and UNFICYP which are still effectively fulfilling first^t and second generation mandates.

As stated earlier, it was assumed that once the UN had been created all such missions would be carried out by the UN and under UN auspices. That has not been the case, particularly since 1995. The typology will examine not only UN operations, but also the missions of other post-conflict IC actors and the following thematic chapters will also illustrate examples of where other actors operating independently of the UN have either selectively utilised UN processes and on occasions UN personnel, or have chosen to discard them in favour of other models.⁹⁸

⁹⁷ Lakhdar Brahimi, *op. cit.*, p 18.

⁹⁸ This is particularly the case in the field of DDR.

Direct UN interventions

It is perhaps appropriate here to start with the 2000 UN 'Brahimi Report'⁹⁹ and with definitions of the four peacekeeping 'generations' into which UN led peacekeeping operations have often been broadly divided, as follows:

First generation Peacekeeping can be described as neutral and observational and is perhaps best typified by the UNTSO mission around the borders of Israel. Typically, the mission is deployed following ceasefires or peace agreements and involves monitoring of the opposing forces and borders often by using inter-positional forces between the former combatants. Generally these are long-term operations conducted with the consent of the parties and they are based upon the non-use of force. Most of the earliest UN missions conformed to this model and the mission mandates were limited and did not involve any of what would now be regarded as post-conflict or nation-building measures. Where these were later added, this was often done by creating a second mission with a different mandate such as the UNRWA mission which supports Palestinian refugees and has over the last thirty years become increasingly involved with a broad range of social and economic issues across the Palestinian-controlled areas of the region. Over time it came to be realised that these first-generation missions were usually open-ended commitments. According to Doyle the price of first generation peacekeeping, as in the long Cyprus operation was sometimes

⁹⁹ Ibid.

paid in conflicts delayed rather than resolved.¹⁰⁰ This realization led to the understanding that a more nuanced approach was needed, particularly if the UN was to develop into an organisation that managed 'post-conflict' reconstruction rather than just a 'freezing' of the status quo.

Second-generation Peacekeeping missions are described as multidimensional operations and according to Doyle they involve the implementation of complex multidimensional peace agreements. In addition to traditional military functions, the peacekeepers are often engaged in various police and civilian tasks, the goal of which is a long-term settlement of the underlying conflict.^{101,102} The development of second-generation peace operations came about largely through the initiative of the then UN Secretary General, Dr Boutros Boutros Ghali, and his 'Agenda for Peace'.¹⁰³ For the purpose of this thesis they represent the development of the UN as a 'post-conflict' organisation and at the stage at which most UN or other deployed missions are functioning in a post-conflict manner they are in practice usually functioning as second-generation missions. Doyle, when talking about the UN's need to develop policies that enhance consent defines second-generation operations thus: multidimensional operations that involve the implementation of complex, multidimensional peace agreements

¹⁰⁰ Michael W. Doyle (2006), *Making War and Building Peace: United Nations Peace Operations*, p 14.

¹⁰¹ Doyle (2001), *op. cit.* p 532.

¹⁰² The point is repeated *Ibid.*, p 26.

¹⁰³ Boutros Boutros Ghali, *An Agenda for Peace Preventive Diplomacy, Peacemaking and Peace-keeping*,

designed to build the foundations of a self sustaining peace and have been utilized primarily in post civil-war situations.¹⁰⁴

With the development of the second-generation UN missions most of the elements of a 'modern' post-conflict operation become apparent. There are foci on, often complex, nation-building activities, governance and capacity building, often in a two-stage process with 'transitional authorities' and, almost inevitably, 'transitional figures', such as will be identified in the thematic chapters which follow. In addition, typical components include the cantonment and demobilization of armed forces linked to comprehensive DDR programmes and the restoration of order and civil liberty, in particular the restoration of police primacy in most if not all crime-prevention activities. Finally, there will be work involving refugee and Internally Displaced People (IDP) which may well evolve over time from the provision of basic housing needs to the restoration of private property and the establishment of property rights. All of this is usually achieved by a complex inter-working of a lead agency usually the UN and a network of International NGOs (INGO), International Organisations (IO), contributing nations and, as time goes on, the increasing involvement of local NGOs and community groups. Most of these components of post-conflict missions will be examined in the thematic chapters which follow, but it is clear from the 'Agenda for Peace' and the second-generation missions that the focus has moved from purely that of humanitarian intervention and peacekeeping to one of liberal intervention where the continuing post-conflict deployment is designed not only to rebuild the state,

¹⁰⁴ Doyle (2006), op. cit., p 14.

but often, if not always, to develop it in such a way that it resembles that of some unspecified international 'model' or 'ideal'. One indicator of this liberal interventionist approach is the insistence upon democratic elections and democracy. Although this is a 'Western' ideal, democratic elections are often not a traditional or even accepted method of government in those countries where the UN or other IC actors are intervening. Cambodia has been one recent example and perhaps the Yemen will be another.

Third-generation Peacekeeping operations have been defined by their humanitarian focus. The UNPROFOR mission in Bosnia and the US intervention in Somalia are often cited as examples of such missions. As such, third-generation missions should fit neatly into the area of humanitarian operations, but as complex multidimensional operations that is not always immediately clear, as they always incorporate elements of second, and fourth-generation missions within them. What is clear is that third-generation missions within the UN are always Chapter VI or Chapter VII operations¹⁰⁵ and include a strong war-fighting or war-making component. It is also clear that they have only been deployed when the state has 'collapsed', or there is an unwillingness or inability of the state to protect its own civilian population. Given their mandate and the likely scenario of the deployment there is little scope for the wide range of activities considered under second-generation missions and if anything is possible other than the protection of life and the delivery of humanitarian aid, it is likely to be a limited amount of often transitional state building. In most cases Somalia perhaps

¹⁰⁵ UN Charter, op. cit.

excepted, the third-generation mission itself is a transitional phase and will at some later stage, as conflict dies away, metamorphose itself into a first-generation or more likely second-generation mission. This process will be examined in more detail in the context of Bosnia in the next chapter. Soon after its inception realisation came that the third-generation mission was not in itself a solution particularly in terms of the transition to post-conflict. This led very rapidly to the evolution of the fourth-generation peacekeeping model.

Fourth-generation Peacekeeping missions are described as peace enforcement operations, a term coined by Chapra,¹⁰⁶ Doyle,¹⁰⁷ and others from the mid-late 1990s. Coleman describes the context in which fourth-generation missions are deployed as follows: virtually all contemporary peace enforcement operations take place within the framework of an international organisation¹⁰⁸ and describes the content of peace enforcement operations as forcible military interventions by one or more states into a third country with the express objective of maintaining or restoring international, regional or local peace and security by ending a violent conflict within that country.¹⁰⁹ Coleman goes on to say that such missions differ from invasions in that they do not overtly seek to alter the political or geographical status quo to the invaders' benefit.¹¹⁰ Two of the statements made by Coleman go to the heart of much of the controversy over fourth-generation interventions in the twenty first century. That is, her assumption that virtually

¹⁰⁶ The author attended a lecture on this topic, at the United States Army War College by Dr Chapra whilst he was there on other business in May 2009.

¹⁰⁷ Doyle (2006), op. cit.

¹⁰⁸ Katharina P. Coleman, *International Organisations and Peace Enforcement: The Politics of International Legitimacy*, p 4.

¹⁰⁹ Ibid.

¹¹⁰ Ibid.

all¹¹¹ of the missions will be carried out by International Organisations (IO), has proved to be not the case for at least two major missions¹¹² and the fact that they do not 'overtly'¹¹³ alter the status quo to the invaders' benefit.

For the UN, however, fourth-generation operations give them the ability to use force under a Chapter VII mandate. They ensure the protection of the civilian population in a way that a third-generation mission was unable to do, for example Bosnia in the case of Srebrenica, in which context Archibugi, succinctly describes the fatal weakness of the third-generation missions.¹¹⁴ Fourth-generation operations also favour state building and capacity building through complex operations in co-ordination with multiple actors IOs, INGOs, and local stakeholders while following the recommendations made in the Brahimi Report in 2000.¹¹⁵ In describing fourth-generation missions Archibugi argues for a humanitarian intervention based upon cosmopolitan principles¹¹⁶ and having already witnessed unilateral interventions, outwith the direct authority or control of the UN, opts for UN led interventions. These he says should follow the regulatory precepts based upon what he describes as the five pillars of the just war doctrine¹¹⁷ as proposed by Farer¹¹⁸.

¹¹¹ Ibid.

¹¹² Those mounted in Iraq and Afghanistan.

¹¹³ Ibid.

¹¹⁴ Daniele Archibugi, *The Global commonwealth of Citizens: Toward Cosmopolitan Democracy*, pp 184-6.

¹¹⁵ Brahimi, op. cit.

¹¹⁶ Archibugi, op.cit. pp 192–205.

¹¹⁷ Ibid. p 193.

¹¹⁸ Tom Farer, *Cosmopolitan Humanitarian Intervention: A Five Part Test*, pp 211-20.

Typical examples of fourth-generation UN led missions are the UN Stabilization Mission in Haiti (MINUSTAH) and the UN Stabilization Mission in the Democratic Republic of Congo (MONUSCO). As with the second, and third-generation missions, fourth-generation missions have tended to be large and manpower intensive¹¹⁹. They have also, as with the third-generation missions, tended to take on long-term attributes. As such they are very expensive. The annual budget for the MONUSCO mission in 2008 was US \$1 billion of which the USA contributed US \$330 million¹²⁰ while MINUSTAH cost US \$836 million in 2010/2011.¹²¹ Additional to this, the USA donated a further US \$700 million in direct aid to the DRC in 2008.

UN Mandated but IC led interventions

Interventions of this type include the First Gulf War, BiH, and Kosovo. Those which depend upon UN mandates for their legitimacy, but which are not themselves UN led, have become increasingly popular since the end of the 'Cold War'. There are a number of reasons for this. The first is that a number of states, led by the USA, have recognised that the scale and nature of the interventions needed are beyond the scope of the UN as envisaged by the IC in 1945 and often it would appear beyond their capabilities. If during the early

¹¹⁹ By the financial year 2010-11 this had swollen to US \$1.369 billion according to the official budget request to the UN. See MONUSCO website.

¹²⁰ Ibid. The mission had 23,542 personnel as at 31 January 2011 of whom only 2,785 were local civilian staff.

¹²¹ Ibid.

phases of the 'conflict – post-conflict – nation building' cycle, war fighting in particular is needed then the UN would appear to be ill-equipped as a body to carry this out and certainly to manage the process. This is because the UN lacks the Command, Control, and Communications (C3) facilities to do so. The UN also lacks an intelligence management organisation and by reason of its charter a formal mechanism for collecting and assessing intelligence. These are potentially fatal weaknesses in armed conflict, particularly when allied to the fact that it rarely has Operation Control (OPCON) of the national troop contingents under its command, given that the national troop contingent commanders have the ability to refer back to 'capitals' before operations and then potentially to opt out of them. Finally, there is also the vexed question of the Rules of Engagement (ROE) for UN missions. These are often insufficiently robust to deal with an emerging situation on the ground and were one of the key reasons for the 'failure' of the UNPROFOR mission in Bosnia. All of these issues will be examined in more detail, in the context of the thematic chapters, particularly that on Bosnia.

The second issue is that the UN mandates themselves have often been perceived to be weak or poorly implemented by the deployed UN missions. This issue will also be examined in the thematic chapters. In addition, the quality of the troops deployed and, in particular, their equipment has often been found, at least by 'Western' nations to be inadequate. Finally, for the US there was the critical issue that being a UN troop contributor meant that US troops would not be

under national command. This was not acceptable to the US and was a critical issue in the change of policy as the US had not been a troop contributor to previous UN missions, with the sole exception of Korea.

Operating under a direct UN mandate, but led by one of the 'participating states' or even another IC entity such as NATO,¹²² these interventions have enjoyed a greater degree of flexibility than most UN missions and have tended to be of shorter duration. If the mandate is very broadly worded, as for example during the UN mandated intervention during the Libyan crisis, then the mission has considerable scope for flexibility so as to adjust to changing conditions 'on the ground' and in particular to adjust the ROE. Typically, these missions have operated as 'coalitions of the willing' and, with one exception to date,¹²³ under US leadership. In every case the stated case for international intervention was one of liberal interventionism and humanitarian interventionism to right visible wrongs, in particular threats and attacks upon the civilian population either of the state concerned or a neighbouring state or states. This stated justification would appear to be valid in the case of Bosnia and Kosovo, where there were no major economic reasons for engaging and for the First Gulf War and the related operations,¹²⁴ which were precipitated by the Iraqi invasion of Kuwait. The motivation for the Second Gulf War where the UN mandate itself would appear to

¹²² Those operations which are being conducted under NATO management in the skies over Libya would be a good example.

¹²³ Libya.

¹²⁴ Such as the involvement in Operation 'Provide Freedom', which was directed towards the Kurdish areas of northern Iraq.

be only a partial justification and the Libyan air campaign would appear to be somewhat less clear.

Non-UN Mandated IC-led interventions

The US-led intervention in Afghanistan is an example of a non-UN mandated IC-led intervention. While the mission was deployed into a conflict zone, it was clearly intended initially to transform the conflict in Afghanistan to one of post-conflict and nation building. Indeed, in the midst of the ongoing conflict much work that we would recognise as 'post-conflict' activity has been carried out. This includes the management of elections, education, and school-building projects. However, the situation on the ground has never reached the post-conflict phase countrywide. As with the occupation of Iraq following the war of 2003, it is difficult to see the intervention in Afghanistan sitting within any of the UN 'generational' models. Post-conflict activity has been piecemeal and not, it would appear to an external observer, following any long-term strategic plan. Indeed, in the Iraqi conflict the detailed post-conflict plan which had been prepared by the US State Department and which took advantage of the 'lessons learned' from earlier conflicts was discarded before the war-fighting phase commenced. Given that both the interventions in Iraq and Afghanistan were primarily focused upon 'winning' conflicts, which in one case is still continuing, this thesis will not go into more detail at this stage except to state that neither would appear to meet the criteria for liberal or humanitarian interventions as described in an earlier chapter,

nor would they appear to represent examples of cosmopolitanism. Of all the interventions so far examined these two interventions come closest to the definition of imperialism, although even that is difficult in terms of describing the events which have taken place.

Single state interventions

There have over the years been a number of sole state interventions such as those by the USA¹²⁵ and Syria into Lebanon and those of France on at least two occasions into Cote D'Ivoire.¹²⁶ The methods and the motivations for these interventions have varied widely, but in some cases they do permit us to examine the difference in effectiveness between 'sole state intervention' and interventions into the same country by the UN. Most sole state interventions, the USA excepted, have been into the territories of neighbours, such as Syria into Lebanon or by a former colonial power into a province or territory which it once controlled. This being the case, one immediate advantage that a sole state intervener has over a UN mission, is a knowledge (often very detailed) of both the people and the terrain.¹²⁷

¹²⁵ The US military intervened in Lebanon in 1961.

¹²⁶ The large-scale interventions (by up to 150,000 troops on some occasions) by Turkey into Iraqi Kurdistan have been in the nature of 'punitive raids' and are not relevant to a consideration of post-conflict.

¹²⁷ There are echoes of this in the IFOR intervention in Bosnia in a following chapter and also in the KFOR operation in Kosovo where certain states possessed detailed 'historical' knowledge of the terrain, the infrastructure, and the population.

If this implicit advantage is accepted then the effectiveness of a time-bound, tightly-focused, single state intervention can be contrasted with that of the UN. One example of such a successful intervention was the UK intervention in Sierra Leone and this will be used to demonstrate the 'ideal' process for a single-state intervention in support of the 'UN mission', albeit some time after the deployment of the UN mission. The UK deployment took place because, in part, the UN and its troop contingents had become part of the problem with widespread allegations that the Nigerian battalions assigned to the UN, in particular, were involved in diamond smuggling in north-eastern Sierra Leone an activity which was amongst other things providing funding for the continuing civil war not only in Sierra Leone but also in neighbouring Liberia. Until the UK deployed, very little was being done in terms of post-conflict work as the country was too unsafe to permit such activity and the UN troop contingents¹²⁸ were generally restricted to maintaining a presence in a few urban areas. It is perhaps significant that the first UK 'firepower' demonstration was presented not to the warring factions within Sierra Leone but to the commanders of the various UN national troop contingents.¹²⁹

Following the UK deployment, the war-fighting phase lasted less than eighteen months and the operation moved into a post-conflict and nation-building phase. For the population the key emphasis was on DDR and particularly in rebuilding the technical skills base of the country. There was also an emphasis on the creation of several, often low-level, infrastructure projects and a detailed

¹²⁸ The UN forces deployed in Sierra Leone at that time totalled over 9,000 soldiers.

¹²⁹ This would appear to indicate that the UK saw certain of the UN troop contingents as the primary threat to the peace and stability of Sierra Leone rather than the warring factions.

assessment of the infrastructure that remained from the handover at the conclusion of the colonial period in 1961.¹³⁰ At the stage where elections had taken place and the reconstruction of the police and the new Sierra Leonian military were well underway, the UK once more withdrew from the process and handed over to the UN and a range of INGOs and increasingly local NGOs to carry on the process. This included, as it had done fifteen years earlier in South Africa, a 'Truth and Reconciliation Commission' which was run by the local people through what was effectively an NGO. As such, the UK intervention in Sierra Leone was a success. A limited contingent never exceeding 4,000 men over a period of less than three years brought a conflict to a close, carried out an effective DDR process, and assisted the country to the point where, with only limited external assistance and finance, it can again manage its own affairs without outside intervention and, importantly, without internal conflict.

In retrospect it can be seen that the UK intervention in Sierra Leone was disinterested liberal interventionism, spurred by the need to prevent a humanitarian disaster and further destabilisation of the coastal region of West Africa. Once the mission was completed the UK withdrew, just as the UN had done in Cambodia in 1993. At the time, however, there were many in the IC who

¹³⁰ The railway network handed over upon independence in 1961 which connected most parts of the coastline from East to West had been allowed to deteriorate to a point where it was not possible to reconstruct it. The journey from the Liberian border to Freetown which was eight hours by either road or rail in 1961 takes an average of twenty seven hours by road in 2011. The river port facilities and regional airport at Kenema, the nearest major town to the crossing point are also unusable. Most of the infrastructure described above was put in place to support the 'groundnuts scheme' in the period from 1947 to 1951.

wondered if the UK intervention was simply interference in a former colony¹³¹ and would be open ended. Indeed, some looked nervously at the continuing French military presence in Cote D'Ivoire in the same region, as an example of what might happen elsewhere and with other European former colonial powers.

It is of particular note that the French and UK military presences in Sierra Leone and Cote D'Ivoire were, in the late 1990s, providing the 'military guarantees' for the UN force in Liberia during the closing stages of the Liberian civil war, with the French in particular maintaining a small presence within Liberia itself.

'Frozen conflicts'

Frozen conflicts are those conflicts which have usually been through a 'hot' conflictual phase and which have now died down to an uneasy truce without any formal cessation of hostilities. They are always at risk of re-igniting as there is no mechanism in place with which to conclude the conflict. Examples of frozen conflicts include: Moldova – Trans-Dniestria, Nagorno-Karabakh and Georgia-Abkhazia. As an example of how a frozen conflict can repeatedly go from 'hot' to 'cold', one can also look at Lebanon in the 1990s and early years of the twenty-first century.

Post-conflict intervention in these situations is often difficult, particularly with the 'weaker' or simply more remote of the two parties, in these cases Moldova –

¹³¹ Sierra Leone is also a member of the British Commonwealth.

Trans-Dniestria, Nagorno-Karabakh and Georgia-Abkhazia. Often one party to the dispute has no or only limited status as a nation state and no or only limited recognition of its state structures. There is also often no access across the inter-state boundary and by definition any state structure that may exist is likely to be 'temporary' in nature, although in practice 'temporary' may transpire to be a significant period of time.¹³² The transitional nature of the 'conflict' and the fact that one party to the conflict may not be recognised as a legitimate state often makes the implementation of many of the processes typically found in post-conflict activity, such as the elements of 'nation building' and the provision of training and facilities in security sector reform, including the training of the police, etc., difficult in the case of one or more of the actors.¹³³ In contrast, humanitarian intervention is always possible and may take several forms, from the delivery of relief aid and accommodation and facilities to refugees,¹³⁴ the provision of medical facilities and education to the marking and clearing of minefields. In general, frozen conflicts are characterized by first-generation peacekeeping operations which focus principally on ensuring the demilitarization of the immediate zone of conflict. Within the wider the Moldova – Trans-Dniestria¹³⁵,

¹³² It could be argued that Cyprus is a 'frozen conflict' in that a UN operation (UNFICYP) is still in place patrolling the 'green line' between the two states, only one of which is recognised by the IC. The Turkish invasion of Cyprus took place 37 years ago.

¹³³ Particularly if one of the two entities is not recognised e.g. Trans-Dniestria. In the case of another 'frozen conflict' where both of the actors are now recognised as states by the majority of nations represented at the UN, that of Palestine and Israel long-term nation building and security sector reform activities are possible.

¹³⁴ In Nagorno-Karabakh where the climate is extremely hostile for much of the year, portakabins™ have been deployed to provide longer-term housing solutions for those whose houses have been destroyed by shelling etc.

¹³⁵ In the case of Moldova-Trans-Dniestria there is no monitoring mission as such. The OSCE maintains a mission in Moldova with field offices in both halves of the state.

Nagorno-Karabakh and Georgia-Abkhazia¹³⁶, peacekeeping operations are managed on behalf of the IC by the OSCE and the numbers of peacekeepers employed are extremely modest.¹³⁷ Other frozen conflicts such as that in Cyprus and the Middle East are overseen by the UN on behalf of the IC and the numbers involved are substantially larger.

Special Cases and 'transformations'

The EU intervention in Aceh would be an example of a transformation mission in post-conflict although complicated by the fact that it was initiated by a large-scale humanitarian disaster. Initially the intervention by the EU was in common with those of the other members of the IC, purely humanitarian, in that it was a direct response to the tsunami that had overwhelmed the north-west coast of Sumatra. As with the other members of the IC, the EU recognised that there had been a long-standing religiously-based conflict between the Christians in the north of the island and the Muslim-dominated government in Jakarta and were concerned that the tsunami would either de-rail the ongoing peace talks between the two sides or, alternatively, provide a pretext through the involvement of the Indonesian army in the post-tsunami clean-up with an opportunity to re-start operations. As an immediate result of the EU presence on the ground and their active political involvement, not only did the ceasefire, which had been 'stalled' since 2002 move ahead, with EU-sponsored talks hosted in Finland in the last

¹³⁶ Again, following the removal of the border monitoring mission, the OSCE maintains a field operation in Georgia and a field presence in each of the breakaway regions.

¹³⁷ See n 16, ch 1.

week in January, but the talks moved to a successful conclusion on 15 August 2005 which led to the creation of an EU ceasefire monitoring mission - the Aceh Monitoring Mission (AMM) - which was deployed in Aceh from 15 September 2005 until 15 December 2006¹³⁸ with the support of some Association of South East Asian Nations (ASEAN)¹³⁹ countries. The critical question regarding the AMM 'model' as Schulze points out was:

whether the AMM Model and Experiences made are transferable to other conflict scenarios, if there are lessons learned and recommendations for the EU and international Actors which might improve future Monitoring Missions.¹⁴⁰

Although Schulze does not say so in her article, a second and perhaps equally critical question for the UN and the IC who provide its funding, is why was this particular mission an EU operation and not a UN-led one given that the UN Office for the Co-ordination of Humanitarian Affairs (OCHA) regional hub for South East Asia is based in Jakarta? One may ask whether this is an issue of responsiveness and 'agility' and this is something that will be examined in the chapter which looks at EU operations in post-conflict. Whilst there are other special cases of post-conflict response, some of these will be addressed in later chapters and the other cases simply go to demonstrate that the UN no longer has a monopoly in the field of post-conflict or disaster response.¹⁴¹

¹³⁸ Kirsten E. Schulze, *Mission not so Impossible The Aceh Monitoring Mission and Lessons learned for the EU*.

¹³⁹ Indonesia is itself an ASEAN member.

¹⁴⁰ Schulze, op. cit.

¹⁴¹ The ICs response to the Japanese tsunami is another indication of this increasing trend. The principal UN involvement has been through the provision of nuclear experts and advice through

The 'shaping' of post-conflict intervention

Moving on from typology, the use of previous experience by the UN and the IC to shape activities in a new theatre of operation will now be examined. This could be referred to as the one size fits all concept, or indeed as an 'evolutionary' concept. It is possible from reading through the history of the last two hundred years to take this back to the colonial era in terms of examples.¹⁴² The use of indentured labour in the British Empire might be one such. A more recent example will be the use of the same election management formulae (and key staff) in Cambodia, Mozambique, and BiH.¹⁴³ For the UN the most recent obvious examples of this was the move of the top 3 – 4 people from BiH to establish the UN Mission in Liberia, as referred to in the previous chapter and for the British and the French¹⁴⁴ throughout the period from the 1960s to the 1990s

the International Atomic Energy Authority (IAEA), an affiliated body. Even within this specialist field the US and the Europeans have been more active.

¹⁴² One obvious and well-known example would be the continued use made by the British Empire of the Wolseley 'ring' for colonial campaigns, in the late nineteenth century in Africa. For this specific example see Maxwell Leigh, *Ashanti Ring*. Niall Ferguson, op. cit. and others have many similar examples, particularly relating to the various campaigns in India.

¹⁴³ Many of them were later used for East Timor, Kosovo, Iraq, and Afghanistan amongst others. Jeff Fischer the Vice-President of IFES and the Head of Elections in BiH in September 1996 ran the East Timor referendum and later elections as well as advising on the others mentioned. (The author in conversations with Jeff Fisher).

¹⁴⁴ The French Deputy Commander of IFOR in 1996 suggested that the ballot might be coloured 'green' for the Muslims as this was a propitious colour for them. He had remembered this from his service as a Lieutenant in Algeria, when the French had deliberately coloured the ballot for continued union with France green in the referendum, as the majority of rural Algerians were illiterate.

to think of post-conflict interventions as analogous to colonial or other recent missions.¹⁴⁵

It is clear that previous experience of what does and does not work is useful, particularly if post-conflict activity is being carried out in an adjoining state or space and at a very similar point in time. The cases of Bosnia and Kosovo show many examples where this is the case. However, to move successful techniques from one continent to another is often very difficult and frequently counter-productive. To take a simple example the inking of fingers or indeed the immersion of the whole lower arm in a bucket of dye to show that someone has voted is a simple, cheap, effective, and indeed often a popular methodology in sub-Saharan African elections. It is not popular in 'developed' countries and was disliked in the Western Balkans even when the ink was applied only to the cuticle of the finger and was not visible to the naked eye.¹⁴⁶ In Afghanistan such measures could even prove fatal for electors in areas where the Taliban had 'forbidden' local people to vote. This example serves to indicate that the use of precedent has to be judiciously and carefully considered and may require consultation with local residents before it is introduced. It also requires an awareness of local culture that might not be available to those undertaking post-

¹⁴⁵ A uniquely British problem in BiH was convincing the military that this was not like Northern Ireland and that the approaches that worked there did not always work in BiH. British officers and soldiers reading the history of the area was very useful (Rebecca West Black Lamb and Grey Falcon – A Journey through Yugoslavia, and Fitzroy Maclean Eastern Approaches). Ironically, post-July 1999 when the Kosovars attempted to drive out the remaining non-Kosovars (including the Roma and Gorani), Kosovo was indeed somewhat similar, if on a larger scale and more violent than Northern Ireland and the previous expertise did become relevant.

¹⁴⁶ Hand-held infra-red scanners were supplied to polling station staff so that they could scan the hands of potential voters.

conflict nation-building given the pressure to produce 'quick results'. As will be shown in a later chapter, it is those managing elections who are often under most pressure, as the requirement to 'seal the peace' leads to pressure for early elections.¹⁴⁷

Post-conflict development models

As can be seen from the above, both the UN and the IC talk in terms of 'generations' of peacekeeping and post-conflict. These could be regarded as 'models', as they have attempted to assign particular characteristics to each of the generations of post-conflict operations. As both the UN and academics such as Doyle¹⁴⁸ have already discovered, these distinctions are very difficult to make as the models overlap each other in time and function and the third generation, in particular, almost always contains elements of either or both of the second and fourth generation. A further difficulty and one that is particularly relevant when talking to post-conflict practitioners is that the people 'on the ground' when the mission was deployed did not think in terms of 'models' and that in many cases and, particularly, for the earlier UN missions, the 'models' have been developed 'post-facto' to illustrate what happened, rather than being practically implemented, as if from some template, at the time. This was particularly so for

¹⁴⁷ The Rambouillet proposal, had the talks been successful, was that elections in Kosovo were to have been held within 120 days of the peace agreement having been signed. The Yemeni 30:60 deal negotiated by the Gulf Co-operation Council (GCC) in 2011 is even more ambitious and foresees elections within 60 days of the agreement being signed. Given that the elections in Yemen are to be managed and overseen by foreigners, the time for acculturation will be very limited indeed.

¹⁴⁸ Doyle (2006), *op. cit.*, p 10.

UN missions prior to 1992 when the UN deployment structure was less well coordinated. Following the formation of the UNDPKO with its internal planning structures it is likely that for UN missions at least, senior personnel will know that they are embarking on a third or fourth generation post-conflict mission, when they deploy.

This chapter has related crucial contextual, theoretical, and typological material as a lead in to the research examples. In the following chapters this thesis will illustrate how the IC's management of 'post-conflict' in Bosnia and Kosovo differed from what went before and indeed in two of the major campaigns which succeeded them, in Afghanistan and Iraq. They will also demonstrate how the lessons learned in Bosnia and Kosovo have been adopted and adapted by the UN and others and implemented elsewhere. The thematic chapters will also demonstrate how the IC's 'model', if that is what it is going to be called, was adjusted over time to take account of perceived deficiencies, e.g. the development of the pillar structure for Kosovo. The chapters will also debate whether there was a 'model' at the strategic level¹⁴⁹ in each case which provided a 'blueprint' for each of the two post-conflict interventions under discussion.

¹⁴⁹ There is no question that there are models for specific thematic activities and that these have been in use for at least the last 20 - 30 years. The management and layout of refugee camps is one specific example. Similarly there are specific NGOs which specialise in one specific area of post-conflict and which are acknowledged experts in the field. The Dublin Rape Crisis Centre has already been mentioned as one such example.

Frontispiece to the Thematic Chapters on Bosnia and Kosovo

Having examined the typology of international engagement in conflict and post-conflict, the following two chapters focus upon the Western Balkans in the 1990s. Both the historical overview and the typology demonstrated that the IC had developed an evolutionary approach to post-conflict, but that this dynamic was, while not even, increasing in pace up and until the mid-1990s. It was during this period that the UN intervention process was marked by rapid change. In particular by the UN's willingness to become involved in combat so as to be able to deliver humanitarian assistance, the so-called 'third-generation' missions and then almost immediately the transition into the 'fourth-generation' missions, which aimed to support the broader issues of post-conflict. Furthermore, it was the perceived failure of the third-generation missions and hence of the UN in Bosnia, which led to the development of the complex IC rather than UN-led peacekeeping and post-conflict missions which are seen today and of which the Intervention Force (IFOR) mission in Bosnia was the first.

The conflicts in the Western Balkans which broke out as a result of the collapse of Yugoslavia are inextricably linked. All of the conflicts were, whilst as ever political, essentially ethnic conflicts as defined by Horowitz¹ and others, and revolved around the desire by the Serbs under the leadership of Milosevic and with the assistance of the Serb-dominated Yugoslav army and security forces to

¹ Horowitz (1985), op. cit., p 8.

retain their hegemony over areas of Yugoslavia where they no longer retained or, perhaps never had,² the demographic majority. In these circumstances and in the face of increasingly militant nationalism, Horowitz states that the parties have three options: Fight, Negotiate or Flee.³ It is the aftermath of the decision to fight, that these chapters will examine.

This author agrees with Horowitz's generalised definition of ethnic conflict, but not with the more detailed argumentation of Stefan Wolff who attempts to compare the conflict within Bosnia⁴ with that which occurred almost simultaneously in Rwanda and reaches the unfounded conclusion that they were comparable both in origin and scope. In Rwanda armed conflict and attacks by militias from rival groups had been a fact of life since the effective end of colonial rule in the late 1950s and Rwanda was therefore visibly a conflict waiting to happen. Additionally, the massive preponderance of Hutus in the country, some 85 percent,⁵ made the likely outcome of any more generalised conflict inevitable. This could not be said of the former Yugoslavia, except perhaps Slovenia and Kosovo, but certainly not Bosnia where no ethnic group in 1991 enjoyed an

² For example in Slovenia, the most 'European' and wealthiest of the Republics within the former Yugoslavia and the scene of the first Yugoslav conflict in 1991, there were few if any 'ethnic' Serbs. In the Yugoslav 1991 census for the Republic of Slovenia out of a population of 2.2 million less than 100,000 people in the Republic originated from the Republic of Serbia. Of these some 50,000 were Kosovo Albanians who of course were technically citizens of the Serb Republic within Yugoslavia.

³ Horowitz (1985), *op. cit.*, p 227.

⁴ Stefan Wolff, *Ethnic Conflict – A Global Perspective*. See pp 27–32 in particular, for the comparison between Rwanda and Bosnia.

⁵ *Ibid.*, p 28.

absolute majority despite the Bosniacs being the largest single group.⁶ There were also no clear attempts to commit 'genocide' by any of the participants in the Balkan conflicts of the 1990s although there was a significant amount of 'ethnic cleansing'.⁷ There was also mass murder and dispossession but, perhaps, with the sole exception of the Srebrenica⁸ and Zepa pockets in Eastern Bosnia,⁹ no wholesale attempts at slaughter or deportation and even here this was restricted to the adult male population.

The conflicts in the former Yugoslavia were also the first major conflicts to take place on European soil since the military operations which flowed out of the Second World War and which were described by Woodhouse¹⁰ and others. The Bosnian conflict led to the first long-term international engagement in conflict resolution and post-conflict management since the collapse of the Soviet Union and the ending of the bi-polar, 'superpower' world order in 1989. This alone

⁶ And one which had been increasingly so since the 1950s due to their higher birth rate, which at 3.5 remains one of the highest in Europe. The changes in population distribution between the ethnic groups can be accurately tracked across Bosnia, even at the level of individual municipalities, through the decennial census returns.

⁷ For example by the Croats who managed to clear almost the entire population from the Serb ethnic 'Krajinias' and Slavonia and from north-western Bosnia in the area around Drvar during 'Operation Storm' in 1995. In comparison the ethnic cleansing carried out by the 'internal' participants in the Bosnian War, were relatively minor in comparison.

⁸ Archibugi (2008), gives a more detailed statement of the implications of the Serb elimination of the safe havens, in particular its impact upon the UN. Op cit. pp 185–6.

⁹ The 'Zepa pocket' which was in an isolated wooded area of Eastern Bosnia and which was guarded by the Ukrainians, was overrun by the Serbs in the days before the assault on Srebrenica. It disappeared almost without trace with almost none of the men surviving. Due to the absence of any media (or UNHCR) this appears to have become a forgotten episode in the war. The site which was many miles from a surfaced road was still abandoned and mine infested when it was visited by the author in 1997 to see if there were any electors remaining.

¹⁰ This included the so-called 'Bandit War' in Greece from 1945 to 1949. This was fought by the Greek government assisted by the UK against the communist partisan movement. This and the events which led up to it is described authoritatively and in detail in C.M. Woodhouse and Richard Clogg *The Struggle for Greece, 1941-1949*. Woodhouse was the head of the British Mission to the partisans in 1943-4 and lived in Greece post-war.

marked them out as landmark events, in terms of post-conflict management, but the fact that within this the UN peacekeeping structure was also widely perceived to have failed¹¹ and to therefore need replacing, or at the very least supplementing, was a further indicator that the methodology to be employed in post-conflict would differ radically from those conflicts which had preceded them in the period since the Second World War. The mechanisms which were used to manage the UN and the post-conflict intervention in Bosnia and Kosovo will be discussed in more detail in the Kosovo chapter, as it was at that stage that the mechanisms became more formalised in the 'Quint'¹² process and which later formed the basis of the structures used in a number of current post-conflict activities such as that in Dharfur and Iraq. The evolution of these mechanisms, which go beyond the regular meetings of P5,¹³ which covers the period from 1993 to 2001, but having been found useful, but exclusive to the UN members concerned, continued.

For the USA at least and possibly also for the Nordic states their involvement in both the Bosnian and Kosovo conflicts has been described as a classic act of 'humanitarian intervention'.¹⁴ The truth perhaps is rather more complicated, and it could perhaps be argued that although within the states themselves there was little in the way of mineral resources to fight over, nor did they pose a direct

¹¹ William Shawcross (2000), *op. cit.*, for a discussion of the public perception of the UN's incapacity.

¹² The Quint effectively managed the post-conflict process in both Bosnia and Kosovo. The members were the USA, Germany, Great Britain, France, and Italy.

¹³ They have been studied in a doctoral thesis and a later book by Jochen Prantl, *The UN Security Council and Informal Groups of States – Complementing or Competing for Governance?*.

¹⁴ As defined by Gary J. Bass (2000), *op. cit.*

military threat, a failure to intervene by the IC, in particular by the Western Europeans, could have led to potentially catastrophic consequences.

The signing of the 'Dayton Agreement', can perhaps retrospectively be seen as the 'high water mark' of US influence in the region and perhaps globally, as the, at that time, sole 'superpower' and with a Europe largely divided in its response and generally unwilling to risk large-scale military intervention. Although for a significant proportion of the time under review the USA maintained a dominance in decision making not only in capital cities and in the international organisations, but also at the senior operational levels within both Bosnia¹⁵ and Kosovo. The continuum of the management of post-conflict in both Bosnia and Kosovo will demonstrate the increasing confidence, authority, and reach of the EU and the other purely European structures. It will also demonstrate that, conscious of this changing shift in power between Europe and North America, the USA positioned itself and used the presence of the international organisations such as NATO, the OSCE, and even ironically the UN,¹⁶ so that it always maintained at least one seat and often more at the decision-making tables when post-conflict management and the future 'trajectory' of the post-conflict states was discussed. This change in emphasis and influence can most clearly be seen in the Kosovo

¹⁵ From 1996 to 1999 the SRSG, the Head of the OSCE, and the Deputy High Representative in Bosnia were all US appointees. The Head of the OSCE remains a US post in 2011.

¹⁶ The USA pushed for the appointment of Jacques Klein a former US Air Force Brigadier as SRSG in Bosnia. It also attempted to have him nominated for the SRSG post in Kosovo in 1999, but failed. Previously Klein had been head of the UN Mission in Eastern Slavonia and post-Balkans became the SRSG in Liberia during the conflict there.

'pillar' structure as can the resurgence of the UN from its 'low point' of 1995-6 and will again be discussed in the chapter relating to Kosovo.

A further indicator of the change in influence was the willingness of the Europeans to not only match but to exceed the USA in terms of donor support, something which the potential recipients were very quick to observe. Whilst this change, in part because Europe remains in general unwilling to commit large numbers of troops to peacemaking and peacekeeping, it is willing to demonstrate its support of other people's military efforts, not only in the Western Balkans. One further factor which is perhaps 'unique' to the region¹⁷ is the possibility of eventual and in the case of Croatia imminent, EU membership.¹⁸ This again will be discussed in the chapter on Kosovo.

Many of the other topics, such as the role of the international military force, elections and within that particularly civil and voter registration, along with the developing role of the ICTY, will be discussed in both chapters. So too will be the role of the indigenous military, para-military, and police forces post-conflict as well as the role of neighbouring or 'parent' states. Finally, the evolution of both the technology of post-conflict and the methodology was very rapid and demonstrates significant changes between the model for Bosnia in January 1996

¹⁷ It could conceivably also be relevant to Moldova which is now being referred to as an unresolved conflict. Moldova could also at some future unspecified date become eligible for membership of the EU as it adjoins two existing EU states, Romania and Hungary. See the report on the speech by Ambassador Ian Cliff to the IISS on 3 July 2009 on 'The OSCE and the future of the European Security Architecture'. The situation in Georgia in July 2008 demonstrated that 'frozen conflicts' the previously preferred term, could become 'unfrozen' in a very short space of time.

¹⁸ Croatia and Albania are already members of NATO.

and that for Kosovo in July 1999, although many of these later developments were later 'retro-fitted' into the Bosnian model. The development of communications, in particular the ability to record, transmit, and store data such as biometrics, also advanced dramatically during the period under consideration, indeed to such an extent that technical advances introduced in Bosnia in 1997 and 1998, were already becoming irrelevant in Kosovo by the time that most of the people who were to be involved in the management of post-conflict Kosovo deployed in late 1999.

Chapter 6

Post-Conflict Operations in Bosnia

Introduction

This chapter will not attempt to discuss the entirety of the wide range of issues which faced Bosnia in the post-conflict period. The aim will be to describe and analyse a selection of specific but disparate issues. These, whilst critical to the reconstruction effort will serve to provide insight into those unique elements within the post-conflict Bosnian scenario which are worthy of comment. The topics were also selected as being relevant examples of issues which have been identified as key concerns in a wide range of post-conflict states and the chapter will provide insight into why some, if not all, of the issues have proved so intractable. Many of the areas covered in this chapter were either discussed at the Dayton negotiations or are the subject of specific provisions in the Dayton Agreement,¹ due to the critical nature of their impact upon the post-conflict environment. There were added complexities to the post-conflict responses to Bosnia. In some cases these came about because they related to the need to be cognisant of, and interact with, the IC's conflict and post-conflict responses in the former Yugoslavia. This was most notably the post-conflict activities in Eastern

¹ General Framework Agreement for Peace (1995), op., cit.

Slavonia and the Krajinas² throughout the period from 1996 and then Kosovo³ and the emerging conflict within Macedonia (fYROM) from 1999. These issues will be dealt with in detail in the chapter relating to Kosovo.

This chapter will examine the following topics in detail. It will first examine:

- The elections process, as this has become an essential early part of the peace-building process.
- The role of the military and then information operations will follow, as these are also critical elements in all IC post-conflict operations.

The post-conflict development of the Bosnian armed forces.

- The 'internet revolution' and its impact upon post-conflict operations.
- The role of the International Criminal Tribunal for Yugoslavia (ICTY) and will question whether this is an effective 'blueprint' for subsequent operations.
- The IC's involvement in the field of education in post-conflict states as this is not only particularly relevant to states which have been involved in internal ethnic conflict, but has also been the most neglected area of post-conflict reintegration as the Northern Ireland conflict⁴ can testify.

² Which in these places were UN-led, as opposed to Bosnia which was 'managed' by the Contact Group and the IC directly.

³ Both the emerging conflict in Kosovo from 1997 to 1999, and the later post-conflict activities.

⁴ And on the mainland of Great Britain the continuing disorders in Strathclyde where the schooling system is also largely segregated by religious background.

- The impact of neighbouring states on the post-conflict process - this is critical to success not only in Bosnia but also in many post-conflict states.⁵
- It will also briefly note some other relevant areas of interest in the IC's management of post-conflict, which will not be examined in detail in this thesis, either because they are Bosnia specific or for reasons of space.

All of these topics are critical to IC governance in post-conflict. Most, indeed, are relevant to every post-conflict intervention that the IC has made or is likely to make in the future. Others such as the role of education are perhaps relevant only to those post-conflict missions which are attempting to resolve disputes based around ethnicity or religion, but are ones where the IC has either consistently failed to generate an adequate mechanism for resolving the issue, or too often has simply failed to address the issue at all.⁶ In consequence, the detailed accounts of the cases given in this chapter will serve to draw out the wider issues about the nature of IC governance.

Understandably, in addition to their pertinence as continuing issues for the IC's global management of post-conflict the examples, as they are based upon empirical evidence, will also naturally focus upon those areas where the author has had direct exposure or has expertise.

⁵ In many cases it is the role of neighbouring states in ethnic conflicts which has initially triggered the violence. States with weak governance may also be subject to spillover from neighbouring states. There are numerous examples of these phenomena, in particular in Africa. The Central African Republic (CAR), for example, has spillover in the north of the country from the combatants in the Dharfur crisis as well as from the forces of Chad who are trying to stop the conflict spreading into their territory. In the east and within CAR territory there is continuing conflict between the Lords Resistance Army (LRA) and the Ugandan army.

⁶ As have the government of the UK and the 'assemblies' of Northern Ireland and Scotland.

The Management of Elections in Bosnia and Herzegovina

Introduction

As with Cambodia, Mozambique, and Georgia earlier in the decade, the holding of 'free and fair' elections within a designated time period, in Bosnia's case within one year of the signing of the agreement, were a key element of the Dayton peace negotiations. As such, meeting this deadline and the requirement for 'free and fair' elections were a critical element in not only bringing closure to the conflict, but also in ensuring the longer-term stability of the country. In Bosnia as in many other post-conflict states the primary purpose of the elections was to obtain, in effect, a widespread public endorsement of the peace process and to 'seal it in'. Given this requirement the elections process in post-conflict states is a generic and usually early part of the post-conflict nation-building process. Given the timing and the pressure for them to be completed as early as possible, they are also often 'flawed' in terms of typical Western European processes. The elections in Bosnia in 1996 were indeed, even if successful in their overall purpose, flawed. This section will explain why this was and was always going to be so. It will also demonstrate why it is always likely to be the case in post-conflict intervention, that the first round of elections at least are flawed and so why an analysis of the electoral process in Bosnia is of relevance to the wider questions posed by the thesis. Additionally, this narrative will attempt to address

briefly some of the arguments as to why the Dayton Agreement specified that it was a Bosnia-wide general election which had to be held in the first instance and not, as in some other cases elsewhere.⁷ municipal or other level elections.

The Elections

US direct involvement with ground troops in Bosnia was presented to the domestic US audience by the Clinton Administration in 1995, as both a humanitarian intervention and a one-year 'time limited' operation. While diplomats and military commanders knew that it was going to be unlikely that the USA could disentangle itself from Bosnia within one year, for domestic political purposes as American public opinion did not favour this commitment [of US troops].⁸ this was how the scenario had to be presented. Right from the outset a general election in Bosnia to 'seal in' the 'Dayton Agreement' was seen as a key element within the overall US exit strategy. It was also a key element in the overall strategy of Alija Izetbegovic, the only one of the three key Bosnian leaders to be present at Dayton.⁹ While it was generally agreed by the protagonists at Dayton that municipal elections should also be held '*if possible*' within twelve months, these were not mandated.¹⁰ At the time of Dayton and

⁷ E.g. Guatemala in 1997.

⁸ Sidney Blumenthal, *The Clinton Wars*, p 154.

⁹ The Bosnian Croats and Serbs were represented by: Franjo Tudjman, the President of Croatia for the Croats and Slobodan Milosevic the President of the Socialist Federal Republic of Yugoslavia (SFRY), for the Serbs.

¹⁰ See Marco Mazzera, Michael Pavicic, and Leontine Specker, *Comparisons of the Impact of Peace Agreements: Fundamental Elements of State and Peace Building?*.

indeed until late October 1996¹¹ it was clearly the intention of the US administration that municipal elections should take place later in 1996 following the general election.

A number of assumptions were made both during Dayton and for some months afterwards about the essential pre-requisites for managing elections. In particular, the repeated annual declarations by the SFRY¹² to the UN regarding such issues as adult literacy, record keeping, and the decennial census appeared to have been implicitly accepted as true.¹³ Secondly, it would appear that electoral advisors, led by Jeff Fisher, the Vice-President of the International Foundation for Electoral Systems (IFES), briefed the US team at Dayton that not only would a general election be easier to run in practical terms, but that it would also be much less contentious than a local election. In this, Fisher, who was to be the US nominee in 1996 to manage the elections, was undoubtedly correct. It is clear that whether or not elections took place in say Srebrenica, Gorazde, or indeed any one of the 157 municipalities, a nationwide general election could be declared as valid, whereas the inability to hold a successful municipal election in any single municipality would have been a clear indication of the failure of the whole process, thus invalidating even the 'free and fair' ones. Therefore the

¹¹ Ambassador Frowick, the Head of the OSCE Mission to Bosnia retained staff and continued with Municipal Elections planning until 21 October 1996 at which point the elections were 'postponed'. 'Elections Canada' staff had been specially flown in to prepare for the municipal elections in early October 1996.

¹² These were made over decades throughout the majority of the 'Tito era' from the 1960s onwards.

¹³ For a list of these assumptions see Alex Finnen Managing Elections in an International Environment.

rationale for holding early national rather than local elections was followed subsequently in Kosovo, Iraq, and Afghanistan.

At the insistence of Alija Izetbegovic, and critically the others present at Dayton, it was agreed that the 1991 census, organised by the SFRY in the dying months of its existence, should act as the basis for the electoral roll.¹⁴ Unfortunately the 1991 census was itself a flawed document in that its primary purpose was to serve as a military mobilisation register and it did not represent a full, true, and accurate record of the citizenship of Bosnia in 1991.¹⁵ Any issues concerning residency qualifications from 1991 were understandably ignored during the run up to the elections of 1996, as was the issue of those 'eligible electors' who were simply not included on the 1991 census as they had been overseas, the majority as *gastarbeiter* in Germany.¹⁶ Given the large numbers of displaced people and refugees who almost certainly represented over thirty per cent¹⁷ of the electorate in 1996, it was decided that these groups were simply too difficult to include in the electoral roll.

¹⁴ See amongst others, Richard Holbrooke, *To End a War*, op cit.

¹⁵ See Alex Finnen (2009), op cit. This gives some examples of people who were intentionally excluded from the 1991 census. Note also that any census, including those run by the SFRY, records all people who were present at a particular date, not simply those that are citizens and hence eligible to vote, or even those who possessed SFRY identity documentation. When a state is fragmenting as the SFRY was, this is a matter for serious concern if the census is then used for purposes other than those originally intended.

¹⁶ At the time of reunification in Germany (1989), it was estimated that there might be as many as 600,000 *gastarbeiter* (literally: guest workers) from Yugoslavia in the Federal Republic of Germany (FRG) and a further significant number in Austria. A significant minority of these would have been legally entitled to vote in Bosnia.

¹⁷ The number of Bosnian electors resident as 'refugees' in Germany alone approached 600,000 or 25% of the electorate in 1996, so that it is quite possible that this figure could have been as high as 40%, but it was never quantified by the OSCE who were responsible for administering the election..

Proof of identity and registration

Of more concern were the issues of the proof of identity of voters and what documents would count as valid 'identity documents' as there were plenty to choose from. Given that each of the entities within Bosnia had issued their own identity cards during the conflict, that 'in date' Socialist Federal Republic of Yugoslavia (SFRY) ID cards and passports remained valid and that displaced people and refugees who had lost their personal documents, might also have been issued with documents from the UNHCR, the ICRC or indeed be in possession of documents and passports from a third state to which they had fled. As it was to transpire, as long as their name was on the 1991 census and they could produce 'some' documentation, then on the day they were likely to be able to vote. Given that the President of the Republika Srpska (RS) Committee of the Red Cross was Ljiljana Karadzic¹⁸ and that the RS Red Cross were responsible within the RS for issuing some of the identity documents, this might have given some cause for concern had this fact been known at the time of Dayton.

A late start-up by the OSCE and the whole of the civilian side of the post-conflict architecture,¹⁹ also hindered the electoral process, as did the limited access to some areas particularly those close to the Inter-Entity Boundary Line (IEBL) where there was considerable landmine contamination. Perhaps surprisingly,

¹⁸ Ljiljana Zelen-Karadzic is the wife of the wartime leader Radovan Karadzic. She became President of the RS Red Cross in 1993, and remained in that position until 12 December 2002. Radovan Karadzic was later indicted and is currently on trial at the ICTY.

¹⁹ The Office of the High Representative (OHR) was particularly backward in this regard. It did not even secure a headquarters building in Sarajevo until late February 2006.

some nations were also less than cooperative when it came to identifying and communicating with the Bosnian refugee population within their country, often for purely domestic political reasons. Other countries such as the FRG while extremely cooperative and forthcoming used the election registration exercise as a means of identifying just how many Bosnian refugees there were and used the data thus gathered to begin their repatriation to Bosnia. This made it difficult to secure the involvement of the Bosnian diaspora²⁰ in future elections, in particular the municipal elections in 1997 where, with the lower voter numbers for municipalities, the diaspora vote was often critical to the result.²¹

From early 1997 onwards the Elections Division of the OSCE also came under pressure to release voter registration data and other information to the ICTY, so as to assist their prosecutors with the cases against a range of war criminals. Much data was already public, the voters list in 1996 for example was simply a reprint of the 1991 census, but as the electoral system progressed the data maintained by the OSCE became more accurate, broader in content,²² and therefore potentially more useful to the ICTY. This placed the OSCE in a difficult position as it wished to encourage the broadest possible representation while of course being required within bounds to support the ICTY. The introduction of the

²⁰ This term is used intentionally, as the impact of the German decision was to dramatically reduce participation not only amongst the refugee population, but also amongst the longer term Bosnian '*gastarbeiter*' population even though, in most cases, they had residence papers.

²¹ Srebrenica would be an example of where the DP and refugee vote would completely overturn the result of the ballots cast within the municipality.

²² While the register was based upon only the census data, a record was kept of in which polling station every voter had voted. This was then maintained on a computer database so as to be able to plan the distribution of polling stations for later elections. Such data was clearly of potential use to the ICTY.

'secret indictment'²³ in March 1997 made the situation much worse for the OSCE, as many people who in fact were never to be indicted by either the ICTY or the local courts were fearful that they may be arrested and therefore wished to 'drop out of sight' as much as possible. They, of course, took steps to ensure that they neither featured on a civil register nor on the voter's list.²⁴

The ICTY was also, perhaps understandably, unwilling to share information with the OSCE and yet wished the OSCE to provide information in a way in which either the processes which they were managing, or in some cases their staff, might be compromised. The ICTY were also quite prepared to challenge information legitimately gathered by the OSCE should it contradict the ICTY's desired 'end state'. An example of this latter was the discovery by the defence counsel for Serb indictees on trial for their part in the administration of the Omarska 'concentration' camp (1992-4), that some of the Bosniac victims for whom there had been testimony provided and which stated that they had been murdered at the camp, were in fact very much alive. Two of them had not only registered to vote, but had in fact also voted in the 1996 General Election from the Netherlands.²⁵

²³ The nature of the indictment from the ICTY was only disclosed to the indictee at the time of, or in practice immediately after, his or her detention.

²⁴ Simo Drljaca who died while resisting arrest in Prijedor on 10 July 1997, was one such.

²⁵ The OSCE elections division found numerous examples of people (mostly men) who had been claimed as dead but who were in fact living and working in Western Europe and who had in most cases abandoned their families and in some cases (bigamously) remarried.

The pressure upon the OSCE in Bosnia and then later in Kosovo as the primary source for population data, from the ICTY and the judicial system in general, was often strong and frequently accompanied by high-level political pressure from people who were either too busy or simply unwilling to listen to the technical arguments from both sides. In Kosovo, where the OSCE-led civil registration process involved the collection of biometric data such as fingerprints, the inclination of many male Serbs simply to stay away from the process, for fear of incriminating themselves, was often quite considerable and it was difficult for the OSCE to counter allegations that information collected for one purpose might easily be used for another. Again, this is an issue that will confront all such workers in the field of post-conflict in the future, as the mobility and utility of data which has been captured electronically, is so widely understood even by those who cannot afford to use such devices themselves. It was in Bosnia, however, and particularly in the relationship between the OSCE and the ICTY that such difficulties with electronic data capture were first encountered and where the need to establish 'lines' beyond which data could not be exchanged needed to be identified.²⁶

²⁶ As far as the author is aware there is still no recognised convention for how to handle such exchanges of data. The authorities in Albania, who were in 2009 in the process of creating an electronic civil register and through that issuing biometric Identity (ID) cards, faced a similar problem.

Elections implementation

The topic of Elections Implementation has been discussed in detail elsewhere,²⁷ but it is important to mention that Bosnia was the first occasion²⁸ where action was taken to ensure that effective implementation of election results - notably for elections at the municipal and to a lesser extent at the regional level - took place. This action followed an apparently successful round of municipal elections in 1997. It was discovered two years later, immediately prior to the following round of municipal elections, that the councils of two municipalities, Prozor and Srebrenica, had never met and that in four other cases they had only met in the last six months before the end of their term. It was decided in advance of the 1999 municipal elections to establish municipal implementation teams to follow up on the elections and to ensure that the appointments of new councils led to practical results. The requirements varied but at their most extreme, in, for example, Srebrenica, it involved the OSCE in providing transport and security to mayors²⁹ and councillors from the majority but now 'exile' communities to council meetings. Ideally, it would also involve finding suitable property so that the newly elected mayor could live in his or her municipality in a safe manner and finally it

²⁷ Carrie Manning and Miljenko Antic, *The Limits of Electoral Engineering*, pp 45-59. See also; Alex Finnen (2009), op cit.

²⁸ This could be seen as surprising, as the UN had discovered in Cambodia that obtaining a particular election result, did not always lead to the party or coalition with the most seats achieving power (see comments in the historical overview chapter). There was, however, even five years later still a view at the highest levels of the IC that the critical event was polling day and not what followed afterwards.

²⁹ Following his election in 1999, the Bosniac mayor entered Srebrenica in a vehicle driven by the OSCE Field Officer. Whilst this was initially acceptable it was important that the mayor made his own travel arrangements as soon as possible, so as not to be seen as a tool of the IC and at the earliest safe moment, secured accommodation for himself in the town.

involved the provision of training and oversight so that the council and municipality could function effectively. This was expensive both in terms of time and manpower and at one stage over thirty international staff were directly involved in this process, with a further sixty to eighty, plus a significant number of national staff, providing additional assistance. The scheme was effective in the short to medium term and was able to be reduced to a more modest level by about 2002.³⁰ This concept was also adopted and enhanced within Kosovo where this became the municipal governance scheme, which will be discussed later.

The roles of the International Community's military

Introduction

This section will examine the role of the international military force in Bosnia, the Intervention Force (IFOR) and its successor from 1 January 1997 the Stabilisation Force (SFOR). It will look at the force not only as peacekeepers and in what might be regarded as a 'generic' post-conflict role, but will also examine those other activities which it could be argued were Bosnia-specific.

³⁰ Many of the staff were then moved by the OSCE into the 'education project' where similar mediation and negotiation skills were required.

The military were arbiters in determining the exact location of the IEBL³¹ between the Bosnian Federation and Republika Srpska (RS). While this latter activity within the last two decades³² has been specific to Bosnia, it can perhaps be described as typical of the often unique and specialist tasks which have been and will continue to be assigned to military peacekeeping forces in post-conflict environments, for the most part, because of the absence of any other authority competent to carry them out. As a result, a wide range of what are now seen as 'generic' military activities³³ in support of the peace process will also be studied within the Bosnian context. These 'generic' activities, have even, as in the case of Rhodesia in 1971, included the organisation and running of elections.³⁴

Although within Bosnia many of the 'military' activities described below were undertaken reluctantly, due to the vacuum created by the lack of deployed civilian capacity, particularly in late 1995 and the first quarter of 1996, others

³¹ A specific task laid down for the military in the Dayton Agreement. Op. cit., Annex 2 Article IV.

³² It has, however, been a traditional role for military forces especially in the colonial era, but also later in what might be referred to as the 'UN period' delineating the borders in Cyprus and between Ethiopia – Eritrea. For the colonial period a good example would be Colonel Younghusband's marking of the borders between Tibet and China for which see Peter Hopkirk, *The Great Game: On Secret Service in High Asia*.

³³ See also the military's, in particular the US military's concerns about the so called 'mission creep', which appears to be an intrinsic part of the military's involvement in post-conflict operations. Amongst others a paper by Anthony D. Garcia, *The Strategic Expeditionary Command: Filling the Interagency Void*. This describes the situation faced by the military in Bosnia.

³⁴ Amongst others see Alex Finnen, *The Military's Involvement in Elections: Lessons from the Past*. This is based upon presentations given to the UK military prior to the first round of elections in Iraq following the second Gulf War. These presentations were delivered to the Joint Staff College (JSC) and in somewhat more detail to the military planning staff for Iraq and the UK Civil Affairs Group (CAG). Similar presentations were given prior to the UK's involvement in elections in Afghanistan and an e-mail 'helpline' was provided to the UK 'civil affairs' team in Helmand province.

were overtly political in nature or had a political intent³⁵ such as PsyOps. These specific issues are of direct relevance to a wide range of post-conflict environments and, indeed, go to the heart of the issue, as to what the role of a military organisation should be within a post-conflict environment. This will be demonstrated through reference to the military's demarcation of the IEBL, their role in PsyOps, and civil affairs. This section will conclude with an examination of the rapidly increasing capability of communications during a period of rapid technical transition, which widely impacted upon both the IC's and the indigenous population's management of conflict and post-conflict.

The Inter-Entity Boundary Line (IEBL)

One role of the military which was specified in the Dayton Agreement was not unique to Bosnia in post-conflict terms, but was perhaps unique because of its complexity there. This was the role given to IFOR in delineating the IEBL.³⁶ By its very nature this required rapid and indeed 'rough and ready' decisions by the military, even if these were then adjusted, often after much tortuous negotiation, later on. While the Dayton Agreement stated in Annex 2 Article IV that:

The line on the 1:50,000 scale map to be provided for the Appendix delineating the Inter-Entity Boundary Line, and the lines on the 1:50,000

³⁵ One example, see below, will be the IFOR/SFOR targeting of the infrastructure support campaign in Sanski Most and its impact upon Mayor Alagic.

³⁶ The General Framework Agreement for Peace in Bosnia and Herzegovina (GFAP). This was initialled in Dayton on 21 November 1995 and signed in Paris on 14 December 1995. The agreement on the IEBL formed Annex 2 of the Agreement, while Annex 2, Article IV made the commander of IFOR responsible for the delineation of the boundary line.

scale map to be provided for Appendix A to Annex 1-A delineating the Inter-Entity Zone of Separation and the Agreed Cease-Fire Line and its Zone of Separation, which are accepted by the Parties as controlling and definitive, are accurate to within approximately 50 meters, the reality was somewhat different. At Dayton the discussions between the three leaders and Richard Holbrooke, the envoy of US President Clinton, had focused upon a tabletop-sized map which had then been marked by felt-tip pen. The approximate width of the line marked on the map, which had been discussed and agreed, represented a width of some six hundred metres on the ground. Furthermore at that meeting, only the Bosniac President Alija Izetbegovic was a native and resident of Bosnia,³⁷ so understood the detail, at least as far as Sarajevo was concerned, and could perhaps visualise what the line on the map would actually look like on the ground.

Delineating boundaries could be regarded as a traditional task for the military from the colonial period forward³⁸ and even within Europe it had been the military who had first delineated the boundaries between what was to become the FRG and the GDR in 1945. In almost all recent cases after 1945, however, the boundaries thus delineated had followed either earlier and/or in most cases³⁹ subordinate boundaries, so that all that was required was for the military to

³⁷ Apart from Holbrooke and Izetbegovic, the only other participants at the meeting where the 'line' was decided were Tudjman (of Croatia) and Milosevic (of Serbia).

³⁸ Hopkirk (1990), *op cit*. Hopkirk describes both the delineation and marking of the Indian border with Tibet and the Indian border with Iran.

³⁹ This was the case with the border between India and Pakistan in 1947.

delineate an already known and recognised line on the map.⁴⁰ The boundary agreed at Dayton, however, followed no such logic and indeed in many cases, even cut through polling station district boundaries whilst also leaving fifteen or twenty 'rump municipalities', for electoral officials to ponder over and administer.⁴¹ Within Sarajevo the line ran through the centre of blocks of apartments and just to the east of 'Tito' barracks, the major military complex in the centre of the city.⁴²

Annex 2, Article IV of Dayton metaphorically and, literally, placed the IFOR force in the middle of a minefield.⁴³ Given the imprecision with which the line had been originally drawn there was no question of simply marking a line and declaring it to be the IEBL. In due course each section of the IEBL would have to be negotiated with local and national community leaders on both sides and agreed. In the interim hasty decisions would have to be taken and imposed, as within ninety days of the signing of the Dayton Agreement it was mandated that the opposing forces would withdraw from their front lines and that no long-barrelled weapons were to be permitted within 800 metres of the IEBL. Therefore in the

⁴⁰ In the case of the Inner German Border (IGB) for example, the boundary followed the line of the pre-war state boundaries and these in many cases had been marked in the early nineteenth century and in Germany as almost everywhere else the boundary thus marked, ran almost exclusively through rural areas.

⁴¹ Two examples of 'rump municipalities' may suffice: Srpski Drvar, the rump of Drvar with an electorate of 61, consisting largely of primary forest and Srpski Mostar a rump of Mostar with an electorate of less than 20 and consisting primarily of barren hillside.

⁴² For the details of the IEBL in Bosnia generally see the IFOR IEBL map and the IFOR Sarajevo city plan. Similar plans were drawn up and published for other cities affected, specifically Mostar and Brcko.

⁴³ Large tracts of the IEBL designated at Dayton were mined and particularly in urban areas booby trapped. Within the area of Sarajevo alone there were at the conclusion of the survey over 2,500 individually identified and mapped minefields and Improvised Explosive Device (IED) sites.

short term a decision had to be taken as to where that 800 metre limit lay on either side of the line, even if the IEBL itself had yet to be formally agreed.⁴⁴

The implementation of Annex 2 of Dayton required the military to take an overtly political role and one which not only did they find distasteful, they arguably should not have had. Not only did they have to negotiate with the local politicians and the entity leaderships, but they had to negotiate with the other international elements managing the post-conflict environment in Bosnia. The OSCE elections division was one such, but as far as they were concerned they basically only required a clear decision so as to proceed with their planning. Elements within the UN, however, were often concerned to have specific roads or railways within a particular entity and, especially at the local level, tended to act as the 'advocate' for one or other side in the dispute. This was something from which the other agencies within the IC were also not immune and which General Sir Michael Walker the IFOR Commander and his staff found hugely frustrating.⁴⁵

That the delineation of the IEBL at the Dayton talks was a requirement and perhaps the most contentious issue at the talks is not in doubt. That Holbrooke was in need of a solution that would satisfy Alija Izetbegovic, the only man present with a direct interest in the specifics of the 'line' is clear, as Holbrooke

⁴⁴ The Bosniac Armija refused to withdraw from Tito barracks on the basis that it was their principal military strongpoint and was not on the IEBL. Only after the threat of direct conflict with IFOR on the night of 19/20 March 1996, at the expiry of the ninety-day deadline, did they withdraw.

⁴⁵ General Walker, who later went on to become chief of the UK defence staff, has yet to publish any material on his time in command of IFOR. The comment here is made on the basis of his personal comments to the author and others whilst the author was acting as the IFOR liaison officer to the OSCE in 1996.

himself states. This was achieved by simply talking the IEBL out, over a meeting which lasted well into the early hours of the morning and that with an agreement in sight Holbrooke acknowledges that he simply refused to agree the 'deal' until the line was drawn.⁴⁶ What was wrong was that, given that the USA did not want any active involvement in the post-Dayton process from the UN,⁴⁷ that Annex 2, Article IV was made the responsibility of the military. This may be deemed an experiment on behalf of the IC and one which has yet to be repeated elsewhere.

Information operations

Introduction

In terms of the military's involvement in the post-conflict process, the information campaign and what are currently referred to as 'perception operations',⁴⁸ also formed a key part of the IC's post-conflict activities in Bosnia in the period from 1995 to 1998. Again, while some of these activities might appear to be Bosnia specific, the vast majority of perception operations activities, such as mine awareness and support for the elections process, can be seen to be generic within a post-conflict environment and relevant to military post-conflict and indeed peacekeeping or even war-fighting⁴⁹ operations elsewhere. Indeed, perception

⁴⁶ Holbrooke (1999), op. cit.

⁴⁷ Elsewhere it is likely that the task of negotiating the detailed line of the IEBL would have fallen to UN Civil Affairs (UNCA).

⁴⁸ During the period up until 1999, this was known by the title of 'psychological operations'.

⁴⁹ Provision of mine awareness materials and Presidential election information was a task of amongst others the International Stabilisation Force (ISAF) and the other military components within Afghanistan in 2009.

operations are not only in use as this thesis is being written, in Iraq and Afghanistan, but can even be delivered in countries where the conflict continues and there are no IC 'boots on the ground', Libya being a case in point.

The role of Perception Operations in Bosnia

Perception operations, referred to at the time of the Bosnian conflict as Psychological Operations or 'PsyOps', were perhaps the second most contentious element of the military's involvement in post-conflict Bosnia. That is the military's attempt to, as they would characterise it, 'shape the battlefield',⁵⁰ by using primarily the electronic and print media to influence the 'enemy' using non-kinetic means.⁵¹ In this case the primary target audience was the entire indigenous population of Bosnia. The scale of the US PsyOps task force⁵² in Bosnia, with a total of some 215 men in Sarajevo alone, serves to provide an indicator as to how important these activities were. The US forces were equipped with 'light' and 'medium' print facilities at the Olympic Stadium⁵³ in Sarajevo plus a small headquarters and 'light' print facilities in each of the Multi

⁵⁰ For a definition see amongst others John F Kirby, *Shaping Today's Battlefield: Public Affairs as an Operational Function*, Report number A545873, US Naval War College, Newport, Virginia, USA, 2000. PsyOps falls within the 'operations' area (J3) of the military command structure.

⁵¹ PsyOps operations are not always restricted to non-kinetic or non-lethal means, particularly when it plays a role in war fighting. In both the Bosnian air campaign of September 1995 and the Kosovo 'air war' of 1999 there were significant PsyOps components, some of which resulted in significant casualties to Bosnian Serb and Serbian combatants. These war-fighting uses of PsyOps were heavily influenced by the experiences of the First Gulf War in 1991.

⁵² This was an entirely US-manned brigade level formation which was answerable directly to the commander IFOR, who was at the time, a US general.

⁵³ See, amongst others Steven Collins, *Perception Conflict in the 'Modern' Balkan Wars*, pp 191-201 in Alan D. Campen and Douglas H. Dearth (eds), *Cyberwar 3.0: Human Factors in Information Operations and Future Conflict*.

National Divisions (MND).⁵⁴ By early 1996 PsyOps was producing three weekly newspapers supplemented by monthly magazines for teenagers and children⁵⁵ to be distributed across Bosnia.⁵⁶ All of these products supported one underlying message, that of 'unity' and of Bosnia as a unified nation state. That de facto in many areas, these newspapers were the only printed materials, particularly during the first six months of the post-conflict period, reinforced their effect. As far as the electronic media was concerned, military financed radio stations⁵⁷ were established in Sarajevo, Tuzla, and Banja Luka and approved military scripts were distributed to local radio stations nationwide.⁵⁸ In addition, there were programmes run on local radio stations which took advantage of 'free' materials provided by the military.⁵⁹ The 'free' materials were also provided to bars, cafes,

⁵⁴ PsyOps in MND South West (SW) consisted of seven men at the HQ plus interpreters, with additional dedicated teams in each Battlegroup (BG), 126 men in total including interpreters. The PsyOps establishments in MND (N) and MND (SE) were both larger, that in MND (N) considerably so.

⁵⁵ A women's glossy magazine was also included at a later date. This was recognised later by the military authorities as a critical omission in their overall PsyOps campaign plan. For children a 'Superman' comic was produced by the US but distributed Bosnia wide while the Germans produced 'Mirko' magazine for teenagers. The UK produced the women's magazine as an independent national initiative.

⁵⁶ 45,000 copies of the UK newspaper *Mostovi* ('Bridges') were distributed free of charge on a weekly basis across the MND (SW) area. The banner at the head of the front page of *Mostovi* was a photograph of a different bridge each week, which had been built by IFOR/SFOR and which linked two ethnically diverse communities within the MND area. It also featured a weather map of Bosnia, which was significant, as all of the locally produced media showed weather maps of their own regions e.g. the Bosnian Croat maps showed Croatia plus 'their' part of Bosnia whilst the weather maps on the Bosnian Serb media showed the FRY plus Republika Srpska (RS).

⁵⁷ As well as the local but militarily funded radio stations in Sarajevo and Banja-Luka, there was also the British Forces Broadcasting Service (BFBS) and Virgin Radio. Although in English these were listened to by many local people, because of the music and the quality of the programming. Virgin Radio was 'piped' by a 'live feed', so included traffic information from the London area! In addition, military funded equipment and facilities were donated to many of the independent media outlets, this in turn gave the military more leverage with these stations.

⁵⁸ In the MND (SW) area in early 1997 this resulted in the placing of about 75 separate messages per week with perhaps several hundred airings.

⁵⁹ For example the 'desert islands discs' programme aired weekly on 'BIG Radio' the largest radio station in Republika Srpska (with an audience of 300,000 in both the RS and eastern Croatia). The guests were always from the UK, spoke in English, and the 'messages' were tightly scripted. Often the guests were Olympic sportsmen and women, the music was usually the latest Western

discos, etc., in the form of free cassette tapes or DVDs, with the latest music⁶⁰ and containing embedded messages which could not be erased without destroying the cassette or DVD. These were distributed to literally hundreds of venues along with beer mats, hats, calendars, 'T Shirts', and other items: one of the most popular being small reflectors to tie onto the satchels of young children, who had to walk along the unlit roads to and from school. Each item, of course, had the obligatory 'messages', all of which had to be personally approved by the commanding general in Sarajevo.

PsyOps and the Internet Revolution

PsyOps, in particular within Bosnia, was for the first time able to 'benefit' from having significant 'reach back' to the USA. Given this capability it is important to discuss both the benefits and limitations of such support, oversight, and control. This is particularly relevant as in the period from 2007 the use of such 'reach back' in a number of areas, not just that of PsyOps, has formed an element of the UK and now NATO doctrine,⁶¹ in both war-fighting and post-conflict operations.

Pop i.e. the 'Spice Girls' (1997) and so not generally available in Bosnia. As a result the programmes were attractive and listened to by all ages, particularly those who wished to improve their English.

⁶⁰ The PsyOps teams in Bosnia were directly assisted in all of this by the media industry and had the rights to use all of the latest music from, for example, Time Warner free of charge. In the field of newspapers and print magazines all of the women's and family health articles were taken, with permission, free of charge from 'Women's Realm' and 'Women's Weekly' in the UK, while the 'Sun' newspaper also permitted all of their print material and images to be used free of charge, this greatly assisted the UK military in their production of articles on, for example, pop groups and with calendars for the various Bosnian armed forces.

⁶¹ Within the NATO military intelligence community the doctrine of reach back will be formally enshrined in a new doctrinal pamphlet which the author believes was due to have been published in Autumn 2009.

It was the advent of the internet revolution and in particular access to satellite broadband communications which permitted the USA for the first time to 'reach back' from Bosnia to the continental USA for the scripting, product development and some printing of materials to the Fourth PsyOps 'group' at Fort Bragg, North Carolina, USA.⁶² This development was particularly attractive to the Clinton administration as it permitted them both to reduce the number of 'boots on the ground' and to retain tighter (US national) editorial control of the products produced. To the USA these advantages were greater than the disadvantages of a closer engagement with the local community and, as in the later campaigns in Iraq and Afghanistan, they relied upon focus groups of 'exiles' in the continental USA for quality control and to assess the appropriateness of the product.⁶³

Civil Affairs

Both US PsyOps and US Civil Military Co-operation (CIMIC) form part of US Special Operations Forces (SOF) and are grouped together as Civil Affairs and Psychological Operations Command (CAPOC) within the US military structure.⁶⁴

Along with US Special Forces (SF), both PsyOps and CIMIC form part of the

⁶² For a detailed bibliography of all US PsyOps operations from the Second World War to date see; Herbert Friedman and Edward Rouse, *Psychological Operations Bibliography and recommended reading list*. The motto of the Group is; 'Persuade. Change, Influence'.

⁶³ Not only did this lead to delays in production, but it also led to significant local difficulties as the exile communities in no way reflected local public opinion or attitudes, a problem also identified later in both Iraq, with for example the Ahmed Chalabi group, and again in Afghanistan. Throughout the Bosnian and Kosovo campaigns and despite having numerous Bosnian refugees within the UK which they used for military pre-deployment training etc., the UK military always used locally produced product and focus groups.

⁶⁴ An undated but early 2000s US military document describes the organisation and tasks of CAPOC.

SOF 'triad'⁶⁵ and all are headquartered at Fort Bragg, North Carolina, which is also the home of the John F. Kennedy Special Warfare School. Both organisations are heavily involved in counter-insurgency⁶⁶ as well as post-conflict operations.

The concept of CIMIC operations which prior to Bosnia had been a solely US concept⁶⁷ and which within the US forces were the responsibility of 'civil affairs', the second major component of CAPOC has, in part as a result of the Bosnian operation, now spread across NATO⁶⁸ and beyond⁶⁹ and now forms part of the standard military mechanism for both post-conflict and humanitarian disaster.⁷⁰

As such, Bosnia can be considered the precursor of the current military approach to post-conflict operations in this area.⁷¹ Inside Bosnia by 1996, there was a

⁶⁵ This is a uniquely US grouping and is not replicated in, for example, the UK. That said, within the UK all three elements have been since June 2005 'tri-service' and fall under the control of the Deputy Chief of the Defence Staff (Commitments) (DCDS(C)). For logistical purposes, 15 PsyOps Group (UK) is administered by the Intelligence Corps and Joint CIMIC Group (JCG) by the Royal Engineers while the Directorate of Special Forces (DSF) answers directly to the MoD.

⁶⁶ Current examples of 'non-combat' deployments include Colombia and Honduras

⁶⁷ And which in US terms were fundamentally developed during the Vietnam conflict.

⁶⁸ The French formed a national tri-service CIMIC group with the acronym GIACM in 2001.

⁶⁹ This includes for example the Russians, who formed part of the CIMIC architecture in both Bosnia and Kosovo. There is now also a standard NATO military doctrine for CIMIC and CIMIC is taught as a subject in the NATO military schools and colleges. It was this CIMIC doctrine which formed part of the theoretical 'underpinning' of the Provincial Reconstruction Team (PRT) concept when these were established in Afghanistan.

⁷⁰ The UK deployed a military CIMIC team as its immediate contribution to the Tsunami in Aceh, Indonesia in 2005. The CIMIC team was based at the principal air disembarkation point or airhead and was specifically tasked with coordinating the delivery of the UK relief effort and with keeping 'Whitehall' informed about the rapidly evolving situation in Aceh. A UK CIMIC team was also deployed to East Timor, but arguably with a more 'political' mandate.

⁷¹ For UK CIMIC, Bosnia has been described as 'the seminal NATO deployment of 1996' (Williams, *op. cit.*, pp 54-9) and it led directly to the formation of the UK Civil Affairs Group (CAG) in 1997. Since that date the CAG and from June 2005 the Joint CIMIC Group (JCG) has been deployed on every UK overseas operation: Bosnia, Kosovo, FYROM, Albania (refugee crisis), Sierra Leone, East Timor, Iraq, Afghanistan, Aceh, and Dharfur. All of these operations have been supported by a mixture of regulars and reservists as have been CAG activities in support of the 'foot and mouth' epidemic in the UK in 2001 although the numbers, compared with the US are very small, as UK Joint CIMIC Group only totals some 125, from 2004 comprised of 25 regular

small CIMIC team within each of the 'BGs' plus a CIMIC staff at each MND and by 1999, at least one CIMIC 'house' with six to twelve men in each BG area, about 500 troops in total. While less overtly 'political' than PsyOps, CIMIC in addition to providing an access point to the military force for the local civilian population and being the manager of small-scale local Quick Impact Projects (QIP) also acts as the local commander's interface with the municipal and regional political leadership. As such their (unstated) primary role was to act as the military commander's 'antennae' in terms of changes of public opinion, local political direction and the opinions of local NGOs, INGOs, and other international partners locally.⁷² In most, if not all, cases the local CIMIC teams held weekly or fortnightly NGO/IO meetings so as to coordinate, or at least so that everyone could be 'all informed' on NGO and IO⁷³ activities in the area. These also served to give the local partners information about IFOR/SFOR activities and helped to influence international opinion locally.⁷⁴ Although these activities have now been codified within both NATO and the EU, the principles for these operations both in the conflict and post-conflict phases⁷⁵ were established in Bosnia.⁷⁶

and 90 reservists. The US CIMIC groups by contrast total some 22,000 of whom some 90% are reservists.

⁷² In many cases the views of the regional staff of UNHCR, UNICEF, etc., differed from that of the staff in the HQ where they were under more direct international political influences.

⁷³ There were in 1998 some 1,400 NGOs and INGOs declared as working in Bosnia, plus others at the local level. These included everything from Islamic NGOs such as the Iranian 'Merhamet', the 'Iranian Red Crescent', and the Sudanese 'Third World Relief Agency' which were outside the umbrella of international coordination, to the International Youth Hostel Federation (of which Bosnia was a member).

⁷⁴ In this they were assisted not only by their supplies of resources such as the only accurate maps of the country, but also because the military supplied the medical cover, evacuation plans, and security for the majority of the IOs in country. They therefore were able to exert considerable influence.

⁷⁵ During the conflict phase of the Bosnian operation and while working under the UNPROFOR mandate the 'CIMIC' role formed part of the tasks of the Joint Commission Observers (JCO).

An example of the role of what would now be regarded as PsyOps and CIMIC operations working together to shape the battlefield in Bosnia would be the campaign to undermine the influence of Mayor Alagic⁷⁷ in Sanski Most in 1997. Alagic, one of the few experienced generals in the Bosniac wartime army, had captured Sanski Most from the Serbs in 1995 as the head of the Bosniac VII Corps. In the transition following Dayton, Alagic left the Armija and took political control of this strategically important area as Mayor of Sanski Most. In parallel he developed (or perhaps further expanded) his links in terms of organised crime using his network of former military contacts within not only the Armija, but also abroad in countries such as Switzerland. Furthermore, Alagic's adherence to Alija Izetbegovic had been based upon his strong Islamist beliefs and his links to the 'Mujahideen' through his military command appointments in central Bosnia in 1993-4.⁷⁸ Clearly locally in Sanski Most, Alagic was seen as the liberator, the 'enforcer', through his control of the police and the military and as a 'benefactor'.

⁷⁶ The functionality and doctrine for UK CIMIC operations have been spelled out in a RUSI occasional paper by Michael J. Williams and Kate Clouston (eds), *Comparative Perspectives on Civil Military Relations in Conflict Zones*. Three useful elements within the paper are:

- pp 54–9. An explanation by an unknown author from UK Joint CIMIC Group, of their role and doctrine
- pp 60–73. Howard Mollett, *No space for Humanitarianism? NGO perspectives on Civil Military Relations and the Comprehensive approach*.
- pp 74–80. Joachim Bruns, *Civil-Military Capabilities Development within the EU*.

⁷⁷ Exceptionally amongst the Bosniac military commanders, Mayor Alagic had been a senior pre-war regular officer in the J(Y)ugoslav National Army (JNA) and had served with the JNA as both a brigade commander and as commandant of the military academy in Banja-Luka. Having commanded the Armija III Corps in Central Bosnia, he was appointed commander of the Armija [Bosniac] VII Corps in 1994. He was believed by IFOR/SFOR to be 'non-compliant' politically and to be not only a war criminal, but also to be involved in organised crime using his former military links. He was forced to resign as mayor in July 1999 by the High Representative (HR) Carlos Westendorp and was finally indicted as a war criminal in The Hague in 2001. He died on 7 March 2003 whilst still indicted, but by this stage had already been convicted of abuse of power and corruption by the Bosnian courts.

⁷⁸ It was on the basis of his command responsibility for Bosniac troops in Central Bosnia in 1993-4 and in particular the 7 'Muslim' brigade that he was indicted by the ICTY.

Through his wealth Alagic was in a strong position politically and despite international pressure he and his close advisors were consistently supported and he was re-elected as mayor by the local population.

The UK military through their command structure at MND (SW) and of the local (UK) troops on the ground attempted to work against Alagic in a number of ways. Apart from directly intervening through their commanders with Alagic and other local political actors to indicate that change was desirable, they targeted any economic and social development that was either under military control or their influence into areas that were opposed to, or independent of, Alagic within the region. When Mayor Alagic dismissed a schools director for being 'too independent', or in reality, for failing to apply a sufficiently 'Islamic' curriculum,⁷⁹ then both SFOR funding and the reconstruction work on school buildings by SFOR units, were halted. In parallel, PsyOps messages through both the local radio and 'Mostovi' made sure that the local populace knew why the aid funding was being stopped within Sanski Most, but not in other nearby municipalities in this field, and what they the local populace would have to do if they wanted to see aid funding and public building works reinstated. In other words, they should vote for someone else. Similar action was taken in other areas within Sanski Most and on each occasion PsyOps was used to inform the population what 'would happen' if they took certain actions and why certain things then happened when they did not. In parallel, CIMIC worked not only to channel funding to

⁷⁹ This last point was the most significant. Although Sanski Most was predominantly a Bosniac, i.e. Muslim area, it was not exclusively so and there were pockets of both Bosnian Serbs and Croats in the area.

support these 'messages', but also to influence the international agencies and NGO community so as to ensure that, for example, UNICEF did not step in and initiate a schools programme when the programme had been deliberately suspended by SFOR or the Office of the High Representative (OHR).

The development of the Internet, and a period of rapid change in communications

The post-conflict IC military and civilian activities within Bosnia were the first⁸⁰ to be directly influenced by widespread access to the internet and especially e-mail which gave the ability to a wide range of IC actors at all levels to communicate rapidly both within and without the post-conflict environment.⁸¹ As such, the operations in Bosnia could be described as the first of the modern military and humanitarian interventions and a model for those that have followed.

⁸⁰ An argument could be made that the first such occasion was during the Soviet invasion (1981) and occupation of Afghanistan, when in the period immediately prior to the Soviet withdrawal, the military leadership in Moscow could communicate directly to individual platoon commanders, responsible for say 30 men deployed in Afghanistan. This definitely was not 'post-conflict' and involved solely the passing of 'orders', nor were these facilities available to non-military actors.

⁸¹ These issues, particularly in so far as they affect the military, are the topic of an intense debate within the US military system. Of particular relevance to the origins of these current concerns was the development of new technologies within Bosnia both in the conflict and post-conflict arena. These are specifically discussed in Brendan C. McPherson, *More Than a Hand Shake: Synchronizing Public Affairs Operations with Information Operations in the 21st Century*. Although McPherson's paper deals specifically with their impact upon the military's 'Information operations' and particularly the public affairs component within that, it would appear that the specific concern in this case is the inability of the military either to control the flow of information, or to compete with the speed of release by the civilian authorities, private individuals, and the media. As a very simple example, the military are struggling to be 'first with the news' when a next of kin is informed of an injury or death, now that most soldiers have mobile telephones or even Satphones and can call home directly themselves. The current military response in Afghanistan has been to ban the carriage of personal communications devices on air trooping flights. Whether this position is sustainable in the longer term remains to be seen.

The development of the internet, which occurred throughout the period of the Balkan Wars, together with the spread of mobile and ever more affordable and portable Satellite Telephone (Satphone) technology has had a major impact upon all post-conflict operations from Bosnia onwards. The role of the Satphone and instant imaging as a confidence builder⁸² and in empowering the voices which were previously unheard as being 'too remote', has had a significant impact not only in Bosnia but also in, for example, South Sudan and Dharfur. This new technology and particularly satellite video teleconferencing and geo-location had been pioneered commercially, most notably by Salomon Brothers the merchant bankers during their commercial operations in former Soviet Central Asia in the

⁸² The role of the Joint Commission Observers (JCO) in Bosnia was fundamentally grounded in this new technology. Small teams of UK personnel were co-located with the political leadership and military commanders of all of the warring factions within Bosnia in the period 1992 – 2001 equipped with Satphones and later as the technology evolved, satellite e-mail and other systems. Ceasefires, prisoner and body exchanges and political discussions between the warring parties all took place using this newly developed and evolving technology. The command and control of the JCO organisation was transferred from the UK to the USA within the Bosnian theatre in December 1996 and according to a paper written by Col Charles T. Cleveland at the US Army War College in Carlisle, Pennsylvania, in April 2001, for the US military:

The JCO program provides the SFOR Commander with a means to gain access to local, regional and even national level leaders of the warring factions and other influential actors. Initiated during the United Nations Protection Force (UNPROFOR) period, these military observers gave the Commander a flexible force that could act as informal emissaries or call in air strikes. For U.S. Army Special Forces (SF) the JCO mission was [in December 1996] a doctrinally new role...[and one which] ...also identified weaknesses in the current training regimen for Special Forces battalion commanders and staffs.

This may be assumed to be an accurate interpretation of the US doctrine for JCOs at least, as Col. Cleveland was, in December 1996, the Deputy Commander of 10 Special Forces Group who were responsible for all US operations within the European Command (EUCOM) area and later became Special Operations Commander Europe (SOCEUR) in the late 1990s. In the introduction to his paper Colonel Cleveland goes on to say:

Their success in Bosnia was later affirmed by their subsequent deployment to Kosovo.

The development of a JCO planning methodology was key to their success.

He gives a detailed description of the training and exercises required to maintain this capability. Cleveland refers in his paper to taking over the role from 'UK volunteers'. These were in fact UK Territorial Army Reservists from the Territorial and Army Volunteer Reserve (T & AVR) and it was the UK who had been responsible for 'the development of a JCO planning methodology' in the first place.

early 1990s,⁸³ whilst satellite voice communication and geo-location had started somewhat earlier during the 1980s and was used by, amongst others, the De Beers organisation to keep in contact with and maintain ‘overwatch’ of diamond prospectors and their own employees who were attempting to stop the leakage of diamonds from remote locations in Eastern Angola during the civil war in the 1980s.⁸⁴

NATO, and the UK military in particular, was interested in this technology in the very early 1990s given the changed situation within Europe from 1989 and the likelihood that, as it was then thought, any future confrontation with the Soviet Union would take place on a line from the Pripet Marshes to the Carpathians and perhaps further south in the Caucasus on the borders of Georgia and Azerbaijan with Ossetia. The technology was further developed militarily during the first Gulf War, which immediately preceded the Balkan conflicts.

First-generation satellite technology was bulky, could not be operated on the move, and required specialist operators, hence the JCOs in Bosnia. That said, it

⁸³ Discussed with the author and demonstrated during a study day at the Eccleston Road, Victoria headquarters of Salomon Brothers™ in Spring 1991. This technology was originally developed from late 1989 for use around the periphery of what was then the Commonwealth of Independent States (CIS). The critical element for Salomon Brothers™ was that they did not want to risk, nor occupy the time, of key staff who even at that time were earning up to £650,000 per year, in high-risk environments. Using satellite video-conferencing technology they were able to deploy relatively low-paid staff equipped with a camera, microphone, and satellite transceiver so as to conduct a remote interview and negotiations with London.

⁸⁴ Personal conversations by the author with Mr George Burne, a main board director of De Beers™, who discussed the interest of the company in tracking the ‘leakages’ of diamonds from amongst other places Angola and former Soviet Central Asia in the period 1986 – 92. The De Beers™ requirement was somewhat different to that of Salomon Brothers™ and highlighted for De Beers™ one of the problems of satellite communication and geo-location technology namely that it does not work very well through the canopy of primary jungle.

was quickly recognised by the combatants as well as the peacemakers as a key tool. The more isolated the combatant the more important was satellite technology, not only to command, control, and arrange the resupply for your men, but critically to get your 'message' out to the wider world. In the Bosnian War Karadzic, in Pale, and Fikret Abdic, fighting in an isolated pocket north of Bihac, were initially perhaps the principal beneficiaries. It was also used extensively by Karadzic during Operation 'Deliberate Force'⁸⁵ as it was about the only means of communications which was not and could not be attacked by NATO at that time.

For the peacemakers, primarily UNPROFOR, portable satellite technology provided a mechanism whereby they could attempt to control the communications between the warring parties and attempt in controlled conditions to bring about dialogue. At the tactical level satellite technology enabled the implementation of local ceasefires and such necessary processes as body exchanges. At a more strategic level it was one of the tools used to facilitate the movement of UNHCR relief convoys and helicopter medical evacuations.

During the conflict satellite technology continued to evolve so that towards the end of the Bosnian conflict the technology was able to offer text messaging and then voice and text messaging on the move using a small beacon on the roof of a

⁸⁵ Operation Deliberate Force was the aerial bombing campaign conducted by NATO against Republika Srpska between 30 August and 14 September 1995. See Julian Lindley-French and Katja Fluckiger, *A Chronology of European Security and Defence 1945–2007*.

vehicle⁸⁶ and, finally, viable Video Tele-Conferencing (VTC) facilities to major locations such as the Republika Srpska capital in Pale. All of these facilities were available and being used at the time of the Dayton negotiations in November 1995.

VTC can be said to have come of age as a practical medium during the Balkan Wars of the 1990s, but the size and relative fragility of its technology, along with the cost of broadband satellite rental, meant that its use was restricted to pre-scheduled very high-level meetings which were conducted in a studio-like environment and therefore from within only the largest headquarters. These limitations made it of very little use as an emergency planning tool, but did permit senior politicians in to interact with the principals and military commanders on the ground⁸⁷ and to be shown relatively simple Powerpoint™ slides. VTC technology was not yet mature enough to 'stream' live video feed, now a standard feature it was not immune to regular failures with approximately one conference in three being aborted.

The ability to send Short Message Service (SMS) texts over both satellite and mobile phone technology greatly facilitated the rapid development of the third and perhaps key innovation during the Balkan Wars - use of the internet. The

⁸⁶ This was installed into EUMM vehicles, but not into UN vehicles. ICRC was by this stage using the geo-location facility to insert 'trackers' onto their vehicles, but for communications were still using Skywave HF radio relayed through a base station in Budapest.

⁸⁷ In Bosnia this included only the three Divisional Commanders and the Commander IFOR/SFOR.

UN Via Satellite (VSAT),⁸⁸ telephone system for fixed locations was fully functional by the time of the Balkan conflicts, was capable of taking internet traffic, and was continually increasing in capacity. In parallel, the various military contingents were also introducing their own VSAT systems and many of these were capable of interfacing with the UN system and with other military systems. By 1996 most of the major agencies had at least one internet terminal at each of their field stations and many more at their headquarters sites. Where these were dependent upon VSAT or other satellite systems they were extremely slow and in many cases restricted to what were effectively SMS messages, but as the technology developed so the capabilities improved.⁸⁹ The use of, and access to, the internet enabled written reports created in the field, in often very austere conditions, to be read overnight in the capitals and instructions to be sent back in time for action the next day.

Such speed of communications radically altered the way in which business was done in a post-conflict environment and dramatically reduced the scope for manoeuvre and individual initiative by managers on the spot, although it was not for some time that those directly engaged became aware of just what an impact this might have. Critically it was now possible for decisions to be taken by

⁸⁸ The UN provided a number of 'satellite islands' using VSAT via telephone exchanges and satellite dishes positioned at fixed key locations such as Sarajevo and Kiseljak. They did not provide countrywide coverage or coverage on the move. This was provided both for UNPROFOR and most if not all of the other agencies by a Motorola VHF radio network with an extensive series of transmitters. Unlike the satellite communications these were vulnerable to jamming by the warring parties when it suited them to do so.

⁸⁹ Most providers were offering VSAT broadband by 2004 and by that date there were some countries where all of their communications, including their 'landline' telephone links, were by this mechanism, e.g. the Falkland Islands who use a system provided by Cable & Wireless.

relatively junior staff in capitals, sometimes four thousand miles away, which would radically impact affect on the ground. Furthermore, it was also possible and, indeed often the case, that these decision makers had never been to the conflict area, nor even, in the case of many US staff, to Europe. This access to information by what have been described as 'armchair warriors' meant that not only was it possible to obtain advice from afar, but also that those practitioners on the ground had to spend an increasing amount of their time briefing and replying to questions from capitals, many of little or no relevance.⁹⁰ In many cases this was to the detriment of the work being carried out. In most cases the routing of decisions via capitals slowed the process down and in many cases did not add value. In some cases due to the lack of knowledge of the environment it led to wrong decisions being taken.⁹¹

⁹⁰ In one particular instance the NATO HQ in Brussels wished to brief the Supreme Allied Commander in Europe (SACEUR) on UK casualties in Bosnia in February 1996. One signaller had broken his leg falling from a tree whilst stringing an antenna and Brussels wished three days after the event, to know which leg! By that time, the soldier, a reservist, was in the Glasgow Royal Infirmary and the whole question was irrelevant, but HQ NATO genuinely expected the HR staff in theatre to talk to the National Health Service (NHS) to establish which leg he had broken.

⁹¹ All US PsyOps products (and, in theory, all NATO products) were referred to Washington and to the headquarters of US PsyOps at Fort Bragg, North Carolina, prior to their being printed and disseminated. This created a two-week product-creation cycle with the material for the US weekly 'newspapers' being produced ten days in advance, so that they could be sent to Washington. As a result US PsyOps material tended to lack relevance and currency. US military PsyOps locally had particular problems dealing with issues concerning youth, in particular the pop music columns etc., as most of the phenomena of interest to youth in Europe and particularly in the Balkans were unknown in the US, e.g. blockbuster Balkan entertainers or Italian pop vocalists.

As an example of a 'wrong decision' being taken due to a lack of local cultural awareness one need not look further than one US PsyOps product, the 'Superman' comic. This comic showed Superman saving a child from a minefield, the intent being to demonstrate that minefields were dangerous and should therefore be avoided. Children in Bosnia, however, 'interpreted' the comic as meaning that if you were in a minefield Superman would save you. When they attempted to disseminate the comics US PsyOps teams met a furious response from 'Save the Children' and other IO/INGO and the UK-led PsyOps teams destroyed all of the comics that they were given un-issued.

Different nations and organisations reacted to the evolving new technology in different ways. The USA used the technological capability to increase the centralised control of decision making in exactly the same way as the Soviet Union had used the newly evolving satellite technology in Afghanistan, from the late 1980s, to increase direct control and micro-management from Moscow.⁹² The UN, somewhat slower to introduce the technology, focused its attention primarily on using the internet to support its logistic and administrative functions as well as to increase or alter the method of the reporting requirement. For day-to-day decision making it took the very wise decision to leave that in the hands of the head of the organisation in the theatre, the Special Representative of the Secretary General (SRSG), a practice it has followed to this day. The UK, at least in Bosnia and in the early days in Kosovo, also tended to follow the UN model, whereas NATO, with a very large headquarters in Brussels and at the time of Bosnia only one operation to supervise, in general, took a US approach.⁹³

The success of VSAT in the Western Balkans in the early to the mid-1990s led to the development of a 'fly-away' pack which could be deployed rapidly as soon as any UN involvement in a conflict or natural disaster was being planned. Under

⁹² There are recorded instances of Russian Military commanders in Moscow, 'skipping' the chain of command to issue tactical orders by satellite phone directly to company and even platoon commanders in Afghanistan on combat operations.

⁹³ It is relevant to note that at this time NATO headquarters with some 4,000 personnel was engaged solely on the operations in Bosnia. In the week in which they queried the 'broken leg', only nine soldiers had been injured anywhere in the NATO area and there had been no fatalities. The emphasis may well have changed by 2011 at a time when NATO is engaged in several concurrent operations.

the control of UN Office for the Co-ordination of Humanitarian Affairs (OCHA),⁹⁴
the fly-away pack consisted of:

- a satellite communications system.
- a 750 (later 1,500) line broadband-capable satellite telephone system.
- a single technician to set the equipment up/

This could be delivered anywhere worldwide in any airframe or helicopter which could carry two one cubic metre pallets, together weighing less than one tonne and, as such, a satellite 'island' with lines for both telephone and internet access, could be established anywhere worldwide within hours of a crisis arising. A version of this system was used in a post-conflict environment in East Timor in 1999 and in Aceh in Indonesia in a disaster relief role in December 2004.⁹⁵

A further attraction of satellite technology is that it was very difficult to intercept. As a result, for those not amongst the IC and without access to satellites themselves (and for most, in the 1990s, this meant access to US-controlled satellites), it was impossible for them to use the technology without, potentially at least, US 'oversight' and more importantly neither could they interfere with those who were using it.

⁹⁴ This system was demonstrated by UN OCHA at a communications conference in Geneva in 2003.

⁹⁵ The impact of the tsunami in Aceh enabled the EU to deploy a force of monitors to help observe the ceasefire between the Indonesian Government and the Christian separatist rebels in Aceh, so that the international engagement in Aceh could be regarded as a humanitarian deployment followed by a post-conflict intervention.

While the internet was evolving and the means of communicating were progressing rapidly, other linked technical innovations were also being developed and deployed in a post-conflict environment for the first time. Optical Character Reading (OCR)⁹⁶ software and hardware was used to produce not only 'scannable' ballots, so as to increase the speed of counting, particularly of absentee ballots, but also to scan in data collected at remote sites as part of the voter registration process. This data could then be stored electronically and then later electronically mailed using the internet to the ballot printer often located far away in western Europe.⁹⁷ This was far in advance of the technology being used for the same processes in many of the countries of western Europe⁹⁸ and many Bosnians felt, perhaps not unfairly, that they were being used as 'guinea pigs' to trial 'unproven processes'⁹⁹ for possible later use elsewhere.

While the technology was rapidly developing for assembling and transmitting much greater amounts of data in a post-conflict environment than had ever been possible before, the issues of data management and data security were matters of critical and increasing concern in Bosnia, particularly as at this stage most

⁹⁶ The technology was not new, having been used commercially from the mid 1970s and in such areas as Foreign Office communications networks since 1978. It was its use in this particular area that was innovative.

⁹⁷ The OCR software was developed for use in the Bosnian Elections by Data Research Systems (DRS) of Milton Keynes, UK and the scannable ballots were printed in Milton Keynes by them. The software for the voter registration exercise was modelled on that used in the UK for the Standard Assessment Tasks (SAT) test in schools, the forms for which were also produced at that time by DRS.

⁹⁸ At this time the use of scannable ballots and electronic counting in the UK were unlawful. DRS were able to cite their experience in Bosnia when mounting the winning bid for the first ever scannable ballot in the UK, at the first London Mayoral elections.

⁹⁹ There was nothing new in this. Both electric trams and electric street lighting were introduced in Sarajevo by the Austro-Hungarians in 1895, four years earlier than in Vienna. This was so that the new technology could be trialled and any problems eliminated before they were used on the streets of the capital.

electronic data had to be backed up by a paper hard copy. To put this into perspective it is worth noting that the OSCE Mission repository in Rajlovac held over 300 cubic metres of scannable registration data forms following the registration process in 1998. This increased over time to more than 2,000 cubic metres. All of these forms contained highly personal data which would permit others either to impersonate the individuals¹⁰⁰ or to use the data to track them down if they were from a different ethnic group. The Rajlovace warehouse in which they were located, while now located within the Federation area of Bosnia, had already been attacked and burned in January 1996¹⁰¹ and remained vulnerable to theft and arson. Should conflict break out anew, it was estimated that at least four, and later up to twenty-five, articulated lorries would be required to remove these sensitive materials as to destroy them by burning would not be possible¹⁰² in the time available.

Senior OSCE staff in Sarajevo remonstrated with the headquarters in Vienna and suggested that as the information had been collected for an electronic register it should be stored only in an electronic format, but at more than one location. They also protested about the storage of national and local electoral candidate's declarations of financial information which were again being held both in soft, and

¹⁰⁰ Critical information for people wishing to move illegally to western Europe or elsewhere, as the data forms included those from people already legally settled abroad but still, under the terms of the Dayton Agreement, registered Bosnian voters, i.e. they appeared on the 1991 census for Bosnia.

¹⁰¹ It had been burnt at the time when the Bosnian Serbs had been made to evacuate that area as part of the Dayton peace process. It had been at that time the principal UNHCR food store for the city.

¹⁰² The fire following a bomb attack at the British Embassy in Dublin on 2 February 1972 demonstrated that closely packed and boxed papers would not burn and that whilst singed around the edges the contents would remain readable.

hard-copy form. By the year 2000 these occupied the entirety of the basement and the roof space of the OSCE main building and contained sensitive financial and commercial data not only about the candidates, all 21,000 of them, but also that of their immediate blood relatives and significant partners. OSCE officials in Bosnia wanted such hard copies as had to be maintained kept outside the conflict zone, preferably at the OSCE archive in Prague. In the event there were no obvious major breaches of security in post-conflict Bosnia, but it did not take long for one to occur elsewhere.

This again involved the OSCE and was in Kosovo in March 1999. Throughout its brief existence from November 1998, the human rights officers of the Kosovo Verification Mission (KVM) had been collecting evidence of rapes and other human rights abuses by the various Serb forces stationed within Kosovo. This information had been carefully catalogued and stored in both hard and soft copy within the offices of the KVM in the 'Jugobanka' building in Pristina. When the KVM was hurriedly evacuated from Pristina on 20 March 1999¹⁰³ as a result of the failure of the Rambouillet talks, immediately prior to the NATO air bombardment. Whilst the files had been sensibly destroyed, all of the computers, most of which were not properly password protected were left behind in the Jugobanka building which was immediately re-occupied by the Serbs. Had back-ups been taken and the originals deleted, or even the hard drives removed from the computers, then not only could the data have been saved and would have been available for some of the subsequent war crimes trials, but also the

¹⁰³ See amongst others J. R. Michel Maisonneuve, *The OSCE Kosovo Verification Mission*.

witnesses who had told their stories in good faith to trusted confidants would not have been put at risk. Finally, and presumably so as to add insult to injury, the computers were again left, this time when the Serbs withdrew, so that the returning OSCE could return and then work out what had happened. Whether any of the women were directly targeted by the Serb authorities as a result of the information that they had provided to the OSCE is not clear and given the turmoil of the eleven weeks of the NATO air campaign the OSCE will probably never know, but it is a salutary lesson in how not to store sensitive data in a zone of conflict.

War crimes

Introduction

This section will examine the decision to pursue and to prosecute war criminals at the International Criminal Tribunal for Yugoslavia (ICTY) in The Hague as opposed to trials either within the local court system or, at least, held on Bosnia territory¹⁰⁴ and the subsequent decision to permit local trials, initially within Croatia, later in Bosnia and finally Serbia. It will also compare and contrast that approach with the one taken in Guatemala as a result of the 'Guatemala Peace Agreement'¹⁰⁵ which fell chronologically in the period immediately after the

¹⁰⁴ As with the 'Nuremberg' tribunals in Germany after the Second World War.

¹⁰⁵ The 'Agreement on a Firm and Lasting Peace', 29 December 1996, negotiated under the auspices of the UN and signed by Secretary General Boutros Boutros-Ghali on behalf of the UN.

Dayton Agreement and before the Kosovo conflict and which, as with the Dayton Agreement for Bosnia, was largely US brokered.

Bosnian war crimes and the ICTY

In examining the ICTY this thesis will not attempt to replicate the work of Rachel Kerr¹⁰⁶ which looked at the detail of the workings of the ICTY and its place in the IC's management of post-conflict in Bosnia and Kosovo. It will instead focus upon those unique features of the ICTY as they related to Bosnia and the conclusions that can be drawn in terms of how the ICTY was perceived by those to whom it was trying to demonstrate that justice would be done and in terms of lessons for the future. This section will also highlight those significant changes in jurisprudence, which delineate the ICTY from the Nuremberg tribunals to give but one example. It briefly will allude to those areas such as racketeering and (large-scale) weapons smuggling, which could perhaps have fallen within its compass, but which were not followed up by the ICTY although important work had been carried out in these areas by both the OHR and the OSCE.¹⁰⁷ Whilst in some respects it can be claimed that the ICTY has failed to deliver, it is important to note that throughout the process the assumption has been that all bar the most

There had been an earlier failed 'Guatemala Peace Agreement' under the US Reagan Administration in 1987.

¹⁰⁶ Rachel Kerr, *The International Criminal Tribunal for the former Yugoslavia – An Exercise in Law, Politics and Diplomacy*.

¹⁰⁷ Both the OHR and the OSCE had large international forensic audit teams looking at the funding of 'parallel structures' and the funding networks for war criminals. The raids on the Bosnian-Croat '*Hercegovacka Banka*' were initiated as a result of some of these investigations and in some cases successful prosecutions have followed in the Bosnian courts. As far as the author is aware the ICTY showed little interest at an official level in these investigations and there was little interaction between the two teams of investigators.

serious cases would be tried by the courts of the successor Yugoslav states, in particular, those of Bosnia and Herzegovina. This was, perhaps, an overly optimistic assumption.

The ICTY was the first war crimes court created by the UN and the first international war crimes tribunal since the Nuremberg and Tokyo tribunals in the 1940s immediately following the Second World War. It was established by the UNSC in accordance with Chapter VII of the UN Charter¹⁰⁸ and was established on 25 May 1993 by UNSC resolution 827 which established:

an international tribunal for the sole purpose of prosecuting persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia after 1 January 1991.¹⁰⁹

The statute for the court was created at that time and has been amended on several occasions since, with the most recent significant amendments being in 2003. In essence, the ICTY was created as a result of a political decision by the UN to enforce another set of international laws, those relating to the use of force, not only in an inter-state conflict, but also in an intra-state conflict. In part, such a change was possible at this period, both due to the overwhelming revulsion at the crimes being seen, to be being committed in the former Yugoslavia (courtesy of the medium of television) and due to the political weakness internationally at that time of Russia, Serbia's traditional backer. As Kerr has already explained,

¹⁰⁸ From the UN website.

¹⁰⁹ From the ICTY website.

There was no change in the legal framework. The change was in the interpretation of the powers and the responsibilities of the Security Council under the Charter and was a product of political will.¹¹⁰ According to the ICTY itself its objectives were and are:

to try those individuals most responsible for appalling acts such as murder, torture, rape, enslavement, destruction of property and other crimes listed in the Tribunal's Statute¹¹¹

and given that further definition of its own role, it can be seen that there was never the intention to try any but the most serious cases and most senior defendants at the ICTY.

The war crimes prosecutions for Bosnia are also important in that they, to a great extent, differentiated between grave crimes, mass murder, and other crimes.¹¹² In that context they can perhaps be seen as representing an evolution of the 'Nuremberg' trials in that rather than make an attempt to identify and aggressively pursue all war criminals¹¹³ they would focus solely on the key actors. Certainly no attempts were made by the post-conflict international administration to arrest or to even investigate large numbers of people who may,

¹¹⁰ Rachel Kerr (2004), *op. cit.*, chap 2, p 13.

¹¹¹ *Ibid.*

¹¹² *Ibid.*

¹¹³ An example of this approach may be seen in the context of the Bosnian-Serb run Omarska detention camps near Prijedor (in RS), the ethnic cleansing and, in some cases, the almost complete demolition using hand tools of some of the Bosniac suburbs of Prijedor. The guarding of the camps probably employed several hundred people over time and the large-scale expulsions and demolition of whole areas of the municipality perhaps thousands, and yet only a handful of people have either been prosecuted or declared as 'Persons Indicted For War Crimes' (PIFWC) as a result.

in other contexts, have been considered as 'war criminals'.¹¹⁴ In this context the approach taken in Bosnia was radically different to that taken, in say, Iraq and Afghanistan, where tens of thousands have been detained,¹¹⁵ often for years without trial.

Critically, the approach was also radically different from that taken in Guatemala in 1996, following the intra-state conflict there. In Guatemala the decision was taken not to prosecute war criminals and instead to go for a policy of reconciliation. Essentially, this decision was taken by the same US Clinton administration that was responsible for pushing through the two peace agreements in Bosnia and Kosovo¹¹⁶ and for lobbying for the creation of the ICTY. The Guatemalan decision, which was made in early 1996, only a few months after the Dayton peace talks had been concluded, has been very controversial,¹¹⁷ particularly for those European states which were most affected. Indeed, the Slovenian presidency of the EU in 2008 conducted a whole international conference on the issue.¹¹⁸ Furthermore, the fact that the recommendations of the report of the (Guatemalan) Historical Clarification

¹¹⁴ Such as many (but not all) of those who used rape as a weapon in the conduct of 'ethnic cleansing'.

¹¹⁵ The Headquarters of MND (SW) at the 'metal factory' outside of Banja-Luka had a detention facility capable of holding only 4 - 6 'persons indicted' in 1996-7, despite the fact that it was responsible for some 37% of the land area and 34% of the population of Bosnia. This can be compared with the estimated 30,000 detainees solely under US jurisdiction within Iraq in 2005.

¹¹⁶ Dayton, in the case of Bosnia, and both the US proposals for 'Rambouillet', and the later and final post-conflict agreement with Milosevic in the case of Kosovo.

¹¹⁷ In particular as most of those who potentially could have been indicted in Guatemala would have come from the regime's police and army, organisations which were consistently supported, trained, and equipped by the USA throughout the conflict.

¹¹⁸ *Crimes Committed by Totalitarian Regimes*, Reports and proceedings of the 8 April 2008 European public hearing on crimes committed by totalitarian regimes organised by the Slovenian presidency of the council of the EU and the European Commission.

Commission¹¹⁹ in 1999 have yet to be followed up and action taken, continues to provide cause for comment and to provoke international concern.¹²⁰ That said, a not dissimilar approach was later taken when dealing with all but the highest level war criminals in Sierra Leone and in other states within the African continent, including Burundi, although in these cases the USA was less directly involved.

Another first for Bosnia was that unlike Germany in the Second World War, or the majority of the other conflicts which have followed, the IC was a direct participant observer throughout both the conflict and post-conflict period. Not only were there UNPROFOR troops on the ground throughout all but the very earliest days of the conflict, but there were also United Nations Military Observer teams (UNMO), European Union Military Monitors (EUMM), the UK Liaison Officers (UKLO), and the JCOs who were assigned to the various commanders on all sides of the battlefield.

Additionally, during the later stages of the conflict, there were US liaison officers assigned to Croatian and perhaps some Bosniac headquarters, for example that of the Croatian General Gotovina during Operation 'Storm' in August 1995. These were in place in order to coordinate US air strikes and 'fire support' with the Croatian advance into Serbian-held territory there were also instructors from the US private military company Military Professional Resources International (MPRI) who not only provided training, but also went forward with the advancing

¹¹⁹ *Report of the Historical Clarification Commission of Guatemala.*

¹²⁰ See for example the Amnesty International press release on the tenth anniversary of the issue of the Historical Clarification Commission's report on 25 February 2009.

Croatian *Hrvatska Vojska* (HV) units on the ground to provide Forward Air Control (FAC) and Forward Artillery Observation (FOO). Additionally, in return for intelligence being provided to the US by the Croats, there was an 'arrangement' whereby US Unmanned Aerial Vehicles (UAV) were based within Croatia so as to be able to operate across the Balkan conflict areas.¹²¹ As part of this arrangement the USA was supplying the HV with detailed and up-to-date imagery of the battlefield¹²² throughout the latter half of the conflict.

Given that, unlike in almost any other conflict, there was so much detailed observation by highly qualified military and, in many cases, legally trained¹²³ observers of what was in fact taking place, the exact details of many of the 'crimes' for which war criminals were subsequently indicted were known almost immediately. Similarly, the names of the perpetrators or of those who had 'command responsibility'¹²⁴ for them were in most cases also known as soon as the crimes themselves took place. This has been confirmed by conversations

¹²¹ The USA maintained a second similar base on Sazan Island in Albania.

¹²² See for example an article by Ivo Pukanic, *US Role in Storm*.

¹²³ Examples of legally-trained observers included the UNHCR 'Protection Officers' who were stationed at many of the most critical points in the country.

¹²⁴ This point is relevant as a great many of those indicted by the ICTY were in fact charged with 'command responsibility' rather than with direct personal involvement in the war crimes concerned. Alagic has already been mentioned, but Ante Gotovina and Ratko Mladic are also both indicted under these charges. The principle of 'command responsibility' as a justification for criminal indictments has been in existence since the US Civil War in the middle of the nineteenth century, but was first used in the trial of Emil Muller in 1920. It was first explicitly codified in the Hague Conventions of 1907 Section IV (Laws and Customs of War on Land) and was further codified in Additional Protocol 1 (1977) to the Geneva Conventions of 1949. It is specifically included within the ICTY Statute (Article 7 (3)) and has been developed since then by the ICTY through 'case law' with more significant commentary being added as a result of the Halilovic case in 2005. For further details of how the issue of 'command responsibility' has evolved in Bosnia see the draft paper by Allison Marston Danner and Jenny S. Martinez, *Guilty Associations: Joint Criminal Enterprise, Command Responsibility, and the Development of International Criminal Law*.

with UK members of the EUMM, JCO, and UKLO teams who were present¹²⁵ in places such as Stupni Do¹²⁶ in central Bosnia,¹²⁷ Srebrenica, and Gorazde¹²⁸ and by members of the UNCA in Zepa and UNHCR in Gorazde¹²⁹ as the events unfolded around them. Certainly by the time of Dayton, the exact details of certain atrocities¹³⁰ and war crimes and of those who had carried them out were known to the IC participants at the talks.

In the light of the facts above, it must be assumed that the only reason that Mehmed Alagic, Naser Oric, Ante Gotovina, and others, all of them amongst the Bosnian Federation and Croatian military leadership, were not indicted before, or

¹²⁵ The fall of the Zepa pocket in July 1994 is a significant exception to this. The small Ukrainian troop contingent was largely ineffective and many of the UN relief agencies had already withdrawn from the smallest of the three Bosniac pockets in Eastern Bosnia before it fell to the VRS. (UNCA, however, had remained and the author is grateful to one of the civil affairs officers who was in the pocket, Ed Joseph, for this information on the incident.) There were no detailed IC reports and no international media witnesses (as they were all fully engaged in reporting on the fall of Srebrenica which had just taken place) to the events which took place there and no accurate records of how many of the possibly 16,000 survivors subsequently perished. Unfortunately for the victims of Zepa the lack of media coverage and the greater atrocities committed virtually under the glare of the international media spotlight shortly before in Srebrenica, means that very little is known of the detail of what happened although the atrocities at Zepa did form part of the indictments against VRS Generals Mladic, Miletic, and Tolimir. The area remained heavily mined and deserted in 2009.

¹²⁶ The local HVO commander responsible for the Stupni Do massacre, Ivica Rajic, was indicted in August 1995 and finally arrested on 5 April 2003 in Split. He pleaded guilty and was sentenced in May 2006 to twelve years imprisonment. There were 37 confirmed victims at Stupni Do and possibly as many as 50.

¹²⁷ Conversations held between the author Jeremy Fleming (EUMM) and Richard John (OSCE), a former UKLO officer, in 1996-7. Fleming subsequently was a witness at the ICTY tribunal of the HVO Commander in Central Bosnia General Blaskic (sentenced on the basis of 'command responsibility'), whereas John's testimony was never used by the ICTY.

¹²⁸ Conversations held with the JCOs and the EUMM.

¹²⁹ The author's conversations with Craig Jenness. At the time of the Gorazde 'pocket' Jenness was the UNHCR 'protection officer' in Gorazde and later the OSCE Bosnia's head of human rights. He subsequently served as Deputy Head of Mission (DHM) for the OSCE in Kosovo and then as OSCE Head of Mission (HOM) in Macedonia.

¹³⁰ The summary execution on a river bank of two out of three UNHCR convoy drivers (all UK citizens) on a riverbank alongside the road south of Zenica by members of Seventh 'Mujahiddin' brigade is a case in point. The third driver, who escaped by falling forward when shot and by feigning death in the river, made a detailed report of the incident to the UK upon his return. As a former Royal Marines warrant officer he was a credible witness – personal conversation by the author with 'Mac' McCourt, the survivor of the incident in May 2002.

indeed for many years after Dayton, was specifically because it would have hindered the Dayton peace process and perhaps 'confused' the general public, particularly those in the USA, who had been given a clear message by the US media as to who the 'goodies' and the 'baddies' were. For example, clear evidence of the 'successes' of those 'federation' military advances which followed the Srebrenica massacre in June 1995, such as the HV and HVO operations in Western Bosnia,¹³¹ in terms of ethnic cleansing, were all observed and gathered by impartial international observers at the time. Yet they are only now, almost fifteen years later, being aired at the ICTY. In a similar vein the public indictment of Jadranko Prlic, the wartime 'prime minister' of the Croat Republic of Herceg-Bosna (CRHB),¹³² had to wait until 2 April 2004,¹³³ whilst his wartime activities were known to all. In the interim, Prlic had been allowed to have a successful post-conflict political career, even for some time in the late 1990s, representing Bosnia and Herzegovina as its foreign minister.

Practical support was provided to the ICTY not only by their own investigators on the ground and the exhumation teams, but also by the UK troops¹³⁴ deployed within Bosnia who spent their years from late 1996 largely targeting war criminals, not only within the UK sphere of operations but Bosnia-wide. The UK

¹³¹ In particular during Operation Storm, on which occasion, officers in FRG army uniform, were also observed to be in attendance.

¹³² Extensive evidence was also gathered on the continuance of the structures of the CRHB for several years into the post-conflict period, in part, by the forensic audit teams within the OHR and OSCE referred to earlier, as well as by both IFOR and SFOR.

¹³³ UN Press Release issued by the ICTY on 6 April 2004.

¹³⁴ For the reasons why many NATO troops were less active in this regard, particularly those of the US, see Kerr (2004), *op cit.*, pp 154-161 and Gary J. Bass, *Stay the Hand of Vengeance: The Politics of War Crimes Tribunals*.

were the most successful force within IFOR/SFOR in that regard.¹³⁵ The last UK troops left on 26 March 2007, almost fifteen years to the day since the first UK troops deployed to Bosnia in March 1992, but by that stage only some 130 persons had been convicted by the ICTY and a handful of others had been convicted in cases derogated to the lower level courts within Bosnia. The introduction of the 'secret indictment' in March 1997 reduced the risk to both those indicted and the arresting party, in that the indicted person would not know that he/she had been indicted until the moment of his or her arrest.¹³⁶ It also increased the nervousness of those that felt that they had 'something to hide'. Bosnia was the first occasion in which the secret indictment system was used and the conclusion drawn from its use, both by the ICTY¹³⁷ and those more generally involved with the process¹³⁸ was that it was an extremely successful innovation. That said, the incident on 10 July 1997 in Prijedor when two arrests were attempted, illustrated some initial flaws in the process. In particular, at exactly the same time that some of the arresting officers were engaged in a shoot out with the wartime police chief Simo Drljaca, others arrested the hospital director and former wartime Prijedor Mayor¹³⁹ Milan Kovacevic, who along with Drljaca had been charged with genocide.¹⁴⁰ This arrest demonstrated that

¹³⁵ See the Joint statement by UK Foreign Secretary Robin Cook and Minister of Defence Geoff Hoon on 25 June 2000.

¹³⁶ Reduced but not eliminated. Simo Drljaca the wartime Chief of Police for Prijedor was arrested by UK members of SFOR whilst fishing at a lake near Prijedor. He opened fire with a handgun on the arresting party wounding one in the leg. In the ensuing exchange of fire Drljaca was killed.

¹³⁷ Carla Del Ponte and Chuck Sudetic, *Madame Prosecutor: Confrontations with Humanity's Worst Criminals and the Culture of Impunity*.

¹³⁸ Kerr (2004), *op. cit.*

¹³⁹ Kovacevic had been the mayor of Prijedor in 1992 and was indicted.

¹⁴⁰ ICTY indictment of Drljaca and Kovacevic, Case IT-96-24.

despite, or perhaps of in this case because of, the 'secret indictment', more careful briefing and above all legal oversight needed to be provided to the arresting unit. In this case, JCOs, who had been living in the 'team house'¹⁴¹ in Prijedor had been in the habit of visiting the hospital director on a regular basis to discuss his medical requirements for the hospital and the situation in the town generally. On this occasion they or their colleagues arrived at Prijedor hospital carrying a 'Red Cross' parcel and asked to see the hospital director. Upon being ushered into his room they drew their weapons and arrested him. Kovacevic surrendered and was removed to The Hague, but before he even arrived there the Commander SFOR was the recipient of a furious complaint from the ICRC who stated, quite correctly, that the internationally recognised symbol of the 'Red Cross' had been abused. There was here, as the ICRC pointed out, the possibility of a long-term increase in risk to their staff,¹⁴² worldwide for what in practice was a very short-term gain.

Kerr comments on the poor co-operation between the ICTY and IFOR/SFOR on the ground, but her commentary on this topic appears to be based solely on contacts with members of the judiciary and certain selected military officers, such as Ben Barry,¹⁴³ who were not directly involved in the detail of managing the

¹⁴¹ The JCOs lived in 'team houses' of four to six men, in about twenty towns and cities across Bosnia. In Prijedor the JCO team house was alongside the 'Field Offices' of both the EUMM and the OSCE, which served to reduce their profile somewhat.

¹⁴² The risk to the ICRC has indeed increased worldwide, but not solely because of this incident. There were also several examples of the abuse of the 'Red Cross' by combatants, later in Kosovo.

¹⁴³ Ben Barry, *A Cold War – Front-Line Operations in Bosnia 1995-1996*. Brigadier Barry was the Commanding Officer of a BG of about six hundred men at the time that the Dayton Agreement was signed.

ICTY's Bosnian presence. To say that the military 'would not guard exhumation sites',¹⁴⁴ reflects a very simplistic approach to the problems involved. The difficulty was that particularly in the early days, IFOR/SFOR could not always spare the manpower first to guard exhumation sites that were effectively worked on part-time; secondly. escort the convoys of mechanical handling equipment (MHE), often on a daily basis, to and from their secure compounds in IFOR/SFOR bases, and thirdly guard the hotels where those involved in the process of exhumation were housed.

Kerr¹⁴⁵ also mentions that the passage of intelligence to and from the ICTY by the agencies was problematic. This was in large part due to the fact that the ICTY investigation teams had no permanent and trustworthy presence within Bosnia and the investigators themselves often were only present in Bosnia for a few days per month. As Kerr¹⁴⁶ mentions, the ICTY had liaison officers located in Sarajevo and Belgrade, but many of the ICTY's own investigators circumvented these liaison officers as they were regarded as indiscreet - the one in Belgrade exceptionally so and because their movements and who they met, on for example the local diplomatic 'cocktail circuit', were well known not only to the international community and to the local authorities but also in many cases to the 'targets' of the ICTY's investigations.

¹⁴⁴ Kerr (2004), op cit., p 136.

¹⁴⁵ Ibid.

¹⁴⁶ Ibid.

There appeared to be unwillingness by some in the most senior management of the ICTY¹⁴⁷ to recognise that other people also had busy roles to play in post-conflict management. In addition there appeared to be a reluctance to accept that there were also others, amongst the IC involved in post-conflict, who needed to gain and maintain the confidence of the local population, such as those involved in civil registry¹⁴⁸ and who could not afford to squander their 'credit' for a short-term gain or a one paragraph statement, at an ICTY trial. This was particularly so in the cases of technical witnesses, many of whom were employed by the IC and who were permanently resident in Bosnia, but, unlike ICTY staff did not have the luxury of personal protection or bodyguards. Many of the problems identified above could have been overcome had the tribunal been located within Bosnia, the scene of the war crimes it was investigating, and not The Hague. This, too, was a break with the past and a surprising one as the infrastructure of Bosnia was in no way as damaged as that in either Nuremberg or Tokyo, or even that of Beirut¹⁴⁹ at the same time. Whilst The Hague may have been appropriate whilst the war was in progress, there appeared to be little reason, apart from the comfort of the judiciary, why the whole process could not have been moved to the Law Courts in Mostar which had been restored at considerable expense by the EU. The complications of operating out of The Hague by the investigators have already been referred to and arguably the isolation and lack of awareness

¹⁴⁷ Confidential interviews between the author and senior members of the IC in Bosnia regarding the interventions of Chief Prosecutor Carla Del Ponte in particular.

¹⁴⁸ Conversations held between the author, ICTY personnel, and civil registration staff.

¹⁴⁹ That was because in general the largest calibre weapons in use against for example Sarajevo were only 76-82 mm and relatively speaking there were few of them, compared to the conflict in the Lebanon.

of the situation on the ground by both the investigators and prosecutors was compounded by the fact that they were only ever 'visitors',¹⁵⁰ and in some cases very occasional ones at that, to the area with which they were dealing.

Furthermore, this geographical separation removed the 'directness' and reduced the impact of the ICTY upon the Bosnian people, both those who needed to see justice done and those to whom the ICTY represented a threat. Similarly, the decision to detain those convicted in prisons scattered around Europe, rather than in a place or places of detention in Bosnia was a new departure and perhaps an unwelcome one, particularly given that the criminals and the crimes for which they were convicted all took place within that country.¹⁵¹ The suspicion must remain that the conditions within a Dutch, Norwegian, or Swedish place of detention were perhaps rather better¹⁵² than those conditions which many of the Internally Displaced Persons (IDP), were enduring in the period 1996-9 and for whose displacement some of those convicted were responsible.

The ICTY has charged 161 persons from the Balkans¹⁵³ and currently thirty-four people are still before the Court, thirteen on trial and twenty-one appealing against their sentences. The last of those indicted, Goran Hadzic, the former President of the Republic of Serb Krajina, remained at large until 19 July 2011.

Perhaps of significance in relation to the time between the alleged crimes were

¹⁵⁰ Personal conversation held between the author and an investigator for the ICTY. The investigator had previously served as a military intelligence officer in Bosnia.

¹⁵¹ This was not the case for many of those convicted as a result of the Nuremberg and Tokyo processes.

¹⁵² The author in conversations held with ICTY investigators. Even when IDPs or refugees returned to their original homes, conditions were often extremely poor with no running water, electricity, and heating etc.

¹⁵³ This includes those indicted as a result of the Kosovo conflict.

perpetrated and the arrest was the fact that Hadzic had not even been indicted by the ICTY until 16 July 2004, although in mitigation, it has to be stated that neither the ICTY nor the International Criminal Tribunal for Rwanda (ICTR) were given any idea of how long their mandates were to last until UNSCR 1503 was approved on 28 August 2003. This stated:

the ICTY and the ICTR to take all possible measures to complete investigations by the end of 2004, to complete all trial activities at first instance by the end of 2008, and to complete all work in 2010.

As the Chief Prosecutor of the ICTR has stated:

for institutions which had seemingly operated on the basis of an indefinite life-time, these deadlines proved challenging immediately, notwithstanding that the benchmarks had been formulated in consultation with the tribunals themselves.¹⁵⁴

Following this decision the ICTY completion strategy was renegotiated and outlined in UNSCR1534 of 2004. The ICTY itself estimated, in its six-monthly report to the UNSC in February 2009, that it would not complete its work until 2013 and this estimate did not take into account the possible trials of Hadzic and Mladic who were at that time still at large. Again, according to the ICTY:¹⁵⁵

the Tribunal is working towards the completion of its mandate. The ICTY aims to achieve this by concentrating on the prosecution and trial of the most senior leaders, while referring a certain number of cases involving

¹⁵⁴ Justice Hassan B. Jallow, Chief Prosecutor of the ICTR at a guest lecture at the T. M. C. Asser Institute in The Hague, Netherlands on 4 October 2006.

¹⁵⁵ Ibid.

intermediate and lower-ranking accused to national courts in the former Yugoslavia. This plan, commonly referred to as the Tribunal's 'completion strategy', foresees the Tribunal assisting in strengthening the capacity of national courts in the region to handle war crimes cases.

However, during the period it has been operating, the tribunal has been costing over US \$100 million per year and its principal concern was in terms of staff retention according to the report by ICTY President Patrick Robinson on 24 November 2008 to the UNSC¹⁵⁶ and in May 2009 it was in the payment of permanent judge's pensions, even for those supplementary judges who had been hired on a temporary basis due to the overrunning of cases. By the time that the court winds up in 2013, after twenty years, it will have tried an average of slightly less than eight people per year and cost in the order of US \$2 billion.

Whilst the international community may question whether that represents value for money, it is likely that the victims of the Balkan wars in Croatia, Bosnia and Kosovo will be asking the rather more fundamental question of whether that represents justice, particularly when they can see some of those they 'know' to have been involved in war crimes such as Naser Oric,¹⁵⁷ living a millionaire's lifestyle and still taking their money.¹⁵⁸ Kerr,¹⁵⁹ describes in some detail, the

¹⁵⁶ Letter from Robinson to the UNSC dated 24 November 2008 enclosing the Tenth Annual report of the ICTY. The ICTY is required by its statutes to submit a six-monthly report to the UNSC.

¹⁵⁷ Oric was indicted and tried by the ICTY. In 2006 he was sentenced to two years imprisonment on the basis of command responsibility for the deaths of five Serb prisoners in custody. On 3 July 2008 the appeals tribunal of the ICTY overturned the earlier sentence and acquitted Oric.

¹⁵⁸ For the antecedents of Naser Oric and particularly the period when he was commander of the Bosniac forces in Srebrenica and Zepa see Kerr (2004), *op. cit.*. Her material, however, appears to be abstracted from the indictment of Oric by the ICTY and understates his 'commercial'

background to the indictment of Oric and the subsequent trial, but the intricacies of legal procedure will not have been understood by those people, all from rural areas, who were directly affected by Oric's activities.

For the international community the original plan as stated in the mandate of the ICTY had been to derogate the vast majority of the less egregious war crimes cases to the domestic courts of the countries concerned. This has not been seen to be effective,¹⁶⁰ even in places where due to ethnicity the courts are potentially hostile to those being charged. A further issue is that whilst the UN was willing to engage in the prosecution of war criminals within their own state of origin, it has in general interpreted this as being the conviction of people engaged in crimes against another ethnic group. Whilst it is possibly necessary to impose limitations, if only because of the capacity of the courts, upon the nature of the cases to be tried, this did not represent justice for the full scope of the atrocities which were committed, of which some were by various members of one group upon other members of the same ethnic group.¹⁶¹ Unfortunately, it would appear

interests. Even while still within the Srebrenica pocket the Bosniac leadership there were running an operation bottling shampoo, which had been 'confiscated' from the UNHCR and ICRC supplies being delivered to the people trapped within Srebrenica. This shampoo was then sold to the Serbs. The profits, presumably from this and other business interests, were in turn invested in three restaurants in Sarajevo, one at least of which was opened while the war was still in progress. In addition to the above and the fitness centre described in the indictment, Oric now owns the largest supermarket in Tuzla. A parallel example amongst the Serbs would be Ratko Markovic the Deputy Prime Minister under Milosevic who now appears on the 'Forbes Rich List'.¹⁵⁹ Kerr (2004), op. cit.

¹⁶⁰ One possible exception is Serbia, where even prior to the election of Boris Tadic, no fewer than twenty convictions had been obtained against citizens of Serbia for crimes committed in Kosovo and elsewhere other than the territory of the current Serbian State. Arguably these convictions have occurred for political reasons as Serbia wishes to demonstrate its compliance with the EU and accelerate its progress towards EU membership.

¹⁶¹ For example in Bosnia, where three Serb villages within the Gorazde 'pocket' sided and fought with the Bosniac 'Armija' against the RS, or in Orasje where Bosniacs isolated in the Croat pocket

that the Bosnian precedent may, in this regard, be being followed, as in Liberia, by other, later, UN, or IC, mandated war-crimes tribunals.

The derogation of the cases involving all but the highest leadership within the Bosnian conflict, was a fundamental assumption in the establishment of the ICTY, an assumption that was clearly misplaced.

Finally, another lesson which may have been learned by those indicted and by those that may be indicted at some stage in the future is that, generally, those who are tried first receive the most severe sentences in comparative terms. This was true of the Nuremberg trials where those tried in 1947-8 received a disproportionately large number of death sentences, even if they were not major figures within the Nazi apparatus, whereas those, such as concentration camp guards and members of death squads, the so-called '*Einsatzkommando*' who were only identified and tried by the German judicial system in the late 1950s and 1960s received much lesser sentences. In some cases only three to six years upon conviction for multiple murder. This general 'tapering off' of the length of sentence can again be observed in relation to the ICTY, where for example Tihomir Blaskic the HVO commander previously mentioned, received an 'exemplary' sentence of thirty years for his complicity in the Stupni Do massacre

again fought with their Croat neighbours in the HVO. Similarly in Kosovo, during the period of the insurrection against Yugoslavia 1998-9 a vicious civil war took place within the Kosovar population, as it did later amongst the Albanian Macedonian population. Much of this involved 'informing' upon opposition groups to the Serb police, military, and para-military. None of this was followed up by the domestic courts, in part because often the 'winners' of these struggles are now in power. However, 'tit for tat' revenge killings continue to take place. There were also numerous examples of same-ethnicity rape and the forced ethnic cleansing of the same ethnicity to gain access to agricultural land etc.

whilst Rajic the commander on the spot who actually ordered and carried out the murders, but who was indicted and convicted only in 2003, received a sentence of only twelve years.

The size and role of the Bosnian military from 1996

Introduction

The future of the various Bosnian armed forces and police forces and their transition to a post-conflict structure was a major issue for the IC. The IC took a conscious decision to reduce the various warring factions by incremental steps and then to integrate them, built upon its own experience of the often drastic reductions in troop numbers which had taken place within the militaries of Western Europe since 1989. They also deliberately eschewed using the years of experience gained in these processes by the UN. Although the process adopted may be unique to Bosnia, a comparison of the process can be made here not only with that undertaken in Kosovo but also subsequently in Iraq. The process of DDR is also one that is relevant to all post-conflict operations.

Dayton and beyond.

As a ceasefire rather than a peace treaty, the Dayton Agreement specifically permitted the retention of the various Bosnian armed forces and police forces,

but required that the 'paramilitaries' be rapidly disbanded.¹⁶² The Agreement also stated that all foreign forces should be 'withdrawn',¹⁶³ but although it would be true to say that the units containing 'foreign fighters'¹⁶⁴ were disbanded it is likely that many of the key personalities from those units, remained within Bosnia.¹⁶⁵ That the combatant element of the warring factions were retained was clearly a political necessity to get agreement and, one might suspect desired by the Bosniacs perhaps even more than by the other two combatants.¹⁶⁶ All that was done at Dayton was to set a proportionality¹⁶⁷ to the size of the armed forces which could be retained, whereby the forces which could be retained in the RS were to be half of those jointly retained by the Bosniac Armija and the Croatian HVO in the federation. There was no requirement within Dayton to integrate either the units or the command arrangements across Bosnia. The situation was therefore different to that at the end of the Second World War, or even that at the end of the Kosovo conflict, where the JNA was forced to withdraw from Kosovo as part of the agreement.

The task facing the military in IFOR/SFOR was to reduce the armed forces to manageable and sustainable proportions, while not flooding Bosnia with

¹⁶² GFAP (1995), op. cit., Annex 1-B Article II.

¹⁶³ GFAP (1995), op. cit., Annex 1-A Article III.

¹⁶⁴ Most of whom were the so-called 'Mujahiddin'.

¹⁶⁵ Various confidential conversations with US and other military officers within IFOR/SFOR implied that, critically, it was the C3 which had been retained. One mechanism which was used was for foreign fighters to marry Bosniac women. Under Bosnian law this granted them immediate Bosnian citizenship and as they were no longer 'foreign' they could remain.

¹⁶⁶ The Croats did at one stage, post-conflict, offer to reduce the HVO to zero provided the other two sides made similar commitments. That would have left the Bosniacs defenceless whilst the Croats would still have the substantial military forces of the HV in Croatia and the Serbs the JNA in Serbia. Unsurprisingly, the Bosniacs rejected the proposal.

¹⁶⁷ GFAP (1995), op. cit., Annex 1-B Article IV.

unemployed soldiers and weapons.¹⁶⁸ In practice, IFOR/SFOR needed to retain the units in place, or at least the cadre of the units, until the weapons could be withdrawn and made safe. A start was made on this by withdrawing all 'heavy' and 'air defence' weapons,¹⁶⁹ to weapon collection sites by a date not later than 180 days after the signing of the agreement. In addition IFOR/SFOR recognised within the former combatants the ability, and indeed laid upon them a requirement, to make a start on the lifting of the 30 million or so mines¹⁷⁰ which had been laid across Bosnia.

In redefining the roles of the various Bosnian armed forces the IC attempted to persuade them to begin cooperating with one another and to identify the roles of the military in terms of defining the external 'threat' to Bosnia,¹⁷¹ the potential for taking part in overseas deployments with the UN, and the military's role in civil emergency response. All of this was accompanied by improved training locally and joint courses at such locations as the NATO school at Oberammergau.

The difficulty with this approach was that it was consistently undermined, not only by the fact that two of the ethnic groups had organisations where they could receive training locally and moreover work in their own language, namely the Croats and the Serbs, but also because individual members of the IC who

¹⁶⁸ In conversations held between the author and Ms Sophie da Camara Santa - Clara Gomes, who was the Head of the UN DPKO DDR programme in New York, and her Deputy Cornelis Kees Steenken. UN DPKO did offer to run DDR programme for Bosnia in 1996, but this was rebuffed by the 'contact group' as was a similar proposal for Kosovo. Any DDR programmes introduced in Bosnia did not follow the UN DPKO model or guidelines.

¹⁶⁹ These were defined in the GFAP (1995), *op. cit.*, Annex 1-B Article IV sub paras 2 & 3.

¹⁷⁰ The information was provided by the Mine Action Centre (MAC), Sarajevo, Bosnia.

¹⁷¹ Which it was immediately recognised was very limited.

undertook training and supplied equipment and resources. This appeared to work against the policies of the IFOR/SFOR plan. The USA, for example, deployed MPRI to provide technical support and training in a wide range of disciplines to the Bosniac Armija and to a very limited extent the Croatian HVO but not to the Serb VRS. They also delivered substantial amounts of equipment including M-48A5 Main Battle Tanks (MBT) and M-113 tracked Armoured Personnel Carriers (APC), but only to the Armija. The Turks, likewise, provided training and M-48A5 MBTs and it was alleged,¹⁷² handed over substantial amounts of spares from their own M-48A5 fleet based in Zenica. For the Serbs and Croats such support was rather more discreet, but Russian support in Serbia and German support in Croatia could be observed from the equipments used by both forces, in particular the fact that much of the HVO armour was former GDR T-55AP MBTs and still had the instructions in German painted on the inside of the turrets.¹⁷³

As such, the post-conflict military model which evolved in Bosnia was probably unique. Neither a total demilitarization as in Germany in 1945 or Iraq in 2003, nor a fully worked out methodology for downsizing and restructuring took place within Bosnia. Rather, the discussion by the IC of the future size and role of the Bosnian military (or militaries) displayed an ad-hoc and stop, start approach which it would not be recommended to replicate elsewhere.

¹⁷² Conversations held between the author and US Military Officers at MND (N), Eagle Base, Tuzla.

¹⁷³ The author's conversations with JCOs and the author's personal observation.

The para-military and police from 1996

The police post-Dayton fared somewhat better. There appeared to be no alternative to the formation of a UN Police Mission, as at that stage the UN were the only organisation with post-conflict policing and police-training experience through their management of previous UN Civilian Police (UN CIVPOL) missions. Moreover, they already possessed significant Balkan expertise and a ready supply of well-qualified policemen who were both willing to deploy and who were funded by their own states. The 'contact group', however, thought that the force, although under day-to-day management of the UN, should be led by commanders appointed by itself and should be focused on training and mentoring rather than acting as a substitute police force, as had hitherto often been the case. From the first, the International Police Task Force (IPTF) of some 1,800 officers initially, was headquartered in Sarajevo but deployed down to police-station level across Bosnia and employed a standard methodology. This meant that although they were dealing with three separate forces the benchmarking, training, and standards expected were identical for all three forces.

Efforts were made over time, to reduce the size of the police forces and to ensure that the police who were retained met certain basic standards and were receiving training appropriate for their rank. Initially at least no attempt was made to integrate the forces, which whilst problematic was less so in RS than in

the Federation where the jurisdictions of the Bosniac and Croat contingents often abutted or overlapped. Initially, too, the various forces were effectively mono-ethnic, although over time some limited efforts were made to change this. These moves, however, proved difficult as it was not solely employment which was an issue, but also such essentials as housing, education for policemen's children, and so on. Furthermore, service in the RS police was unpopular amongst policemen living in the Federation as the salaries were lower and often paid up to a year in arrears.

Neither the armed forces nor the police are fully integrated as at 2011,¹⁷⁴ which is one of the key factors hampering Bosnia's move towards EU membership. Additionally, the police from two of the three ethnic groups still receive assistance and training from their neighbouring forces in Croatia and Serbia. DNA and forensic evidence for example, if not analysed locally, is sent from Banja-Luka to Belgrade, where also higher-level police training is carried out. For the Croats similar relationships exist with Zagreb. Some of these problems could have been avoided if the IC had funded, built, and trained the staff for a fully equipped forensic laboratory in Sarajevo, as they have now done for example in Albania, but they did not do so. Perhaps this was because of the 'six month' and 'one year' philosophy which pervaded the IC involvement in both Bosnia and Kosovo in the late 1990s and the early twenty-first century.¹⁷⁵

¹⁷⁴ The armed forces are not integrated at battalion level and below.

¹⁷⁵ The forensic laboratory in Albania and the associated training had been funded for seven years, primarily by the UK. The first PhD level Albanian forensic scientist graduated from London University in June 2009.

A further failing of the UN CIVPOL and initially of the IPTF was the absence of any counter-riot or public order function. Clearly it was inappropriate to retain the indigenous 'special police' organised into battalions who were such a feature of the former Yugoslavia, particularly as they were responsible for many of the atrocities in the early part of the conflict.¹⁷⁶ This left a capability gap,¹⁷⁷ between using the police and using the military. Up until the end of 1997 this gap was filled by UK and French soldiers using dogs and pick-helves, backed up, in the UK case, by Czech troops in cannon-armed APCs. This was clearly unsatisfactory so the decision was taken to form the Multinational Specialist Unit (MSU) under an Italian 'Carabinieri' framework and supported by companies of Carabinieri from Romania and Argentina. Although technically under SFOR control¹⁷⁸ the MSU functioned well in its role as an anti-riot unit, being configured for that task and fully equipped with all of the specialist equipment needed. The idea was later replicated in Kosovo and could serve as a useful model for ethnically-charged post-conflict situations elsewhere, as an integrated riot police will probably be amongst the last institutions to be created in the post-conflict transition following an ethnic conflict.

¹⁷⁶ One of their former commanders Milan Lukic was sentenced to life in jail by the ICTY on 20 July 2009.

¹⁷⁷ In particular, it left a gap within the US-controlled area in MND (N). This was exploited by the RS. As a result of the shootings of students during an anti-war riot in 1968 by US National Guard at the Kent State University, the US military were prohibited from undertaking any anti-riot or public order training. They were also not issued with non-lethal anti-riot equipment. This policy has now been 'adjusted' and limited numbers of members of the US Marine Corps (USMC) now receive anti-riot training and equipment at a centre near Camp Lejeune, North Carolina, USA.

¹⁷⁸ The Italian Carabinieri, as with the French Gendarmerie, is an agency of the Ministry of Defence.

There is no doubt that the changes to the standard UN model made by the IPTF were effective and various IPTF commanders who had previously served as the head of UN CIVPOL missions said this openly.¹⁷⁹ There were still problems and much of the UN ethos remained, but it is true to say that some of these occurred because officers were posted in to a European environment where even post-conflict the residual resources and training of the police were often far greater than they enjoyed in their home country.¹⁸⁰ Much of the training and mentoring work done by the IPTF and the models developed for this have now been adopted by the EU Police Assistance Missions deployed across the Balkans and further afield and are now taught on the EUPOL courses at the police academies in Munster (FRG) and elsewhere and which will be covered in more detail in a later chapter.

Education – ‘Two Schools under one Roof’¹⁸¹

In the immediate aftermath of the conflict little attention was paid to the education system. Yes, the IC poured in money and United Nations Childrens Fund (UNICEF) was busy rebuilding schools and buying books and computers, but little was done to examine what was happening to the curriculum and what language was being used in the classroom. Serbo-Croatian had been a broadly unified language, but with recognisable regional dialects before the war. It had

¹⁷⁹ At least one such former IPTF and UN CIVPOL Commander said this at the NATO School in Oberammergau in 2001.

¹⁸⁰ This was particularly true for officers from the smaller sub-Saharan countries such as Ghana and even Kenya, where rural police forces often do not have basic equipment such as radios.

¹⁸¹ Ambassador Douglas Davidson, *Why Two Schools under one Roof must go*.

always existed in two scripts, which in pre-conflict Yugoslavia had been taught on alternate weeks, so that everyone could read both Cyrillic and Latinic script. In the aftermath of the conflict the language was being 'used' as an indicator of an ethnicity, a marker that the user 'belonged' to one or another ethnic group. Similarly, history was being used to reinforce stereotypical views of the different ethnic groups, nowhere more so than in the study of the Second World War, where in very general terms the 'Serbs' fought against the Germans and their allies which included the Croats and the Bosniacs.¹⁸² Although these problems were recognised by early 1997 little was done by the OHR and the OSCE until 2000 to establish and push through an agreed curriculum and to enforce the joint teaching of all students of whatever age group together. In most ethnically 'mixed' areas in the period 1996-9 what in practice had happened was that one ethnic group occupied the school in the morning with their teachers and was taught in 'their' language and to 'their' curriculum, while the children from the other ethnic group received their tuition, separately, in the afternoon. From 2001 the OSCE established, in the absence of any other agency, a department to work on this issue and to try to break this pernicious phenomenon by using its field office network throughout Bosnia. As the article indicates,¹⁸³ it continues to prove an extremely complex topic to deal with and in particular the desire by some elements within some communities, post-conflict, to receive an Islamic curriculum has not made the situation any easier.

¹⁸² The *Waffen SS 'Handzhar'* Division which fought in Bosnia in 1944 was comprised of Bosniac troops and the Croats were responsible for the removal of almost the entire Jewish population of Bosnia to the Jasenovac concentration camp in Croatia as well as the ethnic cleansing and destruction of the Serb-populated town of Bosanska Dubica.

¹⁸³ Davidson (2005), op. cit.

At the tertiary level there are similar problems of ethnic segregation within Bosnia, but these are much more difficult to deal with and may prove impossible. Within Bosnia itself Bosnian Croats go to university in Mostar while Serbs go to Banja-Luka. Within the Bosniac community there is more choice with universities in Sarajevo, Tuzla, and Bihac. The truth is, however, that these institutions are largely mono-ethnic. In addition many Croats go to Zagreb for their first-level degree and at the higher levels almost all go there, or elsewhere in Western Europe or North America. The same is true for Bosnian Serbs except that in their case they will go to study in Belgrade.

The education project being run by the OSCE is an innovative one and could serve as the pilot for similar projects elsewhere during the post-conflict phase of any ethnic conflict. That the education project in Bosnia is in many senses a 'first' could perhaps be explained by the reluctance of the UNICEF to become involved, or indeed to be the lead agency within Bosnia. While it is happy to disperse funds and become involved in the provision of teacher training, the multi-cultural approach adopted by the UN agencies in general and indeed the multi-cultural nature of their staff probably makes these specific elements within education - language, religion, and history - difficult topics for it to become involved with.

The impact and role of the neighbouring states

Introduction

The impact and role of neighbouring, and perhaps what might be called 'parent' states, will be discussed in this section as a political issue, but as outlined below, the details of the practical impacts of these neighbouring support structures, particularly in terms of service provision, will not. While Bosnia might be an extreme example,¹⁸⁴ the role of 'friendly' and ethnically similar (at least to one participant in the conflict) neighbours has often and will continue to play a key role in ethnically or religiously-motivated conflicts worldwide and it is therefore important that this issue is examined in the context of the management of post-conflict. The IC, specifically the USA, implicitly and perhaps, in retrospect, unintentionally, emphasised the importance of the neighbouring states in the Bosnian conflict by not even inviting the Bosnian Croat and Bosnian Serb leaderships to the Dayton peace talks, preferring instead to talk to Presidents Tudjman of Croatia and Milosevic of Serbia.

¹⁸⁴ Say, for example, in comparison with the Tamil areas of Southern India which abut the essentially Tamil – Sinhalese conflict in Sri Lanka, but where they are able to exert little practical or even political impact upon developments in Sri Lanka.

The role and influence of Croatia, Serbia, and Montenegro in Bosnia

If the neighbouring state to the conflict was an important factor in the conflict, then it is important that the IC remain closely engaged with that state throughout the ongoing post-conflict operations and this was the case in Bosnia and later Kosovo.¹⁸⁵ Throughout the post-conflict period in Bosnia it was essential that both the Croatian and FRY Governments co-operated with the IC over such issues as the running of elections for the Bosnian Croat and Bosnian Serb diaspora in their own countries and the management of refugee 'return'. Additionally for Croatia, which permitted the Bosnian Croat population to vote for 'overseas' constituencies in the Croatian assembly, it was essential that they co-operated with the Bosnian authorities and the IC if those elections were to take place.¹⁸⁶ In many cases, and Bosnia would be a good example, the issue of 'dual nationality' for non-resident members of the appropriate ethnic group is also an issue and this was particularly the case with the Bosnian Croats who were also entitled to claim Croatian citizenship. The 'high representatives', in particular Paddy Ashdown, attempted to force the Bosnian Croats to choose between either Bosnian citizenship or that of Croatia and passed an order that the retention of Croatian citizenship would mean the forfeiture of Bosnian citizenship and citizenship rights within Bosnia. These threats largely failed as

¹⁸⁵ While Bosnia is an obvious example a similar relationship existed between India, in particular between the Indian state of Tamil-Nadu and the Sri Lankan Government during the long-running conflict there. Indeed, the Indian decision to support the Sri Lankan Government, in particular the enforcement of the naval blockade, was critical to the Sri Lankan's eventual success in resolving the conflict.

¹⁸⁶ The Croatian authorities were legally permitted to run elections within Bosnia, but within their own sovereign space, for example consulates.

the IC was in a very weak position, particularly as the post-war Croatian economy gathered pace. In central Bosnia where the resident Croatian population was already under pressure,¹⁸⁷ it increased the 'voluntary' removal of Bosnian Croats either to the Croatian 'borderlands' on the coastal fringes of Bosnia or into Croatia itself. The financial implications of remaining 'Bosnian' as opposed to 'Croat' also told against this policy, as for example state pensions and disability allowances in Croatia were approximately 400 percent of those in Bosnia and residency within Croatia was not a requirement for their receipt. Finally, Croatia remained impervious to the IC's threats that they should permit their displaced Serb populations¹⁸⁸ to return in significant numbers and instead encouraged the transfer or exchange of Serb-owned properties at heavily discounted prices to returning 'Croats' (and others)¹⁸⁹ with the result that this policy in effect contributed to the 'sealing in' of ethnic cleansing within Croatia. The impossibility of enforcing the policy, so as to make the Bosnian Croats drop their 'dual nationality', led to it quietly being 'dropped, after 2001.

¹⁸⁷ From 1996 to 2001 it is estimated that the Bosnian Croat population of Zenica municipality fell from about 14,000 to about 9,000, i.e. from about 10% to just over 6%.

¹⁸⁸ While this primarily relates to the homes of the 650,000 Serbs from the Krajinas, much of the Serb owned property on the Dalmatian coast and on the islands consisted of holiday homes for the Serb upper and middle classes from Belgrade.

¹⁸⁹ Many Western Europeans who have bought holiday villas etc. along the Dalmatian coast and on the islands have in effect done so, by buying formerly Serb-owned property which has been sold to them through Croatian 'middle men'.

Further elements for consideration regarding the IC's involvement in post-conflict within Bosnia

A brief list of those elements of post-conflict within Bosnia that were not covered in this chapter are included below. Whilst the list is by no means exhaustive these are important issues, but have been omitted on the grounds that they are either less critical than those issues which have been covered or are Bosnia-specific. They do, however, merit detailed consideration elsewhere.

Residual Assets and Debts

The allocation of social housing and in particular the accommodation formerly belonging to the JNA¹⁹⁰ and other issues relating to the compensation of the residual elements of the SFRY, later the FRY, for the loss of control over these assets.¹⁹¹ It is worth noting here that the way that the issue of residual debts and obligations was treated was significantly different to the approach taken to the same issues within Kosovo following the Kosovo conflict,¹⁹² where no

¹⁹⁰ The amounts of JNA-owned 'social housing' in for example Sarajevo were significant. In one block alone, completely undamaged by the war, there were 650 'officer' apartments. Within garrison towns, such as Trebinje or Bileca, JNA-controlled accommodation or barrack units comprised a sizeable minority of the accommodation available at the end of the conflict.

¹⁹¹ In practice, much of the accommodation which 'belonged' to the SFRY was 'bought' from the Milosevic regime in Belgrade by the US Government and then handed over to the Bosnian government control. The Bosnian Government then promptly sold most of it on to pre-war 'sitting tenants' (at least in Sarajevo). As with the payment of the Milosevic regime for the management of elections within SFRY, which amounted to some US \$250,000 per round of elections, these US-funded transfers were not much publicised at the time, perhaps because the SFRY was still under a UN-sanctioned embargo.

¹⁹² This was in part due to the fact that Kosovo formed an integral part of the SFRY, which in practice ceased to exist following the Kosovo conflict. In other words unlike Bosnia, Kosovo was already in effect a 'shareholder' in the property concerned.

compensation to the SFRY was provided for the loss of assets. Linked to this issue there is also the whole issue of the ‘inheritance’ and proportionality of the obligations for the share of the national debt of the FRY which could be alleged to be one of the principal original drivers¹⁹³ of the conflicts in the Balkans.

Freedom of movement

The broad issue of ‘Freedom of Movement’ (FoM) has only been discussed in so far as it related directly to policing issues. There are a whole range of other relevant issues including such items as international travel documentation, access to services, and employment. There are also those useful and practical FoM innovations from Bosnia such as a countrywide harmonised vehicle licence plate system.¹⁹⁴

¹⁹³ In very general terms, the development, particularly of the infrastructure of the FRY, was funded largely by increases in government borrowing and hence debt in the 1970s and 1980s. In terms of tax receipts both Slovenia and Croatia were net contributors to the FRY, whilst Serbia (less Kosovo) contributed as much as it benefited. Both the republics (within the FRY) of Macedonia and Montenegro were modest net beneficiaries whilst the principal beneficiaries per capita were Bosnia and Kosovo. For evidence of the impact which this had, particularly upon the subsequent conflicts see Misha Glenny, *The Fall of Yugoslavia: The Third Balkan War*, and Mark Thompson, *A Paper House – The Ending of Yugoslavia*.

¹⁹⁴ This was designed to be fully ‘randomised’ so that the licence plates which were in the format 111 – A – 111, were issued in a scattered manner so that certain blocks of numbers and letters e.g. 123 - K – 999 could not be identified with specific geographic areas such as villages, or even across entities. As the coding system by which the licence plates were issued could not be issued to the various entity police forces, at least in the early days, this had the unplanned for effect of making it extremely difficult to check for stolen vehicles and hence as a by-product of this system the number of vehicles stolen, particularly across the IEBL, increased.

Access to services

While education has been discussed above, the whole issue of access to services such as health provision¹⁹⁵ and the role of neighbouring states as alternative service (and for example old-age pension) providers,¹⁹⁶ has not. It is accepted that these are key components of the integration process and of nation-building but they have been omitted due to a lack of space.

Finally, the whole issue of the evolving role of the EU within post-conflict and particularly in the Bosnian context will not be discussed and, in particular, the EU's role as a political lever upon the governing classes within Bosnia and elsewhere within the Balkans as this will be covered in detail in a later chapter.

Conclusion

While Bosnia has formally ceased to become a 'post-conflict' country the Bosnian story in terms of the conflict is still not over and indeed new twists in the story keep emerging.¹⁹⁷ The European Union Force (EUFOR) was cut from 6,000 men

¹⁹⁵ Even as late as 2002 and within the staffs of the IC organisations such as the OSCE, it was a truism that Bosnian Croat staff based in Sarajevo would go for optical and dental treatment to Zagreb whilst the Bosnian Serb staff would go to Belgrade for the same treatment.

¹⁹⁶ For those who opted to retain Croatian citizenship whilst continuing to reside within Bosnia not only was the 'state' (in this case Croatian) old-age pension greater than that provided by the Bosnian state to their Bosnian neighbours but similar discrepancies applied to veterans and disability pensions and access to prosthetic appliances.

¹⁹⁷ The EU decision on visa liberalization for the Western Balkans announced on 15 July 2009 is one such. The only countries excluded from this new round of liberalization are Albania, Kosovo, and Bosnia. In practice, that means that only the Bosniacs are excluded, as the Bosnian Croats carry Croatian passports, whilst the Bosnian Serbs carry Serbian passports and hence can

to 2,500 in the Spring of 2007, but a residual military, police and international presence remains. In 2009 Bosnia is seen to be making little or at best limited progress despite an international investment in development and reconstruction of some US \$5.1 billion by 2000. The country remains divided, politically, economically, and, to a great extent, ethnically, and there is an increasing fear amongst the IC that Bosnia may yet either slip back into the abyss of civil war or worse still become an Islamic enclave within Europe and a staging post or even spawning ground for terrorism.

Despite this Bosnia in post-conflict terms was the first occasion where the wholehearted engagement of the EU as a player on the world stage took place and the first post-conflict environment which was not dominated by two superpowers, Russia and the United States.¹⁹⁸ The role of the EU in post-conflict will be dealt with in a later chapter.

Furthermore, the wars in the former Yugoslavia, of which Bosnia was the longest-running example, were the first internal conflicts which had involved large-scale fighting within Europe itself since the Second World War. It was unique in that it was in general managed by the 'contact group' which was 'of the UN' but outside of its formal structures. In consequence, Bosnia was the first major multinational post-conflict involvement since the beginning of the Cold

benefit from the liberalization of the visa regime whilst the Bosniacs cannot. See Nenad Pejic, *Tearing Bosnia Apart one Decision at a Time*, and Anes Anic, *Bosnians got what they voted for*. It is perhaps significant that both writers are Bosniacs.

¹⁹⁸ The First Gulf War which took place in 1991 falls into a different category.

War, where the IC was active on the ground throughout the post-conflict phase but was managed outside of the UN structures.¹⁹⁹ It was also the first non-UN-managed post-conflict engagement to take place within an environment where other post-conflict activities were going on in the states alongside²⁰⁰ and where the build-up to a further conflict was also taking place in an adjoining state.²⁰¹

The holding of early elections had been seen as a mechanism for resolving conflicts in the early 1990s both in long-running conflicts such as those in Cambodia and Mozambique and the rather briefer conflict in Georgia²⁰² which formed a part of the break up of the Former Soviet Union (FSU). The holding of elections formed a key part of the Dayton Agreement and was seen as a way to bring a quick closure to the conflict and therefore rapid troop withdrawals. Unfortunately, had the US negotiators at Dayton paid more attention to their own 'religious right' within the USA, they might have discovered that 'politics is war by other means'²⁰³ was also part of the fundamental beliefs of the then emerging right-wing 'neo-con' group²⁰⁴ and they might have discovered that the 'neo-cons' had been anticipated in this approach by the ethnically based Bosnian political party structures. The Bosnian political elite also shared another one of the neo-cons favourite slogans 'Politics and war share the same primary goal: control of a

¹⁹⁹ The conflict was managed within a UN mandate but without a UN lead.

²⁰⁰ Croatia and Serbia.

²⁰¹ In this case, the Kosovo crisis within Serbia.

²⁰² This led to the Georgia independence referendum in 1991.

²⁰³ Carl Von Clausewitz, *On War*.

²⁰⁴ See amongst others Pat Dollard, *Politics Is War by Other Means: ACTIVE's Core Manifesto on Rightwing Political Strategy*.

territory'²⁰⁵ and were the first to attempt to implement it. As a result of this failure to anticipate the Bosnian elite's ability to manipulate the electoral process, the elections in 1996 did not bring closure and re-unification but only further, but at least non-military, conflict which has continued to this day. It would take a further real tragedy in 1999, on another continent, to finally bring home the message to the IC and the USA, in particular, that simply holding an internationally supervised and therefore 'fair' election or referendum does not guarantee peace.²⁰⁶ In that sense the Bosnian conflict can be seen to mark the beginning of the realization that elections of themselves are valueless, they are simply a step in the post-conflict process and it is the implementation of elections which are the critical element.

The Bosnian conflict was from 1996 also the first multinational military intervention outside the UN umbrella and was also the first occasion where a major military force was deployed beyond the boundaries of the NATO alliance, but effectively under the control of NATO and using NATO structures. In terms of post-conflict management, it was for many of the nations contributing troops the first time that they had used the military as an integral part of the post-conflict

²⁰⁵ Ibid.

²⁰⁶ This was the referendum on whether East Timor should be independent from Indonesia. This was organised and run by IFES with US funds and carried out on behalf of the international community. The referendum on 30 August 1999 produced an over 90 percent result in favour of independence. However, Indonesian Army backed militias then massacred approximately 1,400 people including several UN international employees and pushed approximately 300,000 refugees over the border into (Indonesian) West Timor. During the massacres most of the infrastructure of the state was destroyed. Jeff Fisher, a Vice-President of IFES and the Elections Director for the referendum, told this author in October 1999 in Pristina, that while the outcome was widely known and planned for, neither he nor the other US advisors had ever considered the likely Indonesian reaction to the referendum result. Critically this affected much of his and IFES's decision-making processes during the first round of Kosovo elections in 2000.

nation-building process. It was perhaps not surprising therefore that part of the problem with the development of for example, military PsyOps within Bosnia, both in terms of product and delivery was the belief by some states that the military 'simply do not do this sort of thing'.²⁰⁷ The need for the military to cover capability gaps in policing, particularly in the areas of the use of non-lethal force and riot policing were again alien to the principles of many of the participating states, in particular the USA. Following Bosnia, the need for the military to become engaged in these processes has become widely accepted, but Bosnia was for many the first experience of 'modern war' and indeed the much-discussed, but perhaps then not fully understood, 'asymmetric warfare'.

That the Balkan conflicts and in particular that in Bosnia also occurred at a time when electronic communications and in particular the use of satellites and the internet were radically altering the way in which the world did its business, means that the IC's response to the Bosnian conflict in particular can be seen to be the first iteration of the IC's management of post-conflict in the twenty-first century. Many of the solutions and possibilities opened up by the internet and satellite revolution in the field of post-conflict also brought with them a new range of problems and whilst many, but by no means all, of these problems, such as the security of data and communications, were identified during the Bosnian conflict,

²⁰⁷ Canada for example did not permit its military forces to engage in PsyOps until the rules were changed as a result of the Bosnian conflict in early 1997.

it would take some years and several further post-conflict interventions before these issues were successfully, for the most part, resolved.²⁰⁸

The creation of the ICTY in 1993 was the first attempt since the Nuremberg War Trials to provide a full, legal, and internationally recognised court system to deal with war criminals and, in particular, the first ever international court which tried defendants who were the citizens of a state and who had been engaged in the prosecution of a civil war within their own state. As such it was the precursor to the trials for the Rwandan genocide,²⁰⁹ the attacks in Sierra Leone in 1999-2000, and even the indictment of the president of the Sudan,²¹⁰ all of which have followed logically on from the precedent set by the ICTY. Furthermore, the ICTY clarified and developed the law on the definition of 'command responsibility' and then went on to use this concept²¹¹ to secure convictions of not only military commanders but also members of the wartime civilian leadership.

That the ICTY should perhaps have gone further in terms of its mandate to look at crimes committed within the confines of particular ethnic groups is now clear, but understandably perhaps this could not have been anticipated at the time of its creation when the conflict had still three years to run. That the speed at which

²⁰⁸ The development of larger mass storage devices and the ability to connect these highly portable devices using Universal Serial Bus (USB) to computers means that the storage of large quantities of personal data, even in non-conflict, areas remains an area of concern.

²⁰⁹ The International Criminal Tribunal for Rwanda ICTR was established as a result of UNSCR 955 in November 1994

²¹⁰ He was indicted on 4 March 2009.

²¹¹ In the case regarding Jadranko Prlic and five other former members of the wartime government of the Croat Republic of Herceg-Bosna (CRHB) this has been referred to as 'criminal responsibility'.

justice was delivered was too slow is only now generally understood and also the fact that there was, and may often remain, only a limited willingness within those states which themselves were a party to the conflict to push for retributive justice in the way in which the IC would have wished. The citizens of those states would, in general, wish to put the conflict behind them even if that meant that justice was not necessarily done.

The IC attempted to put into practice many of the ‘lessons learned’ from Bosnia into its post-conflict intervention in Kosovo and then to apply those that they could, retrospectively to the Bosnian model. Arguably, however, in terms of the development of the ideas of post-conflict management Kosovo was in large part a continuum of the Bosnian scenario with many of the same key players²¹² and ideas, a point which was brought out by the Independent International Commission on Kosovo (IICK).²¹³ It would therefore have to wait for the post-conflict interventions of the twenty-first century for the Bosnian model of post-conflict intervention to be significantly developed further.

This brief review of a limited number of the most relevant developments in the management of post-conflict which took place in Bosnia demonstrate that the Bosnian intervention was the first of the twenty-first century post-conflict interventions. In some ways it could be described as traditional in that it was for

²¹² Including both the first deputy high representative and deputy head of the OSCE Mission, both of whom moved from the same post in Bosnia. As was mentioned earlier, the USA had wished that the UN SRSG in Bosnia fulfil the same function in Kosovo.

²¹³ IICK, *Kosovo Report – Conflict, International Response, Lessons Learned*.

the most part a genuine 'humanitarian' intervention²¹⁴ on the part of the IC, in that few, if any, of the participating states entered upon it, either because they were directly threatened or for commercial or strategic gain. On the other hand, the intervention following Dayton was unlike any other since the formation of the UN in 1945,²¹⁵ in that it was neither the action of a colonial (or even former colonial) power, nor was it under the blue beret and mantle of the UN.

²¹⁴ Roderick Moore, *The Limits of Humanitarian Intervention*.

²¹⁵ The United Nations officially came into existence on 24 October 1945 – UN Fact Sheet at: <http://www.un.org/en/>.

Chapter 7

Post-Conflict Operations in Kosovo

Introduction

The IC's involvement in Kosovo should be considered, in UN terms at least, as a fourth-generation peace-enforcement mission which was transformed post-conflict, into a second-generation, complex, nation-building operation. Although operations during the peace-enforcement phase were mandated by the UN,¹ they were carried out by NATO under strong US leadership. The post-conflict phase was carried out in the manner of a UN second generation mission. The essential difference at the highest management level being the appointment of a 'high representative' and with the UN, in the form of the UN Mission in Kosovo (UNMIK), leading the strongest 'pillar' of a multi-organisational 'pillar structure'. These structures were based upon the mandate provided for in UNSCR 1244.² The public portrayal, particularly by the USA, of the IC's intervention in Kosovo was glossed as a mission founded upon humanitarian intervention and disinterested liberal interventionism. Indeed, in 2004, President Clinton claimed that in March 1999:

¹UNSCR 1203 adopted 24 October 1998 mandated the conduct of a chapter VII operation in Kosovo, should that prove necessary. Fourth-generation 'peace enforcement' operations require a chapter VII mandate in order to operate. NATO based both its military and post-conflict engagement in Kosovo upon a series of UNSCR resolutions. See NATO, *NATO's Role in Kosovo: Key documents*.

² This was adopted by the UNSC, 10 June 1999.

we were moving toward another Balkan War, this time in Kosovo. The Serbs had launched an offensive against rebellious Kosovar Albanians a year earlier killing many innocent people.³

As will be demonstrated later, the reality at least as far as the US was concerned, was rather less disinterested and humanitarian than it was publicly portrayed.

As with the preceding chapter on Bosnia, this chapter will not attempt to examine all of the issues surrounding the ongoing Kosovo post-conflict deployment, but will focus on specific issues which are of importance in the wider sphere of post-conflict management and particularly those which are still relevant in 2011. The aim is both to illustrate new approaches to the IC's involvement in post-conflict and to illustrate persistent and repetitive weaknesses in the IC's involvement which can be demonstrated using the experience of Kosovo. These arguments follow logically from those of the previous chapter and its discussion of the Bosnian post-conflict mission. Given their close proximity in both time and space⁴ it might appear logical that in the IC actions post-conflict, Kosovo would have benefited from the lessons learnt in the Bosnian engagement. In some cases that was true and this chapter will examine the 'pillar structure' which was developed for Kosovo and later 'retrofitted' to the Bosnian post-conflict architecture. This was designed to improve the efficiency of the IC and also attempted to prevent the duplication of effort amongst the various agencies

³ Bill Clinton, *My Life*, p 848.

⁴ At their closest points, the borders of Kosovo and Bosnia are less than 100 kms apart.

involved.⁵ In other areas, however, it would appear that little was learned from Bosnia and that the IC entered the Kosovo post-conflict phase somewhat more disorganised than it had in Bosnia. The thesis will initially examine this issue of unpreparedness as this will underpin and inform the remainder of the discussion on the Kosovo mission. The chapter will examine whether the IC has achieved 'reconciliation' among the various communities post-conflict - a pre-requisite for any exit strategy and for a lasting peace. Finally, the chapter will examine Kosovo as a post-conflict model and will attempt to identify not only whether the process can be judged 'successful', but also whether the investment made in both time and resources is worth repeating in future post-conflict missions, particularly in states which may be significantly larger in scale.

Strategic overview – the build up to conflict and the post-conflict mission

The failure of the IC to plan adequately for the post-conflict phase whilst conducting the conflict phase of the mission⁶ would appear to be one obvious

⁵ As with the US CIMIC directory of IOs, INGOs and NGOs working in Bosnia, a similar, but somewhat smaller volume, was produced for Kosovo.

⁶ This occurred most spectacularly in connection with the Second Gulf War, campaign. By the time that the planning for an Iraq 'operation' had started sometime late in 2001, elements within the US administration had recognised the need to plan in detail for the post-conflict phase and the reconstruction of Iraq. An expert team was established within the US State Department to look at and plan for the reconstruction of Iraq that would be required following the overthrow of the Saddam Hussein regime. This planning effort was largely negated when the Bush administration moved the responsibility for the management of the Iraq operation from the State Department to DoD control. From that point on, not only were the plans made earlier by State not used, there was also no alternative detailed contingency planning for the post-conflict phase carried out either. Iraq is perhaps the best illustration to date of the implications of late decision making and of the consequently rushed and inadequate planning decisions within post-conflict operations. While in both Bosnia and Kosovo it was arguably 'rushed' because of late IC decision making, in the case of Iraq the US took this concept one stage further and assumed direct control of the post-conflict phase of the operations themselves, in part because of the lack of a UN mandate

example of a repetitive failure on its part. The matter of exit strategies, or the failure to effectively plan for them, continues to be relevant not least with regard to Libya in 2011 and perhaps Yemen, where despite the IC not being involved in what is arguably a 'conflict phase',⁷ they will undoubtedly be required 'post-conflict'.

Before we examine the post-conflict developments in Kosovo it will be relevant to examine the lead up to the conflict itself, as Kosovo demonstrated some marked differences to Bosnia in this regard. Despite being part of the Ottoman province of Western Rumelia, having had an ethnic Albanian majority for many years, and having been liberated by the Albanian partisans in late 1944, Kosovo had since the Congress of Berlin in 1878 formed an integral part of the Serbian kingdom and later the Republic of Serbia within the former Yugoslavia. The Serbian-run administration was liberalised somewhat in the later Tito years, but following the election of President Milosevic and the passing of new legislation in 1986 suffered from an increasingly repressive Serb-run leadership. The province was rigidly Serbian controlled with Serbs occupying 95 percent of police posts and all

and the lack of consensus for the Iraq operation in the first place. Whether any serious attempt was made to engage with the UN in terms of providing administrative support to post-conflict operations in Iraq prior to the conflict is still not clear, but the failure to do so and to employ those with adequate skills and experience to run such operations was again manifestly clear. As was the case with Kosovo, not only was the post-conflict plan for Iraq incomplete but it, consciously on some occasions, ignored the hard-won lessons of the past. As with Bosnia and Kosovo earlier, the USA ignored the lessons and advice from the DDR specialists within the UN as to the best approaches to DDR and took a series of rapid decisions in the immediate post-conflict period to demobilise all of the existing members of the military and police immediately without any further thought as to who was going to maintain law and order in the medium to long term. They also failed to assess what the impact would be of making unemployed hundreds of thousands of men with firearms training and often still with their issue weapons. The background to this failure is clearly explained in David L. Phillips (2005), op. cit.

⁷ It is still not clear in July 2011 whether there will be a 'conventional' conflict phase in Syria and perhaps Bahrain. Nor what the eventual outcome may be.

posts within the judiciary. The Albanian response to these pressures, under the Liberal Democratic Union (LDK) and its leader Ibrahim Rugova, was one of passive resistance and attempts to establish effective 'parallel structures' of governance and administration. That the Serbian authorities took no action, given the pressures on the regime elsewhere, not least with the war in Bosnia is perhaps not surprising. In parallel with these developments the collapse of the Albanian communist regime in 1993 led to an increasingly open border with that state and indeed the informal provision of services by the Serbian State, through the LDK's parallel structures, to the impoverished rural areas of north-eastern Albania.⁸

The increasing independence of the Kosovar Albanians through their parallel structures of government and their increasing experience in 'self administration', was tolerated by the Serb authorities through the period from 1991 to 1997. At this point, the more aggressive Kosovo Liberation Army (KLA), led by Hashim Thaci and other young leaders opposed to the 'softly-softly' approach of Rugova and the LDK, appeared. The KLA was aided by having an open border with Albania, and by there being an Albanian leadership with strong interests in

⁸ For example primary schoolchildren from six villages in Albania were being educated in village schools in Kosovo in the mid-1990s and this educational provision continues. The fire service for Bajram Curri and Krume in Albania and surgical operations for the residents of Bajram Curri were also being provided from the town of Djakovica (Gjakova) in Kosovo, during the Milosevic era. These provisions are ongoing, as is the provision of tertiary education for students in the north - east of Albania. In order to reduce the stress on the Gjakova hospital outpatients department, the Kosovar authorities have for some years deployed two doctors and some nurses to the hospital in Bajram Curri (Albania) where the operating theatre is unusable.

Kosovo particularly around Djakova,⁹ and US support. Indeed, it was the provision of safe havens and equipment by the Albanians and of military training by the USA and to a lesser extent by others,¹⁰ which was to be critical to the KLA's success.

As stated earlier, former president Clinton would like to see his administration's intervention in Serbia portrayed as liberal interventionism and a form of humanitarian intervention,¹¹ but the reality is that the USA was providing military training and assistance to the KLA in 1997 before the KLA campaign and the Serbian countermeasures really got underway.¹² The reality would appear to be that the Clinton Administration had by this date decided that the only way to make progress in the former Yugoslavia was to remove Milosevic and that the mechanism to do so would be for there to be a confrontation in Kosovo.¹³ As such, the actual US policy was not one of liberal interventionism, nor was it linked to humanitarian intervention. By emboldening the KLA at the expense of Rugova

⁹Sali Berisha, then the Albanian president and currently its prime minister, is the clan chief of the Berisha clan. The historic clan area of the Berishas includes both Bajram Curri and Djakova. These two cities are on a natural routeway and were closely linked throughout the Ottoman period. The Berisha clan was the source of much of the KLA's arms and its other warlike materials during the Kosovo conflict and also provided safe havens and training areas for them.

¹⁰The KLA lacked the skills initially to operate support weapons such as mortars and other communications equipment. The training for these equipments was provided in north-eastern Albania by foreign military instructors.

¹¹Clinton (2005), *op. cit.*

¹²Even as late as May 1998 the author was able to drive around the province with one colleague in a red-painted VW Golf with OSCE stickers and with limited problems. There were occasional checkpoints, but the team was able to enter the province from Nis and to drive via Pristina, Vucitrn, Kosarska Mitrovica, and on into Montenegro over a two-day period.

¹³Although the conflict was portrayed in the Western media as both an ethnic (Serb – Albanian) conflict and a religious (Christian – Muslim) conflict, religion played little part. Some 25 percent of the Kosovar Albanian population are Roman Catholic, as are the clans in the immediately adjoining areas of Albania. This simplistic approach also masks the fact that there were significant numbers of Gorani, Vlach, Roma, and other non-Serb groups in the province. These effectively supported neither side. There were also some 50,000 Bosnian Serb refugees present from 1995.

and the LDK, the US policy in the province caused the humanitarian situation to deteriorate, and that the misery caused by the large-scale expulsions and the damage to the national infrastructure caused by the air campaign could perhaps have been avoided. The US policy was one of 'imperialism' and one where the administration's objective was to achieve 'regime change'. In this case it was more effectively masked than that by the subsequent Bush Administration during the invasion of Iraq. It was the increasingly aggressive Serb countermeasures to the KLA campaign in western Kosovo in the summer of 1998,¹⁴ which led to the threats of international intervention.¹⁵ These threats and the Serb response led directly to the failed Rambouillet peace talks and the subsequent NATO air campaign. The Serbian response was to drive the Kosovars from their homes and was the immediate precursor to the post-conflict situation in which the IC then found itself. The build-up to the conflict and the conflict itself have been well documented by Tim Judah,¹⁶ and Noel Malcolm¹⁷ and will not be covered in this thesis which will focus instead on key elements within the post-conflict period.

¹⁴ It is worth noting that in September 1998 the security situation was still sufficiently under control by the Serbs that the OSCE mission in Bosnia was running four internationally supervised polling stations in Kosovo for Bosnian Serb refugees. They had earlier run four voter registration centres from May to July 1998, each of these centres had at least one UK member of staff who lived locally in the community. The registration and polling centres were in; Pristina, Kosarska Mitrovica, Prizren, and Pec. The author visited all of them by VW Golf during the registration period, but not in the polling period as he was then fully engaged in the elections in Bosnia and the Kosovo Verification Mission (KVM) had been deployed.

¹⁵ The final trigger for decisive action being the 'Racak incident' of 15 January 1999 where 45 Kosovo-Albanian were allegedly murdered or otherwise killed in the village of Racak. The actual cause of their deaths remains disputed, in particular as the evidence was not fully 'tested' by the ICTY due to the death of former President Milosevic whilst on trial at The Hague.

¹⁶ Tim Judah, *Kosovo – War and Revenge*.

¹⁷ Noel Malcolm, *Kosovo – A Short History*.

Planning and preparation for post-conflict operations

One might have thought that the delays in deployment and the scramble to pull the Bosnian operation together would have led to the OSCE developing a sophisticated planning group or, in military parlance, 'cell' which could plan for future operations. This could perhaps have been based upon a reduced model of the UN's DPKO and utilised the recommendations of the 'Brahimi Report'.¹⁸ In practice, this did not happen. OSCE HQ, driven in part by a desire by the participating states to economise, remained at a modest size of between 125 and 175 personnel,¹⁹ throughout the period 1996–9. Even in the field missions, despite some having over 800 staff,²⁰ did not acquire a 'planning officer' or planning cell until 1999, by which time, arguably, all of the major decisions had been taken. This 'just-in-time' approach, continued throughout the first decade of the twenty-first century in that for example the OSCE Secretariat had not by 2009 developed a permanently established planning team, the sole exception being the High Level Planning Group (HLPG) which has been focused purely on the frozen conflict in Nagorno-Karabakh.²¹ For operations such as the move into Kosovo in mid-1999 the OSCE put together an ad hoc planning staff of about twenty-five people, including staff from the Secretariat, neighbouring missions in the region, and those who might be deployed on the operation. Within the OSCE at least, and unlike the UN which amongst other mechanisms, has the DPKO, as

¹⁸ Ibid.

¹⁹ OSCE Annual Reports.

²⁰ OSCE Annual Reports.

²¹ The HLPG has generally been a seven-man multi-national planning team led by a Brigadier.

late as 2006 this was still how the planning mechanism was understood to function as part of the OSCE's Rapid Expert Assistance and Co-operation Teams (REACT)²² strategy. Given the increasing marginalisation of the OSCE and consequent reduction in funding in real terms, it is likely that any future operations in which they are likely to be engaged, possibly future involvement in Central Asia, will continue to depend upon ad hoc and short-notice planning. Mistakes made earlier, therefore, stand every chance of being repeated.

Across the IC however it was recognised that such an impromptu approach as had been adopted for Bosnia would not be adequate for future post-conflict operations within the Western Balkans and elsewhere. An apparent consensus developed that, subject to there being time available, more detailed planning and preparation would have to be carried out. But many of these good intentions were swept aside in the late 1990s as the situation in Bosnia continued to improve and other areas of activity began to draw upon resources. UNHCR for example, with its focus upon refugees and crisis resolution, had reduced its overall staffing levels to about 150 throughout the Western Balkans by the time of the NATO campaign in Kosovo.

²² The REACT strategy was based upon the concept that an ad hoc team could be assembled to support the planning for a future deployment. This team would be composed of key staff recruited for the new mission, selected personnel from the OSCE HQ, and experts drawn from the 'deployed' and usually neighbouring missions. REACT was born out of the Kosovo experience and this was exactly the approach adopted for the Rambouillet talks, less the key staff for the new mission.

That there was some limited improvement in the Kosovo operation in 1999 was, in part due to the planning that occurred in and around the Rambouillet talks which, had they been successful, would have required the running of a general election within one hundred and twenty days of signing. For example, the outline electoral plan was drawn up over a five-week period in early 1999 largely in Vienna by Hrair Balian of the OSCE-ODIHR, who was primarily responsible for the legal aspects, and the author, who was responsible for identifying the staffing, administrative, and logistical planning requirements. Following the NATO air campaign and the return of the OSCE to Kosovo this plan formed the basis of the initial recruitment for the elections department of the OSCE Mission to Kosovo and was used for detailed planning purposes until late October 1999, by which point it had become clear that it would be impossible to run an election in 1999. For elections, as for other elements of the OSCE's work, the OSCE was also better placed than it had been in Bosnia in that not only had it by now gained more experience in the operation of field missions,²³ but it also had the benefit of the experience on the ground of the OSCE KVM to draw upon and even pre-designated locations, for an HQ and Field Offices (FO), which provided they were not bombed or otherwise destroyed or assigned to another IO such as NATO, could immediately be reoccupied.²⁴

²³ At the time of its deployment the OSCE Mission to Bosnia was seven times larger in personnel terms than all of those OSCE field missions which had preceded it put together.

²⁴ Critically it also had a staff list of people who could also be re-recruited once the conflict had ceased and they had returned to their homes.

In parallel with the elections work, planning on the design for an independent Kosovo police force was being carried out by police experts at the OSCE HQ in Vienna. This too was an element within the Rambouillet proposals and used staff from the OSCE Croatia mission.²⁵ Beyond that, little appeared to have been done and the issue of which agency was to manage each element within the post-conflict reconstruction was still being discussed at a round-table conference which the author attended²⁶ in Carlisle, Maryland, USA²⁷ in late May when the 'air campaign' was well underway. Indeed, the question of who was to be the lead agency had already been an issue, at least amongst the members of the IC at the time of Rambouillet, with the USA at this stage favouring the OSCE for this role. That the UN would have primacy was only agreed in May 1999 and was the result of what may, in retrospect, be seen as a US error of judgement, or at least that of one of their senior officials in the region. Although he had been one of those pushing for direct US involvement in the Kosovo crisis,²⁸ the change in approach by the USA followed an opinion piece written by Ambassador Robert Barry, Head of the OSCE Mission to BiH in April 1999,²⁹ which stated that the OSCE would be better at the task than the UN in part because of its strong US

²⁵ Where an extensive OSCE police-training mission had been developed following the withdrawal of the UN from this role. Many of the UN personnel were transferred en bloc to the OSCE Mission to Croatia.

²⁶ Other attendees included the UN SRSG in Bosnia Jacques Klein and the Deputy High Representative (DHR) for Bosnia and US DHR designate for Kosovo, amongst others.

²⁷ Carlisle is the home of the US Army War College and the US Army Peacekeeping Institute the PKSOI.

²⁸ Washington Post, 18 September 1998, p A23.

"Nothing could be dumber than pulling out of this prematurely," said Robert Barry, chairman of the Bosnian mission of the Organization for Security and Cooperation in Europe. "It would bring renewed ethnic conflict and waste a lot of money on both the civilian and military side".

²⁹ Although a version of Barry's opinions appeared in an 'opinion piece' in the Washington Post (1999), op. cit. The substantive proposals were laid out in the Centre for OSCE Research (CORE), *OSCE Annual Handbook*, pp 49 – 57.

component. This article created an immediate backlash in favour of the UN amongst European states³⁰ and its influence is still being felt within the USA,³¹ where two schools of thought have now developed as Barry continues to press his viewpoint.³²

By the time that the Carlisle Conference took place only broad thematic areas had been developed, such as the idea that the OSCE would be responsible for 'training'. This led to the OSCE taking control of the police-training programme, which had elsewhere in Bosnia, and Croatia³³ earlier, fallen within the remit of the UN.

As with Bosnia earlier,³⁴ the USA ignored the lessons and advice from the DDR specialists within the UN as to the best approaches to DDR and took a rapid decision to demobilise all of the existing members of the military and police immediately without any further thought as to who was going to maintain law and order in the medium to long term or what the impact would be of making unemployed tens of thousands of men with firearms training and often with their weapons.

³⁰ Both Western and Eastern European states responded negatively to Barry's attack upon the UN and the assumed US 'leadership' of the OSCE, to which the USA is the single largest donor.

³¹ Cato Institute, *Policy Recommendations for the 108th Congress*, p 531; which in the heading to Chapter 52, 'Moving on in the Balkans' states that the USA should, "resist the urge to tell the Europeans, and the Balkan peoples themselves, how to govern the region".

³² Robert L. Barry, *The Future of the OSCE*.

³³ See above. Upon their departure the UN had handed over the policing mission in Croatia to the OSCE.

³⁴ Later, the error was repeated during the operations in Iraq.

Kosovo is an example, at least as far as the USA is concerned, that one reason for the lack of a coherent planning policy in Kosovo was that it was mostly driven by the liberal-interventionist and cosmopolitan views of politicians and that political plans and statements were made and commitments entered into, before the appropriate agencies within the government or the IC were even aware that a plan would be required. If these premises are agreed then Kosovo is not the only example of such a politically-driven liberal-interventionist, but ultimately unplanned strategy, Nor is this solely a US phenomenon. This can be illustrated by three relatively recent UK examples of making policy statements preceding concept planning. The first of these proposed UK-led operations pre-dated by a few months the deployment of the UK-led IFOR force into Bosnia in 1995. This was the proposed return of the Tutsi refugees from Zaire to Rwanda³⁵ in the

³⁵The IC led by the EU had decided that in order to promote the return of the Tutsi survivors who were now living in camps mostly around Goma in Eastern Zaire, it would encourage them to make the journey back in to Rwanda on foot, along pre-designated trails, with water, feeding, and medical stations en route. In addition, awaiting them in their villages would be the tools required and seeds to plant the following year's crops, plus food subsistence to keep them alive until the next harvest. For this plan to work, it had to be completed in time for the planting season and for the people, many of whom were widows with children, to be given instructions, not only at the start of their journey, but also at each stage along a route which in some cases, was over one hundred miles in length. The lack of planning was exemplified by the fact that some people in capitals in Europe were unaware that there was no written form of the national language 'Keena-Rwanda' and that the allegedly 5% of the population who spoke French were almost all located in Bukavu, the Rwandan capital, which is on the Zairean border and who in any event formed a tiny proportion of the refugees. A team of which the author formed a part, based upon the UK 15th Psychological Operations Group (15 POG) was given the task in September 1995 of coming up with an information campaign to support this planned mass movement and it was then intended that 15 POG should deploy to Rwanda to support the move. In the event, because of the delays for the most part caused by the need to plan at a late stage, this operation did not take place in advance of that planting season. Not of itself a cause of the delay, but an indicator of the unanticipated problems encountered, was that there was also very little progress being made in designing the posters and leaflets that were required to support such a move, due to the lack of a written form of Keena-Rwanda and hence an inability to use text in any messaging. One problem was how to indicate distance say to a water point and, given that the work was being done in a 'vacuum', i.e. in Folkestone, Kent and not in Goma, what symbol would a Tutsi widow recognise for water? Certainly not a tap as many, if not most, villages did not have taps. In the event, the move took place in the following year and made extensive use of airlift, utilising the large airfield

period immediately following the Rwandan genocide. The second example, was the proposed relief operations into Eastern Sierra Leone in the period 1996-8 which immediately pre-dated the Kosovo conflict and which preceded UK intervention in the internal conflict within Sierra Leone. These operations were related to the 'spillover' of Liberian refugees from the internal conflict there to Sierra Leone.³⁶ The third was the announcement by the Prime Minister that the UK should take a leading role in Western Darfur in 2003.³⁷

at Goma, as well as vehicle-borne convoys. There were at that time an estimated 600,000 refugees in the Goma area.

³⁶The UK held what it believed to be, detailed documentation of the infrastructure of Eastern Sierra Leone. This was principally from the time of independence in 1961. The principal town in Eastern Sierra Leone, Kenema, had been left with a functioning airport, a jetty, and extensive warehousing which was associated with the rail terminal connecting the town to the capital Freetown. In addition there was also a good road connection. The majority of this infrastructure was a product of the 'ground nuts scheme' of the first post-war Labour Administration and so at independence was only about 10 years old. In practice, all that remained by the late 1990s was a single dirt road to Freetown which in good weather required a journey time of 18 – 27 hours. Furthermore the spread of HIV in Western Africa, the nature of which was not fully understood by the rural population, had left the peoples of Eastern Sierra Leone terrified of infection by 'outsiders', even those who, as in this case, were members of the same tribe and who were separated from their kin solely by an artificially drawn late nineteenth-century boundary. A study period held by the UK CAG in January 1999 and in which the author participated determined that the provision of an adequate amount of aid to what was now such a remote area would be extremely difficult without either significant infrastructure improvement or considerable investment in specialist transport. In practice, the proposed relief programme was quickly overtaken by the developing internal conflict within the country.

³⁷ The potential Western Darfur operation was also preliminarily reviewed in a study period, at which again the author was a participant, by the CAG in January 2004 and this too demonstrated that the military commitment required would be extensive and the logistic implications almost certainly unworkable, for any 'lead nation' except perhaps the USA. Historical research determined that there had been large-scale communal conflict in Darfur and evidence of famine throughout the inter-war period. It also demonstrated that despite Darfur having formed part of the Anglo-Egyptian Sudan until 1956, there had been no meaningful colonial administration, nor indeed colonial presence. There had for example been no 'district officer' system within Darfur, despite the fact that this had been a typical feature of British local colonial administration throughout Africa and Asia. The one railway line into Darfur province was seven days journey from Khartoum and a further three days from the unloading docks on the Red Sea. While Darfur Province was the size of Western Europe the railway terminated at the eastern edge of Western Darfur, a territory that on its own is the size of France. Even such a cursory study, demonstrated that a UK Force of 5–8,000 men, which was approximately the size of the force deployed by the UK to Helmand in 2007-8, would be unable to effectively occupy Western Darfur, nor would it be able to sustain itself logistically without the province becoming the sole focus of UK military operations for some considerable period. Again, it is perhaps fortunate in retrospect, that no significant UK commitment was made in either political or practical terms, and that the current substantial commitment remains purely financial.

As a final point, relatively little effort was made by the IC in the planning process to utilise the knowledge and experience of those who had previously served in Kosovo in either a humanitarian or developmental capacity. For example, one NGO, International Mercy Corps (IMC), had by the time of the Kosovo crisis been working in Kosovo for eleven years. IMC and two other INGOs also continued, despite their US origin, working in Kosovo throughout the NATO air campaign and were therefore potentially invaluable in informing some of the post-conflict decisions that the IC were making, particularly in the early period of deployment. As with the KVM, most of whose members were repatriated to their home countries shortly after their evacuation, their experiences were largely ignored,³⁸ by those implementing the IC's policy for post-conflict. At a more junior level the author found their experiences to be relevant and informative, as indeed the author's own had been,³⁹ and the subsequent missions would have undoubtedly benefited from having their experience⁴⁰ at the early planning stages. Observation of both previous and subsequent IC post-conflict missions demonstrates that there is a consistent failure to make use of the information resources available, particularly by governmental or transnational agencies and especially in their linkages into the NGO sector.⁴¹

³⁸ There were no representatives of the KVM at the Carlisle Conference for example, despite the fact that its head Ambassador William Walker was a serving US diplomat.

³⁹ In running voter registration and polling for Bosnian refugees in Kosovo in 1997 and 1998. The author had also visited the province much earlier in 1973 from the British Embassy in Belgrade.

⁴⁰ Many former members of the KVM were subsequently reassigned to the OMIK mission.

⁴¹ The military are, perhaps unsurprisingly, particularly bad at these 'sideways linkages' into the NGO community. For their own part the NGO and in particular the humanitarian agencies are also very wary of any engagement with the military.

Preventable failures during the conflict phase and in the transition to post-conflict

Kosovo provides several examples of the apparent reluctance on the part of the military and, government services generally, to learn from what is essentially the private sector⁴² and to incorporate this work within their own planning and operations. Numerous examples of failures of this kind occurred in the Kosovo refugee crisis in 1999, when two critical errors were made, one by the civilian implementing agencies and the other, primarily but not exclusively, by the NATO military forces. Both of them were lessons which had been learned previously and which were to impede critically not only the refugee return process but also the efficient functioning of the election and civil registry systems which were key components of the post-conflict process.

The first 'unlearned lesson' was the layout of tented refugee camps. In many cases these were laid out in straight lines and not in 'community clusters'.⁴³

Classic examples of the linear 'unit lines' type military tented camps were those

⁴² In particular to note the advice of the established members of the INGO and NGO communities.

⁴³ In practice much 'generic' planning for what might be referred to as the standard components of post-conflict has been carried out, in particular by the aid agencies. For example Oxfam's Field Engineering Guide has widespread applicability in post-conflict disaster relief and similar situations and has extensive descriptions of the optimum design and layout of refugee camps and for the provision of sanitation systems. This publication was used by the UK CAG to calculate space and stores requirements for refugee camps in Sierra Leone and forms an essential part of their ongoing 'tool-kit'. Additionally, many agencies have developed niche specialisations, as in this case Oxfam, and are recognised as having strong practical expertise in a particular area. These skill sets are often 'sub-contracted' by other agencies such as UNHCR when creating refugee programmes.

established by the US Marine Corps (USMC)⁴⁴ along the Albanian coast. Given their location, far from the Kosovo border, many of these sites were either not occupied or only briefly so. Furthermore refugees were allocated to camps based upon time of arrival and not upon location and clan grouping within Kosovo. This mistake made it impossible for village elders to remain in control of 'their' people and to act as a conduit for information and instructions from the IC, thus reinforcing their positions within the community. In addition, within the military-run camps, the erection of the tents, clearance of rubbish, etc., was carried out by the military and not the occupants themselves. This has been shown to increase dependency and apathy amongst the refugees and again to weaken the position of the traditional leaders.

The second avoidable mistake, in particular as it was a problem that had been anticipated by professionals on the ground, was that no standardised refugee registration form was used throughout the Kosovo crisis, despite the fact that UNHCR had used such forms previously.⁴⁵ There was extensive discussion on the use of such a form by UNHCR (the lead agency), IOM, and the OSCE as the

⁴⁴ A brigade-size Marine Expeditionary Unit (MEU) on a routine deployment in the Mediterranean was diverted to this task at short notice. The USMC learned quickly from the Albanian experience and when the MEU was deployed, a few months later to assist with refugees following the earthquake in Turkish Anatolia, these mistakes had been rectified - Briefing by the commander of USMC CIMIC to the author and other members of UK CAG at Camp Lejeune, North Carolina in September 1999.

⁴⁵ Needless to say, the Turks, acting as an independent nation state, from the outset established an effective documentation system for refugees from Syria in 2011.

crisis unfolded,⁴⁶ but no agreement was reached at a political level⁴⁷ and so no forms were produced except in draft.

It was clear to those working 'on the ground' that this unwillingness on the part of the Kosovar Albanians, both refugees and those who remained in the country, to be accurately documented was inspired centrally by the KLA. The KLA realised that if they were able to destroy the legitimacy of the remaining databases they would perhaps be able to inflate the total percentage of Kosovars within the overall population and also possibly the number of casualties incurred, hence, scoring what they would see as a propaganda victory, much as they believed the Bosniacs had done with Srebrenica.⁴⁸ It would also remove control of the records from Rugova's LDK and the 'parallel structures' and in the best case move it into the hands of the KLA or at least the IC.

Both the Serbs and the Kosovars had learnt, as a result of the experience of the Bosnian War, which had ended only some thirty months earlier, that the removal and destruction of identity documents, particularly those of refugees, would act

⁴⁶ Some of which is documented in an e-mail correspondence between Harry Leefe the UNHCR coordinator for Kosovo and the author.

⁴⁷ There was clear agreement from all those working 'in the field' of the need to implement a registration process, preferably under UNHCR leadership. This advice was ignored.

⁴⁸ The Bosniacs had always insisted that over 10,000 men had died at Srebrenica. They secured a cemetery for that number and an appropriate number of marker stones. The reality was that between 7,000 and 8,000 probably perished, a dreadful total, but significantly less than that claimed. What is not so well known is that the Bosniac army, the 'Armija', received daily strength and casualty returns from all of its formations. This would have included even those units which were 'surrounded' such as the 81st Division, which was commanded by Naser Oric and was the 'garrison' of the Srebrenica 'pocket'. The Bosniac leadership consistently overstated its casualties for propaganda purposes. This information came to light, following extensive negotiations on the repatriation of the bodies of 'war dead' between the three former combatants led by the OSCE, in the late 1990s.

as a severe hindrance to reintegration and to the establishment of such things as accurate voters' lists. In the event, both sides in the conflict extensively employed a range of activities such as the burning of police stations and public record offices so as to destroy the base documents from which personal documentation was created. At the central level the Serb authorities withdrew the entire population registration archive to Belgrade, where it remains. The Croats had previously done likewise in Bosnia, removing the parish rolls and all available registration documentation to which they had access to the central archive in Zagreb. Despite an awareness by electoral professionals of what was taking place, the destruction of document centres by the Kosovars,⁴⁹ was permitted to continue for some weeks after the expulsion of the Serbs and indeed until such time as all documentation had been brought under KFOR control. KFOR exacerbated the situation shortly after their arrival in the country by mounting pilot raids on three police stations to retrieve documentation, thus drawing attention to their importance and giving warning that a larger operation was likely to follow. Given the hint provided by KFOR, the KLA made certain that all the other documentation had been removed from or destroyed in police stations across the province, prior to the major KFOR campaign to retrieve documentation some week or two later.

Despite the destruction of the documentation, had an efficient refugee registration system been organised upon arrival at the camps, or even at the border-crossing points either as the refugees left Kosovo, or possibly even upon

⁴⁹ In this case, document centres were destroyed by both Kosovo Serbs and Kosovo Albanians.

their return, then much extremely valuable data for the subsequent civil registration programme would have been gathered.

Identity cards and voter registration – too ‘high tech’?

It will be appropriate now to continue with the theme of the identity of citizens and voter registration, given that the IC failed to prevent the destruction of the existing identity documents and the comprehensive database⁵⁰ which underpinned it.⁵¹ A decision was taken following the author’s departure from Kosovo in October 1999 that the new identity documents and voter registration process should incorporate the latest technology in the form of ‘scannable’ registration forms and an early generation of ‘biometric data’ incorporating fingerprint information. Although the author was not involved in the decision to implement this process, he was able to observe the impact of its implementation throughout the voter registration process through frequent visits to OMIK and to field registration centres.

⁵⁰ The central database was computerised and the registers and identity-card system could almost certainly have been recreated from this database. The database was held in Belgrade and the IC did not have access to it.

⁵¹ The system used for identity documentation in the former Yugoslavia was based upon the FRG system and used the same coding and algorithms. It was therefore both secure and effective. Using the algorithm which was/is a 12 – 16 digit numerical code (it varied depending upon the republic within Yugoslavia), it allowed a trained observer to read: the cardholder’s gender; date of birth; republic and municipality of birth; and, in some cases, the municipality of residence when they were first registered (at 16 years of age).

OMIK and SRSG Bernard Kouchner⁵² were advised on the technical details of the electoral process from late 1999 by a team from IFES led by IFES Vice-President Jeff Fisher. They pointed to the success of the 'scannable form' system in Bosnia and went on to explain that the technology had now improved to the stage where the data from these forms could be linked by computer to a portrait photograph and a fingerprint in a field registration office using portable equipment. This equipment would fit into two large boxes and could be transported in the boot of an estate car and so could be assembled and disassembled daily and removed for safe overnight storage elsewhere, thus reducing the risk of theft and the need to guard registration centres. As for data entry and data 'cleaning', the senior officials were persuaded that this could be done more efficiently, not locally, as had been done in Bosnia, but in professional data entry centres in India.

As Bosnia had already demonstrated, this process, with its emphasis on 'high tech' solutions, neither led to long-term self-sustainability in terms of identity documentation and electoral processes, nor the ability to run registration and electoral processes where all of the component parts of the process could be generated within the country itself.⁵³ In particular, the emphasis on computer-led

⁵² The first SRSG appointed to Kosovo, Bernard Kouchner, was a former French Minister of Health and one of the founders of the NGO 'Medecins Sans Frontieres' (MSF) in 1971.

⁵³ At the simplest level there were at that stage no printing companies in the former Yugoslavia who were able to generate 'scannable forms' with close enough print registration to work properly. All scannable forms used were printed elsewhere and imported. The nearest country able to produce forms to the tolerances required by the scanning machines was Hungary. In practice forms were printed at various stages in Hungary, Austria, and the UK, where the scanning machines were also produced. This meant that both the registration forms and the 'by mail' ballots were also dispatched from those countries and then mailed back to a collection point

technology meant that, as in Bosnia, the process could not be administered at the local level⁵⁴ and hence could not form part of the transition to full local control which, allegedly, was part of the IC's exit strategy. In this case, by taking data entry and cleaning and placing it in another continent, direct local oversight, transparency and local control were yet further removed. Additionally, these IT-heavy solutions were extremely expensive and could only be operated for so long as the IC was prepared to fund them.⁵⁵ Once IC funding is withdrawn the nation concerned has to find another solution and invariably will revert to the manual method of record keeping it had previously employed, perhaps then 'computerising it' by entering that data on a central database in a rolling programme.

A further difficulty in the case of Kosovo was that the technology was not yet sufficiently robust. Numerous problems occurred in the field registration centres because the portable equipment failed usually due to the failure of connectors or fibre-optic cables. Although 'portable' they were not designed for daily assembly, disassembly, and packing over a period of three months. Additionally, there were

in Vienna which was run under contract by IOM. 'Observation' of the process by the political parties was obtained by flying party representatives to the printing plant to observe a 'snapshot' of the printing and dispatch process and by flying them to Vienna to see the receipt of the completed forms and to observe their onward movement to Bosnia or Kosovo.

⁵⁴ Several of the 'rump' municipalities in Bosnia, for example Srpski Drvar and Srpski Mostar, did not have access to mains electricity, nor to microwave relay repeaters (for mobile phones), so would be unable to run IT systems effectively, even if they possessed individuals with the skills to do so.

⁵⁵ In neither Bosnia nor Albania were the governments able to fund the software maintenance agreements once the IC withdrew the funding. Although here the example is focusing on 'identity software', the same argument held across a range of areas where technology had been brought to bear. Police and financial intelligence systems are other areas in particular where progress has been hampered not only because of the cost of the maintenance agreements and the annual renewal fees for software licences.

difficulties with the remote data entry and data cleaning, partly because of the Indian data-entry operators unfamiliarity with Albanian and also because of the many accent marks used in Albanian which were not recordable on the scannable forms.⁵⁶ These problems could have been identified in advance if extensive trialling had been possible,⁵⁷ but given that these systems had been introduced specifically to save time that was not possible.

The new technology had one further fatal flaw that could also have been foreseen. It was being introduced at a time when the IC on behalf of the ICTY was arresting people for war crimes. It was going to be difficult enough to persuade the remaining Kosovo Serbs to take part in elections which they knew they would lose due to a lack of numbers, but if, as was the case, to that was added the requirement to provide a full-face photograph and their fingerprints in order to do so, then the likelihood of them boycotting the process was made almost inevitable. This is exactly what happened. The author visited a Serb voter registration centre in the spring of 2000 in the municipality of Gnjilane where, having been opened daily for six weeks, they had registered precisely three people. This was despite the fact that the centre itself had six local staff,⁵⁸ that there was 100 percent international supervision, and a permanent police⁵⁹

⁵⁶ Given that a similar problem had been identified in Bosnia, it was surprising that this particular problem had not been foreseen.

⁵⁷ In the immediate aftermath of the bombing campaign and when perhaps such trials might have been possible, Jeff Fisher, who had previously overseen trials in Bosnia, was in East Timor overseeing the independence referendum as discussed in Chapter 6.

⁵⁸ The Bosnian Croats were able to maintain similarly effective almost 100% boycotts. The author once visited a polling station near Livno where the station manned by seven local staff had recorded two votes.

⁵⁹ A Kosovo Serb policeman, so there were no security issues.

presence. Although it was likely that the Kosovo Serbs may have boycotted the elections in any event, the reasons for so doing were made all the more compelling because of the technology that the IC were using. Instead of recognising that the technology would of itself undermine the electoral process, the IC resorted to 'threats' by saying that unless people registered they would not be able to vote and later to gain services, register property, etc. As with the Bosnian Croats earlier, over the subject of Bosnian citizenship, these threats backfired.

'Know Your Enemy';⁶⁰ or at least the people you are working with

In post-conflict, even more so than in conflict, it is important to understand the psyche of those with whom you are dealing and to maintain a high degree of cultural awareness. What the episode over voter registration in 2000 demonstrated was that after nine years of continuous engagement with the Serbs in the Western Balkans the IC continued to have limited understanding of the Serb mentality. As with other Slavic groups such as Russians, the Serbs have traditionally a sense of 'victimhood', a strong sense of the past and particularly their own history. The Serbs also have a culture which, in addition to finding the issue of 'face' vitally important, is unlikely to envisage 'compromise' as the best option in any negotiation. The Bosnian and Kosovo Serbs are perhaps the most 'developed' in a Western sense of the groups of whom Horowitz has said:

⁶⁰ Sun Tzu, translated by Lionel Giles, *The Art of War*.

Those groups which are increasingly excluded...usually do not cease to exist. They may, on the contrary, fight to the death.⁶¹

Whilst that is not true in a physical sense, it appropriately sums up the mentality which lies behind these two groups of increasingly isolated peoples.

This lack of perceived balance and fairness as far as the Serbs were concerned was reinforced by the IC's decision to produce much of their material in only one local language, Albanian. This was in direct contrast to Bosnia where all documents were carefully translated into each of the three variants of Serbo-Croat that were in use, despite their very close similarity.⁶² In Kosovo this was not the case, despite the very valid Kosovo Serb point that while all genuine Kosovars could speak and read Serbian, it having been the medium of education, the Kosovo Serbs could not for the most part read or speak Albanian.

By 1999, 120 years of recent Balkan history had taught the Serbs to mistrust the West, a mistrust that was deliberately fuelled by the Milosevic regime. Any attempts by a third party to extract personal information from Serb communities was likely to be difficult, as Bosnia had already demonstrated, and if that activity was combined with a lack of transparency, as in the case of voter registration in Kosovo, then a Serb boycott was almost guaranteed.

⁶¹ Horowitz (1985), *op. cit.*, p 104.

⁶² In particular all Bosnian Serb texts were produced in Cyrillic script.

Any student of Serb history would realise that these avoidable errors would not only make the immediate task in hand more difficult, or even perhaps impossible, but would also lead to long-term resentment and a feeling of injustice and mistrust. The wider concern in terms of the IC's management of post-conflict was that this failure to understand the groups with which the IC was interacting, occurred with all of the ethnic groups in the Balkans and over a sustained period of time. Given their proximity to Western Europe and the large numbers of people of Balkan origin who had been resident in some Western European countries,⁶³ this must give rise to concerns about how culturally aware the IC are of the history, traditions, and behavioural attributes of the people with whom they are working, in more remote areas of the globe.

The 'pillar structure' in Kosovo.

The decision to group the activities of the IC in Kosovo into a pillar structure post-conflict was designed to streamline the work of the post-conflict authorities and to make them more efficient, a fact which some, particularly in the NGO community would dispute.⁶⁴ Others such as Brand point to the discrepancies between the UNSC peacekeeping mandate for Kosovo and the 'principles of democratic governance such as accountability, lawfulness and constitutionality.'⁶⁵

⁶³ As previously stated there were somewhere between 600, 000 and 650,000 Yugoslavs in the FRG in the 1980s. A population of at least 50,000 and perhaps as many as 100,000 Albanians were resident in Switzerland in the same period.

⁶⁴ Monica Llamazares and Laine Reynolds Levy, *NGOs and Peacebuilding in Kosovo*.

⁶⁵ Marcus G. Brand, *Institution-Building and Human Rights Protection in Kosovo in the Light of UNMIK Legislation*, pp 461– 88.

In Kosovo a structure consisting of four pillars was established with the responsibilities for functions and leadership as follows:

Pillar I - Initially Humanitarian Affairs (UNHCR). This was phased out in June 2000. A new Pillar I - Police and Justice (UN led) was introduced from May 2001.

Pillar II – Civil Administration (UN led).

Pillar III – Democratization and Institution Building (OSCE led).

Pillar IV – Reconstruction and Economic Development (EU led).

There was also effectively a fifth pillar in the form of KFOR. Although not nominally under the control of the SRSG it was clear from the outset that the KFOR commander would be required to liaise closely with him. In addition to its purely security functions KFOR was responsible for DDR and later for the formation, training, and equipping of the Kosovo Protection Corps (KPC).⁶⁶

While the divisions above appear clear-cut the allocation of institution building to the OSCE led from the outset to some anomalies, although these were certainly not evident in the period immediately after the Carlisle conference. One key area in which they were immediately present was in the development of the new Kosovo police force, which might be assumed from the list above to be a Pillar I function. 'Institution building', it had been agreed, would include all

⁶⁶ Which was the IC 'approved' para-military structure that effectively succeeded the KLA and other similar organisations post-conflict.

responsibilities for training, less those which would naturally fall to KFOR.⁶⁷ As a result of this decision, police training and the management of the police school at Vucitrn, was to be an OSCE responsibility while the management of the police and their overall development would be the responsibility of the UN under Pillar I.

While this worked relatively well, due to the co-operation of all involved, it added an unnecessary layer of complication. For example, the implementation of police regulations and rules of procedure was a UN responsibility, but the police training manual was written by and for the OSCE by UK-seconded police officers and incorporated significant elements from the UK's Police and Criminal Evidence Act (PACE)⁶⁸ legislation. In parallel, operational regulations and rules of procedure were drafted on behalf of the Kosovo Police Service, a UN managed organisation, by police from primarily US backgrounds - a totally different policing culture.⁶⁹ A logical step would have been to have separated out specific governmental functions, such as policing, and then to have allocated each of the functions to a specific pillar. There would still have been points in the process where the functions may have abutted each other, as, for example, between the

⁶⁷For example KFOR was responsible for training the KPC in ordnance disposal.

⁶⁸Police and Criminal Evidence Act 1984 (PACE) and its accompanying codes of practice.

⁶⁹ Similar problems had also arisen in Bosnia, where specialist courses would often be allocated to jurisdictions on a rotational basis and hence policemen of the same specialities and serving in the same area, would go to different European states for training and learn different procedures, incompatible with that of their colleagues. A similar problem exists today with regard to the provision of analysis for DNA evidence as there is no European-wide standard and hence the training provided is not standardised.

police and the judiciary,⁷⁰ or the prosecution service, but these would probably have been easier to deal with.

A second side-effect of splitting responsibilities⁷¹ was that it exacerbated the 'bidding war' for staff, between the various pillars. In this case international police could either be seconded by their host nations to either Pillar I or III or even perhaps appear as a directly hired member of the Pillar I (UN) staff. All had separate pay scales and allowance schemes and international staff would migrate between the Pillars until they found the most beneficial package, whilst a similar activity was being carried out by their national staff. This was not conducive to the long-term development of the mission nor to morale.

The fact that the pillar structure excluded KFOR was another failure in the model. Originally NATO had wished it to be included, but US Commanders were hesitant about signing up to a structure which might see US troops commanded in any way by a non-US citizen. This led to DDR, for example, being in a separate pillar from policing and yet the source for almost all of the recruits to the Kosovo Police Service (KPS) would come from the ranks of the KLA and the other former 'fighters'. Similarly, the responsibility for monitoring Kosovo's borders fell initially,

⁷⁰ Both the police training manual and the KPS regulations and procedures were drafted by teams who came from a 'common law' system, but the policing system they were creating was answering to a 'roman law' based judiciary.

⁷¹ One of the less obvious difficulties of splitting responsibilities was the need to harmonise the translation of technical terms from other languages into Albanian. The author had created an English to Bosnian, Bosnian Croat, and Bosnian Serb elections dictionary and that was used as a model for other similar products in Kosovo and later for the elections teams in Albania. A similar product was developed for those working with the police.

at least, to KFOR and yet under the European model were soon to become a responsibility of the KPS.

To continue with this theme, there was a logic to making the DDR process part of a military 'pillar', but the body of expertise and corporate knowledge in this area worldwide resided with the UN and specifically within the DDR team in UN DPKO. As DDR in Kosovo fell to what was effectively 'Pillar V' (KFOR), this expertise was not utilised and, as in Bosnia, many lessons of which the UN were already aware had to be re-learnt.

The most effective of the pillars at the outset was Pillar IV. It had a clearly defined scope of work whose only real overlap with that of the other pillars was in the field of local governance, for planning permissions, infrastructure development, and so on. It also benefited from having a generous and well-defined funding stream.⁷² Despite this Pillar IV has over the years produced very disappointing results. Much of Kosovo's electrical power-supply generation and distribution system was damaged during the conflict and twelve years on sustained electrical power outages are still the norm particularly in the winter, even in central Pristina.⁷³ Given that power shortages were not a feature of the pre-conflict Yugoslav-run Kosovo these outages are ascribed by the population

⁷² It is worth noting that both in Bosnia and again in Kosovo, elections for example were reliant upon so-called 'voluntary contributions', to carry out certain elements of the programme. In practice, a certain amount of senior management time in these areas was taken up with writing proposals and lobbying for funds etc. During the author's stay in Kosovo August – October 1999 for example the author was responsible for raising US \$four million to support the elections department start up.

⁷³ Power outages of up to 48 hours are not unusual in rural areas.

to the failure of the EU to restore the original damaged power station or to develop new capacity domestically.

Although the pillar structure did work, it was inefficient, unwieldy, and resulted in a certain amount of 'over administration' by the IC. The pillar structure certainly weakened the influence of the UN in Kosovo, as it was now only one of three or four (counting KFOR) international missions. Although Kouchner and his successors functioned as the SRSG, they were also de facto 'double hatted', as the 'High Representative' and hence more responsive to European and USA concerns through the 'quint'⁷⁴ group than that of the UN administration in New York. There was no doubt that it was an improvement on the original IC administrative model for Bosnia and as such was following its implementation in Kosovo, retrofitted to Bosnia.

What by removing some of the areas of activity from the UN the pillar structure did not do, was to harmonise the approaches taken in designing the administration for a new state. As already alluded to in respect of the police and the judiciary, what Kosovo needed was a homogeneous model on which to develop the mechanisms of the state. It did not matter whose system was adopted as the model for the new state so long as it was one system. Instead what Kosovo received, at least initially, was a melange of guidance and training which overlaid the structures from the Yugoslav era, many of which at least at the

⁷⁴ The quint effectively managed the process on a day-to-day process.

local level continued to function unchanged,⁷⁵ even in the Kosovar areas,⁷⁶ in the new era. This non-homogeneous model was a direct result of the pillar structure.

Unlike Bosnia where most, and in some cases all, of the pre-war administrative structures and personnel survived the conflict, in Kosovo this was not the case. There was no pre-war structure of a state to rebuild and in a wide range of areas virtually no experienced 'human capital' upon which to build. Given these facts, Kosovo would have benefited from a fresh start and a purpose-built unified administration, based upon the most effective and sustainable model⁷⁷ available, for a small state of only 1.5 million people.

Although in theory the pillar structure still exists, with the assumption in 2008 of most of the UNMIK functions by the European Union Rule of Law Mission in Kosovo (EULEX), the pillar structure, with the exception of a much-reduced Pillar III, has largely been subsumed by that mission, while the role of UNMIK has been largely diminished to one of co-ordination.⁷⁸ In part the retention of UNMIK has been justified by the numerous UN agencies currently working in Kosovo.⁷⁹

⁷⁵ For example, the 'houses of books (*dom knjige*)' or village reading rooms. These were a product of the Tito era Yugoslavia and are still functioning throughout Kosovo. They are a purely Yugoslav phenomenon and do not exist in, for example, Albania.

⁷⁶ Where possible the Serb-controlled areas maintained as many of the pre-conflict structures as were possible.

⁷⁷ The Norwegian model for example is very effective but not sustainable for a country with the limited resources of Kosovo.

⁷⁸ Despite retaining a symbolic 'leadership' of the other pillars, in particular Pillar III (OSCE) and KFOR.

⁷⁹ Including: UNMIK, UN Development Programme (UNDP), UNHCR, UN Human Settlements Programme (UN-HABITAT), UNICEF, UN Food and Agriculture Organization (FAO), UN World Health Organization (WHO), UN Volunteers (UNV), UN Population Fund (UNFPA), UN Entity for Gender Equality and the Empowerment of Women (UN Women), the United Nations Office for Project Services (UNOPS), International Labour Organization (ILO), the International Monetary

Even to maintain this diminished status and two field offices in Peja and Mitrovica, plus liaison offices in Skopje and Belgrade, UNMIK still as at December 2010 requires a staff of 418 of whom 182 are international personnel.⁸⁰

Post-conflict and reconciliation – lessons from Kosovo

A critical part of the post-conflict effort following an ethnically based conflict, must be to promote reconciliation for without that the state cannot be re-unified and long-term peace assured. In its absence the best that can be hoped for is a temporary 'truce' which may last months, years, or perhaps even decades, as has been noted by Fisk,⁸¹ Bass,⁸² and others with regard to Lebanon, but it will be a truce and not a peace nonetheless. An alternative and often acceptable solution is the partition or sub-division of the state, a solution most recently adopted by the IC for South Sudan. Partition is an acceptable option where the two groups are geographically distinct and where the subsequent 'new state' is a viable entity in its own right. But often, as Ferguson⁸³ and others demonstrate with India and Pakistan in 1947, the partition of a state where the population has been historically intertwined will often lead to massive bloodshed and human dislocation. Given that both Bosnia and Kosovo were themselves both already

Fund (IMF), International Organization for Migration (IOM), The Office of the High Commissioner for Human Rights (OHCHR), World Bank (WB). This is available at UNMIK online.

⁸⁰ Ibid.

⁸¹ Robert Fisk (1991).

⁸² Ibid.

⁸³ Ibid.

sub-divisions of a state, partition was not a realistic option and so the ICs post-conflict plans for both missions required reconciliation to be successful for both states to have long-term stability and for the IC to be able to withdraw.

In this context the thesis will now examine the situation in Kosovo so as to illuminate a familiar problem which occurs in many post-conflict missions. As with Bosnia the 'NATO', but in reality US, air campaign was directed exclusively against the Serbs. The Serbs were therefore defeated by NATO air power and not the KLA. But in the aftermath of their 'victory', the KLA and the Kosovar Albanians in general targeted the residual Serb population and their historic monuments such as the cathedral in Pristina. The murders of Serbs, or indeed anyone who spoke a Slavic language,⁸⁴ meant that Pristina and all bar a few enclaves within Kosovo were rapidly emptied of Serbs post-war, but after the arrival of the IC post-conflict missions.⁸⁵ This ethnic cleansing occurred, effectively while the IC missions looked on and while some contingents within KFOR, such as those from the UK and Italy, attempted to halt the process, even going so far as to guard individual families and to guard places of worship, the expulsion of the Serbs was in general 'allowed to happen'.

⁸⁴ Amongst those murdered was the Bosniac manager of the Kosovo A and B power stations who had been resident in Kosovo for twenty years and a Bulgarian international mission member who was murdered at a petrol station as he spoke in Bulgarian (which is intelligible to Kosovars and similar to Serb). Some of the difficulties with the electrical power supply may even be traced back to the murder or expulsion of the key staff who managed the plants.

⁸⁵ Exactly as had happened to the Bosnian-Croat population in Zenica, and as has now happened with the Bosnian-Serb population of Brcko where their numbers have dwindled from almost 40% to 7% in the last twelve years.

Compounding this state of affairs was the recruitment of Kosovar Albanian staff to what transpired to be key positions, which were unsupervised within the IC missions, such as switchboard operators and door security personnel. Within a short space of time, if unchecked, these personnel could ensure that the only job applicants and other clients who could communicate with IC staff by telephone, or visit them for interviews, would be Kosovar Albanians. Finally, if this did not work and the organisation concerned insisted on having a more ethnically varied staff,⁸⁶ then they could always be murdered. This happened to a Kosovo Serb member of the OSCE elections staff who was lured outside of his office and the OSCE compound during a lunch break. The failure to break this pernicious circle of discrimination and violence meant that the Serbs either retreated into their few remaining enclaves and stayed there or left Kosovo altogether.

What the IC did not realise initially was that the discrimination and persecution being meted out to the Serbs, which some could claim was somehow 'justified', was also being meted out to all of the other minorities in Kosovo⁸⁷ and particularly the Roma,⁸⁸ so that apart from the enclaves and one small Gorani dominated municipality at Dragash, Kosovo along with Croatia and Albania can now claim to be one of the most ethnically 'pure' states in Europe. From an initial

⁸⁶ The OSCE achieved this by bringing staff from Serb enclaves in armoured buses protected by KFOR troops.

⁸⁷ In addition to the Serbs and Roma, these include the Gorani, Vlach, Ashkali, Turks, and 'Egyptians' (the Egyptians are a variant of the Roma who believe that unlike the Roma, who are of Indian origin, that they come from Egypt. They generally speak Albanian and were as numerous as the Roma in both Kosovo and Albania where there are now about 50,000).

⁸⁸ Many of the Roma retreated into Serbia and could be found living in improvised tents and shacks around the Belgrade ring road and other major cities etc in 1999 – 2001. They had suffered similar discrimination from all sides throughout the Bosnian conflict.

population which was roughly balanced at the end of the conflict 80:20 in the ratio Kosovo Albanian to Kosovo Serb, the population balance as at 2010 is now 92 percent Albanian and 8 percent all others⁸⁹ including Serb.⁹⁰

Given their treatment post-1999, and the behaviour of the IC missions in terms of their failure to protect them, perhaps an impossible task, and in their creation of the new administrative and electoral structures,⁹¹ it is now unlikely that it will ever be possible for the IC Missions to be seen as 'honest brokers' by the Serb community. If that is the case then it will be difficult for the IC to withdraw so long as the Serbs are able to maintain their enclaves and their longstanding claims to protect their 'holy sites'. Permission to protect the 'holy sites' formed a paragraph of the peace deal with Serbia in 1999⁹² and one which was never honoured by the IC. The situation will become yet more complex, were either Serbia or Macedonia⁹³ to join NATO⁹⁴ or be able to accede to the EU, as they would then have the power of veto over the actions of those organisations. The situation will also become highly problematic if, as is possible, conflict were to re-

⁸⁹ Unlike in Bosnia, the Jewish population of the province pre-1941 were mostly hidden and rescued by the Albanians and moved to Albania. This was an act for which the Albanians were made a member of 'the righteous' by the state of Israel. Following the opening of Albania's borders in 1993, almost all have now moved to Israel.

⁹⁰ "CIA World Fact Book 2011". Op. cit.

⁹¹ It would for example have been possible to have reserved seats for minorities in the assembly as is done in a number of countries around the world. This was the formula adopted in Zimbabwe for the white population for example. Additionally great efforts were made to encourage Bosnian diaspora voters to vote and later Iraqi and Afghan diaspora, but similar efforts were not made for the Serbs in the immediate aftermath of the conflict through the period from 1999 to 2001. Whether the Serbs would have used the voting opportunity provided, is another issue.

⁹² The ceasefire agreement permitted Serbia under Milosevic to protect the Serb cultural monuments and to keep a limited number (2,000) troops in Kosovo for that purpose. This part of the agreement was never honoured by the IC.

⁹³ At least while it is under Macedonian-Serb leadership.

⁹⁴ Macedonia was expected to get NATO membership in 2008, but their accession was vetoed by Greece over the issue of the country's name.

emerge in Macedonia, which is abutted in part by the southern Serb enclaves within Kosovo and where again the ethnic Albanian population now outnumber the ethnic Serbs at the ballot box.

As with the UN the broader IC has found itself unable to bring reconciliation to either Bosnia⁹⁵ or Kosovo. It has also come to realise that without that reconciliation it is effectively impossible to either withdraw or to make progress. The failure of Kosovo to have its statehood recognised by a majority of the IC will leave the state in 'limbo', as has now happened for a decade with Palestine, and will stifle the inward investment and development which it needs. In the interim, and perhaps for many years to come, Kosovo will continue to exist as an entity which is unable to sustain itself economically, nor to feed and power itself from within its own resources. In turn, Kosovo will continue to be dependent upon the EU for financial support and indeed for the European Central Bank (ECB) to continue to underpin its 'national' currency⁹⁶ and will be dependent upon food and energy imports which it cannot itself afford to pay for. As a result while Kosovo clearly meets the requirements for 'statehood' as stated in the Montevideo convention:

⁹⁵ And where as at May 2011 there is now no functioning central government.

⁹⁶ The (K)Convertible Euro (KE), which is maintained at a parity with the Euro. Bosnia has a similar system with the (K)Convertible Mark (KM), which is similarly underpinned by the European Central Bank (ECB).

The state as a person of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states.⁹⁷ and its' existence as a 'state' may be denied in the UN and elsewhere for purely political reasons; a theoretician may argue, as Forji has done for Palestine,⁹⁸ that Kosovo as an entity fails⁹⁹ to meet the definition of a state due to the fact that it is not independently viable.

Kosovo as a post-conflict 'model'.

Given its very limited geographic size¹⁰⁰ and a population¹⁰¹ of about two million,¹⁰² does the IC's post-conflict intervention in Kosovo serve as an effective model for future post-conflict missions? While some work has already been carried out by Yesildag¹⁰³ and others on whether the amount of personnel and funding applied to UN post-conflict missions has had any impact upon the success rate of those missions, these studies have tended to compare global figures and have paid little attention to the numbers of personnel and amount of

⁹⁷ Montevideo Convention 1933, Article 1. The first sentence of Article 3 is also relevant in the case of Kosovo: The political existence of the state is independent of recognition by the other states.'

⁹⁸ Amin George Forji, *Is Palestine a State?*

⁹⁹ Kosovo is also patently incapable of defending itself, without assistance from NATO. The ability to defend oneself is also often taken as one of the criteria for statehood.

¹⁰⁰ With an area of 10,887 sq. km. *CIA World Fact Book 2011* (2011), op. cit.

¹⁰¹ Ibid. 1,825,632 (July 2011 est.).

¹⁰² Geographically Kosovo is slightly smaller than Yorkshire and with approximately half the population.

¹⁰³ MugeYesildag, *The United Nations Peacekeeping Operations – Does the Amount of IN Peacekeeping Personnel and Funding Significantly Affect the Success of the UN Peacekeeping Operations?*

funds expended in relation to population size or geographic area. Additionally, the factor of 'duration' forms a critical part of the comparison of effort made. For example, Cambodia post-conflict required 22,000 people, but only for eighteen months, as compared to Bosnia and Kosovo where the international presence continues in considerable numbers some fifteen and twelve years respectively, after the conflict.¹⁰⁴

If we examine Kosovo taking population size and geography¹⁰⁵ into account, then with the exception of the IC's Brcko arbitration regime¹⁰⁶ in Bosnia, the IC effort in Kosovo can be demonstrated to represent the greatest investment in both human and financial resources per capita of any of the post-conflict missions to date. The effective cost of the first round of elections in Kosovo was in the order of US \$135 million and was perhaps a direct result of the 'expense is no object, just get it done'¹⁰⁷ philosophy which was adopted. With an electorate of approximately 1.4 million and a turnout of about 900,000, the true cost of each ballot cast was approximately US \$150. Not only is that not a sustainable figure,

¹⁰⁴ The next iteration of the EULEX mandate runs until June 2012 and is likely to be extended.

¹⁰⁵ Due to its relatively well-developed infrastructure, no populated areas in Kosovo, are more than one and a half hours drive from Pristina.

¹⁰⁶ At one stage in 1998 the total IC international civilian effort in Brcko amounted to 720 civilian personnel supported by a 600 strong US Armoured Cavalry Squadron (ACR) from SFOR at the McGovern base. These 1,300 plus internationals were deployed in support of a civilian population which by that time probably numbered less than 40,000. For further details on the Brcko arbitration and population details see the UNHCR website.

¹⁰⁷ During the discussions on the 'Rambouillet' election plan, the author and Hrair Balian were asked by the US Ambassador to the OSCE if the timeline for the election could be reduced from 120 to 90 days if the amount of funds provided were doubled. He was told that regardless of the funds available, 120 days was the minimum amount of time required, if the diaspora were to be allowed to vote.

as Kosovo can in no way afford to fund future elections¹⁰⁸ at such a cost, neither would anyone else in a developed country dream of paying anything like so much for an electoral process. The cost of a general election in the UK with an electorate of 45,844,691¹⁰⁹ would on the basis of the Kosovo model be in the order of £4.18 billion,¹¹⁰ whereas for the 2010 General Election it was estimated¹¹¹ to have cost some £92 million.

One reason for the excessive costs in Kosovo is the lack of transparency over budgets. With elections, costs come from the OSCE core budget, 'voluntary contributions', bi-lateral donations, and then 'contributions in kind', either from other organisations and 'pillars' in particular KFOR or from nations. This is typical of many projects run under the 'pillar' system, or outside the overall UN structures¹¹². Even more worrying is the cost of projects which then fail to deliver a result. One example is that of the contracts placed over the years from 1999 to 2002 to restore the generation capacity of the Kosova A and B thermal power stations in the area of Obiliq/Kastriot close to Pristina. The contracts were

¹⁰⁸The total budget for Kosovo as passed in parliament for the 'Draft Law on Kosovo Budget 2010' was EUR 1.461 billion. Source: Kosovo Parliament website.

¹⁰⁹The figure is as at 15 October 2010. The source is the Office for National Statistics: UK Electoral Statistics 2010.

¹¹⁰Based upon the Kosovo election model the potential costs for running an election for the Ukraine, at that time a country which was thought by some to have been in need of IC assistance at some time in the future, was calculated at approximately US \$6.0 billion.

¹¹¹Conservative research department quoted in the Daily Telegraph of 16 April 2011. The figure was raised as part of the debate on the cost of using the Alternative Vote (AV) system. Even the most pessimistic forecasters said that with AV the cost of a UK General Election would be about £300 million.

¹¹²Due to bad weather in 1998 the OSCE spent US \$660,000 on chartering helicopters to get ballot papers and other essential materials to polling stations on time. These costs charged by SFOR were unplanned and did not show within the overall elections budget.

awarded to German companies,¹¹³ the money was spent and yet not only was full generation capacity not restored, but the plants when operational produced huge amounts of pollutants¹¹⁴ and contributed to serious health problems¹¹⁵ in the Pristina suburbs.

The USA had provided military trainers for the KLA in the run up to and during the conflict. These were mostly retired US military personnel hired as contractors through intermediary companies such as MPRI and Dyncorps International.¹¹⁶ At the conclusion of the conflict the USA awarded the contracts to identify and recruit their seconded personnel to the same companies. MPRI and Dyncorps promptly re-hired the same personnel to act as police advisors to the nascent KPS,¹¹⁷ and for the US contribution to the UN International Police Task Force (IPTF) post-conflict. This and similar recruitment practices such as the recruitment of ethnic Albanian US citizens into 'international' positions, contributed to the suspicion with which the OSCE in particular was regarded by the Kosovo Serbs, post-conflict. Such recruitment practices could have been

¹¹³ The power stations were built by the Russians in the 1950s and 1960s. An East German company was awarded the contract because they were familiar with this design of power station which burned brown coal (lignite) as do the power stations in the former GDR. Lignite is the only fuel source which occurs within Kosovo.

¹¹⁴ As the old Russian installed filters were not replaced and in some cases were worn or unusable, the Kosova A power station emitted around 2.5 tons of dust per hour, which exceeds the European standard by some 74 times, according to a report issued by the Kosovo Ministry of the Environment in May 2003.

¹¹⁵ These included a large number of cancers and stillbirths. Ibid.

¹¹⁶ Dyncorps are also responsible for the recruitment and payment for all US staff seconded to the OSCE. They define their mission as follows: 'DynCorp International (DI) is a global government services provider in support of U.S. national security and foreign policy objectives, delivering support solutions for defense, diplomacy and international development. DI operates major programs in logistics, platform support, contingency operations and training and mentoring to reinforce security, community stability and the rule of law.'

¹¹⁷ These personnel were hired through Dyncorps as they were working as part of the OSCE police training project, whilst those hired as part of the UN IPTF were hired through MPRI.

overcome had the missions not been so large and if the OSCE in particular had not been dependent upon the secondment system whereby nations effectively 'vouched' for their own personnel.

This problem had first been noted in Bosnia and where a second and related problem was also identified. As an example, the elections officer in Drvar was a German secondee, but was a first-generation German citizen who originated from the area of Drvar¹¹⁸ and another German secondee, also of Croatian origin, was operating in the Croatian area at Orasje.¹¹⁹ This problem was also acute in Kosovo and was to occur again in the OSCE mission in Albania where the author was offered numerous Austrian and German staff of Albanian extraction.¹²⁰ Critically, for post-conflict missions, they consist of both 'national' and 'international' staff. In those posts for which international staff are recruited, they are recruited either because they are Subject Matter Experts (SME) and their expertise is not available locally, or because the mission is attempting to 'shape' some aspect of the local behaviour, such as attempting to bring about reconciliation. If the mission's international staff, particularly in such sensitive posts as for elections and democratisation officers are seen to be closely allied to

¹¹⁸ When the Serbs were able to return to Drvar they set fire to the town hall and burnt down her office. The elections officer had to be rescued via a side window.

¹¹⁹ This German secondee served as the 'international' democratization officer, but was it transpired a 'dual national', as the OSCE discovered when it 'nationalised' the post. The 'international' applied for the post of 'national' democratisation officer and remained as a national staff member in post.

¹²⁰ The author always rejected such candidates and when challenged by the seconding states on their candidates, the author was invariably told by them that they had been selected 'because they could speak the Albanian language.'

one or other faction whether by ethnicity or by their previous employment,¹²¹ then it will be impossible for the mission to act as a mediator and to drive the process of reconciliation and integration forwards.

The allotment by the UN of the tenders for most if not all of the IT hardware used in the first round of elections to Thompson-CSF of France and of the international telephone linkages to a company based in Monte Carlo, was the cause of some raised eyebrows, given that the SRSG was himself French. They are, however, illustrative of the issues that are discussed amongst the 'chattering classes', when the tendering and procurement processes are as opaque as the sources of funding. For Kosovo to have served as a model, then these processes would have to have been far more open, as would the accountability for equipment purchases during the mission start-up phase. Given the way in which the Kosovo post-conflict mission was deployed, much new and additional equipment was ordered and delivered, in particular to the OSCE and EU pillars even when existing stocks of equipment could have been used. Some hundreds of brand new Jeep Cherokee 4 x 4 vehicles were shipped from the USA when alternative and significantly cheaper European products were available. Additionally a study of the road network of Kosovo, even post the 'air campaign', would have shown that in most cases an ordinary saloon car, such as was used by the Kosovars themselves, would have been more appropriate.

¹²¹ Or, indeed, by marrying into one or other element within the local community, another difficulty identified in both Bosnia and Kosovo.

For the Kosovo missions there also should have been more stringent rules on the management and security of equipment once it had been delivered. To cite but two examples, the OSCE Mission to Bosnia delivered 2,200 Motorola handheld radios to the OMIK mission for the first round of elections in 2000. In 2001 the Bosnian Mission delivered a further 800 radios and ten trailer-mounted generators to compensate for the unaccounted losses of radios within OMIK in the previous year. Additionally they convoyed twenty-one vehicles to Kosovo that were 'urgently needed' and were hence stripped out of the Bosnian mission only for them to lie unused for many months in the open as they were 'second hand'. Such profligacy and an insistence on 'new' equipment are not suitable models for future post-conflict deployments and are also not typical of many UN missions.¹²²

Finally, there was a lack of clarity in the IC position on the future of Kosovo and a number of differing viewpoints from the participating states which throughout the development of the Kosovo post-conflict mission, served to highlight the weaknesses of the architecture at the higher levels of the participating organisations. The UN is weakened by the power of the veto of any one of its P5 members and this was evident in the way that the UN approached some of the issues in Kosovo. The OSCE is weakened by the need to achieve unanimity less

¹²² The Nissan pick-ups which the OSCE Mission in Bosnia used on loan from the UN in 1996-99, had first seen service with the UN Mission in Cambodia in 1992. These vehicles came from the UN's own large regional logistics hub at Brindisi where unused equipment is held prior to reissue elsewhere. The same source was used to procure a generator formerly deployed to the UNTAET mission in the mid 1990s and now providing a back up power supply to the Albanian police academy.

one in order to be able to issue a mission mandate at the permanent council and the fact that, as in the UN in the case of Kosovo, a number of its members had considerable sympathy for the Serbs. The EU and NATO both have similar drawbacks when dealing with post-conflict issues which occur within the wider European space, whether it be on the fringes of Russia and the Ukraine for the EU, or even in the Transcaucasus for NATO, as in most, if not all cases, they will require unanimity, if even only one member state wishes to take action, but to do so under an EU or NATO 'banner'.¹²³ The accession of Albania and Croatia into NATO and the imminent accession of Croatia into the EU, will only serve to exacerbate these problems if there is any future conflict in the Western Balkans, for example, in Kosovo or Macedonia of which the latter is itself an aspirant member of both organisations. What the Kosovo operation has demonstrated is that the higher-level architecture of many of the regional organisations is becoming unwieldy and increasingly 'not fit for purpose'.

Conclusions

The role of the European Union Rule of Law Mission in Kosovo (EULEX) will be discussed in the next chapter which will consider the development of the EU as an increasingly important actor on the post-conflict stage. The build-up to the Kosovo conflict and the perhaps misleading public portrayal of the IC's position during that phase of their involvement has been typical of much of the IC's

¹²³ A good illustration of this has been the lobbying that was required in order to persuade non-participating NATO states to permit the go ahead of the UN mandated 'NATO led' air campaign against Libya.

engagement worldwide during the last twenty years. This has led to increasing cynicism, particularly from people in the Third World as to the motives of those in the developed world when they become embroiled in conflict and post-conflict. On some occasions this is justified, or at best perhaps just badly enunciated, such as the reasoning why the 'West' has become involved militarily in Libya and not in Bahrain, Syria, or Yemen for example. This questioning over the real justification for the IC's intervention in the conflict phase makes it more difficult for the IC to act as an impartial arbiter during the post-conflict phase, as the situation in Kosovo and across the Western Balkans more widely demonstrated. If in addition to that, executive decisions are taken, such as to print most of the legislative and other materials in one language and in so doing to demonstrate what can be perceived as 'bias', then the situation for the members of the IC 'on the ground', becomes even more difficult. In this respect the post-conflict deployment in Kosovo marked a backward step from Bosnia.

The planning and preparation for the post-conflict phase in Kosovo, despite the almost three-month preparatory phase provided by the NATO bombing campaign, was bedevilled by a lack of clarity in the early stages about who should have primacy and what the structure of the mission should be. This was compounded by a series of unrealistic expectations as to what could be achieved in the time available, for example elections in late 1999¹²⁴ and about the time

¹²⁴ Similar over-optimism in Bosnia led to the pressure to run local elections in late 1996, immediately following the General Elections. Ambassador Frowick of the OSCE was still under pressure from Washington to run these elections in November 1996, long after the weather had meant that this had ceased to be a viable option. They were eventually held in Summer 1997.

when it would be feasible to draw down and eventually remove the IC presence. A similar lack of planning and realism over the scope of the commitment has bedevilled most of the 'post-UN' post-conflict missions, but it is particularly surprising in the case of Kosovo given that the IC remained heavily engaged in Bosnia in 1999. In part this is because of the lack of courage by the participating states which are unwilling to tell their electorates that 'nation building' is a long-term and potentially very expensive exercise.¹²⁵

The failure to plan, and to have contingency plans in place, led to a whole series of 'preventable' failures. It could have been anticipated that there would have been population displacement from Kosovo. Even had Milosevic not expelled the Kosovar Albanians, either they or the Kosovo Serbs may still have fled, particularly if there had been ground combat or even simply because the food supply chain had broken down. That no contingencies were in place was in part because of a failure of the 'combatants', to engage with the key IC 'non-combatants' such as the UNHCR. While security was undoubtedly a concern, and will probably remain so, the impact of these planning failures during conflict¹²⁶ upon the post-conflict phase of the operation are often so severe as to suggest that a mechanism should be established for dealing with them. Again, and as Iraq so graphically demonstrated, these are repetitive failures, particularly for those missions which are not UN-led.

¹²⁵Bill Clinton (2004), *op. cit.*

¹²⁶ Given that the 'air campaign' was widely known to be the 'next step' a discussion with the UNHCR about likely population displacements this scenario and how that should be managed, would probably have been helpful.

The implementation of high-tech solutions, instead of 'low tech' and potentially cheaper solutions,¹²⁷ is another repetitive problem, illustrated by the examples given here for both Bosnia and Kosovo, but replicated across a wide range of the more recent post-conflict missions, but most notably those which are US-led, such as Iraq and Afghanistan.

The implementation of the pillar structure was initially a response by the IC and particularly by the 'quint' group to the late change of plan over who was to have primacy for the management of the post-conflict mission. In general it worked well, but suffered from a range of organisational issues, some of which have been described in this chapter. Additionally, rather than just one administrative headquarters in Pristina there were now three, or four including KFOR, and that increased the number of international and national staff required. Additionally, more senior level liaison was then required to ensure that plans were dovetailed together. The 'pillar' structure has not been replicated outside of the Western Balkans, perhaps because it has not been needed, nor have the staffs been sufficiently large to warrant it. Additionally, where the UN has been engaged on a joint mission with another regional organisation outside of Europe such as the AU the response has been to form a joint integrated mission such as UNAMID in

¹²⁷ Turkey for example ran a very effective and accurate countrywide voter registration system in the 1990s. They did this without using computer databases, except at regional hubs. This was effective for a population of 80 million and could easily have been replicated in both Bosnia and Kosovo. The added advantage for Kosovo being that a significant number of educated people in Kosovo spoke Turkish as a product of having been a (relatively recent) part of the Ottoman Empire and of the Turkish private schools which were present in Kosovo.

Darfur. This is probably a cheaper solution and moreover has a much clearer Command, Control and Communications (C3) chain.

Patently, the IC's attempts at reconciliation in both Bosnia and Kosovo have failed and in the case of Kosovo failed both 'internally' and 'externally' in the wider international arena.¹²⁸ The failure to resolve ethnic conflict in particular has led first the UN and now the wider IC into long term and increasingly expensive open-ended missions. As with the UN mission in Palestine, some of these missions may well have to continue for fifty years or more if some form of reconciliation is not achieved. Additionally, as well as high costs, full progress on statehood and governance will not be possible and there will be a continuing risk of the conflict breaking out again. In the interim, the complex post-conflict missions continue to incur casualties¹²⁹ and it is perhaps significant that fully 2,000 of the 2,900 fatalities incurred by the UN in peacekeeping missions have occurred in the period from 1992 to date.¹³⁰ If to that the casualties of the other peacekeeping and enforcement missions such as those in the Western Balkans, Iraq, and Afghanistan were to be added, it will be seen that these post-conflict missions have become even more costly both in terms of lives lost and the political capital expended domestically in order to maintain their continued

¹²⁸ As at 1 May 2011 only 75 out of 208 member states of the UN had recognised Kosovo as a 'state'. UN, op. cit.

¹²⁹ On 27 May 2011 UNIFIL suffered one dead and four injured from a roadside Improvised Explosive Device (IED) near Sidon in Lebanon. All of the victims were members of the Italian peacekeeping contingent. Sources; Reuters, Daily Star (Lebanon) and other print media.

¹³⁰ UN DPKO, op. cit.

presence often in areas of the globe, that the general public in the West may feel are peripheral to their lives.

The previous point leads on to whether these post-conflict missions are providing 'value for money' or perhaps enough 'value' more widely for their IC sponsors. As nation-building takes on ever more complex forms and particularly so when it is employed in first or second-world countries such as the wider Europe, the Levant and perhaps soon, the Maghreb, post-conflict missions will require ever more sophisticated¹³¹ and hence more expensive staff¹³² to operate and given the casualty rates, increasingly they will need Close Protection (CP) teams to look after them. What is certain is that the scale of resources devoted to Kosovo cannot be replicated elsewhere as the per capita costs, both financially and in skilled manpower terms, would be prohibitive. As such, as with the pillar structure, the Kosovo 'experiment' will prove to be a blind alley in developmental terms.

Unfortunately for the EU it only has their experiences in the Western Balkans, Bosnia, Kosovo, and Macedonia upon which to base its operational experience

¹³¹ In Sierra Leone post-conflict, legal advice at the District level on the provision and training of magistrates and the running of district courts etc. was on occasions provided by relatively junior UK policemen (constables, sergeants, and inspectors) as an additional duty to their police training functions.

¹³²The latest tranche of UK secondees to be deployed to the EULEX mission includes the following: a criminal judge at the supreme court, two judges at district court level, legal officer at district court level, court recorder, chief of EULEX prosecutors, two prosecutors, head of the special prosecutors task force (SPRK) office, task force liaison officer, and a legal officer. The minimum qualification for the most junior post was an MA in Law and five years previous overseas experience. Source: EULEX Kosovo - 2nd Call for Contributions 2011, via E-Mail from DfID, 31 May 2011.

of running and managing complex post-conflict missions. With that as the background the thesis will move to looking at the developing role of the EU in post-conflict.

Chapter 8

The EU and Post-Conflict

Introduction

This chapter will examine the increasingly greater profile of the EU in the IC's management of post-conflict. The aim of this study will be to examine the impact of the EU upon post-conflict developments in the Western Balkans, in particular within the last decade and to demonstrate how the EU has now subsumed the post-conflict missions into the accession process. In the wider context the chapter will demonstrate why the EU is now so important in the field of post-conflict globally and how this has and continues to alter the emphases in post-conflict development.

From a modest start, as European political co-operation from the 1970s and as a funding donor in the early 1990s, the EU developed during the next decade to the point where, in Kosovo in 1999, it ran one of the pillars of the IC's management of post-conflict. It had been the Europeans inability to collectively manage the various Balkan crises of the early 1990s and the need to depend upon US assistance that had provided the spur to develop the Common Foreign and Security Policy (CFSP) which was enshrined in the Maastricht Treaty of November 1993. Since Maastricht the role of the EU has continued to grow so

that now it not only delivers aid and manages specific post-conflict issues, but also runs autonomous policing missions and military deployments.¹ This chapter will chart this rise to prominence and then look at the impacts of the ‘arrival’ of the EU upon the post-conflict scene.

What started out as libertarian and humanitarian interventions on the part of the individual EU member states has now, clearly, become an instrument of EU economic and political policies. The EU is now trying to shape the future development of the states concerned to fit the ‘model’ which it deems most appropriate. In its actions relating to the near abroad, whether strictly post-conflict or not, the EU policy can be seen as similar to that of the Roman policy towards client states.² It is creating a series of satellite dependent states³ that are either awaiting membership of the EU or are, and will remain very closely associated with it⁴ because of their geography. In Kosovo the EU initially participated and is now managing the running of what could best be described as a crypto-colony or ‘protectorate’. These developments would place the role of the

¹ For example, the European Union Force Democratic Republic of Congo (EUFOR RD Congo). This was a short-term EU military deployment in 2006 in support of MONUC during the general elections in that year. The deployment had been mandated by UNSC 1671 of 25 April 2006 and the force was withdrawn on 30 November 2006.

² That is, that although the states were nominally independent, for the time being at least they had to conform to the Roman way of doing things, so as to receive Roman protection and to remain independent. The role of a client state is clearly described in N. G. L. Hammond and F. W. Wallbank, *A History of Macedonia. Volume III: 336-167 BC: 336-167 B.C. Vol 3*. While the concept of ‘cliency’ originated in the Republican era, the classic British examples occurred in the Imperial era. For example, the Iceni and somewhat more successfully for both parties to the relationship, Cogidubnus on the south coast of England who was both a client king and a ‘*legatus augustii*’ or Roman senator in the 70s AD. For the background to these events see; Barry Cunliffe, *Fishbourne Roman Palace*, p 166.

³ In EU terms the ‘accession’ and ‘associated’ states such as Croatia and Albania (accession) and Norway (associated).

⁴ Norway and increasingly Switzerland.

EU much closer to an imperialist and colonialist model rather than a dispassionate and compassionate liberal-interventionism model.

When originally established the UN and the wider IC could afford to regard the European Economic Community (EEC) and later the EU as yet another regional international institution, with much the same status, economic, and political influence within its region as the Association of South East Asian Nations (ASEAN). This chapter will attempt to clarify whether that is what the EU remains, or whether, to the world beyond the current borders of the EU, it has now become a worldwide economic power with an increasing desire to reach out and influence worldwide development politically if not militarily. Alone, of all the regional bodies under the UN⁵ the EU has developed 'state-like' institutions,⁶ including its own political and foreign services and, unlike the UN, its own police⁷ and military forces. It has also demonstrated its willingness on occasions to deploy them. Moreover, the EU sees the 'ideal' for all states as being modelled on its own concept of the Western European ideal model, even though that has not yet been implemented amongst the existing EU member states.⁸ Whilst the

⁵ For example, ASEAN, the Arab League, the AU, or the OIC. Even for that matter the Council of Europe (COE), the OSCE, and NATO.

⁶ The AU has deployed military force from time to time, e.g. in the Sudan and Somalia, but there is no permanent structure and doctrine underlying them and they usually depend upon funds from elsewhere.

⁷ The spokesman for EUROPOL announced on 23 July that EUROPOL had 'assembled a team of 50 experts' ready for dispatch to Norway, a non-EU state, in the wake of the atrocities there in order to 'assist them'. This it would appear is in advance of any 'request' having been received. This is presumably based on the assumption that the Norwegians would be unable to cope on their own.

⁸ In part, this is because the EU member states only had to comply with EU regulations as they existed at the time of their own admission to the EU. These requirements have become more demanding as time progressed. Additionally, existing EU member states have either been permitted to retain their existing structures and institutions under 'grandfather rules', or have been

attraction of developing nations post-conflict based upon the Western European or the North American 'ideal' model has been a widespread problem for all organisations, including the UN, none have been so insistent upon it, even down to the smallest details, as the EU. An example of this was the EU's insistence of states in the Western Balkans passing anti-smoking legislation even though those same states continued to have considerable problems with basic legislation such as gun control and the management of weapons within the state.⁹

It is also relevant in this context that the EU is by far the largest aid donor for all post-conflict states, whether the EU is directly involved on the ground or not. This is now a significant consideration not only for the governments of the states concerned but also for the other IC participants in the post-conflict process, given that the EU now contributes more than half of all development aid worldwide.¹⁰ This chapter will also examine the issues of the 'conditionality' of EU aid and the political impact of how and where this aid is directed.¹¹

granted 'opt outs'. A good example of this in action is the EU regulations on the roles of the 'coastguard' and the 'navy'. This is discussed later in the chapter.

⁹ According to the Stockholm International Peace Research Institute (SIPRI) AK-47 automatic rifles were available in the market place in Albania for US \$100 in the period 2006–09; that is a lower price than for the same weapon than in Angola, itself the cheapest purchasing point in Africa. The price per weapon is typically a good correlation with availability.

¹⁰ The amount of EU Aid delivered in 2009 was, according to the EU, some €49 billion accounting for some 56% of the world's total. This included bilateral aid from member states. Source: EU development portal.

¹¹ See, for example, Open Europe, *EU Aid: is it effective*, May 2007.

The other issue about the EU that will need to be covered is its increasingly stringent rules and requirements for admission.¹² This is particularly relevant to the Western Balkans as all of the states within that region are aspirant members for EU accession; furthermore it is the EU's ambition to integrate them within the Union.¹³ The requirements for membership become more detailed with every tranche of new accessions, as they reflect the increasing complexity and the centralisation of processes through the EU. As stated earlier, these entry criteria do not always reflect the current conditions within the existing EU membership. To give just one example with which Albania, a neighbour of Kosovo and a potential EU accession state, is wrestling with at the moment. The EU requires that police action on the high seas for example, the arrest of fishing boats fishing illegally, is conducted by a coastguard, subordinate to the Ministry of the Interior¹⁴ and not by either the navy or a coastguard subordinate to the Ministry

¹² It was a requirement to be considered for accession that Albania pass much more stringent legislation on 'money laundering' in terms of the amounts of cash that could be handed over for goods received. This ignored the fact that in many areas there were simply no banks in which to conduct business and that often cash was the only option.

¹³ The integration of three of the Western Balkans states is also important for geo-strategic reasons. Both Serbia and Macedonia sit astride the Vardar corridor into Greece, along which the road and rail links from the remainder of the EU flow. The oil and gas pipelines from the Black Sea coast into the western European partners of the EU run through Serbia and Croatia, while the gas supply pipelines from the Ukraine and Russia run through Serbia and Macedonia into Greece. Greece is also a net recipient of electrical energy from Bulgaria, which also runs on power lines through Macedonia, while finally the Rhine-Danube waterway flows through both Croatia and Serbia and permits the movement of 4,000 tonne barges from the Black Sea coast to the North Sea. In contrast to Croatia, Serbia, and Macedonia the sole strategic requirement for Bosnia, Kosovo, Albania, and Montenegro is for them to remain 'stable'; however that may be defined.

¹⁴ The UK Maritime and Coastguard Agency (MCA) reports to the Department of Transport, which would not be an acceptable structure, were the UK to be an 'accession' state. The EU has also not apparently covered the issue of 'subsidiarity' as, for example, in the UK where the Scots maintain their own maritime protection agency, funded and answerable to the Scottish Assembly. Similar gaps exist in the EU's strategic concepts in many other areas, particularly in regards to 'devolved' powers in states which have 'federal' structures.

of Defence.¹⁵ This is a requirement that is being imposed upon new members and is not a requirement for existing member states¹⁶ but will force most potential accession states to either:

- a. Set up two maritime control structures at considerable expense and with some duplication of effort as has been done for example in Croatia;
- b. or to abandon the concept of a navy altogether and have only a coastguard as has been done in for example Slovenia.

Having established that the EU is increasingly demanding of people and countries beyond its borders, this chapter will also discuss the impact of the EU's Common Security and Defence Policy (CSDP), or indeed its absence, as, for example, exemplified in the recent Lebanese crisis, upon the IC's management of post-conflict. It will also be pertinent to compare and contrast the difference between the IC's treatment of BiH and Kosovo with that of a state without conflict

¹⁵ This is a topic with which the author was closely engaged in the period from 2007 to 2009 and one which was discussed extensively with Ole Bjornoy the Norwegian Charge D'Affaires in Tirana and himself a former coastguard officer, and with Doug Adams at that time the acting Head of the EU PAMECA police mission in Albania. Albania is heavily influenced by the USA and US policy which on this specific issue was completely at odds with that of the EU. In the USA the coastguard forms part of the armed forces within the DoD. The US had coastguard officers on site in Albania and was supplying coastal surveillance radars for the entire coastline. It was a condition of this donation that the radars should remain under the control of the Albanian Ministry of Defence and so should or perhaps 'when' the navy have become a 'coastguard' they would have lost control of this asset. Given what was potentially going to happen with 'their' navy and the officers within it, the Albanian MOD refused to share the data gathered using the radar system with the Ministry of Interior and hence the police: not only does the UK not follow the 'approved' European model, neither do the French, Italians, or most of the existing EU member states.

¹⁶ Who in this, as in most other matters, are allowed to operate with what are described as 'legacy' structures.

in the formal sense¹⁷ in the Western Balkans for example Albania, to see whether the EU's treatment of post-conflict states such as Kosovo varies from its approach to other 'dependent' states. Such issues as the limitations on where TV programmes can be bought, the EU's 'Free Television' regulation, are examples that will be examined; given that the impact of the regulation is quite the reverse of that in its title; as it prevents those countries at which it is directed from acquiring TV products from outside of the EU.

Finally, for both Bosnia and Kosovo, future membership of the EU has shaped the entire IC intervention and has been presented as the 'end state', almost a 'nirvana', to which the nationals of those two areas can aspire. It will therefore be covered in some detail. For elsewhere in the region EU participation in post-conflict can also be seen as one stage in their evolution towards normality and their eventual goal of EU membership. Increasingly, one must question whether the eastward expansion of the EU is now just the goal of EU elites, rather than that of its citizenry, or of the populations of the accession states concerned, as both the EU and the leadership of Croatia are currently discovering. Whatever the outcome this chapter will examine the impact upon the post-conflict model of post-conflict interventions in states who are moving towards future or potential accession to the EU.

¹⁷ The violent collapse of the Albanian state in the wake of the 'pyramid shares' scandal in 1998 was not technically a conflict, even though there was widespread fighting and armoured vehicles were deployed on the streets. The looting of some 750,000 long-barrelled automatic weapons during that period gave rise to long-term internal security problems and fuelled the supplies of weapons in the conflicts in both Kosovo and Macedonia.

The early days and the EU as a 'spectator' in post-conflict

Through the period from the formation of the EU until 1993, the EU was basically a spectator when it came to the IC's efforts in post-conflict. Although increasingly and, particularly after 1989, the EU provided some central funding for missions engaged on post-conflict these were relatively small and both financially and politically,¹⁸ the EU on the international stage was only effectively represented by its member states acting bilaterally. The EU's own efforts at funding democracy initiatives in this period were described by Santiso (2002) as:

'a series of scattered initiatives' [which since the mid-1990s] 'has gradually become a more systematic endeavour'.¹⁹

In a similar way, and notwithstanding the European Political Cooperation (EPC) process that was introduced in the 1970s, it was not until the fall of the Berlin Wall and particularly the Balkans crises of the early 1990s, that a unified 'European voice' began to be enunciated in foreign-policy terms. This new willingness to intercede in conflict and to prepare for post-conflict meant that for

¹⁸ There were also no integrated EU police or military structures and these were entirely represented by the bilateral states.

¹⁹ Carlos Santiso, *Reforming European Union Development Cooperation: Good Governance, Political Conditionality and the Convention of Cotonou*, p 7.

the first time the EU was able to appear as a significant actor on the world stage in its own right. Even now though it was not acting independently, but as part of a duopoly with the USA, so that David Owen became the EU's peace negotiator acting in tandem with Cyrus Vance of the USA to create the 'Vance-Owen plan' and the other initiatives of that period. What the negotiations by Owen and Vance revealed, and as Owen points out throughout his memoirs,²⁰ was their weakness as negotiators in that they had only a limited amount of inducements on offer and no real 'levers' as the EU, in particular, had no meaningful 'threats' it could make to the warring factions. Holbrooke, on the other hand at a later stage in the conflict, was the personal envoy of one man, the President of the USA, and did have the threat of US (and to an extent NATO) air power which, as he explains in his memoirs,²¹ he could and did use to bring the warring factions to the negotiating table.

This weakness in the EU's and indeed NATO's position, without the leadership of the USA, was not lost upon Romano Prodi, Javier Solana,²² and others at the time as they, along with the European Commission (EC) within the EU, worked over the following five to ten years to strengthen the position of the EU so that it could become an effective actor upon the world stage. While the EU²³ had from 1975 adopted some novel and innovative approaches to 'north-south' aid provision, these initiatives were increasingly replaced in the 1990s by a policy of

²⁰ David Owen, *Balkan Odyssey*.

²¹ Richard Holbrooke, *To End a War*.

²² Solana was directly involved in the Bosnian conflict as the Secretary-General of NATO from 1995-9.

²³ At that stage it was known as the European Economic Community (EEC).

aid provision which was tailored to the political goals of the EU as a world actor. At the same time, the amount of funds being allocated directly to the EC by the member states and, in addition, being granted as bilateral donations by the member states, was rapidly increasing, so that by 2002 this already amounted to some 36 percent of the development aid funds available worldwide. In parallel, the implementation of the Common Foreign and Security Policy (CFSP), the successor to the CSDP, could ensure that both the aid and the political direction of the EU could be harnessed together for maximum impact while at the same time the appointment of a pro-European, Secretary General (SG) of NATO, Javier Solana, ensured that this was broadly supported by the world's single largest military alliance.

The EU as a 'stand alone' actor on the post-conflict stage

The appointment of Solana to three key, but interlinked, posts in Europe during 1999 as the EU's High Representative for the CFSP, SG of the Council of the European Union, and SG of the Western European Union (WEU), with an enhanced budget, marked the start of a new phase in EU foreign policy and particularly in post-conflict. Solana's appointment to these posts, following on immediately from his appointment as the SG of NATO, meant that for the first time the EU had an effective manager who had come to the organisation with previous experience of managing a major multilateral organisation. That Solana then proceeded to hold all three posts for the next decade meant that he was

able to develop processes and personally manage them across the institutions of the EU without being hampered by any infighting or political rivalry. He was also, almost uniquely for a politician at such a level at that time,²⁴ able to see projects through from the initial conception phase to delivery. As a result of the appointment of Solana to these three posts, the EU very rapidly went from an organisation where decision making was opaque and sometimes confused to one where the USA did indeed have a 'number to call'²⁵ whenever they wished to discuss issues with the Europeans and moreover one that had increasing confidence and experience in dealing with global issues.

Solana had, as SG of NATO, been directly involved in the NATO air campaign over Kosovo. In his new posts he was now involved in the post-conflict phase of the operations and the supervision of the EU pillar of the operations there. Solana saw that, in order for the EU²⁶ to be able to assume control of the IC missions in Europe's backyard, the EU would not only have to generate the wide range of specialists necessary, the ability to run elections, but would also need deployable police²⁷ and military contingents. These developments initially

²⁴ It is perhaps as a result of their experience with Solana as effectively their 'chief executive' for international affairs, that most EU senior appointments subsequently have been for either five or ten years, for example the recent appointment of Baroness Ashton as Vice-President of the European Commission and HR of the EU for Foreign Affairs and Security Policy (HR FASP).

²⁵ Henry Kissinger, a former US Secretary of State famously said of Europe in an aside at a press conference in 1970: 'Who do I call when I want to speak to Europe?'. He was explaining that it was difficult to speak to the EEC (as it was then) on European issues and to include them as a body in discussions on wider issues.

²⁶ And the 'European' states, as opposed to the transatlantic OSCE and NATO.

²⁷ As opposed to EUROPOL which was formed in 1995 and which is in practice a central criminal intelligence agency. In practice, apart from duplicating the work of INTERPOL in Europe EUROPOL was under the first protocol signed in 2000, given responsibility for money laundering, while under the second protocol signed in 2002 has given it competencies to take part in joint investigations undertaken by member states. The third protocol signed in 2003 mandates it to

concerned the USA, which had not replaced the UN as a major player in post-conflict operations within the Western Balkans simply in order to see agencies, in which they were voting members and had a veto, replaced by an organisation such as the EU where they had no representation.²⁸

The continuing conflicts in the Balkans, including the civil war in Macedonia in 2001 and commitments in the run-up to the Iraq conflict, led to a change of opinion within the USA and hence within NATO. With NATO support the EU commenced its first military operation with EUFOR on 'Operation Concordia' in Macedonia on 31 March 2003. Whilst uniquely this was not mandated by a UN or UNSC resolution it was specifically requested by the Macedonian Government. 'Concordia' was a small force of some 300 lightly-armed men, but it demonstrated that the EU itself, as opposed to an EU contribution through NATO, could successfully conduct military operations²⁹ in a post-conflict environment.³⁰ Just two months earlier the EU had also launched its first police mission in Bosnia. The European Union Police Mission (EUPM) was the first mission launched under the ESDP and benefited from the fact that most, if not all, of its command structure had previously served in Bosnia under UN CIVPOL and that a large number of officers, currently serving with the UN in Bosnia, were

liaise with bodies outside of the EU and to have competencies over a further range of crimes as yet to be specified. See; Professor Steve Peers, *The final step in the creation of an "Investigative and Operational" European Police Force*, pp 1 – 3.

²⁸ See for example Robert Barry (2003) and (2004), on future roles for the OSCE.

²⁹ At least for a limited period. 'Operation Concordia' ran until 31st December 2003.

³⁰ This was thanks to the 'Berlin plus' arrangements. These permitted the EU to draw upon NATO assets and capabilities in particular NATO's intelligence capabilities. For a discussion of these issues see; Annalisa Monaco, *Operation Concordia and Berlin Plus: NATO and the EU take stock*.

simply 'rolled over' to the new mission³¹ even if they had not originally been seconded by EU member states.³²

The EU launched a second and significantly larger³³ short-term military operation in June 2003, 'Operation Artemis'. 'Artemis' was deployed to the Democratic Republic of Congo (DRC) and represented the first EU deployment outside of Europe and indeed beyond the 'near abroad'.³⁴ Also at this time the EU evolved a European Security Structure (ESS) and this attempted to set the boundaries for European military engagement, in particular those activities beyond the boundaries of the 'wider' Europe. Within the ESS and the ESDP³⁵ the EU adopted and in practice limited itself³⁶ to the Petersberg³⁷ tasks. These tasks as described by Howorth³⁸ cover humanitarian response, peacekeeping and peacemaking. These operations as defined by the Petersberg tasks permit EU intervention, but state that the nature of any intervention must be delimited by the principle of 'just war'³⁹ although peacemaking in particular could potentially require very robust military action.

³¹ The mandate of the EUPM has been repeatedly extended and is now due to expire on 31 December 2011, according to the EUPM website.

³² For example Norwegians, Russians, and Ukrainians,

³³ The total manpower involved was about 2,000.

³⁴ NATO has a policy of engagement with the state beyond its boundaries, so for example Armenia, Azerbaijan, Iran, and Syria (via Turkey). The OSCE likewise has partnering arrangements with its 'near abroad' through schemes such as the Mediterranean dialogue which involves, amongst others, the states of the Maghreb.

³⁵ Following the ratification of the Lisbon Treaty the ESDP is now the Common Security and Defence Policy (CSDP) of the EU.

³⁶ In theory the ESDP and later the CSDP 'includes' the Petersberg tasks, but in practice it is unlikely that, at least for the foreseeable future, that the EU will step beyond those bounds.

³⁷ The 'Petersberg tasks' were first formulated by the WEU during a meeting of the council of the WEU at the hotel Petersberg, near Bonn, in June 1992.

³⁸ Jolyon Howorth, *Security and Defence Policy in the European Union*, p 15.

³⁹ *Ibid.*, p 54.

On 2 December 2004 the EU launched a third military operation, 'Operation Althea' in Bosnia. The EU did so on the basis that, unlike Macedonia, this was to be a permanent replacement for a NATO force and that this change would be mandated by the UN.⁴⁰ While still supported by the 'Berlin plus' arrangements, which remain in force in 2011, the force was significantly larger and more capable than that deployed in Macedonia or the DRC at 7,000 men. Over time, this force has been significantly downsized and reduced to 2,500 men in 2007, supported by 'over the horizon'⁴¹ forces based in EU member states.

In parallel to these military and policing developments, the EU was also increasing its share of the world's development aid. It applied pressure to the ever-increasing number of member states to donate most, and ideally all, of their individual aid budgets through the EU mechanisms. While these later exhortations have been only partially successful,⁴² the EU is now collectively in an immensely powerful position when funding post-conflict operations. From 2005 onwards the EU has directly or indirectly controlled approximately 50 percent of the world's development and hence post-conflict aid, a percentage which continues with slight hiccoughs⁴³ to rise.

⁴⁰ UNSC Resolution 1571 of 4 November 2004.

⁴¹ Over the horizon forces are troops which are stationed in their home countries but which are immediately ready for deployment to the post-conflict (or other) mission area in times of emergency.

⁴² It has for example resulted in the anomaly that the Netherlands claimed for several years to be the single largest 'aid donor' in Europe, as it continued to give most of its aid bilaterally, whereas other larger EU member states placed a far greater proportion of their aid through the EU mechanisms.

⁴³ The figure temporarily dropped to 49% in 2009, in large part due to the world banking crisis.

The fact that the EU can now mount autonomous, complex, post-conflict operations across the globe, and regularly does so; combined with the direct and indirect control of a development aid budget in the order of €56 billion, has given the EU enormous potential power in the field of post-conflict. With the appointment of Baroness Ashton as the HR FASP⁴⁴ and the development of an EU foreign service, the European External Action Service (EEAS) and the ability to speak, but not yet to vote, in its own right at the UN, the EU's capacities have been expanded yet further. With a staff of some 7,000 and a budget running to billions of €, the EEAS will be several orders of magnitude larger than the foreign services of even the largest member states. How these extensive powers have been used, may be used in the future and to what ends will be examined below. In particular the relationship between development and post-conflict with foreign policy and political objectives. These are issues which have already been hotly debated in the European Parliament (EP) where Baroness Ashton presented her proposal for the EEAS on 25 March 2010. Of particular concern to the EP was the division of responsibilities between the HR FASP and the Commissioner for Development. Key elements in this debate revolved around control of human rights policy and responsibility for the delivery of humanitarian aid.⁴⁵

⁴⁴ She is the first occupant of this position and also serves as a vice-president of the European Commission (EC).

⁴⁵ See for example the article by Heidi Hautala, *The European Parliament wants a genuinely European foreign policy*.

The EU as a regulator and the proponent of the 'Western Ideal'

Leaving aside the 'conditions for entry' to the EU the '*acquis communautaire*'⁴⁶ which is the body of law which must be adopted by aspirant states and which must be implemented into domestic law⁴⁷ prior to admission into the EU, there is also the EU's pursuit of the western state 'ideal' in those post-conflict missions where the state is unlikely or is ineligible for membership of the EU. As for the determination of these ideals, there appears to be no one set of guiding principles laid down in a handbook or manual to which the potential accession states can refer. They appear to consist broadly of an assumption that accession states must adopt a wide range of legislation which has been approved by the EU, even if it has not been adopted or perhaps implemented by the existing member states. For existing members this is often on the grounds that it has been deemed too expensive to do so. These ideals are encapsulated in wide-ranging regulations which run across the whole spectrum of governance from biometric identity cards to health and safety in the running of abattoirs. For some accession states the regulations are unworkable or make their existing practices non-competitive. That these requirements are increasing can easily be demonstrated. When Croatia started the accession process it was required to

⁴⁶ These are EU Laws which have either direct or indirect effect upon the member states. These laws and regulations automatically override domestic provisions in law as soon as they are implemented.

⁴⁷ For Croatia this consists of over 600 different regulations which have been divided into 35 chapters in the *acquis*.

pass some 450 pieces of new parliamentary legislation. The figure for Albania, in 2009, was 610 pieces of legislation and the total continues to grow.

For many years prior to accession and not directly related to the accession itself, adherence to these 'ideals' can cost money and can distort or delay project work, even if the EU is not directly involved but one of its member states is. For instance, where a donor to a project, or the organisation which is implementing it on the donors behalf, is either headquartered within the EU or has the majority of its staff deployed there, the EU will demand that all work is carried out to a standard which meets EU norms and which adheres to EU 'Health and Safety' (HS) regulations. In a country such as Albania, or Kosovo, such standards often cannot be met, or if so, only at a very high cost. What is particularly galling for both the donor and the recipient is that in many cases the EU will demand that the standards which have to be achieved are not met within some of the longer-serving member states themselves.

One example of this desire to 'improve' and to adopt the European ideal which appears to act as both a form of benchmarking and a set of philosophical or normative principles, are in the areas of HS legislation and social accessibility and often lead to a disproportionate cost in the implementation of projects and/or a lack of sustainability. OSCE missions in post-conflict areas have to conform to EU HS requirements, as the organisation is headquartered in Vienna on the territory of an EU member state. The resultant additional costs, which in some

cases are considerable, are taken from the mission budgets and hence reduce the delivery of development programmes on the ground. In Bosnia there was in one round of elections an EU-funded project where registration forms and later ballot papers were taken by a small team equipped with a ballot box to disabled voters in their own homes or in hospital. This was done rather than encouraging voters to attend a polling station or alternatively to exercise their right to have a postal ballot. This is an extremely time consuming and manpower intensive process⁴⁸ which is not carried out in many, if any, EU countries, but which had to be implemented following a recommendation by an EP parliamentarian, so as to qualify for EU funding for the elections.⁴⁹ At the time that this exercise was being carried out in urban areas there were several rural municipalities which had neither running water, electricity or telephones, but these were of course beyond the visibility of the visiting elected EU officials. Similar exercises have been carried out elsewhere in other second world post-conflict missions. These include the fitting of disabled access ramps for wheelchair users and braille 'masks' to fit over ballot papers for blind voters, particularly in high profile urban areas, capital cities, and so on. Again these are provisions that are not made across the EU and certainly not in the UK, where a provision exists for disabled voters at polling stations lacking access to vote, but these are made either outside the door of the polling station or in the car park.⁵⁰

⁴⁸ In particular, as each team had to be accompanied by an international observer.

⁴⁹ It was while carrying out this exercise that one international observer during the registration process was called to a house in Pale where the 'disabled voter' was discovered to be Radovan Karadzic. The observer duly registered the 'voter' and once safely outside the guarded compound contacted the authorities.

⁵⁰ In these cases both the ballots and the ballot box are carried out to them by the chairman of the polling committee, whilst for blind and partially sighted people there is a provision for them in UK

The furtherance of the EU 'ideal' is not restricted to high-cost, unsustainable regulation and while the point has been illustrated with electoral examples, there are numerous other cases. In many cases the structure and culture of the state being assisted in a post-conflict mission is not conducive to the implementation of policies which are being decided thousands of miles away, often by people who have not been outside of Western Europe except perhaps as tourists. If one examines the role of women in elected political office as an example, whilst the introduction of gender quotas is laudable, it has to be done in a manner which does not discredit the process and in conjunction with a change in public attitudes towards gender;⁵¹ a process that can only be carried out through the medium of public education. If a gender quota for women is required, as was the case in Bosnia for the municipal elections in 1997, and if then, for the sake of greater democracy, the IC choose to operate an open list⁵² system that results in no women getting enough votes to gain a seat, what steps are available? The solution adopted in Bosnia by the HR was to impose the female candidates and

electoral law to vote with the aid of a 'helper'. See, the 'Representation of the People Acts', (amended) in (1989) and the accompanying subordinate regulations. These are under continuous revision. The latest proposed amendment still in draft bill stage, would permit those people already in the queue to vote who are within the 'precinct' of a polling station to be issued a ballot, provided that they were in the queue before the official closing time of the polling station. The definition of a 'precinct' is left to the polling station chairman. This follows the crowding at polling stations in 2010 and would if passed into law go some way to bringing UK legislation into line with common practice worldwide.

⁵¹ The provision of gender training to the OSCE's national and international staff in the field missions by OSCE experts from the 'gender unit' at the OSCE HQ in Vienna was, the field missions discovered, a good way of imposing a 'reality check' on some of the OSCE's own programmes which were being rolled out across the missions. The OSCE gender unit welcomed the opportunity to come and field test their programmes, but the author saw no indication of this approach being adopted by the EU or elsewhere in the IC, except within USAID.

⁵² In a closed list system the parties candidates are 'ranked' by the party and the voter does not get any choice as to who is elected. In an open list system the voter can 'rank' the party list, or even, if the list is completely open, vote for candidates from different party lists.

to insist that they were elected to the positions regardless of the numbers of votes cast. The electorate could then see for themselves that 'Western' democratic values and the principle of 'one man one vote', were deeply flawed and were instead skewed in favour of 'Western' values of political correctness.⁵³

Similar 'quick-fix' solutions were adopted for increasing, and, in some cases, having the first, female police officers in a state and then accelerating their promotion so that within a very limited space of time, often only two to three years, there were female police inspectors.⁵⁴ Again, the effect of these and other 'quick-fix' solutions applied not only to women, but also, for example, to minorities such as the Roma, served often to weaken cohesion, or to discredit the women or minorities, as they often failed in the posts to which they were appointed as they had not been given adequate training, or that simply they did not have the experience required to do the job. Thus, what was achieved was often the reverse of what was intended, particularly if the post-conflict mission and the IC either withdrew from a country or withdrew from a particular sector.⁵⁵

⁵³ The mistake was not repeated the following year. The representatives of the IC insisted that a closed list system be adopted and that the electoral code forced the political parties to appoint one-third female candidates, evenly spread throughout the list. The end result was that Bosnia had a higher proportion of female MPs than the UK and of most countries within the EU.

⁵⁴ The RS in Bosnia and Albania would be two European examples.

⁵⁵ In Albania considerable pressure was applied to the authorities to get female police officers out of secretarial duties and in to other areas. This included the traffic branch, but also specialist units dealing with rape and other serious sexual assaults, along with assaults and sexual attacks on minors. As an inducement to follow this 'Western' model, significant amounts of money, were spent refitting and decorating police stations in the major cities and in establishing 'rape suites', which were comfortable interview rooms for the victims of assault etc. Within eighteen months inspections by the OSCE 'Presence in Albania' established that these facilities often no longer existed and the women employed in them had been transferred back to other duties.

The impact of the EU 'Brussels-centric' bureaucracy, on post-conflict programme development and delivery

All international organisations tend to be headquarters centric. Likewise, bilateral post-conflict funding programmes are influenced, to a greater or lesser extent, by the impressions gained of post-conflict states, not by people deployed 'on the ground' in the state concerned but by the civil servants working in their capitals in Western Europe and North America. These policy decisions made in third countries influence IC post-conflict mission members, particularly at a senior level and affect the ways in which they deliver their programmes. The organisation with the highest percentage of its staff in key posts within its' HQ,⁵⁶ who also have extensive field mission experience in post-conflict countries,⁵⁷ is the UN. That is particularly so in the key departments which control and manage all of their field missions. Additionally, given their global recruitment policies the UN has staff from every country where they deploy and apart from their national staff within missions, will also have other international staff from neighbouring states in the region both within the field missions and in the HQ.⁵⁸

⁵⁶ At its' HQ in New York.

⁵⁷ In contrast to those of the bilateral donors whose largest diplomatic missions are always in the states of their allies and neighbours. In the UK case, the average size of a diplomatic mission overseas is now seven people and that will often include immigration officers and other secondees.

⁵⁸ The OSCE does likewise, but prohibits staff from neighbouring states from serving in the adjoining missions on a permanent basis (it does permit neighbouring states to send short-and long-term election observers however).

This headquarters centric view, based for the EU upon the perception of the civil servants in Brussels, is particularly relevant to the Western Balkans given the centralised decision-making processes within the EU. It is exacerbated by the EU's tendency to post relatively junior staff to the field missions, which as a result reduces their influence with the more senior staff at the HQ.⁵⁹ Whilst the large budget for travel can compensate to some extent, by allowing senior staff to visit frequently, it cannot provide the level of knowledge that can be provided by staff permanently based within the country.

All field missions are located in, or close to, the capital of the state or entity concerned and in almost all cases the most senior staff are usually deployed to the senior posts in the HQ. Given the size of some of the states with post-conflict missions, it is understandable that many of these may rarely, if ever, get out into the 'field'.⁶⁰ Many post-conflict field missions compensate for this, by having an extensive network of regional centres where there are usually at least some senior staff and the missions often also staff field offices at the local level as well.⁶¹ The EU has done likewise where it is manning field missions and, particularly in such cases as EULEX where it is the lead mission, the field deployments are extensive with field teams allocated to each municipality.

⁵⁹ The UK on a bilateral basis does not do this. It has in July 2011 announced that it is posting the Prime Minister's national security advisor, Sir Peter Ricketts, as the bilateral Ambassador to France.

⁶⁰ For example in the DRC where transport between major field deployment locations is by air given the distances involved.

⁶¹ The OSCE in Bosnia for instance had four regional centres and 24 field offices. In Albania there were no regional centres, but at one time 21 field offices. These were appropriate figures in the immediate post-conflict period where there had been severe dislocation of the transport infrastructure, with travel times often exceeding twelve hours from the capital city. Also in both countries no travel was possible after dark for security reasons.

The EU as a global presence

By 2007 the EU had become a global presence and, according to Duddridge, had delegations in 118 countries⁶² and had negotiated 'country strategy papers' with 140 countries.⁶³ By this stage the EU had therefore effectively negotiated country strategies for all save⁶⁴ those countries in the first world⁶⁵ and declared its intent effectively to have a mandate to operate worldwide. The House of Lords concluded that this gives it a global perspective shared by very few member states,⁶⁶ but in retrospect even this can be seen to have been an understatement. It is clear from the trajectory of EU foreign policy, as shown above, that even before the creation of the EEAS it had become an effective competitor to the UN in terms of development assistance and post-conflict. It had also taken up the mantle of two of the pillars⁶⁷ of the Bretton Woods⁶⁸ system,⁶⁹ in that it was both funding major infrastructural projects such as highways and dam construction and by 2007 using up to 30 percent of its 'aid'

⁶² James Duddridge et al. *EU Aid: is it effective*, p 41. Duddridge was referring to the situation in 2005-6.

⁶³ *Ibid.*, p 41.

⁶⁴ This total excludes North Korea and one or two other isolationist states.

⁶⁵ The EU, for example, has had a delegation in and a 'country strategy' for Brunei since at least 2006. The per capita income for Brunei, given its small population size and oil revenues, exceeds that of some 'developed' countries. For details see CIA World Fact book, *op. cit.*

⁶⁶ House of Lords' select committee on the EU, thirty-fourth report, June 2006.

⁶⁷ The other two pillars were the World Trade Organisation (WTO) and the General Agreement on Trade and Tariffs (GATT).

⁶⁸ The Bretton Woods Agreement on a post-war financial system was signed at Bretton Woods, New Hampshire, USA in July 1944. The whole structure was underpinned at that time by the US dollar.

⁶⁹ Armand Van Dormael, *Bretton Woods: Birth of a Monetary System*.

budget in providing direct budgetary support to target countries.⁷⁰ As such, it was a direct competitor and an alternative to both the World Bank (WB)⁷¹ and the International Monetary Fund (IMF). For third world countries the EU is in an unassailable position in that it is effectively a single-source supplier of both development aid and budgetary support.⁷² Additionally, for many countries in the third world, the EU is also a major market for their produce and for most a major source of commercial Foreign Direct Investment (FDI). Finally, by establishing itself as an effective competitor to the UN, the IMF, and the WB the EU has inadvertently in the last decade empowered countries in the second and the third world, giving their leaderships additional leverage by once again⁷³ providing them with a choice as to which international organisation should provide funding and support. This is a fact which the more astute amongst the third world leadership have not been slow to recognise. They have though been somewhat less aware that, in return, the EU increasingly expects an adherence to Western values. This is a perceived 'weakness' in the western European approach which others, notably the Chinese⁷⁴ with their 'string of pearls'⁷⁵ policy, initially in

⁷⁰ Duddridge (2007), p 39.

⁷¹ At the time of Bretton Woods this pillar was represented by the International Bank for Reconstruction and Development (IBRD), which now forms a part of the WB.

⁷² Apart from its projects in the health sphere in Albania, such as hospital refurbishment and construction, the EU was providing some 52% of the Ministry of Health's budget in direct budgetary support in the period 2005-7.

⁷³ Similar to the choice they often had during the 'Cold War' when they could bargain between the USA and the USSR for donor funds.

⁷⁴ For a description of Chinese policy see; Bert Chapman, *Geopolitics: A Guide to the Issues (Contemporary Military, Strategic and Security Issues)*, in particular pp 5 and 60-1 for the 'string of pearls' strategy, which Chapman describes as a 'nexus of hot spots' (p 61).

⁷⁵ This term was first used in the US DoD to refer to the establishment of Chinese strategic sea communications. The use of the term was rapidly expanded to incorporate China's rapidly growing FDI, particularly into the sources of strategic minerals on the African continent.

Africa,⁷⁶ have been quick to exploit.⁷⁷ They have also become a direct competitor to the EU and the USA in the wider global arena.⁷⁸ The only area of common ground between the EU and China is that they are both willing to intervene in, or on, the periphery of a state when their investments are directly affected. In these circumstances - and countering Somali piracy is a case in point - they are prepared to work jointly.⁷⁹

Beyond those countries in which it is running post-conflict field missions, the EU has generally restricted its deployments to the capital cities despite often having extensive funding commitments within particular post-conflict states. Additionally, the staffing levels in these field missions have traditionally tended to be extremely modest,⁸⁰ with individual project staff covering a wide range of portfolios. Given the steadily increasing projects, the field staff have in general adopted two strategies: first, to generally increase the size of the projects

⁷⁶ Within the last five years China has also significantly invested in strategic mineral resources in Australasia and Latin America. Since 2008 Chinese FDI in Latin America has exceeded that in Africa by a factor of ten times.

⁷⁷ China was willing to invest in the oilfields in South Sudan and the coalfields in Zimbabwe at a time when the EU was condemning these states for their human rights records etc. The Chinese policy is that 'business is business', and that they will not attempt to interfere with the internal management of states, but only so long as their investments are not affected.

⁷⁸ The Chinese underpinned the Argentinian peso by a 'currency swap' arrangement with the Remnimbi in 2009, effectively guaranteeing the currency. As such they too are now directly competing with the EU, the IMF, and WB in certain discrete circumstances. See amongst others; <http://www.slideshare.net/jamesvinall/where-to-invest-in-2009-1440963>, accessed on 27 July 2011 and for a wider discussion of the economic impacts of this change in the balance of economic power; Johnny C Chiang, *Impacts of East Asian Economic Reintegration on (Asia Pacific Economic Forum) APEC – Taiwan's Role and Strategy*.

⁷⁹ The EU Naval Force (EUNAVFOR) is engaged in anti-piracy patrols off Somalia and the Horn of Africa, a campaign in which both the Chinese and the Russians are also taking part.

⁸⁰ In Albania the international EU staff typically numbered between 14-11, with numbers dropping over time to 2009, and this despite the fact that the budget was increasing. This can be contrasted with the 80 US based staff in the US Embassy to which could be added another 18-20 US based staff within the United States Agency for International Development (USAID) which was located in the same compound.

financially by concentrating upon elements such as infrastructure and secondly to appoint someone else to oversee the project, often one of their own police missions, and to trust to their stringent audit procedures to ensure that the EU and its citizens receives value for money.

The EU is also at a disadvantage compared to most bilateral funding missions in that, until the creation of the EEAS, it had an exiguous political component within its delegations.⁸¹ This meant that the Head of Mission (HOM) and Deputy Head of Mission (DHM) often had to spend the majority of their time engaged upon the diplomatic round at the expense of time and effort that could have been spent on higher-level project management.

In the circumstances the approach adopted in the field is sensible as all major project decisions are referred back to Brussels where they are examined in detail and often significantly amended. There are, however, two major drawbacks to this: first, the size of the projects which bidders have to submit in order to obtain funding. The EU is not alone in this. The Netherlands Embassy as a bilateral donor in Albania refused to consider projects which were costed at less than €100,000. The Swedish International Development Cooperation Agency (SIDA) had similar problems, in that SIDA HQ in Stockholm, required their long-term project funding to be audited by a reputable international company such as Touche Ross or Deloitte on a six-monthly basis. This, at a minimum charge of

⁸¹ This consisted of one international staff member in the case of the EU mission in Albania in 2009.

€5,000 per year, was extremely wasteful as far as small projects were concerned. The most flexible and often the most effective were the Norwegians who once offered the author €3,000 in cash, to fund a small but effective rural development project. The OSCE mission had to turn down the money as the OSCE system required it to be made as a bilateral 'pledge' in Vienna. This was a process that often took months and required the 'vetting' and evaluation of the project proposal by 'officials' in Vienna. This is exactly the same problem, although on a smaller scale, as affects the EU delegations.

The second drawback is the degree of control exerted by Brussels. Rigid adherence to the delivery of standard packages of hardware resulted in a fleet of vehicles arriving for the Albanian police⁸² without the diesel with which to run them. Why was the provision of diesel not a condition of the donation?⁸³ The inability of Brussels to modify or radically alter proposals from the field once the project funding has been cleared politically in Brussels has unintended consequences; hence the supply of totally inappropriate genteel cabin cruisers to counter cross-border smuggling across Lake Ohrid carried out on fast, highly manoeuvrable RIB's. This, despite a visit by EU 'experts' who could have seen

⁸² Fourteen vehicles, which included a bus, were delivered to the police academy in Tirana. These sat in the car park until their tyres went flat.

⁸³ At the same time the OSCE was delivering a large twenty tonne container sized generator, to provide back-up electrical power to the police academy. The generator, moreover, was a priority for the police, given the frequent power outages and diesel was found for this item as an alternative source of electrical supply was essential to the smooth running of the college. This equipment the OSCE had obtained free of charge from the UN in Croatia where it was redundant. The total cost of the generator to the OSCE, including its installation at the police college, probably did not exceed €1,500, whereas the contribution of the EU to the refurbishment of the college had cost over €2 million.

for themselves that punt-type boats were more appropriate to negotiate the extensive shallows and reed beds which surround the lake.⁸⁴

The emphasis on 'big ticket' state of the art systems and the volume of giving are often hallmarks of donor organisations and not just the EU. Aid organisations, as with other businesses, for the most part measure their effectiveness by the size of their budgets.⁸⁵ For aid organisations, that translates as the volume of donations that you make. For the EU, however, this emphasis is also a function of the volumes of development money with which it is dealing and the limited staffs available to manage it, as mentioned earlier. An example of this and the 'carrot and stick' approach adopted by the EU was the introduction of biometric ID cards to Albania. In this case the OSCE was adopted as the implementing

⁸⁴ Not only were these craft significantly more expensive than PAMECA had intended, but they were also less capable. Furthermore on Lake Ohrid, the cruiser, with only a limited number of places to moor and a high profile out of the water, could be clearly seen at all times using binoculars from the Macedonian side of the lake. Given that neither craft was fitted with radar or night vision equipment, they were also of extremely limited use at night. The Albanians were pleased with the vessels as they were ideal for entertaining and undoubtedly more impressive in terms of display to foreign visitors than a RIB would have been, but the fact remains that in the first six months of their operation they detained not one smuggler, which was their primary purpose.

The failure to supply Image Intensifying equipment (II) and Night Vision Goggles (NVG) in this case, was another result of EU inflexibility. The difficulty in detecting fast-moving, low-signature vessels at night had already been identified some months before the craft were delivered, but because the project funding had been 'cleared' politically in Brussels it proved impossible to change the specifications for what was required. In this instance and in a similar case with the border police the EU worked closely with the OSCE locally to resolve the issue, but elsewhere outside of the OSCE's areas of operation that is often not possible. In this case the OSCE transferred some redundant II and sophisticated long-range Thermal Imaging (TI) equipment from the OSCE border mission in Georgia and 'loaned' this equipment to the police. The OSCE also 'loaned' two instructors from the Georgia mission to provide training in its use and maintenance to the Albanian police. With this equipment the effectiveness of the marine patrols was dramatically increased and smuggling was drastically reduced.

⁸⁵ The Head of UNICEF in Albania in conversation with the author when referring to 'other' IOs in Albania.

partner and staff provider.⁸⁶ The author was directly involved as both the overall project manager within the OSCE and the OSCE representative on the joint steering board with the EU and the Albanian Government. The project originated in the Albanian desire to have greater access to the EU⁸⁷ through a visa abolition agreement. The EU responded by saying that such an agreement would not be possible until such time as Albania had biometric passports and that this would not be possible unless they were linked to a biometric database of all adult citizens through biometric ID cards. The system specification called not just for a biometric system, but a state of the art system using new technology which would give Albania the most advanced ID card system in Europe. The OSCE suggested a scheme based upon the Maltese model. It is biometric and amongst the three most advanced systems in Europe, and is suitable for a small country with limited resources to implement and, more importantly, to sustain financially over the coming decade. This less-costly proposal was rejected and the ID card and passport tender was eventually won by a group consisting of the French company SAGEM™ and a US consortium. ID card issue commenced in January 2009 and whilst 'relatively'⁸⁸ cheap to the user at €10, the overall cost of the project was some US \$4 million, with substantial ongoing running costs. The real cost to the Albanians is that it is yet another part of their government architecture which they are unable to run themselves due to the lack of suitably trained

⁸⁶ For which the OSCE contracted specialist long-term experts.

⁸⁷ Given that the immediate impact of such access would be large-scale emigration by the majority of the country's youth, as confirmed in numerous public opinion polls, the Albanian authorities were presumably largely concerned with increasing the already substantial volume of remittances.

⁸⁸ Up to 60% of the rural population of Albania subsist on US \$2 per day or less.

personnel and, moreover, one which gives both the EU⁸⁹ and the USA substantial oversight of the entire Albanian population should they wish to exercise it at some future date. Indeed, the human rights issues, particularly those of foreign oversight of a domestic population, should give significant cause for concern.

The impact of these and other projects worldwide, binding the recipient state to the EU, are matters which should be of concern to the states concerned and to their regional organisations such as the African Union (AU) and the Organisation of the Islamic Conference (OIC). That they are not yet so, is perhaps a consequence of the EU's late arrival on the world stage and by the continuing fixation of these organisations on the policies of the USA and to a lesser extent, countries such as the UK and France. Whether this 'happy', at least for the EU, state of affairs will continue is yet to be seen, but it is likely that it will not. The apparent willingness to give the lead in post-conflict reconstruction in Libya to the UN may be a reflection of the fact that, in this instance, the EU through the involvement of the UK and France is too closely involved in the conflict, or recognises that its direct involvement, even in the post-conflict phase, may be too controversial.

The emphasis on large projects is unfortunate as it is often the smaller projects which are more valuable, particularly amongst small and vulnerable communities. The Vlach and the Gorani have already been mentioned in the context of Kosovo

⁸⁹ Through the French-based company SAGEM™.

and the Vlach in particular are to be found in scattered, small, and isolated pockets in rural areas throughout the region.⁹⁰ Because of the scattered nature of their settlement they are in danger of losing their culture and particularly their linguistic heritage. This has been exacerbated by standard schooling syllabuses and, in particular, by radio and TV programming which invariably is in the majority languages of the regions in which they live. One medium in which the use of the language can be maintained is print, particularly if this is directed towards weekly or monthly newspapers⁹¹ which can discuss common Vlach issues and then be distributed in small numbers, but over wide geographical areas. Unfortunately, this is just the type of project which the EU and the other major donors are unwilling to support as the funds required are extremely small. For the smaller donors on the other hand, such as the Romanians and the Poles,⁹² the project is equally unappealing as it implies a long-term monthly commitment, which they are in no position locally to guarantee. As a result, policies to which the EU is strongly committed in principle do not receive support and, in this case, the Vlach continue to remain isolated and become increasingly absorbed into the surrounding populace. In contrast within Kosovo the EU

⁹⁰ Historically the Vlach were associated with shepherding throughout the mountainous areas of the Balkans, hence their low density of population.

⁹¹ A decade ago there was a monthly Vlach language newspaper in southern Albania and Macedonia, printed in Gjirokastra. The local funding for this proved insufficient and the paper has now closed due to a lack of international donors. The funding requirement was something of the order of €500 per issue in order to sustain the paper. There was of course no interest shown in providing support to minorities by the Albanian Government as support for the Vlach, would have led to requests to provide support to the Roma and 'Egyptians', which would definitely have not been acceptable to them.

⁹² Neither could it be funded by using 'local' UK Embassy funds as there was no guarantee that 'year on year' funding would be available. Each UK Embassy typically receives between £75,000 to 150,000 for 'local' small projects. This money can be spent at the discretion of the local Ambassador effectively without reference to London (although it is carefully audited). Unfortunately this budget, whilst extremely useful, is the most vulnerable to any economy measures and therefore cannot be guaranteed for multi-year projects.

funded and ran a TV channel and radio stations, as the funding requirements for these were of a scale that could be comprehended by Brussels and of a size that could be effectively managed and audited by their staff in the resident mission.⁹³ Similar structural difficulties in the EU's implementation of such policies undoubtedly exist elsewhere, although beyond the difficulties of communicating messages in Rwanda, the author is unaware of them. Undoubtedly elsewhere, particularly in Africa, these difficulties are compounded by a lack of literacy, the large number of language groups which may exist within a state, and the lack of a written form of the language.⁹⁴

The impact of potential EU membership on the post-conflict model

Whilst those states which have been the beneficiaries of EU assistance and funding in post-conflict can revert to their old methods of working once the EU withdraws, those seeking eventual admission to the EU cannot do so. This will force them and the members of the IC missions who are implementing programmes to make choices and perhaps to turn down offers of assistance if these do not fall within the overall EU model. Alternatively, it may even force them to set up parallel structures where they are unwilling or simply unable to dispense with existing organisations. This has already been illustrated in the introduction with the EU 'coastguard model', but a similar example exists with the policing of borders. The requirement to remove the military from border control

⁹³ These operations were run through 'Pillar IV' of the unified IC structure.

⁹⁴ This was the difficulty with the Rwandan refugees in Eastern Zaire. In other states, particularly in West Africa, the numbers of discrete language groups may on occasions exceed 150.

functions so as to fall into line with the European 'model', led initially to an expansion of the role of the police in the Western Balkans countries and later, in most cases, to the creation of a specialist border police agency. The creation of this additional architecture, an autonomous force answerable directly to the Ministry of the Interior, is expensive. Not only that, it further fragments the often limited pool of highly trained senior police officers and leads to duplication of effort. With a separate agency such as now exists in most, if not all, Western Balkan countries, questions of jurisdiction between the border agency, the domestic police force, and the customs arise, which could previously have been dealt with internally within the police. If it is a complicated issue for a Western European country such as the UK to implement an effective, stand-alone border agency,⁹⁵ then in the Western Balkans it may well prove almost impossible.

In a similar manner to the free movement of goods within the EU and particularly within 'Schengen',⁹⁶ the EU was determined to force the Western Balkans into a 'mini Schengen' free trade zone, which it saw as a mechanism not only for increasing regional trade, but also as a mechanism for unifying the area and stimulating trade across previously impenetrable, or so it thought, ethnic

⁹⁵ The UK is currently on the fourth iteration of its border policing model, 'The UK Borders Agency' (UKBA) which was created on 1 April 2008. This model is to be revised, yet again, in 2012. The budget of the UKBA is £2.5 billion and it currently has a staff of 23,000 deployed in 130 countries (often within embassies). This is perhaps affordable in UK terms, but proportionately it is not sustainable in the Western Balkans without external funding.

⁹⁶ As a result of the 'Schengen Agreement' 1985, the Schengen area was created both between some members of the EU and some affiliated countries, such as Norway. To quote the EU, 'The Schengen area represents a territory where the free movement of persons is guaranteed'.

boundaries.⁹⁷ The problem with this policy was that it would clearly benefit the countries which had the most efficient means of production and perhaps the most developed transport system, especially to the larger markets beyond the Western Balkans. Given that it was an EU *diktat*, the states in the southern part of the region saw that they had little option and agreed to the proposal, the impact of which was to shift the disparity in trade between Macedonia and Albania to 27:1 in Macedonia's favour from about 6-9:1.⁹⁸

The reality, had the EU staffs in Brussels and elsewhere spoken to the EC PAMECA mission in Albania, Europol, or any of their other police missions working in the Western Balkans, was that business had always transcended ethnic divisions and that a 'Balkan Schengen' was not needed solely to ensure inter-state trade. If they had enquired, they would have discovered that Hashim Thaci,⁹⁹ Milo Djukanovic,¹⁰⁰ and Mira Markovic (Milosevic)¹⁰¹ had all been directors of the same bank¹⁰² throughout the period 1998 – 2000 at a time when the three protagonists were leading organisations that were fighting each other.¹⁰³ If the EU had done that, then they may have realised that such an agreement would not necessarily either improve regional trade, nor bring ethnic

⁹⁷ Conversations with Hubert Petit in 2007–8, at that time the acting head of the EC Delegation on the EU's ambitions for the Balkan Schengen Agreements and other arrangements.

⁹⁸ Conversations with Ann-Margrit Westin in 2007-8, Head of the IMF office in Albania for the effects of the 'Balkan Schengen' Agreement upon the Albanian economy and balance of trade.

⁹⁹ Currently Prime Minister of Kosovo and at that time the leader of the KLA.

¹⁰⁰ Djukanovic was formerly Prime Minister and President of Montenegro. He was accused by Italian prosecutors of cigarette smuggling in Italy in the 1990s.

¹⁰¹ Mira Markovic was the wife of Slobodan Milosevic the former Yugoslav president.

¹⁰² The bank was based in the Republic of Cyprus. At that time Cyprus was not an EU member state.

¹⁰³ Unpublished information based upon research by IMC in Montenegro.

harmony. For further confirmation, should it have been needed, a drive past the luxurious mansions in Albania close to the border with Montenegro, most of them funded with the proceeds of oil smuggling into Milosevic's Yugoslavia during the Bosnian War, remain as a visible testament to the ability of free and, in this case, 'unregulated' trade to transcend national boundaries, even when the person you were trading with was oppressing your own ethnic group elsewhere.¹⁰⁴

The EU also forced the Western Balkan aspirant states to reduce their trade tariffs over a five-year period, down to zero for the EU states, thus opening up their markets to EU trade. This measure meant that the countries concerned were no longer able to defend their own companies and primary producers, particularly agriculture, which remains the single largest employer. The impact of this imposed legislation was the widespread 'dumping' of subsidised EU agricultural produce such as Greek melons, for which the farmer in Greece was receiving¹⁰⁵ €9 cents per melon subsidy, when across the border in Albania and Montenegro the sale price during the season was only €3 cents per melon. This meant that melons were being sold in these countries for less than they cost to produce and the local farmers went out of business. Similar dumping of potatoes and other agricultural products took place, and the effect of this was to either drive the producers out of business or for some, particularly in the areas around Vlora, to switch to the production of cannabis sativa for which there was a ready market both domestically and internationally. Only in those areas where

¹⁰⁴ In Kosovo.

¹⁰⁵ In 2008-9.

'unofficial' customs import tariffs persisted such as in the manufacture of tiles and aluminium windows and doors,¹⁰⁶ were local producers able to survive in any significant numbers.¹⁰⁷

By the time that Albania and the other countries of the Western Balkans finally enter the EU and are able to compete on level terms and to claim agricultural subsidies, their domestic producers will in many cases either have ceased trading or will have been taken over by their European competitors.¹⁰⁸ Their inability to compete and the small size of their domestic market will mean, just as in the Czech Republic, that by the time they finally join the EU or shortly thereafter the top ten banks¹⁰⁹ will undoubtedly be owned by companies who have their headquarters within the existing member states of the EU.¹¹⁰ The EU requirement to privatise their insurance provision¹¹¹ will have a similar impact in that sector. These actions by the EU, according to local businessmen, amount to economic imperialism and to the takeover of peripheral states as economic

¹⁰⁶ And where in the case of Albania 52% of the domestic production was at that time controlled by members of the Minister of Finance's family.

¹⁰⁷ As a closed society in January 1993 Albania was self-sufficient in food and most other products, albeit at a low level. In 2009, with a population reduced by some 20% by net emigration, Albania imports many basic food products and almost all of its processed food requirements. This includes ice cream a product for which the Albanians have been famous throughout the Balkans for decades. In 2009 Albania possessed only enough food reserves for three weeks average consumption.

¹⁰⁸ The exceptions are in the retail and wholesale fuel oil sector where Russian-owned companies now have a significant stake in both Kosovo and Montenegro. Similarly in Montenegro, the single largest employer and energy consumer, the aluminium industry, is also Russian owned by companies directed by Mr Deripaska. Many other commercial operations in Montenegro are also Russian owned.

¹⁰⁹ The brewing industry in Bosnia, Montenegro, and to a large extent Albania is already under Western European ownership.

¹¹⁰ Raffeisen, the Austrian based bank, already has a leading market share in most, if not all, Western Balkan countries.

¹¹¹ The two state-owned insurance companies in Albania have been part-privatised by selling off shares in the business to the European Development Bank (EDB) in London.

colonies, prior to absorption within the 'empire' that is the EU. Whilst that might be an extreme description of the process, it is indeed difficult not to see the current EU regulations as leading to a form of economic imperialism, particularly when these 'penalties' are tied to 'inducements' such as the offer of visa-liberalisation.¹¹²

All of these decisions have affected the post-conflict model in that they apply pressures from one institution to which that state must respond, regardless of whether that institution (the EU) is the mission lead in post-conflict or not. In Kosovo in the period to 2009 the UN was technically the lead pillar, but the government of Kosovo was far more responsive to the EU, not only because membership of the EU is an ultimate goal but also because it had been declared as the long-term aim that control of the post-conflict mission would be transferred from the UN to the EU.

For those post-conflict states in the Western Balkans which are on the path to accession or who are aspirant EU members, the EU remains a goal which is to be achieved. This is not particularly politically contentious as they are widely regarded by other states as falling within the EU sphere of influence. This relaxed approach may change if the EU deploys into either Moldova or Georgia as part of

¹¹² On many issues, the manner in which the EU is negotiating with its 'near abroad' is very similar to that of the USA (with Canada) when negotiating North American Free Trade Area (NAFTA) accession arrangements with the smaller states of Central America. Indeed, the penalties and inducements are often identical. An additional lever being exercised in the NAFTA negotiations is that it is an all or none policy when it comes to Costa Rica, Nicaragua, etc. This places additional pressure on those states which are more developed and economically successful such as Costa Rica, as the terms are much less attractive.

the resolution mechanism of the frozen conflicts there and the transition to post-conflict. In particular, if the EU recognises either Moldova or Georgia¹¹³ as a pre-accession state and signs a Stabilisation and Accession Agreement (SAA) with them, what will be the response of Russia to that act?¹¹⁴ What message would that give to Turkey, which is arguably the second regional power in the area, if they have not already been permitted to sign an SAA? Would they see it as confirmation that the EU regards itself as primarily a Judaeo-Christian confederacy and if not by them, might not that be the interpretation put upon it by other Muslim groups?¹¹⁵

Conclusion

It is clear, as has been shown in this thesis, that over a period of less than twenty years the EU has assumed and is acting out, a state-like role and is now behaving as nation-states have done previously in their imperialistic pasts. Even where the EU is not present in person with missions and diplomats deployed on the ground, the EU is present in the form of its financial contributions. These payments fund post-conflict activities and the controlling impact of the EU on the programmes of other institutions such as UN DPKO or UNICEF can often be marked.

¹¹³ This is a less likely scenario.

¹¹⁴ Particularly response to any EU approaches to Moldova, given the Russian's close relationship with the break-away Trans-Dnestr region, the area which is the cause of the current 'frozen conflict'.

¹¹⁵ In this context, although it may fall outside the scope of this work, how does the EU reconcile its special trade arrangements with Israel, in effect treating it as an 'honorary European' state, with its failure to grant similar rights to other Mediterranean littoral states?

Unlike the UN, increasingly the EU does have its own army, even if this is under the control of the member states and, in addition, it possesses a cadre of 6,500 policemen trained to a common EU standard and who, unlike those employed by the UN, are declared by the individual member states as being immediately available for deployment. Through its 'Berlin plus' agreement with NATO the EU has been able to avoid having to make unnecessary investments into long-term and technically complex military areas such as intelligence,¹¹⁶ by utilising NATO's resources. This particular development can be seen as one specific benefit of the appointment of Javier Solana by the EU. Given his experience he could see the direct benefits to the EU and could understand the natural synergies,¹¹⁷ particularly in intelligence between the EU and NATO and, moreover, had the high level military and diplomatic contacts to make this development a reality.

Having negotiated a source of good intelligence the EU, unlike the UN, is able to openly employ intelligence as a part of its mission planning and implementation for post-conflict. These features of EU deployments in post-conflict are systemic advantages which the EU¹¹⁸ possesses and of which the UN can only dream.

¹¹⁶ Cyber defence and possibly in the future 'cyber offence' is another area where there are natural synergies between the EU and NATO, as is the security of the maritime littoral of Europe up to the limit of the 200 Nautical Mile (NM) Exclusive Economic Zone (EEZ).

¹¹⁷ There are other if less obvious synergies. In return, if not directly for intelligence sharing, NATO no longer has to fund infrastructure projects such as highways at the peripheries of its member states. In the twenty-first century projects such as the NATO-funded highway from Erzurum in central Anatolia to the Armenian border will be funded instead by the EU.

¹¹⁸ The French Ministry of Foreign Affairs in describing the CFSP on its website actually cites the 'vast range of instruments' which the EU is likely to deploy in support of its diplomatic (political)

Finally, and again unlike the UN, the EU has a guaranteed funding stream from its member states so that it can commit to long-term policies and strategies confident that within reason, the monies to make them a reality will be present. The UN post-conflict missions, on the other hand, are subject to mandate reviews at least annually and the funding is allocated on a similar short-term basis.

In terms of 'rapid response' to a humanitarian crisis where there is a potential requirement to be able to rapidly project military force, the UN has at its disposal only the Nordic-based UN Standby High Readiness Brigade (SHERBRIG).¹¹⁹ This force, which has been deployed on several occasions in Africa¹²⁰, is only available for a maximum of six months for each deployment, at which point it must be relieved by other UN peacekeepers and will then not be available as a UN 'reserve' for a further eighteen months. In contrast the EU has at its disposal the EU Rapid Deployment Force (RDF), a far more capable and potentially multi-brigade size force¹²¹ which can be kept in position for a sustained period of time. As a result EU politicians can be pro-active in considering the deployment of this

activities 'which no other regional organisation in the world possesses'. Amongst those which it cites are preferential or free-trade agreements and policies on the facilitation of visa-abolition agreements etc.

¹¹⁹ The Canadians are also a contributor.

¹²⁰ The UN deployed the SHERBRIG Bde to the Eritrea-Ethiopian border in the late 1990s, Liberia in 2004, and more recently Dharfur.

¹²¹ The RDF are for the most part troops assigned to NATO which can be re-assigned to the RDF and supplemented by troops from non-NATO EU member states; Finland, the Republic of Ireland and Sweden. Again these developments occurred during the period when Javier Solana was the SG and benefited from his experience within NATO. This force, unlike the much smaller UN SHERBRIG, is effectively at zero cost to the EU until it is deployed as all costs are borne by the NATO bilateral member states and NATO itself.

force as was admitted by Finnish Foreign Minister Alexander Stubb in the context of a potential EU involvement in the Libyan conflict.¹²²

Increasingly for the developed world, primarily Western Europe and North America, the EU is rapidly becoming the institution of choice for post-conflict interventions, as with no third world or other potentially 'difficult' members,¹²³ it can be managed more easily than the UN and also is not, unlike NATO, overtly at least military. This is particularly so in sub-Saharan Africa where the USA maintains a 'no boots on the ground' policy¹²⁴ and where some reliable 'proxy' is required. The impact of the EU, as both the principal implementer within the post-conflict mission and the principal funder, clearly alters the dynamic of the post-conflict model as the EU is responsive to its own needs and requirements and not those of external funders who, in the case of the UN, acted as one of the checks and balances as far as the deployed missions were concerned. For those post-conflict countries that aspire to membership of the EU the changing dynamics of political and economic influence can be very rapid. In Albania, for example, a country which remained resolutely linked to the US dollar until 2006, despite being awarded over US \$200 million in 'millenium development goals' funding, it is now clearly the EU who dictates Albanian foreign and increasingly domestic policy and not the USA.

¹²² As Finland is not a member of NATO any involvement by Finland militarily would be through the mechanism of the EU RDF. Alexander Stubb spoke to YLE Uutiset News on 22 March 2011.

¹²³ Such as the members of the BRIC.

¹²⁴ Although the USA has established an Africa Command (AFRICOM), the 'no boots on the ground' policy means that this is headquartered in Stuttgart with some HQ elements stationed at RAF Molesworth in Cambridgeshire.

Whilst the EU arguably has a legitimate role in its 'near abroad', which would include the countries of the Mediterranean basin and the Caucasus, its role in leading, rather than just participating in, post-conflict missions further afield is perhaps more questionable and whilst its efforts in bringing about the Aceh peace accords in the wake of the Indian Ocean tsunami were laudable, it is questionable whether the post-conflict mission that was then deployed to Aceh should solely have consisted of staff from EU member states. Whilst it is possible that the UN would not have been an appropriate partner, it is questionable why the EU did not seek to actively engage the Association of South East Asian Nations (ASEAN) more closely in the post-conflict process.

Finally, the issue of effective EU governance of non-EU space is clearly going to be a topic which will increase in importance and political sensitivity and will merit further study in the future. It might best be referred to as 'governance without government' and in addition to the cases in the Western Balkans already illustrated, countries on the fringes of 'EU space' where this might occur could include Moldova, Georgia, Azerbaijan, and perhaps the Ukraine. EU involvement in the state of Palestine, one might argue, goes beyond the 'edges' of EU space and may be more controversial. The EU is heavily engaged in developing the policing and justice sectors of the Palestinian State and is probably already its largest funder if indirect funding is included. EU-produced food helps sustain the Gaza 'strip' and EU funds support the UNRWA and other relief agencies.

Increasingly the Palestinian State is coming under EU financial and diplomatic protection and it is for this reason that some Israeli and US commentators took such an extreme view when the concept of the EU RDF was established, seeing it as a direct threat to Israel's sovereignty.¹²⁵ While the Palestine issue is perhaps the most controversial, this will become a more general issue as the EU moves beyond the boundaries of Europe. The topic of EU 'governance' of non-EU space is one which will have to be addressed if not by the EU itself then by other regional organisations and individual states.

¹²⁵ See amongst others, *EU rapid deployment force aimed at Israel in United Jerusalem*, 22 December 2002.

Chapter 9

An Analysis of Post-Conflict Intervention and the Legacies and Consequences of IC Intervention in BiH and Kosovo.

'Post-Conflict and Post-"Colonial" Reconstruction, the new Imperialism?'¹

Introduction

What were the 'legacies' and 'consequences' of the IC's involvement in post-conflict within the Western Balkans? While this might be an elision of 'conceptual clarity',² the author is assuming that in general the post-conflict interventions were in some way 'planned' and that there were both intended and unintended and unanticipated consequences and that, for analytical purposes, these bear on the main aims of the thesis. Bearing this in mind this chapter will examine both the intended, unintended, and unanticipated legacies and consequences of the IC's management of post-conflict within the Western Balkans including the fact that the IC, through primarily the medium of the EU, remains heavily engaged in both Bosnia and Kosovo. The chapter will also examine what did not work well and what were the successes that could be used to better effect in future, while recognising that the conflicts in the Western Balkans took place in a unique

¹ 'The Concise Oxford Dictionary' - In this case taken to mean the second of the two definitions usually given in standard works namely, "a policy of acquiring dependent territories or extending a country's influence through trade, diplomacy, etc".

² See William K. Frankena, *Ethics (Foundations of Philosophy)* for a discussion of this issue. In particular see Chapter Two, *Program for Egoistic and Deontological Theories*.

locale and at a unique time of transition within the wider Europe. Particularly for Bosnia and Kosovo, it could be said that the intentions are in part being realised, but the planned implementation has been nowhere near so successful.

Before examining the legacies and consequences, this chapter will need to be prefaced by a consideration of the key features of post-conflict intervention in the latter quarter of the twentieth century and in the twenty-first. Within this wider thesis this chapter will examine whether the IC's actions as part of post-conflict represent an attempt at 'post-colonial reconstruction' or a new form of 'imperialism'. These actions will be examined in this chapter exclusively in the context of the wider IC, as represented by both Bosnia and Kosovo, the 'quint',³ and the Peace Implementation Council (PIC).⁴ It will cover the period between 1996 and 2006 in Bosnia and to 2008 in Kosovo. It is, however, a theme which goes beyond this chapter as the thesis has already recognised the increasingly omnipresent role of the EU and what it betokens, both within the Western Balkans and more recently as a worldwide actor in the preceding chapter.

Do the post-conflict reconstruction models used in the Balkans and other 'post-UN' conflicts represent a return to a new form of 'colonial' model?⁵ If it is not, does this remain an issue and if so, how can the international community

³ The 'quint', p. cit. Frontispiece fn 12. The quint and the PIC were responsible for both Bosnia and Kosovo.

⁴ The PIC for Bosnia is comprised of the representatives of 55 states. The 'chair' is the High Representative and the steering board members are, Canada, France, Germany, Italy, Japan, Russia, UK, USA, the Presidency of the EU, the European Commission and the OIC represented by Turkey.

⁵ Hobsbawm (1997), op. cit. In particular pp 57-60.

demonstrate that its actions are not colonialist? There are a number of specific questions which need to be addressed. First, both Bosnia and Herzegovina (BiH) and Kosovo were and are widely referred to as 'protectorates'. Is there any validity in that statement and if so, how much?

Second, how can the IC ensure progress in reconstruction and conflict resolution whilst not appearing as an 'ersatz' colonial power? What mechanisms can be embedded in the 'reconstruction model' so as to ensure that international donor resources are used wisely by domestic government partners? Having provided the resources should the IC then seek to retain any control over how they are managed⁶ if a locally elected democratic structure is already in place?

Should a small group of self-selected nation states,⁷ or increasingly, one major regional organization,⁸ be permitted to both fund and implement post-conflict reconstruction outside of the UN or other internationally recognised bodies? If so what effective oversight mechanisms exist given that this group may embody major donors to the UN and perhaps often, UNSC P5 members? How much influence can regional organizations exert and what is their relevance when it comes to strategic decision making within these groups?

⁶ If not, then what should have been the role of the 'high representative' following the first round of democratic national elections in BiH?

⁷ Such as is the case with the PIC, for both BiH and Kosovo.

⁸ The EU.

Do the post-conflict reconstruction models used in the Western Balkans represent a return to a new form of 'colonial' model?

Before we discuss the post-conflict model, it could be argued that Kosovo was in fact functioning as a colonialist and imperialist model⁹ up and until the NATO air strikes in the spring of 1999 - in this case, the colonialists were the FRY. Amongst others, Noel Malcolm¹⁰ describes a system that fits the colonial model perfectly, one where the Kosovar population, nearly 85 percent per cent of the whole, held only half as many positions in public administration as the Serb and Montenegrin minorities and an entity, where the principal object of the Yugoslav investment funds was to support primary industries: 'whose products were then supplied at artificially low prices to processing industries elsewhere in Yugoslavia'.¹¹

It is at least arguable that the impact of the international intervention was to free the Kosovars from a colonial regime and to create a genuinely autonomous region in an area where none had previously existed.

For BiH, the GFAP¹² makes it clear in the text that control over defence,¹³ the police,¹⁴ and elections¹⁵ is or was vested in the PIC. These are usually regarded

⁹ In its classical form which would have been recognizable to J. A. Hobson cited in Hobsbawm (1997), op. cit., pp 83 and 383.

¹⁰ Malcolm (1998), op. cit.

¹¹ Ibid., p 337.

¹² GFAP (1995), op. cit.

¹³ GFAP Annexes 1A and 1B.

¹⁴ GFAP Annex 11.

as determinants of a free nation state and it is clear that the absence of control over these areas has traditionally been a good indicator of colonial or some other form of subordinate status. In a similar manner the GFAP also mandates the military peacekeeping force, the so called 'implementation force' (IFOR), to accurately delineate the internal and international boundaries of BiH.¹⁶

However, unlike many other imperialist or colonial examples, within the GFAP the PIC insisted upon the sanctity of the existing boundaries of the 'republics' as they were in the former Yugoslavia - including BiH. This was in line not only with international law, but was also enshrined in the OSCE 'acquis'¹⁷ and has been consistently maintained despite the wish of at least one element of the constituent population¹⁸ to be subsumed within a neighbouring state. This insistence on the international boundaries of BiH was maintained¹⁹ despite the

¹⁵ GFAP Annex 3.

¹⁶ GFAP Annex 2.

¹⁷ CORE Research Institute, *The Culture of Dialogue, the OSCE Acquis 30 years after Helsinki*, p 11.

¹⁸ The Bosnian Serbs as evinced by numerous surveys from 1996 to 1999 were consistent in wishing for their portion of BiH, the RS, to be unified with the Serbian Republic within the Former Republic of Yugoslavia (FRY).

¹⁹ The PIC rested their case upon the sanctity of the 1945 boundaries and the position of the UN with regard to international boundaries. This is summarised by Jackson and Zacher, p 5, as follows:

The UN Charter of 1945 entrenched the territorial status quo. The principle of self-determination was affirmed, but it was set in a context of respect for existing territorial boundaries. Aggressive war was forbidden. The right of self-defense was now the right of existing UN member states to defend not only their territory but also their citizens and thus to preserve the inviolability of their nation-state.

It is possible, if the above statement is interpreted literally, to also use it as a justification for the approaches adopted by Milosevic, Tudjman, and Karadzic to the Bosnian crisis; as they could all have argued that they were striving to maintain the 1945 boundaries.

relatively recent establishment of the current boundaries²⁰ of the 'republic' within the former state of Yugoslavia.²¹

In the case of BiH, the principal problem of the GFAP from the point of view of those who wish to demonstrate that through the PIC the IC was not acting in a colonialist and imperialist manner was Annex 10. This annex covered the civilian implementation of the agreement and gave the appointed 'high representative' extensive but initially ill-defined powers, to facilitate the implementation of the GFAP. In practice, the wording of Annex 10 appointed the commander of IFOR as his military alter ego, whilst stating that:

The High Representative shall have no authority over the IFOR and shall not in any way interfere in the conduct of military operations or the IFOR chain of command.²²

This instruction made it clear that initially the two leadership positions, independently appointed, were of an equal status.²³ However, in practice, as civilian reconstruction took priority and the need for purely military security diminished, the position of the high representative²⁴ became established as the

²⁰ Both the 'republic' of BiH and the present boundaries were established only in 1956 and then incorporated territories which previously formed parts of the Croatian and Serbian republics within Yugoslavia.

²¹ And this continues to be the case. This was despite the fact that a completely contrary decision was taken in the case of Kosovo in 1999.

²² GFAP Annex 10, Article II 9.

²³ GFAP Annex 10, Article II 5, 6, and 7.

²⁴ This was also evident in the status of the individuals appointed to the post of High Representative, at least during the first seven years post-conflict. Men such as Bildt, Westendorp, and Ashdown were of a similar stature within the Europe of the late twentieth century to the pro-consuls of the Victorian period (or for that matter the Roman period), men for example such as Curzon who were both senior crown servants as Viceroy of India and major political figures in their own right. This contrasted to the more junior officers, and increasingly so, sent to command SFOR. The commander of IFOR, on the other hand, as the initial management

key post.²⁵ This development was later to influence the decision making when it came to Kosovo, with many international actors arguing that the commander of the Kosovo Force (KFOR), should simply act as the head of one of the ‘pillars’,²⁶ within the post-conflict Kosovo structure and be answerable to the High Representative.²⁷

Annex 10 of the GFAP also provided protection to other international actors in Bosnia, particularly the UN and other multilateral bodies, by stating: ‘that the High Representative shall respect their autonomy within their spheres of influence’,²⁸ but significantly did not provide similar protection to the national entities. In this sense, the status of the High Representative, as originally defined in the GFAP, could be said to be analogous to that of a colonial governor who traditionally enjoyed wide powers over the ‘native’ population but often had only limited control over the officials managed by other government departments of the colonial power and who usually had extremely limited and often no control over the military commanders assigned to his area. In defence of this arrangement, as not being ‘colonial’ in nature, it could be argued that as originally conceived the GFAP was seen primarily as a ‘ceasefire agreement’ to be replaced with a

structure implies was only one post away from the most senior uniformed command appointment in the UK.

²⁵ Initially, as has been demonstrated in the Bosnia chapter, this situation was complicated by the slow pace of the civilian build-up and in particular that of the office of the High Representative during the period December 1995 – April 1996. IFOR, on the other hand, was able to use many resources previously deployed in support of UNPROFOR and was therefore fully operational from the date at which the GFAP came into effect, which was 14 December 1995.

²⁶ This proposal was firmly resisted by the USA amongst others.

²⁷ Again the importance of the High Representative’s position was demonstrated by the appointment of a major European figure (and at that time still a possible future candidate for French president), Bernard Kouchner.

²⁸ GFAP Annex 10, Article II 1. (c).

more durable solution in nine months to one year. That said, it was clear that by the time of the Kosovo crisis in 1999 the GFAP had in fact become a permanent feature²⁹ of post-conflict Bosnia and yet a similar construct was agreed for Kosovo.

As it became clear that the GFAP would not be replaced within one year with a new agreement at the national level, so the powers, both of the High Representative and of his alter ego (now the SFOR commander) were gradually increased. Ironically, these reached their apogee under Lord Ashdown³⁰ who during his long tenure 'imposed' more requirements and sanctions upon the various entities than any of his predecessors.³¹ Among the measures 'routinely' taken throughout the period from 1995 to 2006 were such wide-ranging activities as the dismissals of politicians at all levels, the dismissals of judges and other members of the judiciary, police, the army, and government officials and such items as the imposition of 'common' number plates, new personal identity documents, and perhaps in the most extreme case of all, the forcible closure of a bank,³² using direct military action.

²⁹ It was realised, perhaps as early as 1996, that the GFAP had in practice become the 'bedrock' upon which all other post-conflict decisions were to be based. It was realised that to renegotiate any one part of the GFAP meant renegotiating the entire document and this the IC was unwilling to do. This was an increasingly limiting factor within Bosnia as time progressed and stifled much progress.

³⁰ Lord Ashdown was the High Representative for Bosnia from 27 May 2002 to 30 May 2006. As early as July 2002 he was described as the 'EU Viceroy', by Mark Steyn – [Daily Telegraph](#), 7 July 2002. In June 2007 he was described as 'a former viceroy of Bosnia', by Michael White – [The Guardian](#), 22 June 2007.

³¹ This was at a time when according to the traditional post-conflict development model the IC should have been increasingly handing powers back to the democratically elected national authorities.

³² The *Hercegovačka Banka*, a Bosnian-Croat managed bank headquartered in Mostar, with approximately twenty branches throughout the Bosnian-Croat occupied areas of Bosnia.

Cited as a catalogue of events these acts clearly look to be colonialist and very probably imperialist in nature. Indeed, they could be seen to be excessively harsh or even to compare unfavourably with the 'de-Nazification' process undertaken by the allies from 1945.³³ The vesting of such powers in one person, who in the eyes of the people for whom he is to manage, emerges from an anonymous group of international representatives, could be said to be worse than that of a colonial governor whose source of power was undoubtedly understood and therefore to a degree regarded as 'legitimate' by the subject people, namely the monarch or president in the 'mother' country.

In practice, the view of the initial appointment of the High Representative and his staff as a 'governor' or even 'dictator' with ever-widening powers is unsound, as it is to look at the events as they unfolded in BiH and are still unfolding in Kosovo, outside of a historical perspective. In practice, the widening of the powers was gradual, generally taken to deal with an observed problem and often undertaken to achieve generally beneficial objectives. That said, in the hands of a strong politician who was confident in the support of the PIC such as Lord Ashdown the governor's mandate could be interpreted as that of a virtual dictator.

³³ By 1949, only some three years after the war, Germany had a functioning parliament and an effective chancellor in Konrad Adenauer. At an equivalent stage of development to Ashdown's appointment in Bosnia, Adenauer had already been chancellor for over a year.

To illustrate this gradual widening of powers we can identify as examples four actions linked in purpose but separated in time. In the first half of 1996 IFOR³⁴ ordered that all military checkpoints on public highways be removed. In 1998 the High Representative³⁵ enforced an order bringing into use common vehicle licence plates and then approved the issue of the 'convertible mark' with a guaranteed value³⁶ underwritten by the national banks of "Western countries".³⁷ Finally, the High Representative issued an instruction that the 'entity' police forces could not remain in one fixed location, when close to the IEBL separating the Bosnian-Croat federation from the RS, for more than thirty minutes.

All of these measures, appropriate to the time at which they were introduced, were designed to ensure freedom of movement and were intended to assist the creation of a unified state. They also could not have been imagined at the time that the GFAP was written. Subsequently these measures have been proved effective.

In practice, the High Representative, unlike the colonial governor, was unable to function alone. As with the governor, he had the military commander but in

³⁴ Commander IFOR was General Sir Michael Walker from the UK. He acted in the absence of any instruction from the High Representative, Carl Bildt. Significantly, independent action of this kind by the military commander in Bosnia did not occur after the transfer of command from IFOR to SFOR and the assumption of command by US generals.

³⁵ Carlos Westendorp was High Representative from June 1997 - July 1999.

³⁶ This was an essential condition in order that the new currency be accepted. Up and until this stage and for some time after, the Croatian 'Kuna' and the Serbian 'Dinar' remained in use in areas of Bosnia dominated by these ethnic groups. It was the collapse of the Dinar on the international markets which finally brought the new currency into widespread use in the RS. Given the success of the 'Konvertible Mark', a new currency underpinned by the EU was introduced into Kosovo almost immediately.

³⁷ In practice, this is the *Bundesbank* of the FRG.

addition had to work with a consortium of other internationally appointed officials with varying degrees of power – known as the group of ‘principals’.³⁸ This structure would appear at first sight to give a broad spread of international responsibility, but in practice at any one time three of the principals between 1998 and 2002 in Bosnia, were US citizens, as were two of their deputies.

For Kosovo, this grouping of ‘principals’ was formalised from the outset by the establishment of a ‘pillar’ structure which gave each international organisation, a specific area of competence. In addition to preventing overlapping, or attempting to do so, the pillar structure by bringing together the UN and three of the regional and sub-regional organisations³⁹ gave the international management of Kosovo increased credibility and could also be seen as an attempt to demonstrate a clear indication that the management of Kosovo was neither colonialist nor imperialist in nature. As such the ‘pillar’ structure was radically different in concept to say the Coalition Provisional Authority (CPA) in Iraq. This was not only a US framework organisation but one which at one stage had only thirty-four of its US staff members who were not funded by the US DoD.⁴⁰ So whilst the pillar structure was subsequently successfully ‘reverse engineered’ and introduced to BiH, it can be seen to be something of an evolutionary ‘blind alley’ in terms of the

³⁸ Initially the group met informally and this only later became codified as the ‘principals’. It included the commander of SFOR, the UN SRSG, the head of mission of the OSCE, the head of UNHCR within BiH, and the Commissioner of the UN IPTF. Significantly it did not include any of the bilateral ambassadors, even from the principal contributors and donors. Unless one of ‘your’ nationals held a key appointment, then receiving any read out from these meetings was potentially difficult for a bilateral ambassador.

³⁹ These were the UN, UNHCR, EU, OSCE, and NATO (KFOR).

⁴⁰ For a discussion of the CPA see D.L. Phillips (2005), *op. cit.*

development of those post-conflict structures with worldwide utility as it has not been used in the same format elsewhere.

The situation in Kosovo was also different from that of BiH at the outset in that the entity had to be largely created with the arrival of the IC. There were, for example, few members of the police and no one in the judiciary who were members of the Kosovar population.⁴¹ Unlike Bosnia, therefore, the issue for the IC was rather more one of creating and training new structures than of establishing and maintaining control of existing organisations.

How can the international community demonstrate that it is neither colonialist nor Imperialist?

Colonialists and imperialists as commonly understood have usually attempted to bring their 'values', often those of Western Europe or North America, and attempted to implant them into the colonial populations. In the English language there has in the past been talk about the 'spreading' of values and religious beliefs. This use of language has given the impression that this process has been somewhat 'benign', but the reality has often been rather different. The spread of 'Western' religions is perhaps an obvious example, but Western educational methods and regulations enforcing changes in the standards of dress and the forbidding of 'unacceptable', but traditional, cultural and legal

⁴¹ There were also of course no 'national' authorities, as Kosovo had never existed as an independent state previously.

traditions have also been amongst the typical impacts of colonial rule, at least at the point when the occupying power had secured full control of the area.⁴² For the most part local culture and heritage was permitted but only if it was 'civilized'⁴³ or 'fitted in' with the wishes of the colonial power or was seen to reinforce some beneficial aspect of the colonial regime.

This has clearly not been the case with the IC in either BiH or Kosovo. In both cases the international administration worked, at least initially, to ensure the continuity of old and established working practices wherever that was feasible. With regard to the court system, for example, in both cases these are based upon the former Yugoslav model. In BiH the identity card system has maintained the numbering system developed during the Yugoslav period and so on. All of this was done not only to speed the regeneration of the state mechanisms but consciously, so as to maximise the continuity with the past and hence to reinforce their legitimacy in the post-conflict period.⁴⁴

⁴² As a historical example, the banning of 'Sharia Law' and the veil in Soviet Central Asia, in the aftermath of the Russian revolution is a case in point. These areas had initially been loosely annexed and lightly garrisoned by Tsarist Russia in the 1860s and 1870s, but the Tsarists had been content to assume only titular control over these areas, largely to deny them to the British. Despite moving into the areas in the aftermath of the Russian civil war the Communists did not achieve full control over the area until the early 1930s.

⁴³ The British administration moved to ban the practice of 'suttee' or the burning of widows on their husband's funeral pyre in India. It was made illegal in 1829 even before the UK Government took over direct management of the colony from the East India Company (EIC).

⁴⁴ Despite their antipathy to Milosevic and the Belgrade-based regime the Kosovars wanted little to do with the Albanians and saw little in the Albanian system either pre or post the communist regime that they would wish to emulate. It is also worth remembering that Albanian society had virtually imploded following the 'pyramid' shares scandal and was itself in a state of post-conflict in 1999.

The IC and in particular both IFOR and its successor in 1997 SFOR in Bosnia were scrupulous in the protection of cultural monuments as laid down in the Geneva Convention.⁴⁵ In addition, the GFAP established an 'Agreement on the Commission to Preserve Cultural Monuments'.⁴⁶ This has not been a traditional facet of previous colonial powers and tradition where the colonial regimes have often been noteworthy in removing the former symbols of power and often replacing them with their own,⁴⁷ in some cases going so far as to relocate the capital cities of their newly acquired colonies.⁴⁸ Whilst in practice the ICs reputation in this respect was diminished by the despoliation of many of the Serb religious heritage sites during the early post-conflict period in Kosovo, it is clear from the ceasefire agreement with the Serbs and the ordinances passed that their intentions at least, in Kosovo, were identical to those in Bosnia.

The rebuilding of the famous 'Turkish' bridge at Mostar,⁴⁹ which was funded by the IC and the reconstruction of which was assisted by SFOR,⁵⁰ was a major project which symbolised the re-unification of the state of Bosnia and Herzegovina and a historic link with the past. While previous colonial regimes,⁵¹ have maintained the bridge, it is unlikely that they would have rebuilt it in a

⁴⁵ Françoise Bouchet-Saulnier, *The Practical Guide to Humanitarian Law*, pp 297-304.

⁴⁶ GFAP, Annex 8.

⁴⁷ The Lutyens-designed public buildings in New Delhi being but one example.

⁴⁸ As also the Austro-Hungarians had done. They moved the 'capital' of Bosnia from Travnik to Sarajevo upon their annexation of the territory from Turkey.

⁴⁹ The old 'Turkish' bridge at Mostar was finally re-opened in June 2004.

⁵⁰ In particular the recovery of the original masonry from the bed of the river into which it had been blown when it was demolished during the war.

⁵¹ For example, the Austro-Hungarians who occupied Bosnia 1878–1918.

similar manner had it been destroyed and it is clear that the IC regime was sensitive to cultural and religious nuances and symbols.

The IC in BiH and Kosovo, unlike most previous colonial regimes, has fostered and often funded a post-conflict flowering of interest in local art, literature, and culture generally⁵² and fostered the opening up of these items to Western Europe.⁵³ Amongst other examples, these have included a renewed interest in and the publication of works by Ivo Andric⁵⁴ including *Bridge on the Drina* for which he won a Nobel laureate and the *Day of the Consuls*,⁵⁵ as well as works by his contemporary the poet Aleksa Santic⁵⁶ amongst them *Selected Poems*⁵⁷ and works by modern poets such as those collected in *Scar on the Stone*,⁵⁸ the publication of which was supported by foreign donors⁵⁹.

⁵² This occurred in particular within the local communities. Within a 'traditional' colonialist and imperialist model these would have been suppressed locally and replaced with the imported culture from the 'mother' country.

⁵³ It could be argued that this had happened in the Victorian period, but in those days it was achieved by the widespread looting of items of local cultural heritage and their removal to Europe.

⁵⁴ Ivo Andric 1892 – 1975, was winner of the Nobel Prize for Literature in 1961. 'Bridge on the Drina', was ostensibly a historical novel about the bridge over the Drina at Visegrad in Bosnia and was his most famous work: Ivo Andric, *The Bridge over the Drina*.

⁵⁵ The book which was written during the turmoil of the Second World War tells the tale of the many different nationalities and faiths living in Travnik, the former capital of Bosnia during the Napoleonic invasions between 1807 and 1814: Ivo Andric, *The Days of the Consuls*.

⁵⁶ Aleksa Santic (1878 – 1918), lived for most of his life in Mostar.

⁵⁷ Aleksa Santic, *Selected Poems*. This volume is only available in Bosnian.

⁵⁸ Chris Agee (Ed). *Scar on the Stone - Contemporary Poetry from Bosnia*.

⁵⁹ The publication was supported by 'Northern Arts' and by a grant from the Soros Foundation's 'open fund' which paid for the translation into English.

How can the international community ensure progress in reconstruction and conflict resolution whilst not appearing as an 'ersatz'⁶⁰ colonial power?

The use of the pillar structure and multi-agency involvement from the IC went a long way to ensuring that the ICs involvement in both BiH and then Kosovo in the early years of the twenty-first century, was not seen by the wider IC, if not by the Kosovars themselves, as colonialist and was intended to be demonstrably not so. This IC involvement in post-conflict, which included⁶¹ the USA as a major partner, can be clearly contrasted with the activities of the USA in Iraq in the period 2003–4, which some would claim did show all of the hallmarks of a colonialist regime.

Most colonial regimes were built around simple economic structures designed to benefit the 'home' countries or the principal of 'unequal exchange' as described by Hornborg⁶² and Hobsbawm who notes, that 'the Lancashire unions joined with the Lancashire cotton masters to insist that India must remain deindustrialized'.⁶³

⁶⁰ This word translates as substitute or replacement in German. It is commonly used as an adjective in English with a somewhat pejorative meaning, as is intended here (but not in the original German, for which the equivalent pejorative word would be '*surrogat*').

⁶¹ The USA remains a major partner in both Bosnia and Kosovo, but has in recent years operated 'behind the scenes' so as to ensure that the post-conflict and transition activities in both states are seen as being led by the EU. The EU has a somewhat more ambivalent approach when it comes to Albania in that although Albania is a NATO member and an EU aspirant the USA openly wields much more influence whereas in practice the EU has more direct control over developments.

⁶² Alf Hornborg, *Footprints in the cotton fields: The Industrial Revolution as time–space appropriation and environmental load displacement*, pp 74–81.

⁶³ Hobsbawm '*Age of Empires*' (1997), op. cit., p 72.

For the most part these involved the export of raw materials, often minerals, followed by the import of manufactured goods from the 'home' countries. The export of cotton from India and Egypt⁶⁴ in the nineteenth century and the import of manufactured textiles, which was often made possible by a tariff system,⁶⁵ into those same countries would be a case in point.

From the start the IC in BiH and Kosovo adopted a policy of economic empowerment and development. Not only to provide employment, but also to raise the per capita GDP and so reduce the burden of economic support on the IC.⁶⁶ Attempts, often successful, were made to re-establish traditional linkages between business in BiH and markets in Germany for example. This included, as but one example, the restarting and reconnection of a knitwear factory in Trebinje employing nine hundred workers with its market outlets in Germany.⁶⁷ A similar linkage was established between a furniture factory employing six hundred people in Banja-Luka and its pre-war distributors also in Germany. In addition to encouraging the return of traditional foreign direct investors such as BATA shoes in Travnik the IC encouraged new investors in, to take advantage of the availability of the highly skilled Bosnian labour force. This included such well-known names as Hugo Boss in Travnik and Burberry in Gradacac,⁶⁸ both of them involved in quality-clothing production, for Western and worldwide markets.

⁶⁴ See for example Angus Deaton, *Commodity Prices and Growth in Africa*, pp 23 – 40.

⁶⁵ This principal of 'unequal exchange' was clearly recognised at the time, at least by some amongst the leadership of the colonialists themselves. For example see the Labour party leader; J. Ramsay Macdonald, *The Government of India*.

⁶⁶ Which for Bosnia alone, had reached US \$5.1 billionn by 2001.

⁶⁷ This was assisted by the fact that the suppliers in Germany were of Yugoslav extraction.

⁶⁸ Where Burberry maintains three factories within the municipality.

Beyond that, the IC also provided low or zero interest investment funds for small and medium enterprises, so as to increase economic sustainability and to lessen the need for imports. This included the creation of dairy products factories in Travnik as well as extensive fish-farming operations⁶⁹ in the north of the country. At the micro level, industries involving the collection of herbs⁷⁰ and of apiary for the collection of 'royal jelly',⁷¹ for the cosmetics industry were also developed, so as to assist with the regeneration of the rural economy. These sustainable industries were developed under local ownership, again not a feature of many colonial economies.

Within BiH, the IC also dealt with the problems of the major industries such as the steelworks at Zenica,⁷² the aluminium smelter in Mostar,⁷³ and the large reserves of mainly poor-grade 'brown coal' at Gacko, Tuzla, and Ugljevik, as well as the cement and chemical industries,⁷⁴ the latter mainly concentrated around

⁶⁹ Prior to the conflict many of the UN's experts on fish farming originated from Bosnia, so there was a strong technical skills base locally as well as an extensive extant infrastructure. The external funding is required because of the time taken to generate the first commercially saleable product.

⁷⁰ The collection and sale of rare herbs through a local NGO and the establishment of a collective helped make viable the return of displaced Bosniacs to the rural areas surrounding the town of Srebrenica.

⁷¹ This was collected in particular in the hilly rural areas of the RS around Banja-Luka. Northern RS and the federation's Posavina Canton in the same area also produce commercial quantities of tobacco, primarily for local consumption. The re-starting of this production did not require external financial assistance.

⁷² The core of the steelworks at Zenica was based around UK technology of the 1960s such as was used at Margam in South Wales (since closed). It was located in Zenica by Tito for strategic and not economic reasons. The rusting remains of a second steelworks at Prijedor in the RS will be referred to later in this chapter.

⁷³ The plant at Mostar was the sole source of high-grade aluminum for aircraft turbines etc in 'Western' Europe.

⁷⁴ Most of these moved into German control through the mechanism of the *Deutsche Gesellschaft für Technische Zusammenarbeit*, the German Agency for Technical Cooperation (GTZ), who

Tuzla in the north of the country. Many of these larger industries⁷⁵ were privatised or sold off, some to international companies,⁷⁶ while others received extensive foreign subsidies to ensure their survival.⁷⁷ While it could be argued that there has been a degree of 'economic colonialism', this has clearly not been the principal aim of the IC, which has worked hard to secure the primary industrial and manufacturing base of BiH.

In parallel with the above the IC has encouraged the development of new industries such as tourism and in particular eco-tourism. Eco-tourism and winter sports,⁷⁸ particularly in the area surrounding Sarajevo⁷⁹ for example, offer the prospect of considerable, sustainable, wealth generation.⁸⁰ In the short term, however, its growth within Bosnia is hampered by two factors, a lack of infrastructure and the presence of over two thousand minefields, many poorly

eventually oversaw the purchase of some 75 businesses with potential for success by German buyers. For the chemical industry the model to emulate was that of the Croatian company 'Pliva', which was floated on the European stock exchanges and is now a major company in the European chemical industry.

⁷⁵ They had even pre-conflict suffered from the effects of the financial crisis in the former Yugoslavia from 1981 and had in most cases remained un-modernised and hence were uncompetitive in the post-conflict period. FDI was therefore essential to get them up and running again in an economic way. As an example of the effects of under investment, the brown coal open-cast mines were using diesel lorries to transport the brown coal to the railheads, despite the presence of belt conveyor systems. This was because they lacked the investment capital to replace the worn belts. Once this was done, coal production was markedly increased and delivered at a cheaper cost.

⁷⁶ Following strong German Government pressure and with the support of the Croatian Government, the Mostar aluminium works was sold to German interests.

⁷⁷ One such example being the Zenica iron and steel works.

⁷⁸ Both developments have been extremely successful, albeit on a relatively small scale within Montenegro, which is a neighbour to Bosnia, Kosovo, and Albania. Of the three, Albania has made the most progress with small-scale eco-tourism projects and these are down entirely to private enterprise, as are those in Montenegro.

⁷⁹ Building upon its international standard airport, extensive hotel base and linkage both to the conflict and the 1980 'winter Olympics' and for the historians the assassination of Archduke Franz Ferdinand in 1914.

⁸⁰ Tourism will also help to sustain such expensive items of infrastructure as Sarajevo airport which was totally rebuilt with IC funds after the conflict.

marked. Within Kosovo, the high levels of pollution and the lack of any ski resorts within the area controlled by the central government⁸¹ will also ensure only limited progress in this area.

There was little that the IC could do to help sustain those industries that were placed in BiH and Kosovo for 'strategic' reasons by Tito's⁸² Yugoslavia. These include a steelworks for the manufacture of Rolled Homogenous Armour (RHA)⁸³ in Prijedor, the numerous weapons manufacturing plants in Travnik,⁸⁴ a detonator factory formerly employing more than four thousand people in the small town of Gorazde, and the military radar factory in Banja-Luka,⁸⁵ as but four examples of a dozen such complexes. Additionally there were other 'non-strategic' plants located in BiH to provide employment in rural locations which are unlikely ever to function again. These include a wire mill in Gorazde⁸⁶ and a battery factory in Srebrenica.⁸⁷ Finally, there were also those 'high tech' industries in which Yugoslavia invested heavily and which have either seen their

⁸¹ There is a fully equipped ski resort at Brezovica in Kosovo but it is in the south of the country on the Macedonian border and within a small pocket of 12,000 Serbs which remains under Serb control. The Serbs closed the ski-lifts when Kosovo declared independence in 2008.

⁸² Josip Broz, a.k.a. 'Tito', President of Yugoslavia from 1945 until his death in 1981.

⁸³ RHA was used only in tank and warship manufacture. RHA has now been replaced by such materials as titanium and 'Chobham' armour in modern Armoured Fighting Vehicles (AFV).

⁸⁴ These primarily manufactured artillery pieces and multi-barrelled rocket launchers, with the smaller plants producing hand grenades and small arms ammunition. Most were closed by IFOR.

⁸⁵ The radar plant in Banja-Luka was capable of building and maintaining sophisticated air defence radars. As the only such plant capable of maintaining the 'straight flush' radar system within Europe but outside of Russia this was a strategic site. This air defence radar which was used by all of the former 'Warsaw Pact' countries was a critical asset and radars from these countries were taken to this site for repair and rebuilding throughout the conflict and immediately thereafter.

⁸⁶ Again this was a very specialist plant. It made the wire which forms part of car tyres and before the conflict had supplied tyre-manufacturing plants in Germany

⁸⁷ The battery factory was the principal location where the Bosniacs were held, including many of the men subsequently murdered, after the fall of Srebrenica in 1995. It has recently been re-opened as a museum.

market share diminish, or which have become increasingly concentrated in the hands of a few large 'global' companies. One of these areas was in computer mainframe design and the development of the associated software, an industry that for Yugoslavia was centred in Sarajevo. With the dislocation of the war and consequent cessation of work the industry has now completely disappeared from the economic scene within Bosnia.⁸⁸

As Noel Malcolm makes clear⁸⁹ there was a classic 'colonial' economy in Kosovo, but this was functioning well before the arrival of the IC. Kosovo's primary industrial base and energy resources were used to provide cheap imports to the remainder of the former Yugoslavia, while its rapidly growing population supplied markets and a cheap labour force. The effective closure of the border with the remainder of Yugoslavia after 1999 has resulted in a rapid decline of even those industries that had survived the NATO air campaign.⁹⁰ Subsequent to 1999 the IC has attempted to re-establish some industries, but the absence of a skilled labour force⁹¹ and of markets has hampered reconstruction.

Here though as elsewhere in Bosnia and Kosovo⁹² the IC has a 'blind spot' and one that was easily identified by those working in the community such as the OSCE. This was in the provision of skilled technical personnel, everything from

⁸⁸ The skilled technicians did, however, provide a pool of highly qualified and literate English speaking staff for the IOs and NGOs. This was hardly the best use for their considerable skills.

⁸⁹ Malcolm (1994), p 337.

⁹⁰ The silver mining described in most economics and geography books of the former Yugoslavia, was in any case in terminal decline as was 'deep' coal mining in Bosnia.

⁹¹ Under the former regime many key posts were denied to Kosovars and most skilled jobs were held by Serbs or 'outsiders' from other parts of Yugoslavia.

⁹² A similar system existed in Albania and elsewhere under socialist systems.

Heavy Goods Vehicle (HGV) drivers to electricians and machine tool makers. Prior to the conflict, all trades people and technicians had been trained at JNA-run, technical high schools. These were uniformed military technical training establishments where young people from the age of 15 were both taught a trade and given pre-military training.⁹³ These schools all closed at the beginning of the various conflicts in former Yugoslavia and remained closed, as military establishments, when the IC arrived post-conflict. As a result of the failure to produce technicians domestically, even by 2002 it was becoming increasingly difficult to recruit such basic skilled personnel as trained electricians and HGV drivers etc, as there were by then none available who were aged under 30. This issue was raised several times by the larger IOs before the author left Bosnia in 2002, but nothing was done as it would mean that a completely new system would have to be established, one that did not depend upon the military. This issue, while apparently specific to the Balkans and Eastern Europe,⁹⁴ is, however, typical of the 'blind spots' that can afflict the IC in a post-conflict operation, particularly as the impact of 'doing nothing' is not immediately apparent but is cumulative. It will therefore, as in Bosnia, become one of the many unintended legacies and consequences of the IC's management of post-conflict.

⁹³ Sarajevo had two such military technical schools one at the Tito barracks in the centre of the city and the other at the Rajlovac airfield on the outskirts of the city. This second school trained radio and communications technicians.

⁹⁴ It does go wider than this however. It is worth noting that even at the stage when the author arrived in Albania in 2002, both the fire service and what we would regard in the UK as the 'National Health Service' (NHS), formed an integral part of the Armed Forces and nurses and doctors, etc, took part in military parades. These types of arrangements are common in many socialist countries.

What mechanisms can be embedded in the 'reconstruction model' to ensure that international donor resources are used wisely by domestic government partners?

The Rome⁹⁵ and Paris⁹⁶ declarations can ensure that IC donor activity is coordinated and transparent.⁹⁷ These mechanisms can also be used to examine external funding to prevent not only the 'double-funding' of projects,⁹⁸ but also to ensure that any funding meets the overall objective of national development. Similarly, the International Monetary Fund (IMF)⁹⁹ can also play a useful role in preventing excessive indebtedness and by preventing investment by national authorities in unnecessarily grandiose or wasteful projects. None of these checks and balances are operative, nor are they necessary, in a classic colonial economy where the colony is or has been dependent upon the 'home' country as the sole source of funding or guidance.

In the cases of BiH and Kosovo which are both within Europe, the role of the EU and the Stabilisation And Accession (SAA) process should also provide effective mechanisms for control of the manner in which donor resources are used by the domestic government partners, but as we saw in the previous chapter, that is not

⁹⁵ The Rome Declaration on aid harmonisation in February 2003.

⁹⁶ The Paris Declaration on aid effectiveness of February 2005.

⁹⁷ For reference to the discussion on the IC's 'aid effectiveness' subsequent to the Paris declarations see amongst others; Daniel Kaufmann, *Aid Effectiveness and Governance - The Good, the Bad and the Ugly*, pp 26–9.

⁹⁸ One project was also identified in Albania that had been 'triple funded'. The project had been 100% funded by USAID, the Netherlands, and the Soros Foundation. This only came to light when the OSCE became involved as an 'implementing partner' and discovered that 'costs' were being recovered from three separate sources.

⁹⁹ On some occasions it can also act as a counter to the WB, a fellow UN Institution, as increasingly can the EU.

always the case. Theoretically the SAA process provides for strict guidelines and timetables over government activities with a series of targets to be achieved. Whilst broadly similar for all states aspiring to EU membership these requirements are tailored to individual circumstances and can and are used to ensure compliance in particular areas of concern. The treatment of minorities or of detainees should be two such examples, however it is clear from what has occurred in Kosovo that the treatment of all minorities, not just the Kosovo Serbs, has clearly failed to meet what most people would regard as an acceptable criteria. In Albania, repeated reporting by the OSCE and the Danish refugee council and others has demonstrated that the treatment of detainees, particularly those kept in 'pre-trial detention', gives serious cause for concern.¹⁰⁰

In addition, there are strict but flexible controls over EU funding, which forms the bulk of the reconstruction and nation-building funds available. The Community Assistance for Reconstruction, Development and Stabilisation (CARDS)¹⁰¹ funding programme¹⁰² in particular did not allow the placing of contracts by the local beneficiary and so could have been used to shape domestic government activity, so that it focuses on the primary essential activities, had the EU so wished.

¹⁰⁰ That this is so, is even acknowledged by the Albanian legal code which counts time served in pre-trial detention, as 'time and a half' for sentences served. One 18 year old who was the lookout for a mugging gang spent three years in pre-trial detention prior to being sentenced.

¹⁰¹ In December 2000 CARDS replaced OBNOVA and PHARE as the instrument for EU programme assistance to the Balkans.

¹⁰² The value of the programme as originally conceived was €4.93 billion with €4.65 billion being earmarked for the years 2001-6. The beneficiary countries were those of the former Yugoslavia less Slovenia and Albania. As at 2010, CARDS funding was still being disbursed for projects such as the Albanian identity cards.

Other 'sticks and carrots' include potential membership of NATO at some stage¹⁰³ and in the shorter term the membership of the 'Partnership for Peace' (PfP) which brings significant financial and technical advantages. In addition, the entry requirements for NATO stretch far beyond those obviously associated with military forces and into such areas as police training and control of borders etc.¹⁰⁴

Should a small group of self-selected nation states be permitted to both fund and implement, post-conflict reconstruction outside of the UN or other internationally recognised bodies?

The example of Iraq would probably suggest no. In the case of BiH and Kosovo, however, the PICs as originally constituted, before the effective take over by the EU, functioned under the umbrella of the UN and with a considerable degree of transparency. Furthermore, this transparency extended beyond the member states to all of those states and institutions such as the UN and its member bodies who were implementing the post-conflict reconstruction. At the time of the commencement of the post-conflict reconstruction effort in BiH, the UN was probably at the nadir, in terms of its reputation with the governments of the

¹⁰³ Albania and Croatia joined NATO in 2008.

¹⁰⁴ Among the requirements for NATO membership is the requirement for a significant proportion of the officer and NCO cadre to speak English to an increasingly high standard as they progress through the ranks. Could the requirement for all new entrants to NATO to speak English be seen as colonialist? It is possible that some existing member states, in particular France, might think so.

implementing states, following the apparent failure of its UNPROFOR mission and was unlikely to have been capable at that stage of conducting a successful post-conflict reconstruction within BiH.¹⁰⁵ By the time of Kosovo, some three and a half years later, the situation had altered somewhat and the UN was once again given a leading role.

Both Bosnia and Kosovo have illustrated that an IC 'coalition of the willing' if broad enough and working under an overall UN mandate are capable of implementing a post-conflict reconstruction and nation-building exercise without appearing to be either 'colonialist' or 'imperialist'. The fact that 'final status' talks were initiated in Kosovo only seven years after the conflict and that Bosnia was formally moved from its 'post-conflict' status in spring 2007, only eleven years after the conflict, would superficially at least appear to reinforce that view. In fact optimists could argue that in this respect the PIC demonstrated a rather less 'colonialist' timetable than either the UN itself¹⁰⁶ or its effective successor, the EU.

If so, what effective oversight mechanisms exist, given that this group may embody major donors to the UN and perhaps often UNSC P5 members? The Paris and Rome declarations have already been mentioned and these provide both oversight and transparency to the actions of major donors. While the USA for example, does not always play a full part in these mechanisms most of the

¹⁰⁵ If only because it is unlikely that it would have been able to raise sufficient funding.

¹⁰⁶ Given that the UN's first peacekeeping mission was to Palestine where it remains deployed.

major IC donors do and in particular the EU, the single largest donor in the case of both BiH and Kosovo.

Unlike even the late colonial and imperialist era, when regional organisations either scarcely existed or were weak, Europe at least has a range of strong, vibrant, and vocal regional organisations. While in other continents there may only be one 'regional' grouping, within Europe you have a 'bag of golf clubs',¹⁰⁷ where you can choose the most appropriate organisation or organisations for the job: NATO, OSCE, EU, and the COE. These all have differing capabilities and strengths, with the OSCE having the broadest geographical spread.¹⁰⁸

Organisations such as the EU and NATO can exert considerable influence within the PIC, due to their political and financial strength in the case of the EU and to their control of security mechanisms in the case of NATO. Other regional organizations, too, can be influential, particularly as they comprise amongst their membership all of the member states represented on the PIC. In addition, some organisations such as the OSCE are specifically mandated under the UN,¹⁰⁹ to involve themselves in the resolution of post-conflict situations and 'failed' states. In fact, the OSCE was a possible alternative to the UN as the lead agency in Kosovo from 1999 and, as was discussed earlier, at one stage seriously

¹⁰⁷ A. J. Finnen, lecture at the NATO School, Oberammergau, Germany on 5 July 2005.

¹⁰⁸ The OSCE and NATO include two states in North America. The OSCE has 56 member states. The EU currently has 27 members, NATO 28, and the COE has 47 members.

¹⁰⁹ The OSCE is mandated as a regional organisation within the UN framework. See also the UN Charter Chapter 8 – Articles 52 and 53 which permit local resolution of disputes by mandated regional organizations. Article 54 in the same Chapter says that the organization must keep the UNSC informed at all times about such activities.

considered for such a role by some actors and was in fact, the probable 'preferred' solution of the US.

Additionally, many of these superficially overlapping regional organisations have also developed specific areas of expertise such as the OSCE-ODIHR which has focused amongst other areas¹¹⁰ upon election observation and electoral reform. By maintaining international electoral observation not only of those elections administered by states, but also by international bodies such as the UN and the EU within and now beyond¹¹¹ its geographically mandated area, the OSCE-ODIHR seeks to guarantee the impartiality and neutrality of the election organisers as well as their competence.¹¹²

Some organisations such as the COE and in particular the 'Venice commission',¹¹³ a body dealing with legal, constitutional, and in particular electoral affairs, have a history of providing impartial advice and of being seen to be more 'theoretical' than practical implementers.¹¹⁴ As such, they are not seen to form any part of a potentially colonial model, particularly as their presence within states which they are assisting is generally extremely small.¹¹⁵

¹¹⁰ Amongst other areas of direct relevance to both Bosnia and Kosovo are minority rights and the freedom of religion.

¹¹¹ This took place for the first time in Afghanistan for the elections to the 'Loya Jirga' on 9 October 2004.

¹¹² OSCE-ODIHR "Code of Conduct for Election Observers".

¹¹³ It is the COE's advisory body on constitutional affairs and was established in 1990.

¹¹⁴ The COE does implement projects, although these are often at a governmental level and in specialist areas such as data protection or electoral legislation.

¹¹⁵ On most occasions cases are 'referred' to the Venice Commission and there is no in country presence.

For most of the colonialist and imperialist era, the colonial states represented a cartel of the most powerful states, although as Fear notes: 'before 1945 most of the world thought that cartels brought widespread benefits'.¹¹⁶

During that period any state which did not support the colonial regimes generally kept its own counsel¹¹⁷ or suffered the consequences. Criticism if any was muted and generally came from other colonial powers in response to what were perceived to be extreme cases of brutality, or deviations from the colonial norm.¹¹⁸ With the collapse of the colonial powers and in many cases the reduction of their status within the world order, this approach changed rapidly. This was particularly the case as the former subject nations were able to play the two power 'blocs' off against each other during the 'Cold War' era. By the last quarter of the twentieth century it was clear that any state participating in what might be perceived as a colonial activity would face considerable opposition from Third World states not only bi-laterally, but perhaps more effectively multilaterally, through organisations such as the UN where regardless of contribution or population size each state receives the same voting rights.

¹¹⁶ Jeffrey Fear, *Cartels and Competition: Neither Markets nor Hierarchies*, p 1.

¹¹⁷ Thailand signed a treaty of 'Amity and Commerce' with the UK in 1826, but harboured an ambition to regain much of Burma from the British. This ambition was partially and temporarily realised between, 1941 and 1945, at which time Thailand was allied to Japan. Thailand recognised that more was to be gained from negotiation with the colonial powers than by competing with them, as the successful negotiation of the 'Anglo-Siamese Treaty' of 1909 demonstrated. This treaty led to the return of the provinces of Satun, Pattani, Yala, and Narathiwat which had formerly been a part of British Malaya.

¹¹⁸ Such as the outrage of the Western European elites at the Belgian treatment of the native population of the Belgian Congo during the very early twentieth century, prior to the First World War. This pressure led to the abandonment of 'royal' control over much of the Congo.

The impact of globalisation, particularly the power of control over oil resources, has given Third World states that previously were just simply ignored, international influence and ensured that whatever colonialist/imperialist ideas might exist within the minds of any of the planners for any future post-conflict are opposed and discarded. This is the case with both Bosnia and Kosovo where two of the larger contributors¹¹⁹ are particularly sensitive to this issue due to their colonial pasts.

In addition to the 'formal' structures the role of the media has also changed dramatically since the days of colonialism and imperialism. Not only is the media now an 'instant' source of information, but it has also become truly 'global' with corporations such as Rupert Murdoch's News Corporation forming part of those multi-national business groups which can no longer be said to be under 'national' control. Time-Warner's CNN satellite TV news service is another such entity,¹²⁰ which not only had a dramatic impact worldwide on how people perceived the military campaigns in Bosnia and Kosovo,¹²¹ but also influenced the way in which they believed the post-conflict activities were being carried out. These were issues which CNN 'insiders' such as Pike,¹²² were only to aware of. This though is a 'partnership' as the media and the electronic media in particular, has often been used by members of the political elites such as Richard Holbrooke.¹²³

¹¹⁹ The two states were the UK and France. They were larger contributors both in terms of troops and financial assistance,.

¹²⁰ Piers Robinson, *The CNN Effect: The Myth of News, Foreign Policy and Intervention*.

¹²¹ Ibid. See p 93 for a description of the 'CNN effect' in Kosovo.

¹²² Sidney Pike, *We Changed the World: Memoirs of a CNN Satellite Pioneer*.

¹²³ Robinson (2002), op. cit., p 11.

Furthermore, many in the political classes would argue that in the last quarter of the twentieth century and the beginning of the twenty-first, many areas within the media have become bastions of the 'liberal' elements within society and have shown themselves to be generally ill-disposed towards colonial regimes, particularly those of other states. As such they have become and remain generally strong supporters of self-determination and the avoidance of colonial strategies.

'Transparency' is the key word in the modern world and this has affected not only the worldwide scene in the broadest sense, but also the understanding and access to information of citizens particularly those within the 'West'. The citizens of the participating states of the PIC did and continue to scrutinise each facet of the activities of their governments in Bosnia and Kosovo, particularly in times of financial stringency. It is no longer possible for a Western democracy to carry out typical 'colonial' activities such as that of the suppression of the 'Mau Mau' campaign¹²⁴ without coming under mediated scrutiny from the population in the home country.¹²⁵ Furthermore, the presence within the home country of citizens from the populations directly affected, often now naturalised and holding citizenship and political rights¹²⁶ in their 'host' countries, ensures that there is an alert 'domestic' audience within most of the countries of the PIC.

¹²⁴ The successful colonial response to a liberation campaign fought in the rural areas of Kenya from 1951 to 1956, with considerable brutality being displayed on both sides.

¹²⁵ In this case which is continuing even some 60 years after the campaign took place.

¹²⁶ At the 2005 general election there were, according to the acting returning officer, approximately 650 registered voters of Albanian or Kosovar extraction in the 'marginal' city of Peterborough constituency, for example, and on which occasions the incumbent Labour candidate was defeated by a small margin. There are estimated to be some 70,000 Albanians in

One further factor which has had no parallel during the colonial era¹²⁷ has been the effect of the displacement of the indigenous population during the periods of conflict. This has had a significant impact, particularly within Bosnia, on the populations of both Bosnia and Kosovo and upon their attitudes upon return. There were significant differences, however, between the two experiences. In the case of Bosnia the refugees could be divided into two groups, those who fled the internecine strife and who were accommodated within former Yugoslavia¹²⁸ and the hundreds of thousands who went further afield. These primarily went to Western Europe, most notably to Germany, which at one stage accommodated in excess of 600,000 Bosnian refugees.¹²⁹

Even those refugees who subsequently returned stayed on average three to five years in their temporary shelters,¹³⁰ during which time, unlike in previous mass forced movements on the European continent, they did not stay for the most part in 'camps' but were spread throughout the community. There is definitely no colonial role model for these phenomena, which has in most cases reinforced the feeling amongst these Bosnians that they are European and for their children

the UK as at January 2006 (Home Office figures) although the Albanian Ambassador to the UK, Zef Mazi, believed in 2010 that the true figure may have exceeded 100,000. The numbers of both Bosnians and (genuine) Kosovars are each significantly lower than this total.

¹²⁷ The massive displacement of populations in the Indian sub-continent in 1947-8 was the result of the ending of the colonial era.

¹²⁸ Primarily the Bosnian Serbs, who were accommodated in Serbia, Montenegro, and Kosovo and the Bosnian Croats in Croatia.

¹²⁹ This is based upon the registration figures for the Bosnian general election in 1996 and the municipal elections in 1997. The Germans used the OSCE elections registration data, to which they had access, to identify how many refugees they had within the country.

¹³⁰ Unlike elsewhere in Europe Bosnian refugees in the UK had mostly been returned by 1998.

exposed them to a Western European education. In fact this dispersal of population, both in Western Europe and within the former Yugoslavia, has been in many ways too successful, in that the majority of these former 'refugees' have shown little inclination to return despite offers of generous support packages. The figures provided by the Institute of Migration (IOM)¹³¹ show that both refugee return and that of Internally Displaced People (IDP) had virtually ceased by 2002.¹³² A further impact of this migration, totalling 1.2 million people in the period 1970-95,¹³³ particularly amongst the Bosniac population, has been to reinforce the traditional German role as a provider of well-paid employment and to further show the advantages of rapid accession to the EU.

In comparison with these figures the figures for those Kosovars housed beyond their immediate neighbours - Albania and FYROM - during the period when they fled Kosovo was small and even in these cases the receiving states took care to rapidly repatriate as many as possible immediately the conflict was over. There was therefore little long-term cultural effect upon Kosovo from the evacuation, particularly as the principal receiving state, Albania,¹³⁴ was considerably poorer and in many ways less advanced. That said, the subsequent migration to Western Europe in particular has again illustrated to the population of Kosovo the

¹³¹ IOM, *World Migration 2003 – Managing Migration, Challenges and Responses for People on the Move, Volume 2.*

¹³² *Ibid.*, pp 312-4.

¹³³ *Ibid.*, p 305.

¹³⁴ At its peak, Albania is believed to have accommodated 400,000 Kosovars, the majority of them in private accommodation in North Eastern Albania. This area was itself the most isolated and most deprived region of what was at that time the poorest country in Europe.

benefits of speedy accession to the EU.¹³⁵ As for Bosnia, EU membership remains an aspiration for both the political elites and the general population within the Bosniac part of the federation, while among the other two ethnic groups the priority probably remains union with Croatia and Serbia, regardless of whether these two states are within or without the EU at that time.

Conclusions

While superficially appearing to replicate the 'colonial' models of former years, particularly in the immediate post-conflict period, the Bosnian and Kosovan models of international intervention were, in fact, radically different. At the beginning of both post-conflict interventions the most active participants¹³⁶ sought the authority of the UN to ratify their actions. In addition, the major bilateral partners declared that this would be a transitional activity. They have not attempted by means of the PIC to do as colonial powers had often done in the past, to extend their stay. Indeed, the principal bilateral partners indicated from the outset, that they wished to remain for the minimum period possible.¹³⁷ Had the principal PIC implementers¹³⁸ had their way the last High Representative would have departed from Bosnia in 2007.¹³⁹ At that time any apparent similarity between the international administrators within Bosnia and a colonial regime

¹³⁵ Agim Ceku, then Prime Minister of Kosovo, stated on 6 May 2006: [The] path towards Europe is not going to be easy, but it will not be long as well. Albania Daily News 9 May 2006. That may in retrospect be seen to have been an overly optimistic statement.

¹³⁶ The USA and certain of the European states including the UK.

¹³⁷ The UK withdrew militarily from Bosnia in 2002 and in 2010 from Kosovo.

¹³⁸ Including the USA and the UK.

¹³⁹ The Economist 5 May 2006, and others.

would have come to an end. This it was proposed would have been after some eleven and a half years would have elapsed. This period would have borne a remarkable similarity to the time taken to reconstruct the FRG following the Second world War.¹⁴⁰

The colonial 'model' as evidenced by the later colonies,¹⁴¹ particularly those acquired during the latter years of the nineteenth century and the first quarter of the twentieth century, also displayed a desire among the more benevolent colonial powers to 'improve'¹⁴² the native populations and to bring them closer in both form and aspiration to those of the mother country. The desire to achieve those objectives also involved the transfer of significant numbers of their own labour force, even to perform relatively simple tasks,¹⁴³ within the newly occupied territories. The effect of this failure to invest in local people,¹⁴⁴ even amongst 'benevolent' colonialists, was that the local population, when finally granted 'independence', were totally dependent upon outside technical assistance, particularly if they wished to develop.¹⁴⁵

¹⁴⁰ The Control Commission for Germany (CCG) was withdrawn in 1956 some eleven years and four months after the ending of the war.

¹⁴¹ Including the mandate states, following the First World War.

¹⁴² Hobsbawm (1997), *op. cit.*

¹⁴³ The driving of locomotives on Kenya Railways was a task for non-Africans until after independence and for 'official' trains such as those carrying the president, right throughout the Kenyatta period. In this latter period it was not a question of competence at driving the locomotive more one of concern about inter-tribal loyalties.

¹⁴⁴ As opposed to the 'imported' (and indentured) labour, who in the case of British East Africa and many other British colonies came from the Indian sub-continent.

¹⁴⁵ The total UK-born population in Kenya in the late 1970s was significantly greater than that in the late colonial period, i.e. the 1950s. This was as a result of the requirement for increasing technical specialization.

The members of the PIC and the IC adopted no such strategies in Bosnia and Kosovo. Instead they worked to ensure that the nationals of those states have been given the opportunity to 'catch up' with the other transitional states of the former Warsaw Pact (WP) all of whom have now joined the EU.¹⁴⁶ It was intended that this process should have continued after the departure of the High Representative in Bosnia had he left in 2007 and it was then envisaged that this process would more closely resemble the developments which had previously taken place in the Visegrad¹⁴⁷ countries from the mid-1990s until their accession to the EU on 1 May 2004. That this process has and will continue to force Bosnia and Kosovo into a regulatory straight-jacket tighter than that endured by any colonial administration,¹⁴⁸ of that there is no doubt. Crucially for the PIC though it was a 'contract' freely entered into by both the political classes and the people of Bosnia,¹⁴⁹ in order to gain the benefits that EU membership would bring.

While the PIC phase of the IC's intervention in Bosnia can be seen to have effectively ended in Bosnia with the conclusion of Lord Ashdown's mandate as High Representative in 2006¹⁵⁰ the transition in Kosovo is somewhat less clear with either the declaration of independence or the UN handover to EULEX acting

¹⁴⁶ The last two were Bulgaria and Romania in 2007. Moldova, Ukraine, and Belarus remain outside the EU, but formed part of the Soviet Union when they were within the WP.

¹⁴⁷ The Visegrad states were Poland, Hungary, Slovakia, and the Czech Republic.

¹⁴⁸ As early as 1997 the OHR had identified no less than twenty-two human rights 'instruments' which would need to be inserted into the constitution of the Republic of Bosnia and Herzegovina to bring it into conformity with the existing international norms. See *OHR "Bosnia and Herzegovina Essential Texts* (revised and updated edition), pp 64-92.

¹⁴⁹ Or entered into at least by the Bosniac elements within that society.

¹⁵⁰ And from which point the post of high representative was delegated to a series of bland functionaries and diplomats drawn from amongst the smaller states of Europe.

as the effective transition points. In both cases the transition did not go as planned by the PIC who even as late as 2006 foresaw the immediate termination of the ICs involvement in both states within the following 12–24 months. The subsequent developments far from ushering in the ICs departure has seen an enlarged EU presence which is likely to remain in both states for an indefinite period.

The IC in both Bosnia and Kosovo had also worked throughout the period from 1995 to empower the people of those two entities and to develop their skill sets. Although the numbers of foreign internationals were often considerable,¹⁵¹ particularly given the small domestic populations involved,¹⁵² they were usually present for a relatively short period and for the most part did not settle.¹⁵³ Indeed, a large number of citizens from both entities have moved to both Western Europe and North America, either to settle or to take advantage of study offered there. This is not a development which was seen to any significant extent in any of the colonial countries during the colonial period, to say 1970, when the concept of capacity building was virtually unheard of.

These examples illustrate the speed at which some at least of the people of Bosnia and to a much lesser extent Kosovo regained their places in international

¹⁵¹ There were estimated to be 16,000 foreign civilian internationals in Sarajevo alone in mid-1998. To this total could have been added a further 20,000 plus members of SFOR countrywide and an unknown but somewhat smaller number of internationals 'working in the field'.

¹⁵² The population of Bosnia was estimated at 3.9 million in 1998 and that of Kosovo at 1.5 million in late 1999. This is an estimation based upon electoral statistics and may overestimate the number of people physically present in both places.

¹⁵³ Even those IC personnel who married members of the local community returned in general to their home countries.

society. Indeed, some amongst them have since as early as 1999 formed part of the cadre of highly skilled international elections staff providing technical expertise to the UN and other organisations in Kosovo, East Timor, Afghanistan, Iraq, and elsewhere.¹⁵⁴ That is to say that the IC in Bosnia and Kosovo challenged the local populations to compete with them for employment and economic advantage¹⁵⁵ on the world stage. This has never been a common characteristic among the former colonial powers, who for the most part saw their colonies as sources of raw materials, cheap labour, and tied markets for their own manufactured goods.

Finally, the IC deliberately eschewed a policy of using a national model for any of its activities. This was the exact antithesis of the League of Nations when it allocated mandates to some of the victorious powers at the conclusion of the First War. In many ways one could argue that it would have been more efficient and more economical in financial terms had the PIC or the UN chosen to do so, but it did not and that particular argument goes beyond the bounds of this thesis.

For both the IC and for the peoples involved, their presence may have persisted, and in some degree still persists, for longer than either party would have wished.

¹⁵⁴ The OSCE Mission in Bosnia insisted that its national 'election officers' be trained to international standards. As at 1998 there was no university-level course anywhere worldwide to train election officials. As a result, using UK funding and in co-operation with the University of Essex, the OSCE mission in Bosnia created a certificated course to provide this training. It incorporated a mixture of taught classes at the University of Essex and distance learning and was certificated following examinations overseen by UK academic staff. Many of these officers continue to operate worldwide in post-conflict, most notably in Afghanistan.

¹⁵⁵ The international community spent a considerable amount of its effort in encouraging the growth of small and medium-sized enterprises within both Bosnia and Kosovo, by means of soft credit schemes and entrepreneurship training.

The IC presence is now, they and the author would hope, drawing to a close, and this will arguably be at the first moment when both Bosnia and Kosovo have before them a visible and achievable goal, which is membership of the Euro-Atlantic structures.¹⁵⁶ This is not an example that could be demonstrated by any of the colonial powers, although on some occasions in the mid-twentieth century there were occasions when one or two of them came close to ‘unforced’ withdrawals¹⁵⁷ from colonial territories. In short, within the boundaries of Europe at least, and as represented by Bosnia and Kosovo,¹⁵⁸ it cannot be said that post-conflict reconstruction as developed by the PIC represents either colonialism or imperialism. Rather it can be said to represent a combination of a self-interested desire and perhaps a certain degree of altruism by fellow Europeans and the North Americans to create self-sustaining and stable entities in their own backyards.

¹⁵⁶ As Bosnia does not possess a functional central government structure as at mid-2011 this prospect continues to recede into the middle distance.

¹⁵⁷ The 1934 London Conference on the future of British India may have been one such occasion.

¹⁵⁸ Whether these models and the application of equivalent amount of funds will be equally as effective at some stage in the future within Moldova, should a similar model be adopted, remains to be seen.

Chapter 10

Conclusions

Where does modern post-conflict activity sit within our theoretical constructs?

This thesis has examined three specific case studies, Bosnia, Kosovo, and the increasing role of the EU, as key post-conflict activities which bridge the twentieth and twenty-first centuries. All three have made extensive use of the empirical evidence available to the author to tell us about the nature of post-conflict intervention in this period. The case studies demonstrate that, whilst the response of the IC has in general been evolutionary, progress has not been consistent and, in cases such as Iraq, it has even regressed and ‘unlearned’ lessons previously learned. All three case studies are also clearly indicative of the break in, what had been until 1995, a period of fifty years in which post-conflict missions had almost exclusively been deployed under a UN mandate with UN leadership and management. The three case studies have set the baseline for post-conflict deployments in the twenty-first century and whilst illustrating that progress has been made demonstrate that considerably more work needs to be undertaken if such missions are to be successful. The evidence illustrates that it is in the practical implementation of theoretically ideal solutions, such as the representation of women in political life, where current

difficulties lie and where the IC must make a conscious effort to improve its performance.

If modern interventions adhere to any 'model' it is generally that of liberal interventionism; any intervention with the UN in the lead or where it has a key leadership role, such as in Bosnia, can be said to be liberal interventionist in intent, at least at the outset. Within the last two decades those few interventions where the IC have focused on rebuilding the state and its infrastructure and then leaving within a relatively short period of time,¹ have not only held true to the liberal interventionist model but have also been, while in the short term very costly,² the most successful. Cambodia, Mozambique, and Angola, in the early 1990s, all of them UN-led operations, fit that model as does the EU intervention in Aceh a decade later.

These missions, which were well planned, by a team of planners answerable to a single and usually experienced post-conflict team,³ had a focus and at the outset a detailed 'road map' of what was needed to be achieved in order to complete the mission. Ironically, it was because they had to justify and quantify their budgets in advance, to their contributing member states, that the planning was generally more detailed and hence more effective.

¹ Typically between two to five years.

² Cambodia, Mozambique, and Angola all cost considerably less than the US \$5.1 billion spent on Bosnia by the IC in the period from 1996 to 2001.

³ The EU Aceh mission was in part co-ordinated by former members of the EU police mission in Bosnia, two key members of which had also served elsewhere in post-conflict missions.

The largest post-conflict operations of the past two decades have, however, been led either by a single state or a small group of 'allied' states, and their planning appears to have lacked the rigour of that employed in the examples given above, or in one case, Iraq, the detailed planning⁴ was simply discarded. Additionally, the justifications for the initial intervention and the post-conflict responses were driven for the most part by political short-termist reactions to 'problems'. This particular approach to post-conflict issues can be seen, as this thesis clearly demonstrates, to have been initiated in Bosnia and then to have been developed in Kosovo where the clear over-arching political aim had been to remove President Milosevic.⁵ This concept was then carried forward into Iraq and Afghanistan.

If the overriding initial reason for the deployment into Bosnia conformed to liberal interventionism this was certainly not the case for Kosovo and the initiation of the NATO air campaign led to a fortunately short-term human catastrophe. If it is

⁴ This was carried out over a period of eighteen months by US State Department experts.

⁵ It was this that prompted the involvement of the US Office of Transition Initiatives (OTI) in Western Balkan Affairs in the two years preceding the conflict. The OTI was established during the Clinton Administration and is a branch of USAID who describe OTI's functions as follows on their website:

The Office of Transition Initiatives (OTI) was therefore created within USAID's humanitarian bureau in 1994 to provide fast, flexible, short-term assistance to take advantage of windows of opportunity to build democracy and peace. It lays the foundations for long-term development by promoting reconciliation, jumpstarting economies and helping stable democracy take hold.

To succeed in this task, OTI instituted a distinctive mode of operations. First, OTI specifically encouraged **a culture of risk-taking, political orientation, and swift response** among its staff and partners. Second, OTI is funded by a separate "Transition Initiatives" **budget account with special authorities that allow immediate spending** where it is most needed.

accepted that the Kosovo campaign and the subsequent post-conflict activities were neither imperialist nor colonialist, it is possible to conclude that at the time of the IC's intervention its post-conflict plans and subsequent intervention fitted none of the existing paradigms.

The past two decades also provide clear examples that post-conflict activities change over time. A broadly based multi-national liberal intervention under the banner of the UN can, as in Bosnia or, depending upon an interpretation of events, Kosovo evolve into something quite different. This leads on to a discussion as to which paradigm the EU in post-conflict adopts, both with potential accession states and farther afield, such as in Aceh or potentially post-conflict in Libya, Syria, and to a lesser extent Yemen.

Certainly no existing model, except those of imperialism and colonialism, would sit alongside the objective of 'regime change' and yet initially at least it was not the intent of the USA and its allies in the 'quint group' to dominate Kosovo in the longer term. This was not the case with the EU. With the transition to an EU-led management structure in both Bosnia and Kosovo, it is possible to observe both elements of colonialism and cultural imperialism carried out on behalf of the EU in both states and throughout the neighbouring states in the region;⁶ all of these states in one way or another could be declared as being post-conflict and all are potential accession states⁷ to the EU. This thesis has demonstrated that in the

⁶ Albania, Croatia, Macedonia, Montenegro, and Serbia.

⁷ Subject to a successful referendum vote Croatia is likely to join the EU in 2012.

EU's treatment of potential accession states the symbols of domination and 'clientship', which have typified the behaviour of earlier empires over the same territories, have been repeated. Just as the EU operates today, subsidy in return for conformity would have been familiar to any Roman or Illyrian over 2,000 years ago, just as the contribution of troops to aid in wars of conquest or domination on behalf of the aims and objectives of the 'empire' were then as now provided.⁸ In the twenty-first century the EU is in effect the new European 'empire', something which the frequent references to 'Charlemagne'⁹ and 'Rome' by certain European politicians would appear to suggest is not far from their thoughts.

If the role of the EU within the wider Europe has been 'imperialist', what of its role in the wider world? The participation of the EU in Aceh would appear to fit the 'liberal interventionist' model and initially was a purely humanitarian intervention. It is likely given the success of this mission and that of the EU in the Democratic Republic of the Congo (DRC) that such sporadic interventions will recur as needed. EU activities in Dharfur would clearly fit the same model, there being no reason other than simple humanitarianism for that intervention to take place. Where the EU's intervention is linked either to strategic objectives or to activities

⁸ Albania provides troops operating under European or US control in Bosnia, Iraq and Afghanistan. Bosnia and Serbia are also international troop contributors.

⁹ The 'Charlemagne Prize' (*Internationaler Karlspreis der Stadt Aachen*) is awarded annually. Previous recipients have included Robert Schuman, Jean Monnet, Konrad Adenauer, and Edward Heath. The city of Aachen the sponsors of the prize, refer to Charlemagne as the 'Founder of Western culture'. The Schirach Report of 14 June 2011 said of the prize;

On June 2, Jean-Claude Trichet, soon to be retired president of the European Central Bank, (ECB), was awarded the Charlemagne Prize in Aachen. This prize is a coveted and prestigious European honor.

which it is carrying out in other strategic spheres the issue becomes more complex.

The EU programme in Palestine, in particular that of the police and judiciary, is linked to a reform of state structures and to their conformity to an 'EU model'. While in the short term Palestine lacks many of the attributes of a state, particularly control over its own borders, when it does achieve that degree of autonomy then the models adopted will be European and will be able to be integrated into those of other EU member states in the eastern basin of the Mediterranean. Given its increasing client status, due to its increasing dependency upon the EU, as its single largest source of finance, it is not unreasonable to believe that even here, beyond the range of the potential accession states, the EU is seeking in the long term to build a long-term client and that the EU's objectives are imperialist in fact if not in intent. Were the EU to become involved or to lead a post-conflict mission in Libya it is likely that this, too, would be imperialist in practice, if not in intent. The EU has clear economic objectives in Libya, not least the security of its boundaries to prevent illegal migration, but also of course to maintain the security of its investments and oil and gas supplies.¹⁰

¹⁰ Until the beginning of the conflict Libya was responsible for the supply of gas equivalent to 55% of Italy's consumption.

Is there a post-conflict model for IC intervention?

Some post-conflict missions continue to be mounted and maintained by the UN and can therefore be said to follow the liberal interventionist or humanitarian interventionist tradition. Others have been mounted by regional bodies either jointly with the UN, such as UNAMID, or, in practice, effectively independently of it, such as the ongoing AU mission in Mogadishu. The UNAMID mission can be seen to have been motivated by 'liberal interventionism', but it is also on the part of the UN an attempt to 'burden share' and from the point of view of the neighbouring states to the crisis, who offered and then committed the AU troops, an activity carried out in support of self-interest.¹¹ The second intervention in Mogadishu is again motivated out of self-interest. If they are not 'liberal interventionist' then they are clearly also not 'imperialist', as neither mission seeks to take or hold territory nor to impose a regime or system of government on the other state. Finally, other interventions have taken place led by a single state or small group of states which have been designed to 'resolve problems' and to effect 'regime change'. These may be to deal with a perceived terror or drugs threat and are clearly, as in the case of Iraq, neither liberal interventionist in either intent or fact and not intentionally colonialist. These interventions are

¹¹ From the AU's point of view, as the operations were in part funded by the EU, the real costs were very limited. The EU's motivation in funding the operation was to keep its own troop numbers down, a political imperative and to reduce costs.

imperialist in nature but unlike previous such episodes¹² are conducted by coalitions of states under a UN mandate.

The thesis demonstrates that there can be no 'post-conflict model' as such as the conditions under which IC intervention post-conflict has taken place and which this thesis has illustrated differ so widely. To use some examples from the last two decades: not only is it impossible to compare 'state' with 'state' even when comparing two newly emerging states of similar size, where conflict was taking place simultaneously, such as East Timor and Kosovo, it is also impossible to compare a wide range of other factors such as the composition of the subsequent post-conflict mission and its mandate. While the level of destruction and displacement of the population within the country might be an obvious factor to the lay observer, other factors, such as the impact of a post-colonial democratic tradition¹³ or the degree of ethnic tolerance may be more difficult to quantify.

Short-termism, political opportunism, and 'change management' by the IC

The thesis has shown that the short-termist and politically opportunistic approaches to conflict and post-conflict¹⁴ have and will continue to impair the ICs'

¹² The international community's response to the Boxer rebellion and the attack on the legations in Peking in 1900 may be regarded as a possible precedent for this type of imperialist response.

¹³ Until the late 1990s Ivory Coast would have been a good example of this, but there are also other states within West Africa which have had a continuous functioning 'Western style' democracy.

¹⁴ 'Politicians will never take a decision unless they have to and usually then, after the last safe moment'. Ambassador Robert Frowick was speaking to the author and to other senior OSCE

approach to post-conflict. Similarly, the failure to anticipate the likelihood of change leading to conflict or at least major dislocation, even in those states where the IC, in particular the USA and the Europeans, have been actively working to promote radical change will probably continue into the twenty-first century. The scenario in Egypt illustrates this point. The work of NDI, funded by the US government from the 1990s, was to promote political pluralism in Egypt, including campaigning support for opposition political candidates in presidential elections against Hosni Mubarak. It was designed to overthrow the existing regime and to promote democratic change¹⁵. It must be questioned why, if the long term strategy of the USA has been to overthrow, or at least to destabilize, a regime such as Mubarak's in Egypt, or perhaps Ghaddafi's Libya, the same actors have not been able to respond effectively when what they were working towards for years has eventually occurred. This is not a new phenomenon and twice previously within the last decade or so, in both Kosovo and Iraq, regime change has been undertaken without apparently any clear idea of the likely outcome and without, in either case, an effective 'change management' plan being in place.

elections staff in October 1996. He was discussing the prospects for the holding of the municipal elections in Bosnia that year. In the event, the decision to postpone the municipal elections until 1997 was not taken until after the close of campaigning for the presidential election campaign in the USA, despite the fact that the 'last safe moment' at which the campaign could be launched, had been passed some weeks before.

¹⁵ NDI were expelled in 2005 from Egypt despite US government protests precisely for this reason.

Humanitarianism versus economic issues and the mass media dynamic

Should the IC's management of post-conflict be affected both by the scale or the strategic importance of the state or area concerned? From a moral standpoint this should not be the case but the evidence from the recent past would suggest that it is the case. In Algeria and Bosnia where internal civil conflicts which were taking place at the same time, it is clear in retrospect that in some years in the period 1992-5 it is likely that more people died as a result of the civil war in Algeria than did in Bosnia. It could be argued that Bosnia was more visible as it was part of Europe and had a large and vocal diaspora within Germany, the Netherlands, and Austria. However, Algeria's diaspora in Western Europe was more numerous albeit concentrated in France.¹⁶ There were also a significant number of French citizens who had spent a part of their lives in Algeria. From a population, economic, and strategic point of view Algeria was a larger, more populous country than Bosnia and possessed (and exploited), far greater and a wider range of strategic assets.¹⁷ In financial terms the risk to the Western stock markets and hence to people's pension funds etc would have been much greater had Algeria collapsed than was the case with Bosnia.

¹⁶ This is in contrast to the Bosnian diaspora which is spread throughout Europe. Of the largest diaspora populations only that in Austria was located on the territory of a former colonial power.

¹⁷ Algeria is currently the world's fourth largest exporter of natural gas, in particular methane and is the world's fifteenth largest supplier of oil. Algeria is the single largest supplier of methane gas to the UK. Its supply exceeds that produced domestically by the Wych Cross gas field off the Dorset coast.

Morally there was as much, if not more, justification for an external intervention in Algeria than in Bosnia whilst the conflict was underway. It could be argued that this did not occur because the Western Balkans conflict was between two states, Yugoslavia and Slovenia, which had been recognized by a member of the UN.¹⁸ That international intervention took place in the Western Balkans was due to the historic positions of various Western European states and to the USA whose citizens were strongly influenced by what they could see on their television screens. While this might explain why no intervention took place during the Algerian conflict, it does not explain why the IC has continued to make such a minimal investment in the post-conflict social and political development of Algeria while it has continued to invest billions of US dollars in developing its oil and gas infrastructure.

Evidence from the early years of the twenty-first century would suggest that a state's relative importance politically, economically, and strategically and who is supporting (or who may support) whichever side in an internal conflict continues to affect the level of international engagement and the IC's management and commitment to the necessary transition from being a state in conflict to post-conflict. Nepal is an example of a state which is now in post-conflict, but which is fragile and could easily lapse back into a state in conflict. Some disarmament, rather than DDR, has taken place, particularly of the Maoist guerrillas, but three years after the ceasefire the Maoist leaders have left the government and the

¹⁸ Slovenia and Croatia were unilaterally 'recognised' by the Federal Republic of Germany on 23 December 1991.

guerrillas remain in camps neither fully demobilized nor reintegrated. Even at the most basic level, that of DDR, the post-conflict model developed by the IC for Nepal and agreed domestically is not being followed, nor is there funding and 'honest brokering' to drive the peace process forward. In practice, the IC's investment and engagement in the process continues to be minimal beyond exhorting the Nepalese political actors to negotiate with each other.

It can be argued that the development of an effective post-conflict strategy for Nepal has faltered because of the state's relative insignificance and remoteness. Contrast this with a remote area in another continent, one which has only in June 2011 become an independent state, which is receiving the full suite of post-conflict expertise. The UK and the EU have been active in South Sudan since the ceasefire in 2002, with programmes to develop governance, policing, education, and health. Most EU states have already made it clear that they will recognise South Sudan as an independent state within the UN as soon as the referendum decision has come into effect. Given this fact it is almost certain that South Sudan will enter the UN as a voting member some time before either the Palestinian Authority or Kosovo, whose independence was recognised by the UK in February 2008. As such, even if 'self interest'¹⁹ is taken as a criteria for IC participation in post-conflict, that can act as no reasonable guide or guarantee of intervention.

¹⁹ South Sudan does have exploitable reserves of oil and production and export of oil from these fields has started as at mid-2011. These are, however, controlled by Chinese and not EU interests.

The changing dynamics of post-conflict management

The last fifteen years have witnessed a changing dynamic in the management of post-conflict operations away from the UN and towards single state actors. In particular the USA and to an extent the UK, along with regional groupings such as the EU and to a much lesser extent the AU, who as previously mentioned are mostly doing so with EU money. Apart from funding issues, if one were to question why such regional groupings have had less resonance, in Asia and Latin America, than in EurAsia and to a much lesser extent Africa, the answer would be because they were primarily established as trade-based groups with a limited amount of political cohesion rather than as regional power centres. It is also clear that with the exception of the EU the ambitions of these other regional groupings, including the AU, are confined to the region which they represent and are not 'global'. In addition to these regional groupings there are also niche single-state regional actors, such as Australia, who are active in post-conflict East Timor, the Solomon Islands, and over the longer term in Papua New Guinea.

All of these issues lead to the conclusion that the management of post-conflict today is more complex than previously. Certainly the 'one size fits all' model envisaged by many in the senior hierarchy of the US development organisations and which they initially attempted to apply to Bosnia on the basis of their experiences in Cambodia are no longer relevant, and probably never have been.

This thesis has so far hinted at, but not explicitly explained, why recent developments require the IC to be more agile in its approach to post-conflict; to spend more time on analyses and research of possible post-conflict areas so as to be better prepared in future. In order to be more agile the IC will need to have a better identification of possible risks at an international level and better risk-management strategies. The international ideal surely must be to avoid having a conflict in the first place, by judicious early intervention, rather than, as again in 2011, simply responding to developments as they occur.

In 2011 a range of new 'post-conflict' developments in Libya and perhaps Yemen and 'sub-conflict' developments in Egypt, Tunisia, and possibly Syria and Bahrain are being brought about by self-inspired 'regime change'. As commented upon in more detail below, these changes although in part inspired by Western media, NGOs, and government action, have developed rapidly, while the IC has been slow to respond, particularly so in any coherent manner. In addition to the 'Arab Spring', Myanmar (Burma) will eventually be another incipient regime change which will be deserving of and require international support, so as to succeed in the most effective manner and for which a significant amount of planning could be undertaken now.

The developments in the 'Arab Spring' of 2011 present a new challenge to our understanding of post-conflict. While they were and are bloody, the ongoing

conflicts in Syria and Yemen particularly so, and although broadly requiring the same 'treatment' by the IC as in post-conflict, they have not resulted in full blown internal civil wars,²⁰ but rather in sub-conflicts.²¹ Furthermore, most of the previous internal or regional conflicts in the period following the Second World War have taken place in relatively unsophisticated regions of the world, particularly in Africa²² or in areas where the conflict occurred between the 'centre' and the people who were already on the fringes of society, such as was the case with the Mayan revolt in Guatemala or indeed the current Mayan revolt against the central authorities in southern Mexico. The conflicts in the Western Balkans were not only the first conflicts in Europe since 1945, they were also the first conflicts where the vast majority of the populations of the states involved were educated to a relatively advanced level. In Afghanistan even amongst the almost exclusively male Afghan National Security Forces (ANSF) and Afghan National Police (ANP) the literacy rate is only 14 percent²³. In that respect the post-conflict developments in the Western Balkans may serve as a good model for those countries which have undergone regime change as a result of the 'Arab Spring'.²⁴

²⁰ The conflict in Libya is (currently) the notable exception.

²¹ The number of deaths following the internal unrest in all six of the countries disrupted by the 'Arab Spring' (Bahrain, Egypt, Libya, Syria, Tunisia, and Yemen), have met the criteria for 'conflict' as defined by the US State Department. In each case the numbers of deaths has been in the hundreds and in most substantially exceeded 1,000.

²² At the time of it's independence from Belgium there were only twenty-one (ethnically Congolese) Congolese citizens who were educated to graduate level.

²³ The general level of literacy in the country is much lower.

²⁴ This appears to be happening. The first round of 'democratic' elections will be held in early November 2011. International elections monitoring is being provided by the 'Carter Centre' an NGO using experienced observers who for the most part were trained in the Balkans in the 1990s.

The role of the 'diaspora' in post-conflict

Both in the Western Balkans and now in the 'Arab Spring' the role of the diaspora in publicising²⁵ and funding the conflict and their role in the post-conflict process is key to the IC's perception both of the conflict itself and how they see their role in the post-conflict phase. It also reinforces the need for the IC to be more agile. How the IC manages post-conflict will depend upon how the diaspora are integrated into the post-conflict development of their state of origin. What role will their state of origin play in this and what role do the diaspora have in motivating the IC's response? How does the IC motivate the diaspora, who are often among the wealthiest and best-educated of the citizens of the state, to take an active part in post-conflict reconstruction²⁶ and to return and contribute their personal skills?²⁷ Should they be allowed to vote in a country in which they are not resident? How can the IC tell if the experience of the diaspora is no longer relevant, e.g. Khalabi in Iraq and the Afghan diaspora currently advising the USA? Whatever solution is found to these problems there is in future a need to stress the increasing importance of the diaspora overall, particularly in those states where they form a significant part of the overall ethnic group and

²⁵ At the end of the first decade of the twenty-first century much of the publicity is internally managed through media such as Facebook™ and the text-messaging video footage of events often by using the diaspora to transmit it to the wider audience. The internet age and fast worldwide communications create a momentum of their own to which the IC need to be able to respond.

²⁶ The Croatian model saw the flotation of Croatian companies on the European stock exchanges where their shares were bought by amongst others the Croatian diaspora, thus giving them a stake in the new state. In the same way the Croatian diaspora in Germany underwrote the funds for the start-up and the lease of aircraft for Croatian Airlines from Lufthansa.

²⁷ Albania can provide a useful model here. In order to encourage returnees with 'key skills' to work in the state sector the government has decreed that 'returnees' in key posts, such as nurses and computer technicians, can be paid up to double the current maximum wage for locally recruited employees in the same posts for a period of up to three years.

especially where they are well educated and often financially well resourced, Palestine being perhaps the best example of this.²⁸

The present experience of post-conflict planning and operations

If Major-General Andrew Mackay, the UK's military commander in Helmand in 2008, is to be believed the operations in Helmand, both conflict and post-conflict, continue to be characterised by muddle and lack of focus. Mackay and Stephen Grey laid out a ten-point agenda which would have involved a balanced reconstruction and post-conflict effort to supplement the 'war fighting'.²⁹ In an interview of 29 June 2011, Mackay repeated this message saying that the UK was still 'muddling through'.³⁰ In the same documentary Mark Urban appeared to agree closely with Stephen Grey³¹ and cited a consistent failure to develop a clear long-term strategy as well as a failure to invest adequate resources as being the fundamental issues.³² Although it is still early days in terms of post-conflict, a similar lack of clarity would appear to exist with regards to Libya. The transformation of those countries who have already undergone regime change in

²⁸ A more traditional, historic example is the impact that the 'Jewish lobby' has had on US foreign policy in the Middle East for the last sixty-five years.

²⁹ Stephen Grey and Andrew Mackay, *A Ten Point Agenda on Afghanistan*, AfPak Channel 15 Jun 2011.

³⁰ Andrew Mackay in an interview with Mark Urban for the BBC 'Newsnight' programme broadcast on 29 June 2011.

³¹ Stephen Grey, *Helmand: Anatomy of a Disaster*, AfPak Channel 15 June 2011.

³² Urban (2011), op. cit.

the Arab Spring would appear to sit with the NGO community rather than the IC as the representatives of sovereign states.³³

Some wider conflict and post-conflict Issues-‘lessons learned’ and yet to be learned

There are a significant number of ‘lessons learned’ to come from a study of the IC’s intervention in the Western Balkans. Some lessons, but clearly by no means the majority, have been adopted for the later interventions in Iraq and Afghanistan. To take just one example, the role of women in elected political office; the introduction of gender quotas is laudable but it has to be done in a manner which does not discredit the process and must take place in conjunction with a change in public attitudes towards gender. This is a process that can only be carried out through the medium of public education and an area where the author suggests considerably greater EU funding and work would be extremely useful, but and only if delivered as part of long-term one-to five-year programmes. In this case, as in so many other areas, the IC needs to examine its overall strategy in post-conflict and to arrive at a coherent policy which can then be implemented comprehensively and effectively as opposed to the current piecemeal approach.³⁴

³³ In addition to the election observation the Carter Centre, for example, have taken on the role of political advisors to the new Tunisian Government.

³⁴ Within the OSCE for example the approach to women’s rights runs in some cases counter to the policies of those who encourage greater religious tolerance and the promotion of religious values and both of which are supported by a ‘department’ in the OSCE HQ in Vienna.

Planning and advance planning for post-conflict – Is this possible or indeed desirable?

This thesis has explicitly explained why the short-termist and politically opportunistic approach, such as that initially adopted for domestic political reasons by the Clinton Administration in the USA regarding both Bosnia and Kosovo, will continue to impair the IC's approach to post-conflict. By definition post-conflict is a form of international intervention which by its very nature requires time-bound³⁵ but moderate to long-term solutions. These solutions, as the UN and others³⁶ explained to President Clinton, are often in the order of five to ten years and this time span is required so as to create a sustainable and self-supporting post-conflict state.

Furthermore, what this thesis has not discussed has been the failure to anticipate conflict, or the likelihood of a radical change in regimes, even in those states where the IC, in particular the USA and the Europeans, have been actively working to promote radical change such as in Syria, Libya, and Egypt. In Egypt for example, where NDI worked to support the opposition to Hosni Mubarak.³⁷

³⁵ So as to prevent the indefinite interventions of which the UN operations in Palestine and Cyprus are examples.

³⁶ This includes both John Major and Tony Blair. The UK view was that the full delivery of the post-conflict project in Bosnia would take twelve to fifteen years. This estimate was not altered when the government changed in 1997.

³⁷ Despite the fact that Mubarak was, outside of Israel, the USA's principal strategic partner in the region and strongly supported by both the US State Department and DoD.

Now that significant regime change would appear to be underway,³⁸ the USA would appear to be undecided as to how best to proceed and the wider ICs' engagement through international fora would appear to be extremely limited.

Again outside of the scope of this thesis one must also question why, if the long-term strategy has been to overthrow or at least to destabilize a regime such as that in Egypt or in Qadhafi's Libya, there is not in each case a plan in place when what apparently large segments of the IC have been working towards eventually occurs. This would permit, for example, the rapid deployment of NDI and other similar organisations so as to permit the rapid development of opposition parties which would then have a realistic opportunity of defeating the incumbent establishment in free and fair elections.

Scope for future work

The 'moral authority' for intervention

The moral authority for intervention by the IC must be regarded as questionable where people have either overthrown autocratic regimes themselves, without direct external inputs, or without overthrowing the regime by dismantling it and leaving a 'rump state' which continues to function.³⁹ This could be said to be the

³⁸ That it has taken place is not yet, as at June 2011, clear. What has occurred so far is that one element of what was in practice a military regime led by Mubarak has given way to another military regime. Whether this change will lead to a speedy political evolution is not yet clear.

³⁹ Such as has taken place in Serbia in the period from 1993 to date and also in the Sudan.

case for the Sudan in 2011 or former Yugoslavia in the 1990s. What is the moral authority and how does the IC intervene when the people of a state have refashioned themselves without foreign military or, in some cases, humanitarian support even if a civil conflict has taken place? Libya may well be an example of this in 2011 and so may in the future be Myanmar. If the conflict has, in general, subsided and the regime or its successor has regained its authority but there are still armed and dangerous people on the street, is it appropriate for the IC to send peacekeepers who are part of the military, as the Europeans did in Albania in 1998 during operation 'Alba', or would some other mechanism be more appropriate? If so what should that response look like and under whose control should it be? If the role, as in Albania, is primarily one of maintaining law and order should this not be a role for the police rather than the military? If so would not the MSU based on the Carabinieri/Gendarmerie model and as used in the Balkans be more appropriate than that of the military? If the answer is in the affirmative, as the USA does not have such units, is there a role for the USA in this new environment; one where the model of robust policing and the use of non-lethal force takes primacy over the military peacekeeping model? It was quite clear in Bosnia and Kosovo there was no role for the USA in these activities, but there clearly remains a role for US logistics, communications, and, of course, finance.

Some issues concerning the USA, the military and post-conflict

This thesis has already explained that ‘regime change’ was not an idea of George W. Bush, although the crude phrasing was. The thesis has explained how the OTI was established under the Clinton Administration primarily to do away with the Milosevic regime and how from its European HQ in Budapest it masterminded, trained, and funded the student protest movement OTPOR⁴⁰ along with the ‘independent’ Radio B92 in Belgrade. It is these links with organisations, such as OTI, which taint the relationships between the nationals of the state which is in post-conflict and the members of the IC who are trying to help them. An examination of the impact of these elements of US foreign policy upon the IC’s management of post-conflict, while outside the scope of this thesis, would of itself merit further study. Similarly the internal frictions between the peacekeepers, or the military in general, and civilian workers in the field⁴¹ would again merit a detailed study.

The use of ‘proxy states’ in post-conflict, in particular how the USA often uses other people⁴² who are regarded more sympathetically by the host population, to achieve its aims and objectives, again whilst outside of the scope of this thesis, could be usefully analysed. The media initiatives and policing development programmes in the Mayan highlands of Guatemala during the IC-funded post-

⁴⁰ OTPOR translates as resistance in English. This movement was in existence from 1998-2003.

⁴¹ This includes almost all civilian workers, not just aid workers.

⁴² The USSR previously used the military of the Cuban regime in Angola and Mozambique in a similar manner.

conflict operations of the late 1990s are a good example of this activity. In the case of Guatemala the 'front men' and apparent 'owners' of the programmes were the EU, in particular Spanish IOs, NGOs, and police, yet both the funding and direction was coming from USAID. In this case the USA was operating through 'surrogates', not as a result of language issues or the safety of operations on the ground, but because it was clearly seen locally as having supported the government against the Mayans throughout the preceding twenty years of conflict.⁴³

Weaknesses in the current description of research methodologies and the role of the 'observer'

In the discussion of the research design for this thesis the role of the 'analytical observer' and the 'participating observer' was reviewed along with that of the 'active participant'. It was clear that the term 'active participant' offered by Bernard,⁴⁴ had neither been fully defined nor discussed in the literature; in the absence of any alternatives it came closest to defining the role of the author during the field research phase of this thesis. One particular reason for the absence of an adequate definition is that Bernard⁴⁵ is focused on the role of an observer in an ethnographical or clinical context and not that of an observer who is observing a political or other process such as post-conflict.

⁴³ Both the US Government and the Roman Catholic authorities backed the government, police, and military against the Mayan Indians.

⁴⁴ Bernard (2000), op cit.

⁴⁵ Ibid.

Clearly the term 'active participant' is of value as a descriptor and would adequately define the roles of Horowitz and Lijphart who were actively interested in developments in Bosnia and Kosovo⁴⁶ and who although active participants in the process were not central to it. In other words, in the larger scheme of things they were neither 'influencers' nor 'decision makers'. In practice, their role, to use a project management definition, was that of an 'assurer'⁴⁷ someone that provides confidence that the 'deliverable is appropriate'⁴⁸ to the task in hand. Similarly, those who conducted their field research while engaged in a fairly minor role within a post-conflict mission, such as serving in a rural field office of an IO or major NGO, might sensibly, if closely defined, be termed 'active participants'.

These definitions are adequate to define the two groups discussed, but they do not represent an adequate descriptor for the category into which the author of this thesis falls. These are people who are both 'influencers' and 'decision makers' at a managerial level. Such people are not only 'active participants' and 'assurers' but also have an opportunity to shape policy and to affect the decision-making process. Here again, project management terminology, given that post-conflict missions are by definition 'projects' albeit on a large scale, may provide a useful starting point. Prince 2TM terminology defines the ultimate decision

⁴⁶ This has been evidenced by their later writings on the topic.

⁴⁷ Prince 2TM, *Glossary of terms*.

⁴⁸ *Ibid.*

makers, in this scenario the HOMs or the political leadership, as the 'executive'.⁴⁹ It then goes on to describe the senior managerial functions as the 'authority' and the 'approvers', the people who have:

the right to allocate resources and make decisions (applies to project, stage and team levels).⁵⁰

They are also:

identified as qualified and authorized to approve a (management or specialist) product as being complete and fit for purpose (at which point there may be a further 'assurance' process).⁵¹

These terms, while not wholly adequate for the purposes of both this thesis and further academic research, begin to define the role of someone who is the position of being both a manager and a critical observer.

The previous paragraphs and the experience of conducting such research suggest that there are two additional descriptions by which observers should be categorized. First there is the 'active participant', a description initially provided by Bernard but as qualified above. Secondly, there is the 'authoritative observer', someone who is either in a positions to influence events, such as the author of this thesis, or someone whose standing in their own particular field is already so great, at the time that they participated in the events, that they had been brought

⁴⁹ Ibid.

⁵⁰ Ibid.

⁵¹ Ibid.

in specifically so as not only to 'assure'⁵² that the process was 'appropriate', but also who could as a result both influence and shape future events.⁵³

Conclusion

The examples given in this thesis have demonstrated that the primary motivation for the ICs' intervention in post-conflict is liberal-interventionism. The thesis has also demonstrated how this motivation can change during the post-conflict process. The thesis has further demonstrated that, unlike the UN, the EU has often sought to impose its global world view or European standards on those countries to whom it is providing assistance and support. In these instances the EU has acted in an 'imperialist' manner when it comes to the role of 'Western democracy' and related issues in post-conflict. The thesis has also conclusively demonstrated that the IC's response to post-conflict continues to be reactive and not preventative in nature, that it often lacks coherence, and is driven by short-term political considerations. Further, the thesis has also demonstrated that the IC has always been and remains selective when deciding to engage in post-conflict.⁵⁴ Finally, it has concluded by demonstrating in the paragraphs above that the field of post-conflict is worthy of further detailed study.

⁵² Ibid.

⁵³ An example of such a person would be Jeff Fisher, the Vice-President of IFES, who performed just such a role in Kosovo.

⁵⁴ As the cases of Libya and Syria in 2011 clearly demonstrate.

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