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Multilateral Crisis Resolution Process
The European Union and the United Nations in Bosnia and Herzegovina

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Executive Summary

The present analysis attempts to evaluate the crisis resolution process conducted by the EU and the UN towards Bosnia and Herzegovina accordingly to different stages. The different stages which occur during the conflict allow the deterrence of different failures of the studied IGO's. However the aim here is to put forward those characteristics which can be considered as failures.

The research distinguishes four conflict resolution phases namely Conflict Prevention, Peacemaking, Peace-enforcement and Peacekeeping. In order to evaluate the conduction of the conflict resolution process as well as to compare the core features and the coordination between the two EU and the UN; it is invited to conduct the comparison on hand of different Third-Party resolution approaches, namely the Interest-based; Power-based; and Right-based approach.

As a major result it appears that the EU is less capable to exert sufficient coercive intervention in order to support their most suitable approach namely the Interest-based. As for the UN the latter seems more favorable to introduce power-based sanctions but often lacks the resources which should be provided by its member states. Furthermore the multiplication of different headquarters and the multiplication of divergent missions assigned to the same corps do create complex, hostile and contradictive missions.

Finally the analysis terminates by suggesting several directions in order to overcome systematic failures of the EU and the UN within the CR process. The suggestions are also followed by the discussion of the used approaches and the hypothesis it has enabled to generate.

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Finally, many thanks go to my parents who encouraged me throughout my studies and supported my choice of studying in the Netherlands, a choice which will forever stay as an amazing experience in my memories.

To all of you, Thank you!
Razzak Youssef.

Table of contents

List of Tables

List of Acronyms

CR – Crisis Resolution
EU - European Union
EC – European Community
UN – United Nations
RRF – Rapid Reaction Force
BiH – Bosnia and Herzegovina
IGO – International Governmental Organisation
CFSP – Common Foreign and Security Policy
OHR – Office of the High Representative
ICG – International Crisis Group
IR – International Relations
CY - Conference of Yugoslavia
CSCE – Commission on Security and Cooperation in Europe
 NGO – Non Governmental Organisation
FRY – Former Republic of Yugoslavia
CC plan – Carrington-Cutileiro plan
SC - Security Council
MS – Member States
ICTY – International Criminal Tribunal for the Former Yugoslavia
EUMC - EU Military Committee
CMO – Crisis Management Operations
CARDS - Community Assistance for Reconstruction, Development and Stabilization
DPKO – Department of Peacekeeping Operations
NYT- New York Times
SG – Secretary General
RDCS – Research and Development Center Sarajevo
GAO - Governmental Accountability Office
CP- Conflict Prevention
PM - Peacemaking
PE - Peace enforcement
PK – Peacekeeping
ICTY – International Criminal Tribunal for Yugoslavia
IFOR – Implementation Force
SFOR – Stabilization Force
EUPM – European Union Police Mission
UNMIB – United Nation Mission in Bosnia
UNPROFOR – United Nation Protection Force
UNSAS – United Nation Stand-by Agreement System
SACEUR – Supreme Allied Commander Europe
EURFOR – European Force
SBS – State Border Service
IBA – Interest Based Approach
PBA- Power Based Approach
RBA – Right Based Approach

I. Introduction

The present research suggests an analysis on how the EU and the UN responded and managed with crisis resolution (CR) policies in Bosnia-Herzegovina. The latter should be done on basis of a specific framework gathered from the Conflict Resolution (CR) School. The aim is to identify the weaknesses and strengths of the CR policies which were formulated and implemented during the Bosnian crisis. The latter will then be completed by suggestions on how to improve CR policies of both IGO's.

A particular case which has called for international intervention occurred with the dissolution process of Yugoslavia. Although statistics tend to point out an overall decreasing tendency of war victims since the end of the Cold War[1], the Bosnian episode did remind the international community on the relativity of such tendencies.

Besides, the development of another phenomenon has also been accelerated since the end of the Cold War, namely multilateral peace operations. Hence, the numbers of conducted UN peace missions since 1948 is 63 of which 46 have been conducted since the 1990's (UN; 2008)[2].

More recently, regional organizations also attempt to create their own peace operation tools. So does the EU which has institutionalized its own structures for peace operations. Especially with the Council of Petersberg and the enforcement of the CFSP pillar since the Treaty of Maastricht, the EU has been enabled to make use of the Western European Union capabilities for "humanitarian and rescue tasks; peace-keeping tasks; tasks of combat forces in crisis management including peace-making" (WEU; 2007). Successive treaties have polished the latter tasks so to reach an EU institutionalization for peace operations.

With this thesis it will be concentrated on peace operations led by the EU and the UN within BiH. The choice of these two IGO's has been made because of various reasons. Thus the UN seems to be an unavoidable IGO for the management of legal peace operations. This is motivated not only by the international legitimacy given to the UN, but also because of its long time serving and framing of peacekeeping operations which has built a solid experience despite major failed missions likewise Rwanda and Somalia.

As for the EU it would be particularly interesting in observing the ongoing implementations of such a novel policy for an emerging international actor likewise the EU which until recently had no own operational instruments for peace operations. Thus by reviewing the EU's attitude during the BiH conflict, it could certainly help to understand why the EU has engaged in developing more coherent and institutionalized peace operation tools nowadays although it is not the aim of the present research.

Another interesting argument why it has been decided for the latter two IGO's is because of their (expected) close cooperation and collaboration in their missions. This is certainly due to

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[1] According to observational studies, the number of armed conflicts worldwide has declined by more than 40 % since 1990. The numbers of genocides have fallen down by 80 % between 1988 and 2001 and the number of refugees has diminished by 45 % between 1992 and 2003 (HSR; 2005). These numbers are of course subject to be put into perspective. However when comparing different sources, the latter show divergences in terms of numbers (often due to varying definitions of war deaths), but mostly agree on a linear decline of worldwide war deaths since the 1990's (HSR; 2005; p. 30).

[2] http://www.un.org/Depts/dpko/dpko/timeline/pages/timeline.html

the fact that the EU was directly concerned by the instability within its continent but also because the UN Charter relates to the cooperation with regional organizations for the maintenance of international peace and security (UN; Chapter VIII).

As for BiH, the choice has been motivated through several reasons. First BiH offers an interesting case because of the nature of its initial conflict. Indeed BiH is a territory where different ethnical groups coexist together despite an appalling conflicting history among themselves. Second, BiH is certainly the most important peace operation ever in terms of territory and deployed resources. Hence the Bosnian case provides IGO's with the most real-life scale experiences of peace missions. Also interesting is that although the Bosnian war started in 1992, the CR cycle is still not finished until nowadays where the peace-building phase is still an ongoing process.

Finally the geographical proximity of BiH is also attractive for this case study because BiH has been very present within European debates, studies and researches which by the same provides useful data on the latter case.

Now that the actors and case study have been introduced let us present quickly the approach as well as the central research question.

Hence the analysis of the two IGO's peace operations will be done on hand of a theoretical CR framework. Besides providing the research with the necessary analytical tools and concepts, the latter suggests subdividing the analysis accordingly to five components which are related to specific contexts and linked to varying degrees of conflict intensity. The CR framework distinguishes Conflict Prevention; Peacemaking; Peace-enforcement; Peacekeeping; and Peacebuilding.

Nevertheless it should be alerted here that the present thesis will only focus on four of them and exclude Peacebuilding. This is because the latter is of very complex and long-term nature which cannot be analyzed seriously and respectfully because of the quantitative limitation of the present thesis.

The central research question that should guide this thesis is quoted so to (1) identify the major failures of the management of EU/UN CR policies and (2) to suggest proposals for improvement so to avoid the latter failures.

To do so this thesis will be structured into three distinguished parts. The first part will discuss and present the theoretical framing of the thesis as well as the research design.

Hence the very first the theoretical part will present the research design of the present thesis. The purpose of the latter is to present the analysis path which has been set up for the present thesis. Thus it will also be the occasion to deepen and define the central research question into sub-questions which should lead this analysis to a coherent conclusion.

The second theoretical chapter will give a short overview on International Relations theories with major focus on the role and place of IGO's. This will present the theoretical context in which the EU and the UN have to be placed.

The last chapter of the first part will be of major importance and is directly concerned with CR theories. The latter will offer the necessary concepts, theories and framework for the analysis.

The second part of this thesis will contain the empirical analysis and findings.

Thus, the fourth chapter will shortly discuss the institutional design of the UN and the EU. However it will only be focused on those core areas which are sensitive to CR policies. The fifth chapter will put forward a short overview on the conditions and outcomes of the Bosnian war. Indeed there is no need to extend the latter chapter because of the rich literature and sources which do already exist about the Bosnian war.

The sixth chapter will introduce the EU/UN comparison on their CR policies. As said before the latter chapter will entail four different stages entailing conflict prevention; peacemaking; peace enforcement; and peacekeeping policies.

The last part of the thesis will discuss the major failures of the CR policies gathered within the second part and by the same it will invite for potential improvements. The improvement suggestions will be accompanied by an evaluation of the CR process based on defined approaches. Finally the analysis will end by generating hypotheses in order to allow further researches in line with the findings of this study.

II. Research Design

II.1. Introduction

The unfortunate events which happened in BiH have probably constituted one of the most telling examples of the structural problems for Third Party CR policies. Once could claim that the millions of displacements, hundred thousands of victims as well as the long-standing after-effects of inhuman treatments which has affected Bosnian citizens could have been reduced if the international community had acted appropriately at certain moments of the conflicts. Although the combats have been ended today, the Bosnian State seems still to be fragile because put on drip by the international community which covers a negative peace in BiH.

So to analyze what should and could have been done during these moments, it is proposed to examine the latter events according to a predefined framework within the present research design. As a research design it is understood as "a research strategy where the research design unfolds during the process of data collection and analysis. It almost always involves the collection of qualitative data, but can also involve quantitative data"[3] (Robson; p. 547; 2002).

II.2. Aim

To present the aim of the present research it should be distinguished among two different aspects. The first is of personal motivation whereas the second is concerned with the purpose of the research itself.

Concerning the personal reason I should say that the choice of the present topic reflects the combination of several personal interests. First to mention, is my interest for peace-studies. Indeed the present thesis will allow me to focus and even deepen my knowledge within the field of CR studies.

Second is my interest for the developing international regime and the public management of IGO's. The latter could be explained because I believe that IGO's continue its increasing role in its attempt to ensure a more secure future within a developing complex interdependent world.

Concerning the aim of the research, the latter attempts to identify failures and weaknesses so that they could be explicitly targeted and treated as subject for improvements. Furthermore the present research should contribute to the vast amounts of other studies which claim that such terrible events as happened in BiH could be prevented if action of the international community would be managed correctly in time and means.

Thus i.e. incoherency could easily be overcome if political will would be present especially by making the preservation of human lives its first priority.

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3 Or as "a plan that shows how a researcher intends to study an empirical question (…) indicating the appropriate "units of analysis (…)" (Johnson & Reynolds; p. 50; 2005).

II.3. Problem Analysis

The incapacity of the EC/EU to act as a unique actor had major negative influences on the conflict. Also the UN's traditional institutional designs (multiple veto power) as well as their principal guidelines for CR have hampered the formulation and implementation of appropriated CR policies. As a result the outcome of the war developed so far by causing over 200'000 victims, more than half of the population (2mio.) displaced, ethnic cleansing, erasure of the cultural heritages of the country as well as systematic rapes and tortures which have and will mark the consciousness of the population for decades if not more.

Of course neither the EU nor the UN is responsible for the above mentioned. Nevertheless various actions could have been undertaken so to prevent and/or protect the civilian population from an unreasonable total war.

For this reason, it is suggested within this research to focus on what were the major failures of CR policies conducted by the EU and the UN. Once these failures identified, it is invited to develop some suggestions on how CR policies could be improved.

To do so it is suggested to conduct the present research according to specific sub questions which should lead to answers for the central research question related to a specific case study. As a case study it is understood "a strategy for doing research which involves an empirical investigation of a particular contemporary phenomenon within its real life context using multiple sources of evidence" (Robson; p. 178; 2002).

II.4 Research Question

The central question which will be the aim of the present research is formulated as follows: "What could be done to avoid systematic failures of the EU and UN CR policies as occurred during the Bosnian war?"

As it can be read, the latter central research question is formulated in an inductive way. Indeed the question is built on the assumption that the EU and UN CR policies towards Bosnia entailed major weaknesses. However to answer the central question it is proposed to break the latter into two core sub questions which will guide the present research to a final central answer.

The first sub-question will be formulated in a way which will conduct the research towards the deterrence of the failures of UN/EU CR policies namely:
 "what were the major malfunctions of the UN and EU CR policies in BiH?"

To answer this first sub-question, it should be referred on a critical case study based on empirical observations of various operations conducted by the EU and the UN within the CR field in BiH. The findings which will emerge from this first sub-question will be essential for the guidance of the sub-sequent sub-question.

The second sub-question is set as: "how the major failures of the EU and UN CR policies could be improved?" This second sub-question will guide the efforts of the research to

propose improvements which could avoid mistakes and weaknesses of CR policies as detected during the first sub-question.

Indeed this second sub-question is strongly linked to the first one. The findings provided by the first will be used as focal points to guide the research for the establishment of improving proposals.

II.5. Methodology

The present research will be conducted throughout a non experimental design. As noticed by Reynolds, "although these methods are not as strong for making causal inferences, they allow the exploration of more realistic problems and even the study of non-individual units of analysis such as events, groups and aggregates" (Johnson ed.; p. 147; 2008).

As pointed out by the non experimental design, the presented analysis will follow a qualitative research. The conduction of a research based on a non experimental design and a qualitative approach is explained because the present case study is limited on a very small-N study which is based on the analysis and comparison of two IGO's at work. However a "small-N study may be used for exploratory, descriptive, or explanatory purposes" (Johnson ed.; p. 150; 2008).

As mentioned by Neuman, qualitative researches apply "logic in practice" and "speak a language of cases and contexts. (…) Qualitative researchers try to present authentic interpretations that are sensitive to specific social-historical contexts" (Neuman; p. 151; 2006).

Furthermore the research will entangle a descriptive analysis which follows an interpretive approach. The latter has been chosen because it fits at best to the present research. By the same it allows an in-depth analysis with many observations on the studied actors and furthermore it permits the development of innovative argumentations (Blatter; 2007).

The specificity of the interpretive approach lies in its roots which are embedded within the development of social sciences. Hence the "interpretive description acknowledges the constructed and contextual nature of human experience that at the same time allows for shared realities" (Thorne ed.; p. 5; 2004).

A core element of the interpretive approach lies in its initial assumption which states that "to understand actions, practices and institutions, we need to grasp the relevant meanings, beliefs and preferences of the people involved" (Finlayson; p. 130; 2004).

Furthermore the interpretive description resides on key principles which fit well with the present case study:
"(1) Multiple constructed realities that can be studied only holistically. Thus, reality is complex, contextual, constructed, and ultimately subjective.
(2) The inquirer and the "object" of inquiry interact to influence one another.
(3) No a priori theory could possibly encompass the multiple realities that are likely to be encountered; rather theory must emerge or be grounded in the data" (Kirkham; p. 5; 2004).

To sum up, Neuman invites for a definition of the interpretive approach as: "the systematic analysis of socially meaningful action through the direct detailed observation of people in natural settings in order to arrive at understandings and interpretations of how people create and maintain their social worlds" (Neuman; p. 88; 2006).

The advantages of the chosen methodology could be summarized in Neuman's words: "Qualitative researchers use a language of cases and contexts, employ bricolage, examine social processes and cases in their social context, and look at interpretations or the creation of meaning in specific settings. They look at social life from multiple points of view".

Furthermore it "offers considerable flexibility and adaptability" because it allows the investigator to define the importance given to the chosen theory in its confrontation with empirical observations (George & Benett; p. 182; 2005).

The major disadvantage is that theoretical predictions often cannot be tested in any rigorous and repetitive way. Nevertheless this does not mean that the descriptive-interpretive approach has no scientific validity.

Indeed according to scholars, "qualitative researchers see most areas of social life as intrinsically qualitative. To them, qualitative data are not imprecise or deficient; they are highly meaningful. (…) This evidence is just as "hard" and physical as that used by quantitative researcher to measure attitudes, social pressure, intelligence, and the like" (Neuman; p. 157; 2006).

Let us here consider again the theoretical assumption. Thus as defined within the corresponding chapter, it has been developed a particular theory gathered from CR Schools and from International Relations (IGO's) theories. The latter theories have been chosen so to confront their analytical and conceptual tools to empirical observations based on CR policies of the EU and the UN in BiH.

II.6. Operational method

As the present study is based on a descriptive and interpretive approach, it is proposed here to generate several hypotheses which will emerge throughout the findings of the empirical analysis.

In order to present the latter hypotheses it is suggested to confront the different conflict resolution phases with the various possible approaches (see theoretical part). Hence it will be made use of the different theoretical tool developed below so to analyze the crisis resolution process of the EU and the UN.

Hence while theory provides with helpful assessment and analytical tools which refer to defined conflicting situations, the latter can be applied with what will be presented within the empirical observations. As it will be shown below, the theoretical part distinguishes two major components which will help us to frame the analysis.

These two theoretical components will be of major importance within the chapter which is concerned with the discussion of the findings and recommendations for improvements of crisis resolution policies.

Following this line, the theoretical part based on International Relations theory will be used in order to place the studied IGO's into a defined context. This will enable us to assess the EU and IGO role and coordination within the process. Does the EU play its role of a regional organization driven by Chapter VI of the UN Charter? Are the EU and the UN member states coherent in their multilateral positions? (Etc).

As for the second theoretical component, namely Crisis Resolution theory, the latter will have two purposes. The first will use several crisis resolution approaches in order to assess the effectiveness of the conflict resolution process throughout the different conflict phases. As for the second purpose, it will serve as a reference tool so to suggest improved configurations of the conflict resolution process.

II.7. Bypassing pitfalls

As said above, descriptive-interpretive approach has the disadvantage to lack clarity and rigidity when empiric observations are tested on hand of theoretical assumptions. Therefore it should be added to the latter testing some extra initiatives so to enhance the credibility of the latter research.

To do so it is suggested to add some primary sources. The latter will be based on observations, comments and interviews provided by persons who were involved in the development of CR policies for BiH. This entails some data provided by soldiers who have been deployed within the UNPROFOR mission, Bosnian refugees who have been evacuated and offered asylum in Europe as well as opinions of academic experts.

Furthermore it will also be added several opinions and analysis of experts in the field of CR in Bosnia. Thus, to mention a few empirical sources it could be relied on several publications from institutions likewise "Operationsdepaix; International Crisis Group; or GRIP[4].

It will also be relied on analysis provided by the press which will be selected in accordance to the contextual situation. Thus, this means that it will be proceeded to important consultations of press archives so to discover criticisms on CR policies which have followed directly their implementation in time.

The planning of the present research will be set according to three major parts as detailed within the introduction.

The first one will build the theoretical part of the study. The second part will entail the empirical analysis of the CR policies raging from the Conflict Prevention to the Peacekeeping phase. Finally the last part will capture the results of the previous one so to proceed with the development of several suggestions for further improvements.

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[4] Groupe de Recherche et d'information sur la paix et la sécurité

III. Theoretical Background

III. 1. International Relations (IR) theories

Because the core actors of the present research are two IGO's namely the EU and the UN, it is fundamental to assess their place and role within the international regime. Therefore it is proposed here to give a short overview on the debates which confront the different mainstreams concerned with IR and especially in their positions concerning IGO's.

III.1.1. *International Organization Theories*

Looking for a starting point to explore the rise and characteristics of IGO's seems not to be that simple. A possible departure could be the Westphalia treaty which ended long-lasting periods of wars and instability among empires and kingdoms and has created a favorable ground for the development of IGO's.

Indeed by deductive reasoning it could yet be claimed that the emerging Nation-States deeply entrenched with the principle of national sovereignty which followed the Westphalia treaty have called for an urgent need to institutionalize inter-state relations.

Hence, following researches and literature, many date the first IGO's, seen as modern inter-state relations, on the 1815 Congress of Vienna which has given raise to the Concert of Europe. The latter was marked by occasionally meetings between the Great Powers to address various common political issues (Feld; 1994; p. 19). Nevertheless common issues at that time have already appealed for more functionalist IGO's so to institutionalize the coordination and collaboration among Nation-States[5].

Concerning the typology of IGO's several academics have identified specific characteristics (Feld; 1994). I.e. Feld, Jordan and Hurwitz relate to five features[6]

About the classification of IGO's Feld, Jordan and Hurwitz also distinguish several categories of IGO's. Thus the most overlapping are those of global and regional type. Next to it, it could be identified those of intercontinental type (OECD); universal (UN); federation of international organization (UN and its agencies).

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[5] Thus, it could be related to the Rhine Commission "whose purpose was to regulate traffic and trade along the Rhine River" (Feld; 1994; p. 19). Other fields have also called for more inter-state relations to focus on technical matters, i.e. the International Telegraph Union in 1865; l'Union Postale Universelle 1874; or the International Union of Railway Freight Transportation in 1890. There are much more example of early IGO's (or to be more appropriated with terminology, "Public International Unions"), and according to Feld, some of them have already made use of decision-makings procedures which involved majority voting. It could also be referred to other historically important IGO's likewise the Zollverein; the League of Nations; and various regional IGO's.

[6] (1) Purposive type, meaning "common or converging national interests of the member states (…) normally long-range in nature". (2) Result-oriented type, which (theoretically) underlies the "equal participation of all states (…) to the process of achieving IGO goals". (3) Institutional type, which "may be very simple i.e. based on a lightly staffed secretariat, of a complex type i.e. approaching the legislative, executive, and judicial branches of a national government". (4) Multilateral type, which simply means that IGO's are often established on the basis of an international treaty which entails its competences, norms and principles. (5) Legal entity, IGO's should be conferred with an international legal personality which enables them to be ruled by international law and act as a distinguished judicial actor.

Usually the function of IGO's is to advance economic performance, enhance collective security and improve scientific and technological capabilities and cooperation of the participating member states (Feld; p. 12; 1994).

III.1.2. *Realism School*

One of the first schools to mention is certainly the Realism one. The latter has brought some focuses on several core factors. First, the realists consider the international system as anarchical by reflecting interstate contacts as the result of a power struggle (Chatterjee; 1972). Within this anarchical system, the Nation-State has the central role to ensure its survival by exercising its power.

More recent developments of the realism stream have shaped a structuralism interpretation of the IR theory (Waltz; Marsheimer; Gilpin). Thus, i.e. K. Waltz's Neorealism also interprets the Nation-State as the central actor within IR although he recognizes the importance of other actors within IR but they are still considered as subordinated to the State.

Hence the realists seem to develop a strong state-centric approach based on the capacity of the States to exert power within the international scene. Nevertheless the concept of power is critically debated. According to Baldwin, there are various dimensions of power[7] (Carlsnaes; pp. 177-192; 2002).

It could be relied on two major approaches to conceive power, namely "power as resource" and "relational power" (Lasswell & Kaplan: p. 75; 1950). Thus the powers as resource approach considers first "the resources an actor has at its disposal (…)"[8], whereas "relational power" develops "the idea of power as a type of causation, (…) relationship in which the behavior[9] of actor A at least partially causes a change in the behavior of actor B" (Baldwin; p. 178; 2002).

Furthermore, realists as well as neorealists consider a dynamic Balance of Power among States within IR where they often rely on the dimension of power seen as resource power[10]. Changes within this balance often lead to the so-called security dilemma where one State decides to strengthen its military power in response to the strengthening of another State.

The latter realism assumptions have also a direct impact on their analytical framing about the role of IGO's within the international regime. Thus, for the state-centric realists, the creation of IGO's is conceived as a tool for States to address common transnational issues.

Henceforth, IGO's are interpreted in an instrumentalist way and is given no proper autonomy. The configuration of power diffusion within these IGO's is seen as the result of the Balance of Power where the most powerful States exerts important control.

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7 Thus, the scope, the domain, the Weight, the Costs, or the means understood as economic, symbolic, military or diplomatic; are all various aspects which must be assessed with the term of power (Baldwin; 2002; p.179).

8 Seen as a "possession, property, capability, or capacity of an actor" (Luitwieler; p.6; 2006).

9 "Behavior (…) understood broadly to include beliefs, attitudes, opinions, expectations, emotions and/or predispositions to act".

10 The development of this idea may also result into the "security dilemma" where further appropriation by one State of military resources leads the other States to follow the armament race.

For realists, IGO's first serve the most hegemonic powers in three ways: "(1) lower transaction costs; (2) the deflection of challenges to the institution by its weaker members and (3) increased stability under conditions of changes in relative power" otherwise the "hegemonic power would face high costs in negotiating a series of bilateral agreements than in negotiation a single multilateral agreement" (Martin; p. 783; 1992).

III.1.3. *Systemic School*

In opposition to the straightforward state-centric approach of the Realism Thought, more recent Schools have developed an alternative approach, namely the systemic approach (Nye & Keohane; p. 39; 1974). Hence according to Nye & Keohane the realists have as major weakness to be based on "two powerful simplifying assumptions namely (1) that governments are the only significant actors in world politics and (2) that governments are unified actors" (Keohane R. & Nye J.; p. 595; 1974)[11].

The systemic approach which best illustration is certainly Nye's and Keohane's "complex interdependency" theory seems to be appropriated to the present ongoing globalization phenomenon which is marked by important non-governmental relations.

The debate among the Systemic School have also considered the notion of power and distinguished; power as the ability of an actor to make another actor do what he would not have done; and power as control over the outcomes (Keohane & Nye; p. 11; 1977). Thus, also the Systemic recognize the complexity of measuring power.

Instead, the Interdependency School advocates a more dynamic interrelation among various actors. Thus, they conceive a systematical process among these actors and conceptualize the latter as (1) Transgovernmental relations which is "the direct interactions between agencies (governmental subunits) of different governments where those agencies act relatively autonomously from central governmental control. And (2) Transnational relations which "refers to interactions across the border in which at least one actor is nongovernmental" (Keohane & Nye; p. 596; 1974).

Complex interdependency is probably the most outstanding theory of the systemic approach. The latter identifies three main characteristics (Keohane & Nye; p. 24; 1977). (1) Multiple channels connecting societies (Transgovernmental & Transnational relations). (2) Absence of hierarchy among issues (meaning the interstate political agendas are composed of high as well as low politics). (3) There is no use of military force when complex interdependency prevails.

For Keohane and Nye, an equal distribution of power would probably require a symmetric interdependence among States. But in such a situation power would be nonsense. Hence as Keohane and Nye remind, "asymmetrical interdependence can be a source of power (…)

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11 Other criticism raised by Nye J. about Waltz' structural realism is that he "ignores international economic process and institutions that can also have strong effects on states' behavior" (Nye; p. 241, 1988). Other scholars also pretend that a major weakness of the realism theories lies in its numerous cases of false predictions (Nye; p. 243; 1988). Indeed, i.e. the inability for realists to predict the end of the Cold War was emblematic for realist opponents.

power as control over resources, or the potential to affect outcomes" (Keohane & Nye; p. 11; 1977)[12].

For the systemic approach, the rise of IGO's is one possible outcome among others which emerges so to respond the need to frame transnational and transgovernmental networks. Indeed for Nye & Keohane, IGO's are only a part of a much larger international conception, namely international regime.

Yet, "international regime" is defined as "sets of governing arrangements that affect relationships of interdependence" (Nye & Keohane; p. 19; 1977). The latter implies that the international regime could take forms likewise implicit networks of rules, norms, behavioral procedures as well as explicit forms as interstate agreements, treaties, conventions etc (Nye & Keohane; p. 20; 1977).

For Keohane and Nye, IGO's have major benefits for stronger States but also for the weaker. This because IGO's are frequently congenial institutions for weaker states by helping them pursuing linkage strategies. On the other hand more powerful states gain in efficiency in saving transaction costs and building coalitions throughout IGO's (Keohane & Nye; p 36; 1977)[13].

To illustrate how the complex interdependency theory conceives the relations, it is proposed to have a look at the design below:

Figure 1


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─────────────  Classic interstate politics
─ ─ ─ ─ ─ ─ ─  Domestic politics
─ · ─ · ─ · ─  Transnational interactions
G = Government
S = Society
IGO = Intergovernmental organization
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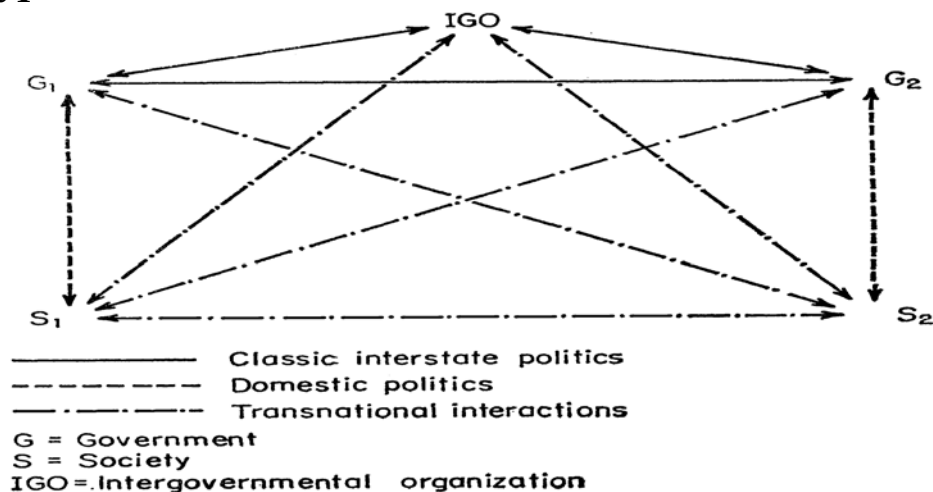
(Keohane & Nye; p.36; 1977)

Herewith it is immediately possible to recognize the large divergences between the systemic and the realism approach. Thus whereas realists place the State as the central actors

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[12] To be more precise, power as interdependency must be understood its two dimensional aspect namely sensitivity and vulnerability. Thus "sensitivity involves degrees of responsiveness within a policy framework (how quickly do changes in one country bring costly changes in another (…). The vulnerability dimension of interdependence rests on the relative availability and costliness of the alternatives that various actors face" (Keohane & Nye; p. 13; 1977).
[13] According to Keohane and Nye, there are five major effect exerted throughout IGO's: (1) attitude changes, (2) international pluralism, (3) increase in constraints on states through dependence, (4) increase in the ability of certain governments to influence others and (5) the emergence of autonomous actors with private foreign policies that may deliberately oppose or impinge on state policies (Keohane & Nye; p. 338; 1971).

throughout every possible transnational relation, the advocates of the systemic approach consider various possible links among various actors (governmental and private)[14].

III.1.4. *From Liberalism towards Functionalism*

Besides the systemic and the realist approach, the Liberalist approach should also be added. However the latter approach is deeply embedded within political and economical ideological roots. To resume, we could rely on the combination of works as these from Adam Smith and Immanuel Kant (...)[15]. Nevertheless, Liberalism has probably found a strong relay within the emergence of functionalist and neo-functionalist theories[16] (Nye; p. 239; 1988; Rosamond; p. 31; 2000).

To make it simple, the process of functionalist theories relies on the idea that "form follows function". Thus, IGO's should form its institutional design according to the need demanded to fulfill the assigned function. As Mitrany describes: "in a like manner the function determines its appropriate organs. It also reveals through practice the nature of the action required under the given conditions, and in that way the powers needed by the respective authority" (Rosamond; p. 36; 2000).

With the emerging Neo-functionalist approach, Haas has introduced a fundamental process describing the quasi-automatic process of integration throughout the "Spillover Effect". Thus, the latter concept shouldered most of the burden of explaining change (…), spillover referred to the way in which the creation and deepening of integration in one economic sector would create pressures for further economic integration within and beyond that sector, and greater authoritative capacity" (Rosamond; p. 60; 2000).

Thus, similarly to the liberal stream, the functionalists are convinced that throughout international economic integration would result into the enhancement of citizen's welfare which by the same will invite for peaceful progress.

Here it is also important to stress that functionalism and the systemic approach share common criticisms towards the Realists. Thus, likewise the Complex interdependency approach,

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[14] Nevertheless when looking at Keohane's and Nye's work once could raise some structuralism based on interstate relations. Thus i.e. "International regimes are intermediate factors between the power structure of an international system and the political and economic bargaining that takes place within it. The structure of the system (the distribution of power resources among states) profoundly affects the nature of the regime (the more or less loose set of formal and informal norms, rules, and procedure relevant to the system)" (Keohane & Nye; p. 21; 1977). Also, the term international organization is referred to "multilevel linkages, norms, and institutions. International organization in this sense is another type of world political structure" (Keohane & Nye; p. 54; 1977)

[15] As Rosamond reminds, "for the liberal founders of modern International Relations, conflict was not endemic to international politics. Nor was it an inevitable consequence of human nature (…) the imperfections of international politics could be engineered away. Systemic "anarchy" (the absence of any form of authority above the nation-state) could be replaced. The alternative "collective security", would be achieved in part by the progressive spread of liberal values (democracy & justice) and liberal processes (commerce), but also by the establishment of international organization and bodies of international law" (Rosamond; p. 21; 2000).

[16] R. Keohane identifies four causal strands of Liberalism which could be associated with the functionalist approach. Thus; "(1) commercial Liberalism, which asserts the pacific effects of trade; (2) democratic liberalism, which asserts the pacific effects of republican government; (3) regulatory liberalism, which asserts the importance of rules and institutions in affecting relations between countries; (4) sociological liberalism, which asserts the transformative effect of transnational contacts and coalitions on national attitudes and definitions of interests" (Nye; p. 246; 1988).

Functionalists and Neo-Functionalists reject the only state-centric approach to explain the formation of IGO's (Rosamond; p. 31; 2000).

Also the liberals (economic-centered approach) conceive the benefits of IGO's as a benefit for States. Thus they "understand world politics to be analogous to a market filled with utility-maximizing competitors. They see organizations as welfare-improving solutions to problems of incomplete information and high transactions costs." (Barnett & Finnemore; p. 703; 1999).

By giving such an instrumentalist reason about the role of IGO within international relations, the liberals and realists would also make States as principal responsible for the failure of IGO's. According to Barnett and Finnemore, "realists and neoliberals theories' might posit that state preferences and constraints are responsible for understanding IO dysfunctional behavior (…) IGO's do not have the luxury of choosing the optimal policy but rather are frequently forced to chose between the bad and the awful (…) (p. 717; 1999)[17].

III.2.1. Conflict Resolution Analytical Tools

The present chapter will focus on the theoretical concepts needed for the analysis of peace operations. To do so it will first be concentrated on distinguishing the different types of missions according to different conflict phases. The aim of this chapter is to spot the central features which will be used later on as focal points for the comparison of UN and EU peacekeeping types.

III.2.2. Analytical *assumption of Conflict Resolution (CR)*

To understand the operational value of CR it is important to distinguish the different latent components underlined by the latter term. To do so, it will be distinguished among two major components based on the concepts of (A) "Conflict" and (B) "Resolution" respectively Third-Party intervention. The reason why it has been decided to analytically separate the definition of CR is because the latter must be seen as a path to peace which is constantly linked to the nature of the conflict.

(A) As Morton Deutsch reminds us, "Conflict" is a very subjective term. It can apply within various levels i.e. in relations between individuals, groups, organizations, States. Furthermore, the type of the conflict itself often depends on the "nature of the interdependence existing between the conflicting parties, the kinds of strategies and tactics

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[17] Thus the Realist and Liberalist conception of IGO's also strongly reminds the Principal-agent theory which "is based on clear separation between agents (those performing a particular function) and principals (the clients who specify the functions to be performed) (openlearn; 2008). In the case of IGO's it is evident that IGO's have the role of "agents whereas State act as "principals". Nevertheless, the principal-agent analysis differs in an important way with the idea that the IGO's have no proper autonomy. The latter analysis conceives the autonomy of IGO's as an original force independent from States and due to the agents willing to root their existence as an independent actor. Said otherwise : " IOs can become autonomous sites of authority, independent from the state "principals" who may have created them, because of power flowing from at least two sources: (1) the legitimacy of the rational-legal authority they embody, and (2) control over technical expertise and information." (Barnett & Finnemore; p. 705; 1992).

they employ, the nature of the conflict process, the types of methods for intervening in conflict and the types of conflict outcomes" (Vayrynen; p. 26; 1991).

Referring to Wallensteen, three major conflict components could systematically be identified. Hence we distinguish; incompatibilities (diverging interests); actors (conflicting parties); and actions (attempts of the parties to maximize the accomplishment of its interests). By combining the three components Wallensteen invites for a complete definition of a conflict as "a social situation in which a minimum of two actors strive to acquire at the same moment in time an available set of scarce resources" (Wallensteen; p. 15; 2006).

Additional features for conflict could be used to deepen Wallensteen's definition.
First, Conflicts appear to be mixed-motive in which the conflicting parties have cooperative and competitive interests.
Second, conflicts can entail two extreme opposite function raging from constructive - in the sense that it "is the root of personal and social change"- to destructive - meant as "association with social disorder and war".
Third and depending on the first one, conflicts permit two types of processes for CR;
(1) the "integrative bargaining/cooperative process" and (2) the "distributive bargaining/competitive process". The latter processes will be major determinants on the nature of the conflict, namely constructive or destructive (Vayrynen; p. 27; 1991).

(B) Now it would be interesting to develop the conceptual link between conflict and resolution. To do so, it could be referred to a famous framework developed by Johan Galtung. The latter framework distinguishes three necessary features which form a full conflict (Ramsbotham; pp. 9-11; 2005).

Indeed Galtung frames a theoretical model which is set on a triangular basis encompassing (1) contradiction; (2) attitude; (3) behavior.

- ➢ The contradiction is seen as the actual or perceived "incompatibility of goals" between the conflict parties generated by a "mis-match between social values and social structure"[18].

- ➢ Attitude includes the "parties' perceptions and misperceptions of each other and of themselves". The latter includes emotive-feelings, cognitive-beliefs as well as conative-will elements.

- ➢ Behavior includes "cooperation or coercion, gestures signifying conciliation or hostility". As reminds us Galtung, cases of violent conflicts behavior are "characterized by threats, coercion and destructive relationships, competing material interests or behaviors are said to have an instrumental view of the sources of conflict".

Furthermore the three components must be seen within a dynamic process in which they are permanently "changing and influencing one another" (Ramsbotham; p. 10; 2005). Once the process has reached a certain extent of intensity, the latter develops to an overt conflict[19].

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[18] In case of a symmetric conflict, the "contradiction is defined by the parties, their interests and the case of interests between them; whereas in an asymmetric conflict, it is defined by the parties, their relationship and the conflict of interests inherent in the relationship".

[19] The Figures 2.- 4.below are extracted from Ramsbotham

Figure 2

Contradiction

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              Contradiction
                   /\
                  /  \
                 /    \
                /      \
               /        \
              /          \
             /_____\
       Attitude         Behavior
```
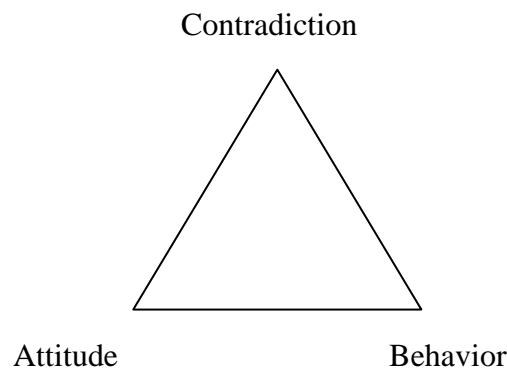
Once it has reached the overt conflict, Galtung goes further by distinguishing between direct violence, structural violence and cultural violence[20]. According to this and related to the three components mentioned above (contradiction; attitude; behavior), Galtung argues that: direct violence can be ended by changing behavior; structural violence can be ended by removing structural contradictions and injustices, and cultural violence could be ended by changing attitudes.

Figure 3

```
            Structural Violence
                   /\
                  /  \
                 /    \
                /      \
               /        \
              /          \
             /_____\
  Cultural Violence    Direct Violence
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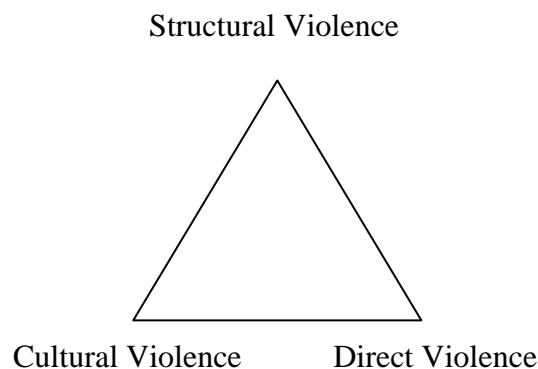
According to the links which have been illustrated above, CR strategies should be adapted to each situation. To do so, Galtung states that peacebuilding should be implied to resolve structural violence; peacemaking to resolve cultural violence and peacekeeping to resolve direct violence[21].

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[20] "Direct violence, (…), is referred to physical injuries, (…) may also take the form of verbal and psychological abuse. (…) it is personal, visible, manifest and non-structural. (…) harming the body, mind and spirit. The use of direct violence happens either randomly or intentionally (…). The capacity of violence is institutionalized in prison systems, concentration camps, military forces and militia" (Jeong; p. 20; 2000).
Structural violence occurs when "quality of life is reduced by denial of educational opportunities, free speech and freedom of association (…) associated with uneven life chances, inequitable distribution of resources and unequal decision-making power. It is typically built into the very structure of society and cultural institutions. Inegalitarism and discriminatory practices can be imposed on individuals or groups in systematic and organized ways by political institutions" (Jeong; pp. 20-21; 2000).
Cultural violence as "Religion, ideology, art, empirical science, as they touch upon the symbolic sphere of our existence, can be pointed out as possible sources of cultural violence" (Jeong; p. 23; 2000).
[21] Definition and differences among the different kinds of CR will be extended below.

Figure 4

Peacebuilding

Peacemaking   Peacekeeping
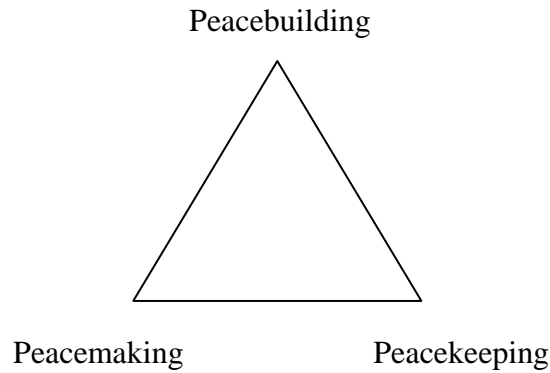
Herewith by merging the different dynamic presented above it is possible to present a unified overview:

Figure 5.

Contradiction - Structural Violence - Peacebuilding
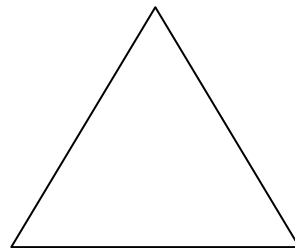
Attitude - Cultural Violence - Peacemaking   Behavior -Direct Violence- Peacekeeping

Last to mention, Galtung also distinguishes different kinds of peace, namely the "negative peace" and "positive peace". In the first scenario, peace must be seen as the cessation of direct violence where conflict turns into a latent conflict in which contradictions are not (totally) resolved. In the second scenario, peace is seen as a real peace where structural and cultural violence have been overcome.

III.3. Third-Party Intervention

To make use of a Third Party intervention as an explicit component of CR, it is here invited to agree with Fetherston's claims which states that: "Conflict resolution is a non-coercive third party intervention strategy that aims to facilitate a self-supporting, long-term end to violence within a framework that is beneficial to all parties" (Fetherston; p. 105; 1994). The latter definition might seem reasonable and appropriate for the present research. However there is one point which must be put into perspective, namely the non-coercive aspect of the third party underlined within the last definition.

Because of the non-coercive aspect proposed by Fetherston, it might be useful to introduce Mitchell's distinction within the Third Party. Thus Mitchell distinguishes between two types of Third Party interventions namely the "interveners" and "intermediaries". The difference is that the intermediary has no coercive power, whereas the intervener has some (Fetherston; p. 106; 1994).

According to Laue, interventional Third-Party occurs "when an outside party self-consciously enters into a conflict situation with the objective of influencing the conflict in a direction the intervener defines as desirable. All intervention alters the power configuration among the parties, thus all conflict intervention is advocacy. There are no neutrals"[22] (Fetherston; p. 106; 1994).

However most Third Party arbitration occurs within asymmetric conflicts. In such situations, Third Parties should support the weakest conflicting party so to change the structure which of course is not in the interest of the strongest warring party. As a result emerges the major obstacle to produce a win-win resolution because the intervention of the Third Party will alter the balance of power which was predominant before intervention (Ramsbotham; p. 21; 2007).

Hence we can deduce that the function of the Third Party will depend on the typology of the Third Party. According to what Laue defines as "intermediary" the function will be based on non-coercive actions likewise mediation; conciliation, problem-solving, negotiation and facilitation. Whereas "intervener" composed by powerful Third Parties can exert coercive means and will have another type of functions likewise; enforcement, non-forcible coercion and mediation with muscle.

Figure 6

Box 5: Coercive and non-coercive third party intervention
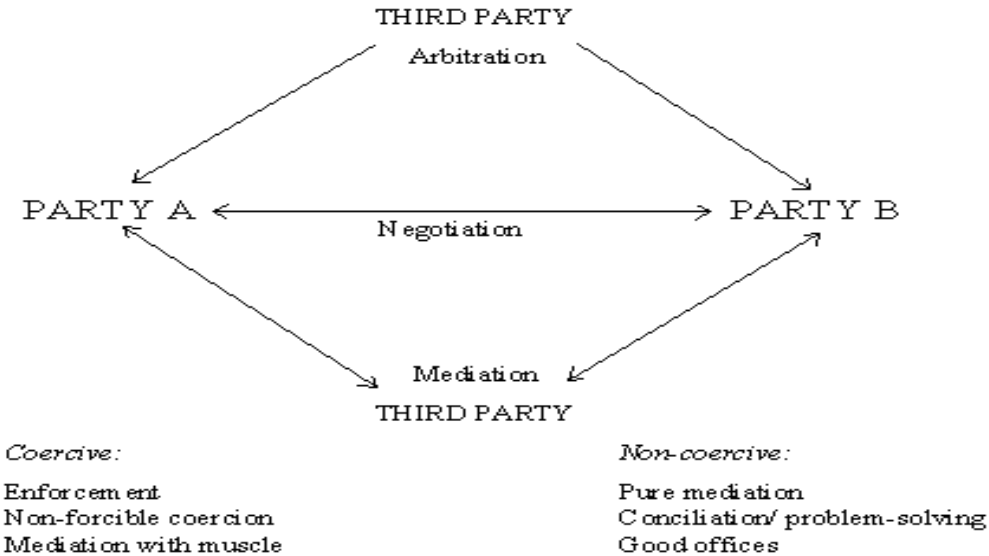
(Ramsbotham; p. 18; 2005)

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[22] Particularly interesting with the latter definition is the fact that there are no neutrals. The latter is also confirmed by Ramsbotham, Woodhouse and Miall. Thus, they also consider different kind of Third Party interveners, namely the "pure" mediators which are seen as powerless. Here, "Powerless" is meant to be in terms of resource contribution to solve a conflict. Nevertheless pure mediators can have powerful communications. On the other side exists powerful third parties "whose entry alters not only the communication structure but also the power balance". In this case, the use of negative or positive incentives (the politics of stick and carrot) may contribute to Laue's definition of the non-neutral intervener (Ramsbotham; pp. 18-20; 2007).

III.4. Typology of Third Party intervention

III.4.1. *Interest, Power and Right-based approaches*

Above, we have distinguished among two types of Third party intervention namely the coercive intervener and the non-coercive intermediary. However with the present subchapter it is proposed to extent the distinction. To do so, it is invited here to focus on the typology of the Third Party influence.

Ury, Brett and Goldberg have worked out three aspects to analyze Third-Party CR types (especially focused on the UN). These aspects are the power-based (PBA), rights-based (RBA) and interest-based approach (IBA) (Peck; p. 10; 1996). These three approaches are not mutually exclusive. In contrast they must be seen as asymmetrically completing the CR process (Peck; p. 11; 1996).

The PBA supposes the ability to make someone do something that he does not want to do by imposing damages and costs or by threatening him to do so. Threats within negotiations are core driving forces within the power based approach whether of military or diplomatic kinds (Ury, p. 5; 1988).

In terms of Cost-Effectiveness, the PBA is the most expensive approach in terms of "time, energy, money, as well as enormous destruction of resources and social relations"[23]. Centered on Third-Party interventions based on a power approach, it could be relied to the chapter VII of the UN Charter. Thus, the latter allows the Security Council to set up an international enforcement force as well as economic and communicational sanctions on conflicting parties so to impose cease fires or/and resolve conflicts (UN; art. 41 & 42; Chapter VII).

Next to the PBA, the RBA coexists where parties "try to determine who is right according to some standard" (I.e. by following international law) (Peck; p. 11; 1996). The RBA might involve "formal (adjudication in courts) and informal law (arbitration, and alternate dispute resolution)" (Conflict Resolution Theory; 2008). The latter approach is considered as being less expensive than the PBA but at the same time more expensive than the IBA[24].

Finally the IBA in which "parties attempt to reconcile their underlying interests by discovering solutions which will bridge their different needs, aspirations, fears or concerns in a manner that is satisfactory to both" (Peck; p. 10; 1996).

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[23] Furthermore, a conflict which is resolved by a power contest tends to confirm a zero-sum game where one party (the winners) are satisfied with the outcome whereas the other party (the losers) will have to tolerate an unequal outcome at their expense. This situation of course leads to what Galtung defined as a "negative peace" (see above) and by the same it will sustain latent conflict which is favorable for the emergence of a future violent conflict. Also to mention; the use of violent means to impose a conflict settlement often leads to the destruction of the relationship among the conflicting parties and by the way buries potential direct dialogues between them.

[24] Nevertheless the rights-based approach has in common with the power-based approach to define one winner and one loser. By doing so, the losing party will see its interests unsatisfied whereas the winners will strengthen their initial position by a legal legitimization. To illustrate the rights-based approach, it could be mentioned the Chapter VI of the United Nations Charter which invites conflicting parties to seek for peaceful solution by various means as "mediation, negotiation, investigation, judicial" (UN Charter; art. 33; Chapter VI). For this aim the UN has set up an International Court of Justice which should be used to settle international conflicts (UN; Chapter XIV).

To illustrate best the IBA, Burton has set up the "human needs theory". According to the latter theory the settlement of a conflict will be reached once certain conditions are met[25]. Within this approach, the most productive method is identified as the integrative bargaining process[26].

The IBA is recognized as the cheapest and most effective approach. Indeed because the latter approach's goal is to address the roots of the conflict by trying to fulfill each conflicting parties' interests. Thus, chances to satisfy each party will be enhanced and by the same a peaceful resolution will be more likely to achieve a positive peace on long-term[27].

Below you will find a table which groups and defines in more details the three different approaches:

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[25] As pre-conditions, Burton mentions: "control, security, justice, stimulation, response, meaning, rationality and esteem, recognition" (Conflict Resolution Theory; 2008).

[26] Meaning "negotiations in which the focus in on merits of the issues and the parties try to enlarge the available "pie" rather than stake claims to certain portions of it (...) involves both concession making and searching for mutually profitable solutions" (Conflict Resolution Theory; 2008).

[27] Traditional means to comply with the interest-based approach could also be found within the UN Charter. Thus, we have already mentioned means provided by the Chapter VI concerning the mediation to resolve conflicts by seeking the fulfillment of each conflicting parties interests. More precisely it could also be referred to the special role given to the Secretary-General (or/and the Security Council) to slip on his functions of negotiation, good offices and mediation. Another possibility to do so is also provided by the UN Charter which entails a special Chapter concerning Regional Agreements (UN; Chapter VIII). Thus, the CH VIII allows or better said encourages an active role of regional organizations to contribute throughout peaceful means to CRs. Nevertheless, the same Chapter forbids every coercive action without the authorization of the UN Security Council (UN; art. 53; Chapter VIII).

Figure 7

TABLE 1 *The Three Approaches in Conflict Resolution*

	Power-based Approach	*Rights-based Approach*	*Interest-based Approach*
Description of approach	Disputing parties try to determine who is most powerful through a power contest. War is the most obvious and extreme version of this approach, but less intense forms are also common. In negotiations using this approach, parties engage in "hard bargaining": Each side adopts and justifies hard-line positions and tries to convince the other to make concessions through various tactics and ploys, or to outmaneuver the other.	Disputing parties try to determine who is right according to some standard (e.g., international law). Each presents arguments or evidence to prove that the other has violated some agreed-upon rule, such as a treaty, convention, or accepted custom.	Disputing parties attempt to reconcile their underlying interests by discovering solutions that will bridge their different needs, aspirations, fears, or concerns in a manner that is satisfactory to both.
Cost-effectivity	Least cost-effective.	In between the two other approaches.	Most cost-effective.
Cost	This consumes more time, energy, and money than other approaches. When a power contest escalates, it often leads to enormous destruction of resources (through deaths, injury, property or infrastructural damage) and lost opportunities (for trade, etc.).	Less costly than power-based approach. More costly than interest-based approach.	Because it attempts to address and meet the parties' underlying interests and to achieve a satisfactory outcome for all concerned, it is unlikely to lead to the destruction of resources.
Effectivity	In a power contest, losing party is often dissatisfied with the outcome. The conflict appears solved but is only temporarily settled. Unaddressed grievances and dissatisfaction can make the resolution unstable and result in a recurrence of the conflict once the losing side has regained sufficient strength to renew the struggle.	While one party may be judged to be "in the right" and therefore to have its position upheld, the other is left with its interest unaddressed. As well, the adversarial nature of a rights contest inevitably strains the relationship, although not as seriously as in a power contest.	Because the goal is to meet all parties' interest, disputants are more likely to be satisfied with the outcome. Use of such a problem-solving approach thus minimizes damage to the long-term relationship. Since the parties' concerns will have been addressed, the conflict is less likely to recur and the resolution will be more stable.

SOURCE: Connie Peck, *The United Nations as a Dispute Settlement System* (The Hague: Kluwer, 1996), pp. 10–12.

III.5 Conflict Resolution

As it has been shown above, CR is used as a process which mingles conflicts with Third Party intervention/intermediary accordingly to various possible approaches. However before presenting a CR ladder, it is herewith invited to agree on a final satisfying definition of CR.

"Conflict Resolution is a more comprehensive term which implies that the deep-rooted source of conflict are addressed, and resolved. This implies that behavior is no longer violent, attitudes are no longer hostile, and the structure of the conflict has been changed. (…) It is difficult to avoid ambiguity since the term is used to refer both to the process to bring about these changes, and to the completion of the process" (Ramsbotham; p. 29; 2005).

Here the authors explicitly refer to the ambiguity of the term CR and it is important to reaffirm herewith that for the use of this research, CR is considered as a process!

Now that these fundamental details have been clarified it is herewith proposed to set up a framework which enables an analysis of Third-Party interventions in accordance to the conflict phase. This framework does not skip the approaches presented above. In contrast the following framework will be of major use to frame the CR process in accordance to what has been demonstrated above.

III.6. Conflict Resolution framework

There are several models of conflict escalation and de-escalation stages[28]. Thus, i.e. Ramsbotham, Woodhouse and Miall consider 9 steps in their model. To shortly depict them, it starts with initial issues based on "(1) differences and escalates by moving up to (2) contradictions, (3) polarization, (4) violence until the top of the conflicting situation namely (5) war. Afterwards the de-escalation process overtakes the process and enters into the phase of (6) ceasefire, (7) agreement, (8) normalization and finally (9) reconciliation" (Ramsbotham; p. 11; 2005).

Figure 8
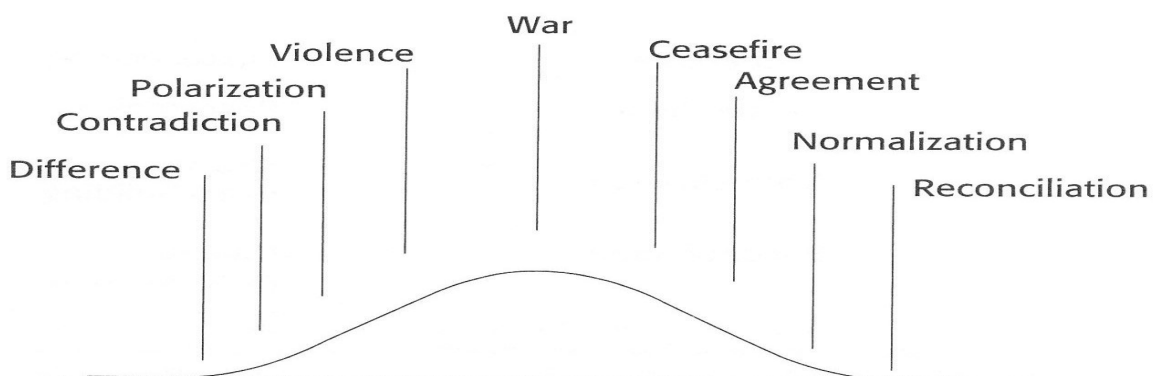
Figure 1.2   Conflict escalation and de-escalation

(Ramsbotham; p. 11; 2005)

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[28] It could also be made mention on the typology proposed by the School of Advanced International Studies (SAIS) of the John Hopkins University. The latter proposes a CR toolkit which distinguishes different phases namely: "(1) the rising of tensions (Polarization & Militarization); (2) perceived incompatibility of interest; (3) destructive violence; (4) Negative attitudes related to socio-economic issues and Trauma; (5) Collapsed States with weak political institutions and devastated economy" (SAIS; 2008).

Distinguishing the above components is helpful to define the nature and the stage reached by the conflict. Below it is invited to consider an intervention framework for Third Parties. It is herewith invited to make use of the framework presented by the UN for CR (UN; 2008).

Hence the settlement of conflicts is considered by the UN as multivariable and dependant on the conflict stage. To do so, the UN considers five different mission stages to counter, contain or settle violent conflicts. These different types can be entitled as: Conflict Prevention; Peace-making; Peace enforcement; Peacekeeping and Peacebuilding[29].

Although all this missions have all a common final aim, namely to restore a peaceful situation and at best a "positive peace"; they have different means and different strategies which are adapted to the conflicting stage as presented by Ramsbotham, Woodhouse and Miall.

Let us here relate these different peace missions to different phases. Nevertheless to do so it seems necessary to define the different missions (UN; pp. 17- 20; 2008).

First, Conflict Prevention (CP). The latter "involves the application of structural or diplomatic measures to keep intra-state or inter-states tensions and disputes from escalating into a violent conflict. "(…) built on structured early warning, information gathering, good offices and analysis of the factors driving the conflict. (…)". According to its definition, CP should be applied during the first steps of the escalation phase namely "contradiction" and "polarization". This particular moment precedes the escalation phase characterized by overt hostilities and warfare.

Second phase is characterized by Peacemaking missions, which "includes measures to address conflicts in progress and usually involves diplomatic action to bring hostile parties to a negotiated agreement. (…) Peacemakers may also be envoys, governments, groups of states, regional organizations or the UN (conducted by) unofficial and non-governmental groups or by prominent personality working independently" (UN; pp. 17-18).

Thus, by using the term "hostility" the latter definition can be applied to ongoing physical violent situations characterized by the escalation phase towards "violence" and "war".

Hence, it can be said here that the major difference between Conflict Prevention and Peacemaking resides in the outbreak of physical violence. Nevertheless Peacemaking does not imply coercive actions from Third Parties but rather more intermediary actions.

Thirdly, the UN framework distinguishes Peace enforcement. In this case, it "involves the application, with the authorization of the Security Council, of a range of coercive measures, including the use of military force. (…). The Security Council may appeal to regional organizations and agencies for enforcement actions under its authority"[30].

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[29] Nevertheless the present research will limit itself to the four first of them and not focus on peacebuilding

[30] Unfortunately, I feel obliged to criticize one core element of the Peace-enforcement definition proposed by the UN. Thus, the latter states that the use of military forces is submitted to the authorization of the Security Council. Nevertheless several observations have permits to claim that several peace-enforcement operations with the use of military forces have been conducted without the authorization of the Security Council i.e. Kosovo or Bosnia.

Here we can observe the major difference between the two previous missions which resides within the use of coercive Third Party intervention to impose cease fire. However similarly to Peacemaking, Peace-enforcement occurs during the stages of "violence" and "war" of the escalation phase.

Fourth to mention is Peacekeeping. Thus, the latter is considered as a "technique designed to preserve peace, however fragile, where fighting has been halted and furthermore to assist in implementing agreements achieved by the peacemakers". It ranges from observation missions of cease-fires as well as the separation of forces likewise suggested by the DDR program (Disarmament; Demobilization; Reintegration). Furthermore peacekeeping requires multiple-actor participation raging from military forces; police forces as well as civil elements.

Thus, as the definition suggests, peacekeeping is mostly implemented once cease-fire has been imposed and it could logically be stated that the latter occurs during the de-escalation phase which is characterized by "cease fire" and "agreement" policies[31].

According to several authors, the envoy of military troops, policemen or even civilians which is required for peacemaking, peace-enforcement; peace-keeping and peace-building should normally be carried out according to four conditions (Zacarias; p. 17; 1996):

1. Agreement of the international community represented by the members of the Security Council.
2. Agreement of the warring parties, to the conflict if it lies within states boundaries, on the need to establish the mission.
3. Readiness of UN member countries to provide contingents for the mission.
4. Existence on the ground of a peace to be kept.

Nevertheless and as already discussed above on peace-enforcement, it seems that in praxis the four conditions are barely fulfilled. Concerning the first point, military coercive actions might occur without the authorization of the Security Council. As for the second point, it could be mentioned that in asymmetrical conflicts, the potential winners are less likely to allow a field intervention which would influence the balance of power at their expense and by the same hampering the potential victory of the strongest party.

Concerning the third point, it could be reminded the weak readiness to provide troops depends mostly on a restrained number of countries. Thus, by considering that altogether, the EU, the US and Japan contributes for 80 % of the total peace operation costs[32], it seems more adequate to criticize the reluctance of Western Countries to send troops and to provide the adapted logistics[33] (EU; p. 7; 2004).

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[31] Finally but not fundamental for the present research is peacebuilding which is "is a complex, long-term process of creating the necessary conditions for sustainable peace. It works by addressing the deep-rooted, structural causes of violent conflict in a comprehensive manner. (…) seek to enhance the capacity of the State to effectively and legitimately carry out its core functions". The latter implies during the de-escalation phase where "normalization" and "reconciliation" policies are tried to be implemented.

[32] EU 38 %; USA 22 %; Japan 20 %; Rest of the World 20 %. *The enlarging EU and the UN, making multilateralism matter*.

[33] Nevertheless, this argument can be discussed when taking into account the peace operations conducted i.e. by regional organization likewise the African Union and which are only composed by African countries.

As for the last point (a peace to be kept), the latter is strongly dependant on the type of conflict. Thus conflicts which have assisted to genocides (Rwanda; Srebrenica) or major human rights violations seem rather difficult to be resolved by keeping the conflicting parties under a common roof. At best such situations could be maintained as a negative peace for a short term.

IV. Contextual Background

IV.1. Overview of the Bosnian War

After the end of the Cold War and of the east-west cleavage, nationalist parties in the Ex-Socialist Federal Republic of Yugoslavia (FRY) found a vacuum to start struggling for power on the basis of ethnical claims. To emphasize the "Marxist" explanation of the reasons which led to conflicts among the different ethnical communities, it could also be related to the economic frustrations of the FRY which occurred at the beginning of the 80's following Tito's death[34] (Boidevaix; p. 21; 1997).

Before the dissolution of FRY the latter was a multicultural-ethnic state where all communities had equal rights and where borders were not designed according to ethnical divisions. Nevertheless "power-hungry elites indoctrinated members of minorities" and others who were not willing to fight "their neighbors'". "Ethnic antagonism revitalized historical conflict (…) that survived under the surface (of the Titoist period)" (Kempf; 1999).

In BiH there are three major ethnic communities, the Bosniaks (48%); Serbs (37 %) and Croats (15 %) (CIA; 2008). Previously ethnicity was not a politicized question because of the communist heritage. However the dissolution of the FRY has also brought the weakened central communist party being replaced in BiH by nationalist parties which were based themselves on the three above mentioned communities.

Following an ethnical logic, the "descent into war" resulted according to two developments (Shoup; 1999). The first is based on a top-down logic where "the three national parties began a purge of state administrations, replacing those cadres still loyal to the Titoist system (communist/socialist party) with persons loyal to the national parties. The second development is based on external interrelated factors. One major aspect of the latter was the dissolution wars opposing Croatia and Slovenia to the FRY during the summer 1991. Hence "Croats and Serbs from Bosnia joined fray" (Shoup; p. 62; 1999).

The ongoing ethnical divisions have resulted into the establishment of a self-determination referendum on March 1992 in order to vote for or against the independence of BiH. Although the Bosnian Serbs boycotted the latter, 62.7 % of the total population voted for the independence (Shoup; p. 117; 1999). Following the results, the parliament declared in April 1992 the independence of BiH.

In response, the Serbian entity led by Radovan Karadzic declared the independence of the Serbian part of BiH namely the Republika Srpska. International recognition was expressed for the independence of BiH but not for the Republika Srpska.

Hence, Serb forces entered Bosnian ground in April 1992 and laid siege to several cities. "In mid-April all of BiH was engulfed in war" (Shoup; p. 129; 1999). After these events followed a total war opposing the Serbs against a Muslim-Croat coalition which ended with the Dayton agreement in November 1995[35].

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[34] Growing inflation rate in FRY: 60 % in 1984; 80 % in 1985; 90 % in 1986. Growing unemployment rate: 14 % in 1981; 17 % in 1986. Foreign debt in 1984: USD 20'000 mio. (De la Haye; p. 153; 2001)

[35] It should be mentioned here that Bosnian warring parties were not following such a simplified confrontation. The warring parties were often composed by a complex alliance between small militias. There were moments

As a result, the war had awful outcomes in many different aspects.

First in terms of human lives, around 100'000 people have been killed (ICTY; 2008)[36]. Second, several reports have shown that 2.4 to 2.7 mio. people have been displaced internally or outside the country between 1992 and 1995. The latter represented 55 % - 62 % of the total population (Sardon; p. 768; 2000). Internally, there were still 131.600 displaced people in 2007 (CIA; 2008).

To illustrate furthermore the intensity of the war, it can be relied on the presence of 440 prisons and camps, 320 mass graves and 900 incidents of mass killing mostly civilians (RDCS; 2008). The darkest episode was the massacre organized in Srebrenica where 8'000 Bosniaks have been executed.

Finally, the multicultural roots of BiH have also been destroyed. Hence to illustrate it, let us mention "the devastation of cultural heritage and sacral complexes". Thus, 917 Muslim sacral complexes have been totally destroyed, 700 others lightly or heavily damaged. Over 300 Catholic sites have been damaged and 34 orthodox sites as well as 7 Jewish sites. Once could also mention 850 totally destroyed villages as well as the hundreds of attacks on health and educational infrastructures (RDCS; 2008).

The intention of these destructive actions was probably the result of a total war which intended to destroy any trace of "centuries long multiethnic cultural and religious tradition, coexistence and respect for differences of the Bosnian society" (RDCS; 2008).

IV.1. 2 *International or National Ambiguity of the Bosnian War*

Various debates have also emerged on the question if the Bosnian War was a civil or an international war. The latter debate is based on the larger context of the dissolution process of FRY. Evidences have been pointed out of the intervention and control of the FRY authorities over the Bosnian Serb armies. It could also be related to uses of non-state forces involving mafia-militias likewise the troops of Arkan; Russian mercenaries fighting on Serbian side, Mujahidin's identified as fighting on Muslim-Bosnian side as well as the overt support of at that time ruling Croat President Franjo Tudjman to Bosnian-Croats was also determinant.

As Boris Tadic current president of Serbia claimed in the Appeals Chamber of the ICJFY in 1999: "Yugoslav Army exercised overall control over the Bosnian Serb Forces. Such control manifested itself not only in financial, logistical and other assistance and support, but also, and more importantly, in terms of participation in the general direction, coordination and supervision of the activities and operations of the VRS[37].

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and places where Croats were fighting Muslims likewise in Mostar. Nevertheless it could be said that mostly the common configuration was Croat-Muslim vs. Serb.

[36] However this number is contested. E.g. the Research and Documentation Center Sarajevo has claimed for 250'000 victims and 96'000 others still missing (RDCS; 2008). Jean-Paul Sardon has reported 200'000 – 300'000 victims in BiH which represented 5 % - 7 % of the population (Sardon; p. 767; 2000). According to a UN report the war killed 200'000 people and displaced 1.2 mio. others.

[37] The Army of the Serbian Republic of Bosnia and Herzegovina/Republika Srpska.

Hence, even after May 19 1992[38] the armed conflict in Bosnia and Herzegovina between the Bosnian Serbs and the central authorities of Bosnia and Herzegovina must be classified as an international armed conflict." (Human Rights Watch; 2008[39]).

The latter point on how to define the war is/was crucial especially for legal questions likewise the UN principle of non-intervention within internal affairs.

Thus as shown above, the war which took place was a harsh rupture within a multicultural society marked by ethnic cleansings, displacements of people, massacres and participation of various actors of all kind. Once could ask the question on the credibility of a unitary state within a territory with such a bloody history.

Figure 9

(International Crisis Group; 2008)

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[38] Date where the FRY army was officially withdrawing its troops from BiH. However in reality it did so by leaving most Bosnian Serb soldiers as well as massive heavy military equipment.
[39] Extract from the ICJFY, July 15, 1999, para. 87

IV.2 Overview of the EU/UN institutional design for crisis resolution policies

In this chapter it is proposed to present the institutional design entailing the most important formal organs of the decision-making process for CR policies. The aim here is to offer the formal-legal aspect of how the Black Box is institutionalized within the EU and the UN in the field of CR policies.

Thus, concerning the UN, it must be distinguished among six principal organs which are the General Assembly; Secretariat; Security Council; Economic and Social Council; International Court of Justice; and the Trusteeship Council. Nevertheless it will only be focused on the first three of them.

First, the General Assembly (GA) of the UN which is composed of all Member States is competent to discuss all issues concerned within the UN Charter except those studied by the Security Council (Zacarias; p. 24; 1996). The GA may produce recommendations to the Member States and to the Security Council. It should also be made mention of the division of six committees of the GA according to different areas namely; (1) disarmament and international security issues, (2) economic and financial issues; (3) Social , humanitarian, and cultural matters; (4) special political and decolonization issues; (5) administrative and budgetary matters; (6) questions of international law.

Specific committees for peace-missions are the Committee of 34 - which should have produced general guidelines for peacekeeping operations - and the Fifth above mentioned committee (Fetherston; p. 6; 1994). Concerning the fifth committee, it could be referred to the Advisory Committee on Administrative and Budgetary Questions (ACABQ) which is charged for approval of draft budget for peacekeeping missions and monitoring of its budgets. Furthermore, the ACABQ "consists of 16 governmental experts which discusses in detail financial implications of the proposed budget outline with the Secretariat. It does not meet in public and decides its conclusion by consensus" (Volger; p. 15; 2000).

Another capital organ is the Security Council which is composed by 15 members of whom five are permanent (UK; USA; China; France; Russia). The core element of the latter five is of course that they are all decisive veto players within the decision-making process of the UN. Interestingly, as noticed by Kaufmann, the practice of voluntary abstention by the permanent members has "diminished the potential destructive influence of the veto" (Kaufmann; p. 44, 1980), but the latter still remains dependant on the arbitrary willing of the five veto players. As for the other ten members, they are "elected in rotation for two years each" (Zacarias; p. 25; 1996).

To illustrate the importance given to the Security Council within the UN system it could be relied on Nicholas' observations: "although it (the Charter) gives the SC little or nothing to do with the administration of the UN organization, the Charter makes its initiative and consent necessary before the General Assembly can proceed or discharge two of its most essential functions- the election of a Secretary General and the admission of new members" (Nicholas; p. 85; 1976).

As reported by Fetherston, there are two categories of voting. Votes on procedural issues (i.e. to accept a report by the SG) requires a straight majority of nine votes of 15, whereas votes on substantive issues (i.e. vote on a resolution) the majority of nine votes is necessary including the five permanent members (Fetherston; p. 5; 1994).

Furthermore, the SC has been assigned by the Charter with the "primary responsibility for the maintenance of international peace and security (…) it may act with regard to the peaceful settlement of disputes and acts with respect to peace threats, breaches and acts of aggression" (Kaufmann; p. 43; 1980).

When it comes to CR policies the responsibility to act or not lies on the SC. Thus, as arranged by chapters VI; VII; VIII and XII[40] of the UN Charter, the SC is the responsible organ for the definition and approval of the mandates which establishes and frame peace operations (Zacarias; p. 25; 1996).

Concerning the Secretariat, the latter is the "UN's executive body responsible for implementing the decisions of the General Assembly and the Security Council". Furthermore the Secretariat may offer advices to committees, commissions and other UN bodies. In principle its staff should be apolitical and independent from any national government. The head of the Secretariat is the Secretary-General who is elected by the General Assembly on recommendation of the SC (Zacarias; p. 26; 1996).

Traditionally the SG used to be responsible for administrative questions. Nevertheless the SG has been assigned with two important additional powers. The first is that the SG has (1) "an important role to play as a mediator and as an informal adviser of many Governments" and (2) "to bring to the attention of the Security Council any matter (not merely any dispute or situation) which, in his opinion, may threaten the maintenance of international peace and security" (UN Charter; art. 99).

To sum up, it could be said that members of the GA and the SG may all make propositions for the establishment of peace-missions. However, it is up to the only SC to take the decision to establish a mission or not. If the latter agrees, than it is again up to the SC to define the mandate of the operations.

Afterwards, the latter is transferred to specialized departments likewise the Department of Peacekeeping Operations (DPKO) which has to recruit from Member States the necessary logistics, troops, and staff for the missions. The DPKO works in close cooperation with the ACABQ which approves the budget and transfers the budget proposal to the Fifth Committee and to the GA for formal approval (Zacarias; p. 27; 1996).

According to what has been said above, it could be deducted that the decisive player in the decision-making process is the Security-Council. However the mediation function (good offices), the limited agenda-setting power given to the SG, as well as the bureaucratic processes for budget approval, point out some core actions of the SG and GA.

Concerning the CR policies within the EU framework, it must be said that it is a lot more complicated. In the coming writings it will just be focused on the second pillar of the EU. However it should be made clear here that the EU has specific approaches to CR policies which are taken from its own past experiences and call for complex inter-pillar strategies.

The latter comprehends the intervention of specific trade policies and other economic and integration policies which are directed towards non-stable countries so to create complex

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40 "The United Nations shall establish under its authority an international trusteeship system for the administration and supervision of such territories as may be placed hereunder by subsequent individual agreements. These territories are hereinafter referred to as trust territories" (UN Charter; Chapter XII).

interdependent networks among these countries. This should then result in peaceful relations and stable states. In the case of BiH, it could be referred i.e. to the CARDS programme[41].

The second pillar, Common Foreign and Security Policy (CFSP) pillar, is of decisive importance for the development and implementation of CR policies outside the EU space. The core element of the decision-making process is marked by the intergovernmental process.

Hence policies concerned with foreign policy, security and defence are not common EU policy but remain national sovereign areas where the Parliament and the Commission have limited control (essentially advisory or consultative power) and where the Court of Justice has almost no authority (EU; 2008).

Hence decisions taken in the latter area have to be taken by unanimity which also means that each Member State is a veto player. Nevertheless the Treaties have also provided the possibility for each Member State to opt for constructive abstentions so not to block the Council. To make it simple, "consensus" is the key decision-making term which is ruling within the Council.

To give a flavor of a united European CFSP, the latter is embodied by a High-Representative for CFSP and Secretary-General (HRSG) of the EU. The role assigned to the latter is above all of representative nature. Nevertheless the HR/SG may address proposals but has no decisive power.

CR policies which call for the deployment of military, police or civil staff on behalf of the EU are part of the second pillar. The latter policies are known as the "Petersberg tasks" and entail: "humanitarian and rescue tasks; peace-keeping tasks; and tasks of combat forces in crisis management, including peacemaking" (EU Treaty; art. 17).

Furthermore, since 1994, the EU has engaged together with NATO to strengthen their strategic collaboration. The latter reached its highpoint with "Berlin plus" agreement at the NATO Washington Summit in 1999[42]. The latter is composed of major arrangements of which the most important related to CR policies are certainly: the "assured access to NATO planning capabilities for EU-led Crisis Management Operations (CMO); the availability of NATO assets and capabilities for EU-led CMO; arrangements for coherent and mutually reinforcing Capability Requirements" (NATO; 2008).

Last to mention, is the internal structure which has been set up to execute the "Petersberg Tasks". Thus, it must be distinguished among the Political and Security Committee (PSC) which is a permanent body with the missions to: "monitor the international situation in the areas covered by the common foreign and security policy; to contribute to the definition of policies; to monitor implementation of the Council's decisions; as well as to exercise political control and strategic direction of crisis management operations" (EU; 2008).

To assist the latter organ, the EU Military Staff (EUMS) has been assigned to monitor early warning situations as well as to assess conflict situations and the needed strategy to resolve it. It also provides military information to the EU SG/HR (EU; 2008).

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[41] "The CARDS programme is intended to provide Community assistance to the countries of South-Eastern Europe with a view to their participation in the stabilization and association process with the European Union" (EU; 2008).
[42] http://www.nato.int/shape/news/2003/shape_eu/se030822a.htm

Next to it, the EU Military Committee (EUMC) groups permanent representatives of the Chiefs of Defence of all Member States. The latter organ produces advices and recommendations on military issues (EU; 2008).

Finally it must also be referred to the Civicom organ. The latter has been set up in 2000 so to have a specialized committee for civilian crisis management. The latter provides the Council and the above cited committees with reports and recommendations on the civilian aspects of crisis management (Eur-lex; 2000/354/PESC).

Thus it seems that the UN and the EU have an important similarity when it comes to CR policies, namely an intergovernmental decision-making procedure. Hence the latter could certainly be claimed as a disadvantage for rapid, coherent and effective policies within hostile areas. However it should be reminded that especially for the EU institutional tools which are specific to CR policies are quiet novel and developing areas whereas the UN tools seem to run according to its traditional organs.

V. Empirical Findings

V.1. Conflict Prevention (CP)

V.1.1. *Introduction to dual attitudes*

This chapter will analyse how the UN and the EU (EC at that time) have accomplished CP tasks in order to prevent the escalation of the Bosnian conflict onto warfare. However to do so, it should be agreed on a starting point for analysis. The latter is not an easy task because the dissolution process of the Former Republic of Yugoslavia (FRY) could be dated accordingly with the end of the Cold War and is of very complex nature.

Therefore it has been opted to distinguish two starting points listed within sub-chapters below. Hence, at first place it is agreed, with Bourg & Shoup, that the outcome of the Bosnian elections in November 1990 "was certainly crucial" understood as a cause leading to the outbreak of Bosnian warfare[43]. As cited by the latter authors, "it was a tragedy of the first order that the first truly free elections in BiH have delivered power to three nationalist parties claiming to represent the three ethnic communities, rather than (…) the non-nationalist forces, democratic or former communist (…) (elections) based of fear " (Bourg & Shoup; p. 56; 1999).

Following these events, the three main ethnic-based parties (SDA-Muslim; SDS-Serbs; HDZ-Croats) have dominated the electoral outcome within the Chamber of Citizens, of Municipalities as well as the Presidential Elections (see annexe). The reason why the latter electoral moment has been selected as the starting point of a conflict to come is unfortunately related to the external events to Bosnia namely the secession conflicts which occurred on nationalist claims in Croatia and Slovenia (Rogier; 2.1.2; 2001).

Therefore a second starting point will be reviewed in the second sub-chapter. The latter is related to a more long-term analysis which takes a short overview into account by focusing on several "missed opportunities" (De La Haye; 2001) of the EU and UN to undertake initiatives in order to prevent the dissolution of FRY or at least to accompany the latter by peaceful solutions.

Henceforth it will be proceeded with the analysis of the CP initiatives of the EC and UN which occurred before the Bosnian war outbreak of April 1992. To remember the definition adopted within the theoretical chapter of CR, CP is understood as "the application of structural or diplomatic measures to keep intra-state or inter-states tensions and disputes from escalating into violent conflict" (UN; 17; 2008).

V.1.2. *Conflict Prevention vs. State Recognition*

The question of recognition is a complex point especially for the Bosnian case. This because the latter could be seen as an attempt to prevent a conflict[44] but paradoxically at the same time it was an argument for non-action on behalf of the EC and the UN within BiH.

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[43] See contextual description of BiH for more details on the process leading to warfare (economic and social problems).

[44] Because the secession of Bosnia was a question of time, recognition seemed to be an option to avoid conflict by imposing the force of facts of an accepted independent BiH to the conflicting parties.

First it is invited to look at the argument for non-action. The latter argument is directly concerned with the traditional Westphalia Nation-State principle as well as the dominant principles of the United Nations concerning the respect of national sovereignty and non interference within internal affairs[45].

Furthermore the conflicting climate within BiH in the beginning of the 90's has shown some signs of negative peace, nevertheless there was still no tangible reason to take major CP initiatives[46]. Hence the latter situation politically and legally disabled any interference into internal affairs as long as the Security Council has not given its agreement[47].

However after the successive independence declarations of several FRY republics[48] the question of recognition of BiH turned to be more complex. As the reactions from the Serb-led FRY have shown, declarations of independence of Slovenia and Croatia have immediately been followed by military interventions. Following this line it appeared to be clear that the recognition of BiH became a question of CP.

This could certainly be illustrated by Serb-leaders' attitude of that time. Thus i.e. it has been quoted that "the president of Serbia officially warned that if Yugoslavia became a confederation of independent states, Serbia would demand territory from neighbouring republics to bring all of the country's 8.5 mio. Serbs into one single state" (Sudetic; 1991).

More radically, the chief of the Bosnian Serbs (Karadzic R.) claimed in front of the Bosnian parliament after the independence vote that "the way you have opted for is the same highway that conducted Croatia into hell, except that this one will be even more serious and that the Muslim nation could disappear[49]" (Rogier; 2001). According to Rogier, Serb leaders attitude could be explained by intimidation strategies so to push for independence and by the same offering a pretext to Belgrad for military intervention.

Therefore at the early stages of the conflict, the EC and the UN have shown their reserves to deal directly with Bosnian authorities and behaved likewise in order to prevent the conflict in BiH. These reserves were especially formulated by that time Secretary General (SG) Perez de Cuellar who tried to counter the German and Austrian authorities in their willingness to recognize BiH's independence at an early stage. The SG's words were clear: "early, selective recognition could widen the conflict and fuel an explosive situation, especially in BiH" (UN; SG report 53/35; 1999).

On the recognition issue, the EC and its institutions were incoherent and divided on the question. The latter division was especially marked by the France-German motor. Indeed, the German authorities throughout the voice of its Foreign affairs Minister Genscher, as well as the Austrian authorities, have announced that they would recognize the independence of BiH,

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[45] To remember, "the Organization (UN) is based on the principle of the sovereign equality of all its Members. (…) Nothing contained in the present Charter (except enforcement measures under Chapter VII) shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state or shall require the Members to submit such matters to settlement under the present Charter" (UN Charter; Chapter I; art. 2).

[46] Not more than in other Nation-States which were dealing with a nationalist recrudescence after the end of the Cold War

[47] See also Helsinki Final Act ; Chapter VI; August 1975

[48] Macedonia, Croatia, Slovenia, attempted independence of Kosovo

[49] Traduced from french

whereas Mitterrand's France was pushing for the status quo of a unified FRY[50] (Boidevaix; p. 30; 1997).

It could be relied on several major reasons why Germany has been so straightforward in its decision to recognize unilaterally the secessionist Republics of FRY. First is because of the principle of people's right to self-determination. Indeed the context of the reunification of Germany could be an explanation to the unconditional supportive mood. A second reason is of economic and political order. Thus, at that time, half of Germany's investments in FRY were located in Croatia and Slovenia. Third, the political importance of the refugees was very important. Hence to illustrate, the only city of Stuttgart counted more Yugoslav refugees (mostly from Croatia) as entire France (Boidevaix; p. 31; 1997)[51].

However, not only the Member States were divided on the question of recognition of the Yugoslav Republic. Hence, also the European Parliament has voted on the 13th of March 1991 that it would recognize the independence of each federal state if the latter would proclaim it (De la Haye; p. 164; 2001).

Considering all this, the EC has shown its incapacity to act as a united actor and by the same has reduced its capacity to prevent a conflict. Even worse, such an ambiguous attitude could be considered as an input for the outbreak of the war. Furthermore the EC has also shown its incapacity to align with the UN position expressed by the Secretary General who urged for the non-early recognition of the ongoing secessionist process of the FRY.

Thus, to overcome the issue of recognition the EC established an arbitration commission lead by a French jurist named Robert Badinter. The latter commission finally came to the conclusion that FRY was "a country in dissolution rather than a country from which regions had seceded". By doing so, the commission pushed/authorized the EC Member States to recognize the federal entities as independent[52]. As mentioned by Burg and Shoup, "the decision made recognition of the former republics inevitable, and pushed BiH closer to war" (p. 93; 1999).

Thus, the EC submitted the recognition of an independent Bosnia to several criteria[53] and as suggested by the Badinter Commission, to the organization of a referendum. The latter EC position was adopted on December 16 1991. As a reaction, five days later the Bosnian Serbs of Krajina announced the formation of the Serb Republic (Republika Srpska) of BiH and its independence in January 1992, but the latter has never been recognized neither by the UN nor by the EC (Bourg & Shoup; p. 97; 1999).

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[50] Germany's incentives were more based on internal politics (refugees, right to self-determination, commercial advantages…) whereas France's incentives were more external politics meaning geopolitico/stategic questions.

[51] A more theoretical framework to explain incoherence in the development of a unified foreign policy under a common institution could is proposed by Morgan. The latter states that the incoherence must be explained by the legacies brought by each MS. Hence Morgan identifies four discrete problems namely (1) internal problems of the Community among their MS which will show external repercussions. (2) Commercial competition among the MS. (3) differing geographical perspectives related to historical traditions. (4) different interests of the MS in the international system (Morgan; p. 235; 1992)

[52] Indeed the Badinter commission had been set up a commission of judicial nature.

[53] Internal democracy, good faith commitment to the peaceful negotiation of their disputes, respect for the UN Charter, Helsinki Final Act, Rule of Law, human rights, and the rights of ethnic and national minorities as called for by the draft plan prepared by the conference on Yugoslavia, and respect of the inviolability of borders and the principle that they might be changed only by peaceful means, and finally the acceptance of the peace process embodied by the EC (Bourg & Shoup; p. 96; 1999).

Finally federal authorities of BiH submitted their independence to a popular referendum which was boycotted by the Bosnian Serbs[54]. The results of the referendum organized on the first of March were clear, 99 % of voters voted for the independence (ceri-sciencespo; 2008). Following the latter results the UN recognized the new state on May 22 by admitting BiH as a full UN Member State (UN; A/RES/46/237).

The EC officially recognized the new BiH State on April 6 and expressed its "confidence that the decision would help end the violence in the ethnically mixed region" (IHT[55]; April 7; 1992).

Hence, after Bosnian referendum, the country entered a new conflict phase marked by direct physical violence. Following the recognition declaration of the EC, Bosnian Serbs started the Siege of Sarajevo. From this moment on CP was not appropriated anymore and the conflict entered a new stage which called for new approaches.

V.1.3. *CP during the dissolution of the FRY*

As it has been seen above, the recognition of BiH was a two sided issue. First, it seems as the recognition of BiH has been adopted in a spirit to prevent the outbreak of the war. Nevertheless it seems that the latter accelerated the beginning of warfare by giving a pretext to Bosnian Serbs to start hostilities. Therefore it could be said that the latter initiative of the EC and the UN failed completely. Second, before recognition, BiH was still considered as a Federal entity of the FRY and therefore the EC and the UN had centred their prevention policies on the dissolution of the FRY.

Thus because before recognition the EC and the UN had to deal with the central authorities of FRY, this sub-chapter will offer an analysis on CP policies conducted by the EU and by the UN so to prevent the war as a result of the dissolution process of BiH from the FRY.

The dissolution process of the FRY was far foreseen. Indeed it could be argued that with the death of President Tito in 1980, Yugoslavia "has been beset by serious economic difficulties, by the re-appearance of problems in inter-nationality relations, by renewed intellectual dissent, by a clear decline in the effectiveness of established decision-making institutions and procedures, and by an increasing level of conflict and declining level of cohesion in the (central communist) party leadership" (Burg; p. 170; 1986).

More interestingly, according to Chossudovsky, the dissolution of the FRY is directly linked to the macro-economical restructuring programmes which have been imposed to Belgrade during the 80's by the IMF. This occurred because the latter programmes have contributed to the disintegration of the industrial sector as well as the dismantling of the Welfare-State which left an impoverished country to the mercy of politico-ethnical elites (Chossudovsky; p. 243; 2003).

Although the dissolution of the FRY was announced by a deep crisis touching several stratums of the Yugoslav society, there has been no sign of concrete CP policies neither from the EC nor from the UN. This situation continued until the nationalist parties overtook

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[54] Without counting the participation of the Bosnian Serbs, there was still a mobilisation of 64 % of the BiH's voters (ceri-sciencespo; 2008)
[55] International Herald Tribune

political control and put the independence question of different Republics on the political agenda; said otherwise: it was too late[56].

Even worse the first early signs of EU/UN CP initiatives were requested by the FRY authorities (government and parliament) themselves. As noticed by De la Haye, "by the end of 1989 the federal parliament voted (unanimously) for an European Declaration, which pushed European integration as a strategic foreign policy interest for Yugoslavia" (p. 156; 2001).

However no substantive reaction in form of an invitation to an integrative process came on behalf of the EC. The latter situation is regrettable because it would have been a possibility to submit the FRY to a conditional process for integrative purposes which could have been able to accompany a peaceful dissolution or may even invite for a stabilization/integration progress of an unified FRY.

Instead, poor answers have been given by the European Commission in form of evasive statements. Thus i.e., on February 1990 the EC stated that Yugoslavia could be a candidate for aid if it would commit itself to "the rule of law, respect for human rights, establishment of multiparty systems, free and fair elections and economic liberalization with a view to introducing market economies" (*NYT*; February 2; 1990).

Furthermore, by feeling that the different federal entities of the FRY were all motivated to step closer to an EC integration process, the latter responded that a united and democratic Yugoslavia stands the best chance of integrating itself into a new Europe (EC Press Release 35/91)[57].

After the elections organised in 1990 within the different republics, it was too late. The nationalists won the elections in Croatia, Slovenia, Macedonia and later on in BiH[58]. Important to mention herewith is also the "missed opportunity" for the EU and the UN to assist the elections which took place in BiH in 1990 (De la Haye; p. 158; 2001).

This because "the victory of the nationalist parties in the elections of 1990 was in some sense fraudulent, based on fear rather than on popular support for the views of the nationalist themselves" (Bourg & Shoup; p. 56; 1999). Hence, an international observation committee or/and technical assistance which would have supervised the elections in BiH could have had an impact on the electoral outcome (De la Haye; p. 159; 2001).

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[56] Nevertheless it could be relied on several and early economic aid programmes especially from the International Monetary Fund, i.e. in 1984, credits from the IMF to sustain the Yugoslav banking system (*NYT*; March 1; 1984); furthermore a "loan and debt- rescheduling program worth $2 billion from 15 Western governments and commercial banks that helped the country meet debt repayments totalling $5.39 billion in 1984" (*NYT*; September 19; 1989); "Mr. Markovic, who visited Mr. Bush at the White House, was pressing for American financial aid and for help in obtaining new loans to ease Yugoslavia's $19 billion foreign debt and help steer the country toward a market economy" (*NYT*; October 14; 1989) (…).

[57] Informal Ministerial Meeting on Yugoslavia, 26 March 1991

[58] It will not be focused here on CP policies which have been conducted in Croatia or other Republics, the only focus will be on BiH. If interested within the other Republics it should be paid attention to the European Troika dialogue with the Yugoslav-Croat authorities as well as the UN missions UNPROFOR mission or the outcome of the Brioni agreement.

Finally, the EC did also not include the FRY in its strategic and financial programme PHARE which has been launched in 1989 to assist the eastern countries and former soviet countries in their transformation process into suitable democracies (Council Regulation (EEC) No 3906/89). However the latter could have been combined with the 1989 FRY demand for closer cooperation (integrative process) with the EC.

Instead, it was only once the Slovenian independence war broke out, that the EC made a first substantive step to prevent further escalation. Thus, in June 1991, the EC proposed a first substantial economic and financial aid of around ECU 730 mio. to support the FRY (De La Haye; June 29; 1991). Nevertheless it was too late because now where the dissolution war began, the latter threatened to reach the neighbouring republics. Thus CP policies had to target BiH within a short term framework.

Hence, the EC and the UN have in this CP phases "missed the window of opportunity" for structural support to the central FRY government. The preservation of a united FRY was not tenable anymore and "emphasis should be placed on ensuring its peaceful break-up" (De la Haye; p. 163; 2001).

V.1.4. *Desperate Initiatives to prevent BiH from conflict*

Because the outbreak of the independence wars broke out in Slovenia and Croatia, the spread of the war into BiH was a question of time. No one could have denied it at that time and as a result the EU and the UN have launched several initiatives to contain the Yugoslav war and to prevent the emerging conflict in BiH[59].

Thus, in September 1991, the EC organized an institutional structure so to create a dialogue box which would concentrate on Yugoslavian conflict(s). Hence the Conference on Yugoslavia (CY) was initiated in The Hague grouping the EC Member States, the President of the FRY, the other presidents of the Yugoslav Republics, non EC members which were members of the CSCE, as well as several representatives from various IGO's and NGO's.

The first meetings of the CY found accordance among EC Member States that an enforced unilateral modification of Yugoslavian borders would never be recognized. Also the latter conference had expressed its commitment to elaborate peaceful solutions so to end the ongoing conflicts and to prevent its spread to BiH (UN; A/46/453; September 11 1991). Furthermore the courses and outcomes of the CY were marked by a close cooperation and information procedure with UN authorities especially with the Secretary General.

Soon, the CY integrated other organizations to support the CP process. Thus, the CY recruited observation committees under the West European Union structure so to monitor the conflicting process. However from the very beginning the CY seemed to express the unwillingness of the Members to organize preventive military troops (UN; S/23059; September 20; 1991). By doing so, the CY has probably relieved worries of warring parties which were threatening to engage warfare within BiH, whereas having declared the opposite, could have worried the conflicting parties and at least delayed warfare.

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59 It could fist be made mention of some low politics initiatives adopted by the EC likewise the : "immediate suspension of the application of the trade and cooperation agreement with Yugoslavia and a decision to terminate the same agreement; restoration of the quantitative limits for textiles; removal of Yugoslavia from the list of beneficiaries of the General System of Preferences (…) " (Dehousse; p. 142; 1993)

It could be made mention of propositions shaped by the CY. Thus, before outbreak of the Bosnian war, Lord Carrington (President of the CY) and José Cutileiro (Portuguese diplomat) introduced a peace plan which has given birth to the Lisbon Declaration (February 1992) henceforth called the Carrington-Cutileiro Plan (CC plan).

To sum up, the CC plan proposed a power-sharing framework marked by a "weak central government with most administrative powers devolved to the district level" (PCPP[60]; 2008). The latter districts would have been divided among the different ethnical entities. Furthermore the peace plan suggested several initiatives to protect ethnic minorities.

Nevertheless the CC plan has been confronted to the major opposition of the three leading ethnical parties of BiH, especially from the central government headed by President Alija Izetbegovic who was strongly opposed to any further weakening of the central authority (PCPP; 2008)

Figure 10

(PC&PP; 2008)

The CC plan which was promoted by the CY and backed up by the EC was highly criticized. Indeed, because the near-coming conflict in BiH was motivated by ethnic-territorial claims, the CC plan seemed to reinforce the roots of the conflict itself by admitting that ethnic repartition is the only solution. Thus no alternatives to the substantive separation and superficial unity of BiH have been put on the table so to resolve the emerging conflict.

The major failure of the CC plan resided in the fact that it envisaged "autonomy only for areas in which persons belonging to a nation or ethnic minority form a majority (…). In Bosnia's

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[60] Partition Conflict and Peace Process http://www.partitionconflicts.com/partitions/

case, vast areas would have fallen outside (…) it would result in large scale population transfer and the plan disenfranchised those of mixed background" as well as those who consider themselves as Bosnian first and not Croatian or Serb (Karadjis; p. 65; 2000).

The above mentioned initiatives were mainly introduced by the EC. However the UN has also taken some actions so to prevent the Bosnian War. Nevertheless these actions which occurred before the outbreak of the war were two sided. On the one hand they must be seen as peace-making policies applied to dissolution war opposing Croatia and the FRY. On the other hand, these actions could be seen as attempts to prevent the conflict in BiH[61].

Thus, in September 1991 the Security Council (SC) has agreed unanimously to support the EC in its implementation of cease-fire as well as to send observers to monitor the respect of the latter in Croatia[62]. Also to mention is the direct requirement stated by the SC so to involve the Secretary General's "good offices" in the negotiation and consultation for the settlement of a peace process.

One of the most important policy during the CP phase occurred in September 1991 throughout an immediate implementation of "a general and complete embargo on all deliveries of weapons and military equipment to Yugoslavia" (UN; SC Resolution 713; September 25 1991).

Nevertheless the reality seemed to be more ambiguous. Hence it has been noticed by certain experts that the embargo was not respected by the international community. According to Berghezan, in less than two years, over 5'000 tons of military equipment has been sent from Iran to Bosnia. Other deliveries have been provided by other countries likewise Turkey, Saudi Arabia as well as the USA and Germany. It has also been reported that Germany's secret services have made use of humanitarian convoys so to smuggle weapons into Bosnia (Berghezan; 1998).

Furthermore at the end of 1991, the UN, throughout the engagement of the SC, seemed to be more and more ready to prepare a preventive action in form of a preventive deployment. Nevertheless the non-respect of the cease-fire pushed the SC for reluctance to do so. Instead the UN invited for a deployment of "a small group of personnel, including military personnel, as a part of the continuing mission of his (Secretary General) Personal Envoy" so to prepare a possible peace force (UN; SC Res. 724; December 1991)[63].

Also important to mention, the UN seemed to show increasing interest on the ongoing conflict in Yugoslavia. Hence it also committed Members of the SC, CY, but also other organs likewise the Red Cross and the UNHCR, to engage in an important informative mission on the situation in Yugoslavia, especially concerning the violation of the embargo (Res. 724). The latter initiative seems to be in accordance with one of the principle of CP initiatives as formulated in the "UN Agenda for Peace" namely "Fact Finding" and "Early Warning" measures (UN; A/47/277; June 1992).

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[61] Extract from the Security Council Resolution 713: "Deeply concerned by the fighting in Yugoslavia which is causing a heavy loss of human life and material damage, and by the consequences for the countries of the region, in particular the border areas of neighbouring countries (Bosnia)" (UN; Res. 713; September 25; 1991).
[62] Throughout the European Community Monitoring Mission (ECMM).
[63] Thus 50 military liaison officers have been sent to Yugoslavia in January 1992 to assess a possible deployment of the peacekeeping force (*NYT*; January 11; 1992).

Nevertheless the implemented initiative was fragile. Thus i.e. after a grave incident in January 1992 in which a Yugoslav air force MIG shot down an helicopter transporting five personals form the European Community Monitoring Mission (ECMM) (*NYT*; January 11; 1992), the EC decided to suspend the ECMM mission in Yugoslavia (Sudetic; January 9; 1992).

V.1.5 *Peacekeeping in Croatia and its impacts on CP in Bosnia*

The continuation of negotiations under the massive efforts of the CY as well as of the UN Secretary General's envoys has assisted a ceasefire between Yugoslavia and Croatia. The latter with the recommendation of SG Boutros Ghali (S/23592) has permitted an agreement to send a peacekeeping force into Croatia so to monitor the respect of the cease-fire under the UNPROFOR mission[64].

Nevertheless this peacekeeping mission had serious implications on the CP initiatives in BiH although UNPROFOR headquarters have been installed in Sarajevo (March 1992) because it was believed that "the presence of UNPROFOR in BiH would prove a stabilizing factor amid the increasing tensions in the country" (UN; A/54/549; November 1999). The latter UNPROFOR efforts were concentrated on Croatia and provided before June 1992 only a few military observers to patrol limited areas in BiH (UN; A/54/549; November 1999).

Important to mention here is that the EC and the UN by negotiating a peace plan and the deployment of a peacekeeping mission in Croatia did not pay attention on what was going to happen with the FRY (Serb) army once they would withdraw from Croatia although nationalist clashes had reached an alarming level in Bosnia, and Serbian reactions to an eventual independence declaration of BiH have claimed several times that this would lead to warfare in BiH (see above).

Thus the end of the war in Croatia allowed the withdrawal of the Yugoslav/Serb-led army into Bosnia[65]. A more detailed description states that "300 tanks, 280 artillery pieces, 210 aircrafts, tens of thousands of tons of equipment and supplies" have been transferred to Bosnia from Croatia (Karadjis; p. 63; 2000). According to Karadjis, Croatia demanded the supervision of the withdrawal of the FRY army and had also warned that what happened in Croatia (meaning shelling on civilian populations) would be repeated in BiH. Nevertheless Croatia was given the response not to hamper the withdrawal of the Serb army into Bosnia (p. 64; 2000)[66].

The latter situation was even aggravated by the UN embargo on military equipment which also applied to BiH. Thus, the EC and the UN actions had created a very attractive battlefield for the FRY army by allowing fully equipped troops entering a territory (BiH), which was encouraged by the EC to organize a referendum for independence (dissolution) , without any

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[64] The latter was composed of around 39'000 persons composed by contingents from Argentina, Bangladesh, Belgium, Brazil, Canada, Colombia, Czech Republic, Denmark, Egypt, Finland, France, Ghana, India, Indonesia, Ireland, Italy, Jordan, Kenya, Lithuania, Malaysia, Nepal, Netherlands, New Zealand, Nigeria, Norway, Pakistan, Poland, Portugal, the Russian Federation, Slovak Republic, Spain, Sweden, Switzerland, Tunisia, Turkey, Ukraine, the United Kingdom, United States and Venezuela (UN ; Res. 743; February 1992).
[65] Legally, at that time BiH had still not officially declared its independence. Hence it was still a part of the FRY.
[66] "This will leave in Bosnia and Herzegovina, without effective political control, as many as 50,000 mostly Serb troops and their weapons. They are likely to be taken over by the Serb party" (UN GA; A/54/549)

substantive protection force neither an international one nor a national one (because of the embargo on military equipments).

V.1.6. *Conclusion*

The analysis of CP policies throughout the present chapter has put forward several evidences of the UN and EC behaviour. First it appeared that the comprehension of CP on BiH is strongly linked to the external context of BiH namely the dissolution of the FRY.

Henceforth it has first been shown that the EC and the UN encountered major complications for the development of CP policies towards BiH because of the recognition question of BiH. Thus, as long as BiH was considered as an internal Yugoslav affair, it was difficult to proceed with targeted CP initiatives because of the sovereign integrity principle.

Furthermore the recognition process seemed to be paradoxical. On the one hand the non recognition of BiH has been presented as a policy line so to prevent the outbreak of violence in BiH, whereas later on, recognizing BiH seemed to be a policy imposed by the force of facts that BiH would take its independence during the dissolution process and by the same it was believed that recognition should prevent the outbreak of war because it should have discouraged warring parties to engage in warfare.

On the latter issue it appeared also that the collaboration among the EC MS and institutions was totally incoherent. This was especially marked by the German-French dissension but also with the European Parliament. Furthermore the EC-UN collaboration was also incoherent. This because the pro-recognition European Member States have convinced the EC to ally with them whereas the UN, throughout the Secretary General, has been opposed to an early recognition of BiH.

Concerning the CP policies linked to the external factors, namely the dissolution of FRY, it appeared again that there was no substantive action undertaken neither by the EC nor by the UN when the context was favourable to do so (during the 80's). Even the unanimous request of the several FRY republics to engage in an integration process within the EU has seen no response by the EC. Furthermore no initiatives were undertaken to supervise the catastrophic electoral process in BiH. The only substantive CP policy which has been remarked in form of an important financial aid came too late, namely after the war outbreak in Slovenia.

Once war spread in Slovenia and Croatia, the EC and the UN seemed to get more involved in the process so to end the latter but also to prevent the war outbreak in BiH. Hence the EC has set up a specific dialogue box under the Conference for Yugoslavia and managed by the same to set up an information gathering process marked by an observation committee for cease-fire monitoring (ECMM), an arbitration commission and a peace plan (CC-plan) which has shown its failures.

On the other hand the UN has taken major initiatives so to prevent the intensification of the conflict. Core initiatives were marked by the embargo on military equipment for all Yugoslav Republics as well as the UN preparations for the development of a peacekeeping force (UNPROFOR) for Croatia but with a minimal observation patrol for BiH.

Finally, it seemed that the peacekeeping mission in Croatia had not been integrated in an overall approach taking the situation in BiH into account. Thus, whereas the UNPROFOR mission has been deployed in Croatia, the FRY army was asked to withdraw of it. However the UN did not pay attention to where the troops would be relocated. Thus it seemed that the redeployment of the FRY army within Bosnia and the embargo on military equipment imposed to the Bosnian Republic have certainly encouraged Belgrad to engage onto warfare in BiH.

V.2. Peacemaking (PM) in BiH

V.2.1. *Introduction*

As stated in the theoretical chapter, "Peacemaking" (PM) refers to a process which "includes measures to address conflicts in progress and usually involves diplomatic action to bring hostile parties to a negotiated agreement. (…) Peacemakers may also be envoys, governments, groups of states, regional organizations or the UN (…) unofficial and non-governmental groups or by prominent personality working independently" (UN; pp. 17-18; 2008)[67].

Core elements of the definition above will help here to frame the analysis of EU and UN PM policies within BiH. Hence it could first be mentioned a specific time frame for PM analysis. Because PM processes enter the scene once a conflict has started it has been decided to begin the analysis on the 6th of April 1992[68].

The latter date corresponds with the declaration of the EC Council in which they recognize the independent Republic of BiH. Following the latter declaration, "the Serb began the shelling of Sarajevo. (…) on April 7 and 8, following international recognition of BiH, Serb forces crossed from Serbian territory and laid siege to the Muslim cities of Zvornik, Visegrad, and Foca. By mid-April all of Bosnia was engulfed in war" (Burg & Shoup; p. 129; 1999).

As for the end of the analysis the question is a little bit more complicated because PM is considered as a non-coercive/non-power based approach and therefore the end of the PM analysis should be delimited by the start of peace-enforcement policies.

However there are three possibilities which emerged throughout the research. A first one could be February 1994 when two NATO aircrafts shot down four Bosnian Serb aircrafts in the no fly zone in BiH (*NYT*; March 1; 1994). This would be a first PBA which by the same would be out of the definition of PM. A second date could be the 10th of April 1994 which saw the very first NATO air strikes on Serbian ground forces near the city of Gorzade (BRP[69]; 2008). Thirdly, an undeniable end of PM mission could be the start of generalized bombing of Serb positions under the NATO led "Operation Deliberate Force" which started in August 1995.

For this chapter it will be opted for the second option as the end of the PM analysis. This because it is believed that the air strikes of April 1994 have clearly introduced a PBA which had certainly impacts on the course of the Bosnian War.

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67 Nevertheless because the latter definition has been shaped by the UN in 2008, it is also suggested here to confront the latter with a definition of "Peacemaking" which dates from 1992 likewise the beginning of the Bosnian conflict. Hence the "Agenda for Peace" has defined Peacemaking "in the sense of moving towards settlement of armed conflict, where conflict parties are induced to reach agreement voluntarily, for example as envisaged in Chapter VI of the UN Charter on the 'Pacific Settlement of Disputes' (Article 33)67" (UN GA; A/47/277). Hence it seems likewise the two definition are quiet similar in two core aspects which are essential for the below analysis. Thus, the first is about the conflict stage. Indeed both definitions consider the implementation of PM policies once a conflict has physically started (war, hostility...). Second, both definitions are strongly marked by a rejection of the power-approach and do implement more interest and right based approaches67 which are negotiated throughout several means (see footnote art. 33).

68 It should be stated here that clashes had already broke out in Bosnia "in March 1992 and the first few days of April" (Burg & Shoup, p. 129; 1999). However the date of the 6th of April has been chosen because it corresponds to officialised violence involving the Serbian army(ies) whereas the previous clashes were reported to be "incidents".

69 Balkan Repository Project

V.2.2. *Intensified UN/EU implication*

Once the war erupted in BiH, the international community could not have left the situation without massive involvement. As the media became more and more alerted, the latter managed to alert the public opinion which pushed for political responses.

However the situation was already horrible[70]. To illustrate the urgency of the situation, it could be relied on the SC's meetings having in less than 18 months more resolutions on one issue then it did ever before (UN; A/54/549; p. 25; 1999)[71].

In most of these resolutions it appeared that there was consensus on one point, namely the need to undertake actions to resolve the conflict. Nevertheless consensus lacked when it was about what to do. As a result there were limited opportunities of missions which could be conducted with support of the Security Council. The latter were humanitarian assistance; embargo and the continuing negotiation for peaceful conflict resolution (UN; A/54/549; p. 16; 1999).

These three measures were so to say the overall framework proposed by the EU and the UN for the PM phase of the conflict. As it will be shown, the first two of them are mainly operated throughout UN structures whereas the negotiation process will be conducted mainly throughout EU initiatives respectfully to the UN chapter VIII[72].

To do so, the EU prolonged the ancient Conference on Yugoslavia (see above; Conflict Prevention). The latter dialogue sphere has seen its name edited as the "International Conference on Former Yugoslavia" (ICFY). The ICFY has been officially and permanently established in September 1992 as a result of the London Conference of 1992 (Rogier; 2001).

V.2.3. *Humanitarian policies*

With the beginning of the Bosnian War and the evidence that civilians were the main victims of the latter, the UN immediately reacted by setting up one of the most important (in terms of means) humanitarian operations ever.

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[70] Hence to mention a concrete example, since April 1992, Sarajevo was shelled at an average rate of thousand bombs (artillery; mortar…) per day. Even worse the shelling strategy was mostly targeted on civil-urban areas so to cause as much as possible human losses and by the same creating a terrorizing climate which would lead to ethnic exile as a part of the "ethnic cleansing" strategy (UN GA; A/54/549; p. 25).

[71] Indeed "47 Security Council resolutions were adopted and 42 Statements of the President of the Council were issued on matters relating to the conflict in the former Yugoslavia. The majority of these dealt directly with the conflict in Bosnia and Herzegovina".

[72] "Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations".

The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

The Security Council shall encourage the development of pacific settlement of local disputes through such regional arrangements or by such regional agencies either on the initiative of the states concerned or by reference from the Security Council" (UN Charter; art. 52).

Indeed 2.75 mio. people were in need of humanitarian assistance throughout Bosnia (GAO; p. 9; 1994). To assist the latter, the UN has build up a humanitarian programme which involved several actors into a UN cooperation framework. Thus, it could be made mention of the World Food Organization; the World Health Organization; UNICEF; around 100 NGO's, as well as an impressive airlift organized by several States. Also other organizations likewise the Red Cross and Caritas decided to act independently from the authority and policy line set by the UN (GAO; p. 14; 1994).

To manage the coordination of these several actors and of the food distribution, the Secretary General, in 1992, assigned the UNHCR with the management of humanitarian operations (UN; p. 9; 1999). By the end of the war, it was reported that 250 NGO's have worked under the authority and coordination of the UNHCR (Cutts; p. 9; May 1999).

By managing a various number of organizations, the UNHCR accomplished a dual role. The first as a facilitator which "deliberately blurred the distinction between UN agencies and none". The second as a regulator for the various NGO's which had to negotiate with the UNHCR "for access rather than with the warring parties" (Cutts; p. 7; 1999). The common action has been traduced on the field by the development of common ID cards and vehicle registration plates which were identified to the only UNHCR body.

To coordinate the humanitarian work, the UNHCR in Bosnia had at its disposal a staff composed by 263 individuals (GAO; p. 16; 1999). From 1992 to 1995, it managed to coordinate the delivering of around 750 tonnes of humanitarian aid per day into BiH (UN; A/54/549; p. 10; 1999).

Interestingly, the UNHCR had also to deal with the different warring parties so to be authorized free access for the distribution of the aid. Thus a general agreement was found where the UNHCR committed itself to distribute 30 % of the total food aid to the Bosnian Serb areas. As for the Croats, the latter received 15 % of the aid whereas the Muslim Bosniaks received 47 % of the food aid. The latter distributions were agreed according to the population composition of BiH (Cutts; p. 15; 1999).

Nevertheless the distribution was not that easy. It should be reminded that these humanitarian interventions were high-risk operations and often not exempted from incidents. Indeed 11 UNHCR personals have been killed during their missions (GAO; p. 2; 1999)[73]. UNHCR staff was often victim of humiliations, harassment, car-jacking, thefts and other forms of hostilities especially by the Bosnian Serb militias.

For illustration, the Under-Secretary General at that time, Mr Marrack Goulding reported: "a recent UNHCR convoy had to negotiate its way through 90 roadblocks between Zagreb and Sarajevo[74], many of them manned by undisciplined and drunken soldiers (…) relief supplies are stolen, vehicles hijacked and international aid workers threatened and abused" (UN; S/23900; May 12; 1992).

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[73] According to an UNHCR paper, over 50 humanitarian personnel were killed and hundreds injured (UNHCR; p. 2; 1999)

[74] Which has a distance of around 400 km

Figure 11

Things were even more complicated when it was about delivering enclaves which were subject to "ethnic cleansing" strategies. Here the UNHCR has seen itself being manipulated by the warring parties. Thus i.e. in Srebrenica, the Bosnian Serbs were allowing access into the town of empty convoys which could evacuate civil populations (Bosnian Muslims), whereas local authorities (Bosnian central government) were trying to avoid the latter transfer (UN; A/54/549; p. 14; 1999).

Hence it seems that the UNHCR did not only ensure the distribution of aid but it did also serve as evacuators for besieged towns. Nevertheless it was clear that the UNHCR was not equipped for these kinds of operations. As a result several UNHCR convoys have undertaken the action to evacuate vulnerable Bosniaks out of Srebrenica. However, due to mass panic, around 20 deaths have been reported because of incidents related to over-crowded vehicles. Several clearly under-equipped operations were organized as for example the evacuation of 3'000 civilians into 14 trucks[75].

Also illustrative, from March to April 1993, the UNHCR managed to transfer around 9'000 individuals out of Srebrenica. The UNHCR could have done a lot more if the Bosnian central government would not have objected it. Although permanent government's objections, the UNHCR together with local population defied local authorities and continued the evacuations but on smaller scales (UN; A/54/549; p. 14; 1999).

Big efforts have been undertaken by the UNHCR to achieve its food aid mission. However several reports mentioned some failures likewise that only 54 % of the food requirement were

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[75] Of course it is not here to blame the UNHCR staffs who have undertaken heroic actions by saving as much as possible people even if they had not the means to do so.

delivered, although the UNHCR claimed that its major task has been fulfilled by avoiding starvation and life-threatening food shortages. Furthermore the missing deliveries did not have a major negative impact because the distribution plans were probably overestimated, but also because the UNHCR developed effective policies likewise the delivery of seed to local farmers so to have several locations growing their own food (Cutts; p. 15; 1999).

Also to mention is another kind of spectacular work made by the UNHCR. Thus, in Sarajevo, the UNHCR had probably managed the longest airlift ever. Indeed negotiations lead by several UN authorities and the Bosnia warring parties have agreed on the "reopening of the Sarajevo airport for humanitarian purposes, under the exclusive authority of the UN" (UN; Res.758; June 1992).

To do so, the UNHCR has set up an Airlift Operations Cell based in Geneva which had to plan and coordinate the participation of more than 20 nations. The latter managed to deliver throughout airways a total of "160'000 tons of food, medicines and other goods (…) 1'000 medical evacuations, in over 12'000 flights" (Cutts; p. 18; 1999).

V.2.4. *Security Assistance policies*

Because of the dangerous environment which prevailed in BiH, it appeared immediately that humanitarian assistance as cited above needed security escort units. To do so, the UN agreed to set up a protection force known as UNPROFOR[76].

After having reached an agreement with the warring parties[77], the UNPROFOR has first been entitled by the Security Council to "ensure the security and functioning of Sarajevo airport and the delivery of humanitarian assistance" (UN; Res. 761; June 1992). Although agreement has been reached, UNPROFOR's mission was facing regular hostilities[78]. Indeed only for the Sarajevo airport, 270 security incidents were reported where the worst to mention was the shooting down of an Italian cargo aircraft by a Serb missile in September 1992 (Cutts; p. 19; 1999).

Nevertheless it should be mentioned that although the Security Council has agreed on the deployment of the UNPROFOR, the SC has failed in defining the adequate means/mandate to accomplish the mission. Thus, "no resources for mandate for UNPROFOR to impose its demands on the parties (…) UNPROFOR was confronted with the reality that the Serbs were in a position of complete military dominance" (UN; A/54/549; p. 18; 1999).

This is probably due to a division which occurred within the SC and related to another question namely the lift of the arms embargo on BiH. Hence, those countries which were against the lifting of the arms embargo (France; UK) were at the same time those contributing important numbers of troops to UNPROFOR but at the same time were against any form of military confrontation against the Serbs. Whereas countries which favored the lifting of arms

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[76] In fact it should be UNPROFOR II, because UNPROFOR was already deployed in Croatia to monitor cease-fire. The latter's mandate has been enlarged for BiH.
[77] The agreement stated that « all anti-aircraft weapon systems would be withdrawn from positions from which they could engage the airport and its air approaches. That all artillery, mortar, ground-to-ground missile systems and tanks within range of the airport would be concentrate in areas agreed by the UNPROFOR and subject to its observation at the firing line. To establish security corridors between the airport and the city, under the Force's control, to ensure the safe movement of humanitarian aid and related personnel. (UN; Res 764)
[78] At the end of UNPROFOR's mission, the latter counted around 160 deaths.

embargo as well as a more harsh military confrontation against Serbs were more favorable to expand the UNPROFOR mandate until allowing confrontation. However, at the same time these countries did not contribute military ground troops to UNPROFOR (USA) (UN; A/54/549; p. 15; 1999).

As a result emerged a fluent mandate of the UNPROFOR which committed it to security missions likewise the "information on security issues, armed escorts, transportation in armoured vehicles, and logistical support (…) bullet-proof vests and armoured vehicles to an extent never seen before in any major humanitarian operation" (Cutts; p. 2; 1999).

Nevertheless as the conflict intensified, UNPROFOR's deployment has slowly been extended outside Sarajevo airport (UN; Res. 769; August 1992). Hence the latter had to "monitor compliance with the ban on military flights (…) at airfields in the territory of the former Yugoslavia" (UN; Res. 781; 1999). However because the monitoring mission of the so-called "no-fly" zone was often non-respected by warring parties and has shown several major incidents[79], the SC on March 1993 extended the no-fly zone to all kinds of aircrafts except UNPROFOR mandated. Furthermore the SC allowed Member States to take "all necessary measure in the airspace of BiH (…) to ensure compliance with the ban on flights"[80] (UN; Res. 816; March 1993).

Several failures should be mentioned here. Thus at first it seemed that the latter was neither equipped with appropriated equipment nor sufficient troops, whereas at that stage of the conflict the SC allowed the deployment of around 18'000 troops, Member States did only put at disposal a total of around 14'000 troops[81] (GAO; p. 31; 1999).

Second, the combination of the UNPROFOR mandate which included, the monitoring of no-fly zones (including opening fire if necessary, see above), and the mission of providing security to humanitarian convoys seemed to be in contradiction once traduced on the field. Indeed the UNHCR needed to preserve its impartial and non military image, which has been damaged by UNPROFOR troops and vehicles escort.

As reported by UNHCR officials: "on a number of occasions, UNHCR convoy teams complained that the presence of UNPROFOR escorts had the effect of drawing fire onto them" (Cutts; p. 9; 1999).

Third, whereas the UNPROFOR had to ensure the security for humanitarian convoys, the latter, due to its blurred mandate, was ineffective to ensure access allowance from the Bosnian Serbs into besieged enclaves (Cutts; p. 9; 1999).
Even worse the "UNHCR sometimes had to provide the UNPROFOR with food for its own troops in places likewise Sarajevo and Gorzade. (…) UNHCR sometimes had to support the very troops which have been sent to Bosnia to support UNHCR" (Cutts; p. 10; 1999).

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[79] According to an UN report there have been over 465 violations of the no fly zone including bombing of villages (UN; Res. 816)
[80] Following the latter and as reported by the *NYT* "the first military clash in NATO's 44 year history", two US fighter shot down four of six Serbian warplanes which have violated the no-fly zone and bombed Bosnian military installations (*NYT*; March 1; 1994).
[81] However in March 1995, UNPROFOR counted more or less a total of 40'000 troops and personals.

As the conflict continued to be marked by ethnic cleansing, systematic rapes[82], ethnical executions, illegal detentions etc[83]; UN authorities decided in August 1992 to assign the UN Commission on Human Rights with the mission to monitor and assess on regular basis the situation in BiH. The latter mission was assigned to a Special "Rapporteur", namely Tadeusz Mazoviecki (UN; Report SG; 2008).

In the same spirit the USA has already pushed the UN to consider the establishment of an international court for war crimes committed in Yugoslavia (Balkan Repository; 2008). Thus, the Secretary-General established an impartial Commission of Experts so to gather information on violations of international humanitarian law and of the Geneva Conventions (UN; Res. 780; 1992).

These were probably the first steps which would lead to what is known until today as the ICTY. It is without any doubt an important step which has been made here. Thus, by introducing such a right-based approach it attempted to discourage further violations. Nevertheless these first steps were only informative.

It was in February 1993 after alarming reports of the Rapporteur[84] that the Security Council has commonly decided that the UN should urgently set up the international tribunal (UN; Res. 808; 1992). The latter has been done in May 1993 with the formal creation of the ICTY (UN; Res. 827; 1992).

As from November 1994, first indictments traduced the start of judicial procedures. Hence the very first was Dragan Nikolic. The latter was individually accused of crimes against humanity. He was captured by SFOR in April 2000 and judged in December 2003 in Den Hague for 23 years imprisonment (ICTY; IT-94-2).

Furthermore it should also be made mention of the EU member states collaboration for the good functioning of the international court. Hence the latter member states seemed from the very beginning to collaborate with the judicial crime courts in Yugoslavia.

The extradition of the criminals seemed to be operational. Hence i.e. already in 1994 the first criminals were arrested abroad and transferred to the competent court in Den Hague (Cohen; April 24; 1995). I.e. in February 1994, German authorities arrested Dusko Tadic and imprisoned him for 20 years after his trial in Den Hague (ICTY; 2008).

In less than two years, from May 1993 to February 1995, the ICTY has identified 22 criminals which have been pursued. Nevertheless most of them were protected by their local authorities who refused to deliver them (UN; 2008).

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[82] (UN; Res. 798; 1992)
[83] "mass forcible expulsion and deportation of civilians, imprisonment and abuse of civilians in detention centers, deliberate attacks on non-combatants, hospitals and ambulances, impeding the delivery of food and medical supplies to the civilian population, and wanton devastation and destruction of property" (UN; Res. 771; 1992)
[84] UN; E/CN.4/1992/S-1/10

The major change from the Conference on Yugoslavia to the Conference for Former Yugoslavia is double-sided. First, it appears that the EU has reinforced the idea of the dissolution of Former Yugoslavia and the independence of BiH. Second, this new Conference is set as a permanent organ with a new strategy.

The strategy opted by the Conference was designed according to a rewarding/sanctioning approach for the warring parties. Indeed the Conference agreed from the beginning that collaborating parties will be enabled to conduct normal political relations whereas non-collaborating parties will be isolated throughout sanctions of the UN Security Council[86].

The latter Conference has been chaired by Lord Owen and Cyrus Vance which should be representatives of the EU and the UN[87]. The works of the Conference were sub-divided in six components namely on; ethnical minorities; humanitarian issues, succession issues, economic and confidence issues (Rogier; 2001). Another major step forward within this new conference was to manage bringing together all ethnic minority representatives.

At the same time facing the claims of the major three minorities, the ICFY had from the very beginning defined that the peaceful options to resolve the conflict would lay on five possibilities; "1. a centralized state; 2. a centralized federal state with significant functions carried out by 4-10 regions; 3. a loose federal state of three ethnic units; 4. a loose confederation of three ethnically determined republics with significant independence; 5. a Muslim state created through partition with Serbs to Yugoslavia and Croats to Croatia" (Burg & Shoup; p. 215; 1999).

The negotiation and good office policies conducted by Vance-Owen have provided some positive results. Thus, several resolutions voted by the Security Council were often based on the outcomes of the Conference.

I.e. resolutions on air ban policies seem to be the outcome of the Conference (Res. 781; 1992). References to the Conference are also made in resolutions concerning economic and political embargos (Res. 757; 1992). Furthermore it could also be made mention of "safe areas"[88] policies which have also been discussed first within the framework of the conference after what the UN has voted a resolution for it[89] (Res. 787; November 1992).

Finally in October 1992, the EU was pushing the UN for a no-fly zone but also for the RBA concerned with the prosecution of war criminals. Hence the Council of Ministers supported the "establishment of a mechanism for data collection and evidence analysis so that the persons who have committed (…) grave breaches of international humanitarian law could be individually responsible" (Balkan Repository; 2008).

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[85] Burg & Shoup; p. 213; 1999
[86] "They will be enabled to trade, to receive assistance and to enjoy the full cooperation of all members of the international community. If they do not comply the Security Council will be invited to apply stringent sanctions leading to their total international isolation" (London Conference; September; 1992).
[87] After resignation of Cutileiro and Lord Carrington
[88] Safe area is "a part of a country that is involved in a war is declared to be a safe area, neutral forces will try to keep peace there so that it is safe for people" (Collins dictionary, 2008)
[89] see next chapter for safe areas policy

V.2.6.1. ICFY Peace Plans

Hence the ICFY chaired by the Vance-Owen duo conducted several efforts with the warring parties to find a peaceful solution. Several displacement and meetings with the warring parties have permitted to agree on temporary cease-fires, humanitarian assistance, no-fly zone agreements etc.

In October 1992, Owen and Vance submitted a draft peace plan which had been authored by Marti Ahtissari. The latter proposal invited for the decentralization within 7 to 10 regions "whose borders would be geographically coherent, with recognition of ethnic, historic, economic factors (…) with a central authority in charge of foreign affairs, defence, foreign trade and citizenship" (Balkan repository; 2008).

The latter peace plan likewise the CC plan has been rejected by the warring parties. Indeed likewise the CC plan, the Ahtissari plan kept the major decentralization feature of the CC plan and by the same saw the opposition of the central government, as well as from the Serbs who were not willing to give up any competences.

Hence the Conference has opted for a last peace-proposal which is known as the Vance-Owen plan. The latter has as core difference with the previous one, that the decentralization process will not be based on "districts" but on ten larger administrative bases, namely "provinces" (semi-autonomous regions). Furthermore the latter plan allowed these provinces to be kept under its own organized security in their respective provinces.

Figure 12
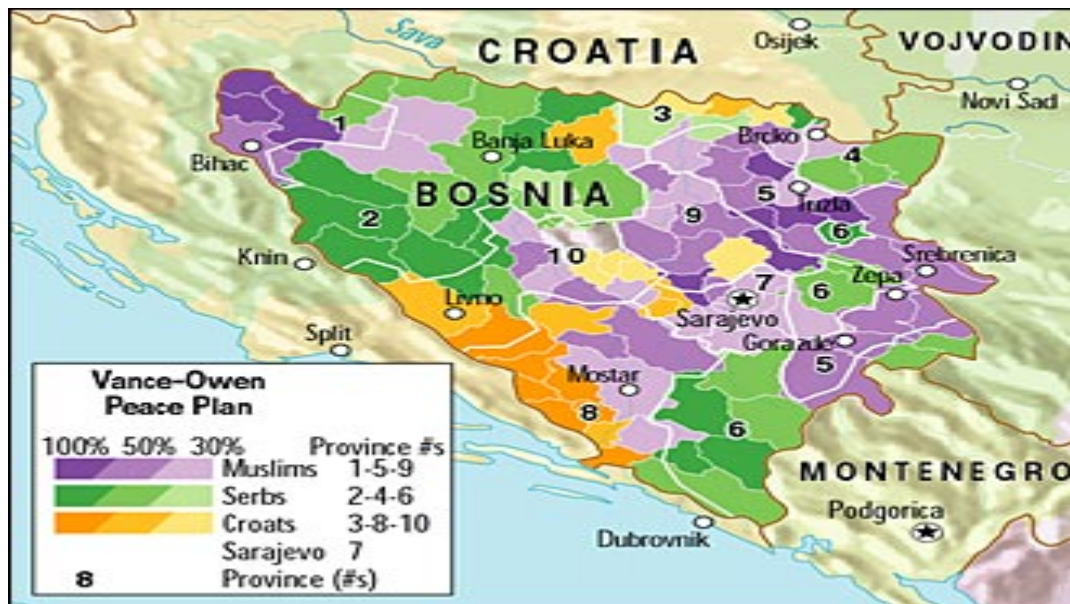
The Vance-Owen Peace Plan, January 1993; (PCPP; 2008)

The Vance-Owen plan had the support of the EU institutions as well as from the UN. Nevertheless the Serbs rejected the latter plan because at that time they were already controlling the largest parts of BiH and they would have made territorial concessions to adjust accordingly to the Vance-Owen plan. Serb politicians claimed that the Owen-Vance plan

would represent an ethnical cleansing of Serbian populations in BiH (Humanité; April 3; 1993).

Although these bad signs, the Vance-Owen plan was close to a peaceful agreement. Indeed on May 3, the UN SC announced that all the three warring parties accepted the peace plan. However Serbs submitted it to the condition of a parliamentary ratification by the Bosnian Serb entity (Srpska).

Thus whereas the Vance-Owen plan had already been signed by the Bosnian Serb President Karadzic, the parliament opposed its ratification and decided to submit the accordance of the Vance-Owen plan by referendum. This resulted onto the rejection of the plan and opted for independence at 96 % (Balkan Repository; 2008).

Vance resigned from the ICFY whereas Owen and Stoltenberg proposed a last substantive proposal on behalf of the international community. The latter was formulated as a "Union of three Republics" which would include the military conquests of the warring parties (PC&PP; 2008). The latter is of course highly critical because of the violations of previous engagement of the UN and the EU. To remember, the EU and the UN have declared and remembered so many times that no concession which has been conceded by military means would be recognized.

The Owen-Stoltenberg plan would have granted 53 % of BiH to the Bosnian Serbs; 30 % to the Muslims and 17 % to the Croats; whereas Muslims represent 43 %; Croats 17 % and Serbs 30 % of the total population. Here the territorial distribution was not based on the size of populations but incorporated landholding aspects (PC&PP; 2008).

Figure 13

The Union of Three Republics Plan, September 1993

(PC&PP; 2008)

Reactions were as expected. Karadzic accepted the plan whereas the Bosnian Muslim leader Izetbegovic considered the plan as "absolutely unacceptable and disastrous (…) futile negotiations (…) fight with all means for the protections of independent, sovereign and integral BiH" (Balkan Repository; 2008).

V.2.7. *Conclusion*

Herewith it has been shown that the UN has developed its PM policies mainly around humanitarian assistance and protection as well as economic sanctions so to isolate the non participating warring parties. Furthermore it seems that the UN also launched its RBA by setting up international courts for war criminals which have found an operational support of the EU member states especially when it came about extraditions.

Failures have been identified as i.e. the non sufficient means, the inappropriate equipment for the defined missions or furthermore the contrasted mission of UNPROFOR. However it seemed also that the EU has been assigned to lead the IBA approach by working out negotiations towards a peaceful settlement of the conflict. It seemed also that the EU and its permanent Conference has been developing several policies which have been considered and admitted by the UN SC.

Furthermore the EU seemed here to be in close cooperation with the UN which backed up EU proposals. Hence the EU provided some peace plans which seemed not to satisfy warring parties. Although the EU has tempted to negotiate peace plans which were in contradiction with its departing principle, "that no concessions gathered by force would be accepted", and worked against the interest of BiH as an integral entity, the peace plans failed and left place for further escalations.

V.3 Peace-enforcement (PE)

V.3.1. *Introduction*

As it has been defined at the beginning, "peace-enforcement "involves the application, with the authorization of the Security Council, of a range of coercive measures, including the use of military force.(...) The Security Council may use, where appropriate, regional organizations and agencies for enforcement action under its authority".

As it will be demonstrated above, the US implication within the PE mission has brought a further precision to the latter definition by claiming that "Peace-enforcement include appropriate forceful military actions to separate belligerents involved in the conflict, with or without consent" (Corum, p. 11; 1996).

Thus as it has been shown previously, neither CP nor PM policies were successful in preventing or halting the escalation of violence. Furthermore the policies were sometimes marked by an accommodative behavior of the warring parties. As a result the Bosnian conflict has developed to an asymmetric power distribution among warring parties which favored the conquest of 60 % of BiH by Bosnian Serbs.

Hence after the failures of several peace plans and repetitive violations of cease-fires and no fly zones, as well as attacks on humanitarian convoys; the EU and the UN had to assist to PE missions which has not been favored by them but rather more from the policy change of an actor which has until now played a shadow role namely the USA.

Indeed while assisting passively to "Europe's hour"[90], the new US administration headed by Clinton (1993) has undertaken severe changes within the diplomatic nature of Third party intervention towards Bosnian warring parties. This change is mainly related to the Bosnian context where UN forces threatened to withdraw as the conflict continued escalation. The escalation of the conflict did also affect UN personals which have been stigmatized by the Bosnian Serbs as enemies especially once NATO air strikes had begun.

Until the massive implication of the USA, the EU has limited itself onto a negotiation process within the ICFY, which had poor impact on the escalation of the conflict. As for the UN, the latter has previously served as a legislative and executive organ for ground operations.

The emphasis on the US implication brought in a severe boost to the PBA. Indeed efforts of the EU diplomacy seemed to be weakened by a cleavage among the Members. The issue opposed those countries, which contributed troops for UNPROFOR and by the same which were against any PBA which could threaten the security of their troops (military action or lifting of arms embargo) (France, UK, Spain…), against those countries which were favorable for military actions likewise Germany and the USA.

Nevertheless there was an inconvenience to the military action of the USA. Indeed the latter seemed ready to engage in massive air strikes on BiH, however there was the need of having troops on ground especially for humanitarian assistance and protection. Thus the Clinton administration had two options; the first one would be that the UNPROFOR would have stood

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[90]Meaning the EU efforts to manage the Bosnian crisis. Reference made to the 1992 Luxembourgian Foreign Minister Jacques Poos who declared that the Balkan crisis is an European affair by his saying "the hour of Europe has come".

on ground; however the latter seemed not likely to happen. Second, the opportunity should be given to the weakest warring parties to organize their defense once UNPROFOR had left by lifting the arms embargo ("lift and strike strategy").

V.3.2. *Shy safe areas enforcement*

The division inside the ICFY has not favored forceful actions to stop slaughters, displacements and shelling of civil populations. Indeed as alarming reports were stressing the need to put an end to the conflict, the divided EU did only find consensus on support of humanitarian policies and diplomatic pressures and negotiations.

Nevertheless as the conflict continued intensity, a pressing need emerged to protect civil population without engaging in military actions in a context which was favorable for it[91]. By taking into account suggestions of the ICFY/EU to establish so-called "safe areas", the UN passed a resolution calling for the establishment of safe areas in and around Sarajevo, Tuzla, Zepa, Gorazde, Bihac, and Srebrenica (Res.816; March 1993).

Nevertheless the resolution reflected again the ambiguity on how to manage coercive policies in order to protect these areas. As the beginning of the Serb offensive on Srebrenica has shown that UNPROFOR was neither given the adequate mandate nor the appropriate equipment to exert its mission.

It is only in May 1993 that the UN has edited the mandate by explicitly reaffirming the powers given by Chapter VII and made mention that UNPROFOR may "take any necessary measures to respect these safe areas" (Res. 824; May 1993). Nevertheless the UNPROFOR was still disabled to engage in military confrontations as the latter lacked sufficient troops and equipment[92].

A substantive step toward that lack has been made in June 1993 when a new resolution has clearly stated the mandate so to "enable it (UNPROFOR), to deter attacks against the safe areas, to monitor the cease-fire, to promote the withdrawal of military or paramilitary units, participating in the delivery of humanitarian relief" including the use of force and air strikes in case of obstructions and self-defence (Res. 836; June 1993).

Nevertheless as the mandate became more and more explicit, the Member States did not accompany the latter with the sufficient means. Hence, experts have determined that a "full protection for safe areas and convoys would require 39'500 troops". The reality on the field was far from the optimal prognostics. Hence, whereas the SC before March 1994 has authorized a deployment of 18'000 troops, the Member States did only manage to align 14'000 troops (GAO; p. 31; April 1994).

Furthermore the mandates attributed to the UNPROFOR as well as to the UNHCR were structured in a way which rendered the execution and combination of their mission more complex if not ineffective. Indeed as the UNHCR and the UNPROFOR had two different commanding centers the latter situation has traduced the lack of an overall strategy linking military and humanitarian actions within a common unified strategy.

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[91] At this stage of the conflict, even Bosnian Croats and Muslims started fighting among them (see events related to the city of Mostar 1993).

[92] The resolution accompanied its mandate with a strengthening of fifty military observers!

As the UN and the ICFY managed several agreements to impose cease-fires, the latter have been violated on an uncountable number by the different warring parties (May 9 1993). Thus the massive US input for an air strike campaign has found an agreement within the NATO framework including the EU member states, to support UNPROFOR with air support if demanded by UN authorities (Balkan Repository; 2008).

The escalation and non-respect of the safe areas went on especially in Sarajevo and in Srebrenica. Bombing of Serbian Bosnian troops by NATO occurred first after UN demand on April 10 1994. The latter has seen two US warplanes bombing Serbian forces near Gorzade. The latter mission has also been repeated the day after (Balkan Repository; 2008).

After having ignored UN appeals to Serbian forces to withdraw their artillery, NATO launched another operation on a Serb ammunition depot (Balkan Repository; 2008). The latter had as reaction an intensification of safe area shelling by Bosnian Serbs.

The collaboration among NATO and the UN was also based on a double commanding center known as the "dual key". Thus, each operation requested by the UN was conditioned to the approval by the NATO commanding unit. The latter situation has led several times to complications and disputes among them and by the same contributed to reduce the effectiveness of the air strike policy (US Dpt. of State; 1995).

Hence the early stage of PE appeared to be used as a punctual responsive policy to the violation of UN agreements. It could also be related to occasional ground confrontations where UNPROFOR troop have engaged into fighting with warring parties.

Thus after the Bosnian Serb had bombed a Swedish UNPROFOR unit based in Kalesija near Tuzla, the Danish UNPROFOR contingent was called for support with seven tanks. The presence of the tanks was part of a dissuasion strategy ("Boellebank"). Nevertheless the Bosnian Serbs did not evacuate and started shooting on Danish troops which then engaged in a two hour long shelling with the Serbs who faced severe losses (Milhist; 2008).

Another symbolic and punctual example of ground enforcement could be the "operation Amanda" in October 1994. After the UN evacuated an observation post near Gradacac because of repetitive sniper shots, Danish troops have launched onto a reoccupation offensive. To do so, the latter engaged into heavy combats with Bosnian Serb tanks which led to Serbian defeat (Milhist; 2008).

Although such minimal military actions did not prevent the Bosnian Serb offensive on safe areas, it reinforced a hostile attitude towards the UN troops which seemed to be benefic for the Bosnian Serbs as debates on the withdrawal of UN troops went high. As stated by the Foreign Affairs Minister Juppé: "the conflict in Bosnia has shown the necessity to move beyond NATO and American guarantees" (Safire; November 28; 1994). Such a declaration is of course charged with the contextual acknowledgment that the EU has failed to stabilize the continent without its Trans-Atlantic partner.

From that moment on, the EU actor has been relegated on a second place whereas a US-led regional organization namely NATO took its place.

V.3.3. *US-NATO Enforcement*

The punctual PBA led by NATO's air strikes did heavily influence the conflict. First it was followed by hostile declarations and actions towards the UN troops on ground. Other episodes likewise overt fighting between UNPROFOR and Bosnian Serbs or furthermore when Serbs seized 400 UN troops as hostages and shields against NATO air strikes (Burg & Shoup; p. 324; 1999). Second, the punctual NATO air strikes did not prevent Bosnian Serbs to siege and shell safe areas likewise Srebrenica and Sarajevo.

Furthermore several factors were unified for NATO so to launch a generalized PBA. Indeed, the UN and its contributors were willing to withdraw their troops (Burg & Shoup; p. 329; 1999). Furthermore a Croatian offensive on the Bosnian Serb region had seriously weakened the Bosnian Serb army (De La Haye; p. 198; 2001). The latter context combined with a dramatic situation faced by civilians as well as UN troops on ground, NATO launched a generalized bombing of Bosnian Serb positions.

The latter operation known as "Operation Deliberative force" has "married force with diplomacy" which pressured warring party to negotiate and implement a peace plan which will be known as the Dayton Agreement (Burg & Shoup; p. 311, 1999).

The "Operation Deliberative force" started end August 1995 until September 15. The latter operation has been marked by an intense bombing of Serb positions. During this short period NATO organized 3'515 sorties and dropped over 1'000 bombs on Bosnian Serb targets (Globalsecurity; 2008).

It could be tempted to claim that EU Member States were active participators within the NATO campaign. However they did not. Indeed of the total number of flights, the USA alone carried out 66 % of the missions, whereas the other participators namely; France (8 %), UK (9 %), Germany (1.7 %), Italy (1 %), Spain (3.4 %), Netherlands (5.6 %) and Turkey (2.2 %); carried out the rest.

The latter campaign had the merit to boost peace negotiations. However now that the Bosnian Serbs were strongly weakened new rounds of negotiations took place in New York, Geneva and finally Dayton. Thus it seems that the massive use of air strikes had the benefit to create a favorable window of opportunity for a peace-settlement (De La Haye; p. 201; 2001).

V.3.4. *The end of Europe's hour*

As it has been seen above, the divisions among the Europeans have conducted to ineffective missions and to the incapacity to end the war. However because the latter chapter should be about PE and because it seems that the EU did not play a major role within this phase it is invited here to shortly review what happened to the European negotiation sphere namely the ICFY.

Struggles among the ICFY members led to the ineffectiveness of the latter to reach peace settlements. As the attention has been gathered by the United States as principal

mediator/intervener, the ICFY had to admit its incompetence. Indeed the need emerged to integrate the USA as a full and leading negotiating partner.

The USA had already shown its competences by settling a successful peace agreement between the Croats and Muslim Bosnian parties. Thus under the Washington agreement of March 1994; the USA has managed a proposition which would unify the Croat and Muslim territory under one federal entity which was subdivided in ten autonomous cantons (USIP; 2008) (see map).

Figure 14

(OHR; 2008)
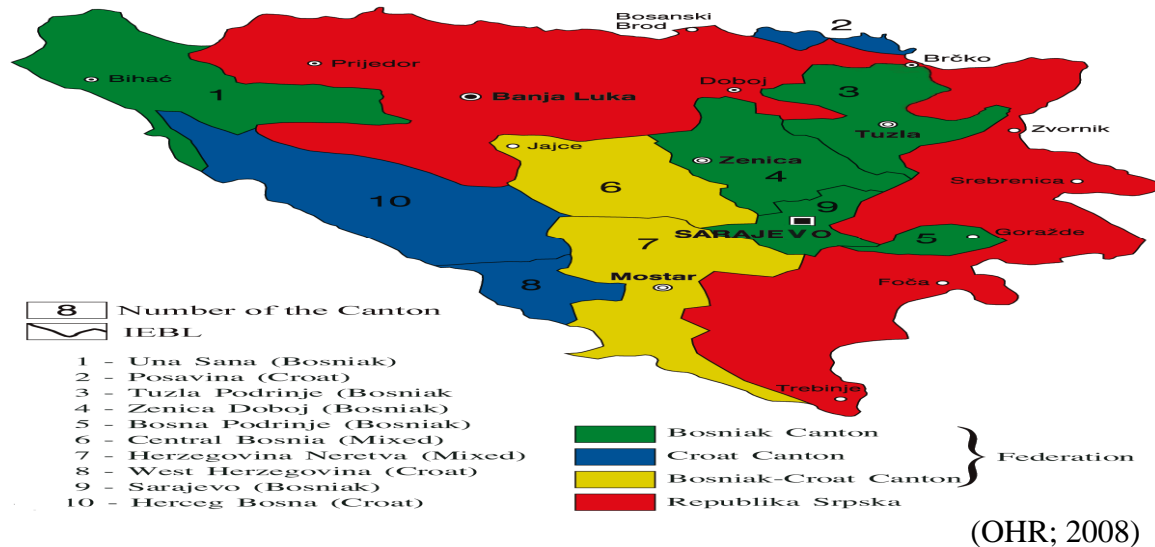
The EU and the ICFY, afraid of being completely excluded from the negotiating process, proposed to edit the ICFY dialogue box and therefore to found a new one which would entail the participation of the USA, Russia and the EU Troika (FR; GR; UK) under the title of the "Contact Group"[93] (Burg & Shoup, p. 300; 1999).

The specific features of the latter Contact Group are multiple. First, the latter seems to restrain the number of negotiating actors to the strict minimum. The latter strategy could be linked to Malcom Rifkind's claim that: "Fast moving diplomacy needed that a minority led diplomacy".

Second, the Contact Group had at it disposition the use of force to convince warring parties not only to join negotiations but also to respect its commitments. Third the Contact Group opted for a sharing strategy among its members. Thus i.e. the Russians would have to conduct direct negotiations with the Serbs so to bring them to the negotiating table, whereas the US would do the same with the Bosnian Muslims.

Nevertheless the Contact Group has also shown some limits. Thus confronted to several refusals from the warring parties, the Russians were favorable for a gradual sanction ladder whereas the Americans were opting for harsh re-enforcements of the sanctions measures. As for the European Troika, the latter stood somewhere in between (Boidevaix; p. 82; 1997).

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[93] Created on April 25 1994

However the election of Jacques Chirac in May 1995 has brought a major switch into the balance. Whereas the previous French government was not a partisan of a military intervention, Chirac has brought in some determination to put an end to the war.

The latter change in the balance has pushed negotiations from a humanitarian optic to a clear military policy. Hence this switch has been accompanied; under strong French influence, by a military Rapid Reaction Force (RRF) which has been equipped for fighting situations. The latter has been authorized by the UN SC so to "enable UNPROFOR to carry out its mandate" (Res. 998; June 1995).

This new French led RRF was composed of 4'500 heavy armed soldiers especially from France, UK and the Netherlands, whereas the USA and Germany were providing air-transport, logistic and medical equipment (CDT; p.22; 2006).

Hence whereas mandates ambitiously defined the role of the RRF as to protect UNPROFOR, to free the besieged Sarajevo, and to stop Sarajevo shelling, it rapidly appeared that the RRF could not fulfill these missions. As a result the RRF has been redeployed in July 1995 exclusively on surrounding highlands of Sarajevo so to deter Serb positions, whereas in a second stage, their missions have been reduced to the only protection of the UNPROFOR and to free the humanitarian corridors around Sarajevo (CDT; p. 22; 2006).

Thus by emphasizing the PBA, the Group of Contact has been able to bring warring parties at negotiations. The Dayton negotiations in November 1995 represented the outcome of US strategy which combined military with political pressure. The US took direct control over the peace process at Dayton, relegating other Western actors to subordinated roles.

V.3.5. *Enforcement of the Dayton Agreement*

The coercive diplomacy led by the Contact Group, as well as the weakened Bosnian Serbs which had to face the Croat-Muslim offensive, have probably created the appropriated political window of opportunity to impose a substantive peace agreement.

After intense negotiations which took place in November 1995 in Dayton, the parties agreed on a peace agreement which was formally signed in December.

The Dayton Agreement has introduced a complex institutional architecture into BiH. Thus BiH should be the result of the assimilation of the Croat-Muslim Federal entity and the Bosnian Serb Republic (see map). As a result the Dayton agreement designed "six separate layer of authority and fourteen different governments with taxing and law-making power" (International Crisis Group; 2003).

Figure 14

Bosnia and Herzegovina under the Dayton Peace Agreement and the front lines at the end of 1995

Bosniac-Croat Federation (F)
Republika Srpska (RS)

Inter Entity Boundary Line (IEBL)
Serb
Bosniac   } controlled territory
Croat
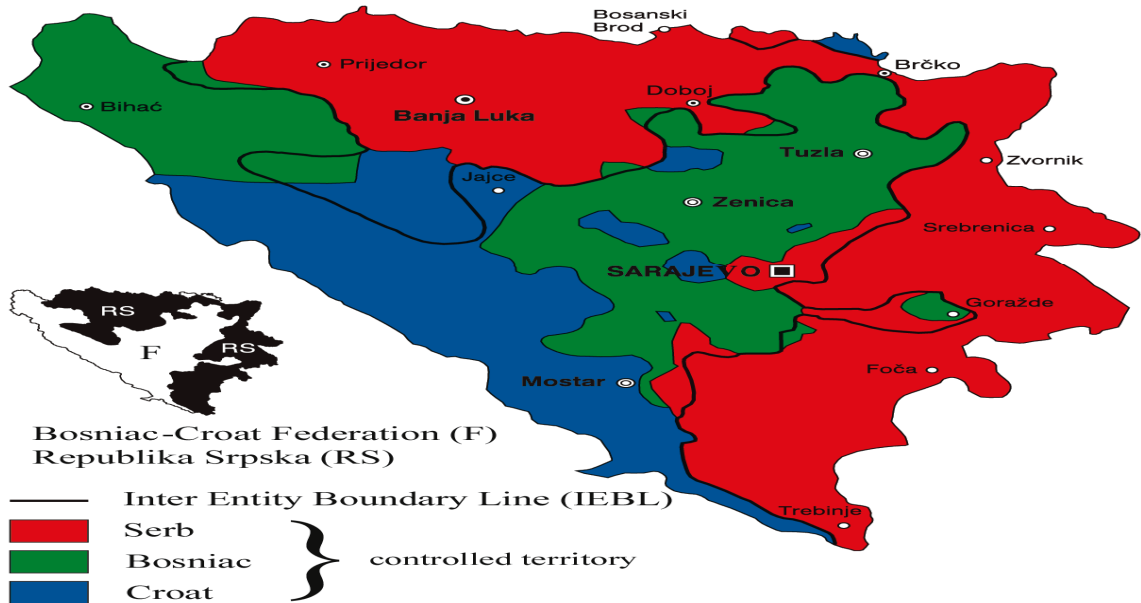
OHR; 2008

It could be interesting here to compare the latter map with the previous design of BiH. Hence by looking below, the map shows the ethnic composition of BiH before the war.
Obviously BiH seemed to be marked by intense coexistence between its communities.

Figure 15

Ethnic composition before the war in BiH (1991)

1991

Croats – more than 66%
Croats – 50–65%
Croats – up to 50 %

Bosniacs – more than 66%   Serbs – more than 66%
Bosniacs – 50–65%   Serbs – 50 – 65%
Bosniacs – up to 50%   Serbs – up to 50 %
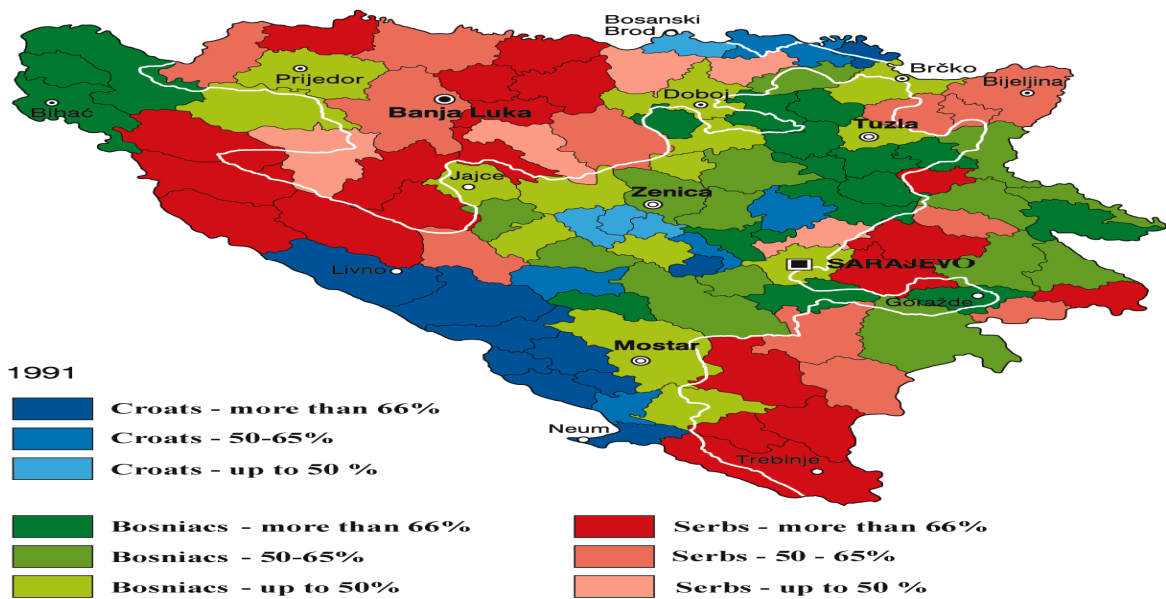
(OHR; 2008)

Henceforth let us here have a look at the ethnic composition of BiH after the war and its displacement which have occurred

Figure 16

Ethnic composition in 1998

1998
- predominantly Croat
- predominantly Bosniac
- predominantly Serb
- Bosniak-Croat mixed
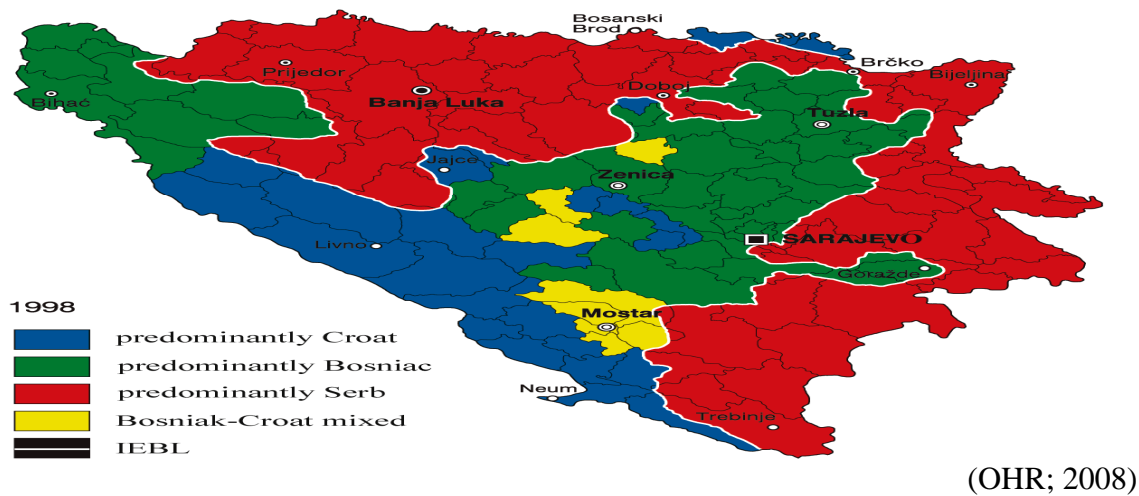- IEBL

(OHR; 2008)

By accepting an internally divided state, the Dayton agreement has ceded the idea of the multiethnic identity of ancient Bosnia.

Following the Dayton agreement, the regional entities (Federation of Bosnia and Republic Srpska) had their own government for the conduction of their competences[94]. As for the centralized government the latter should be composed by a joint multi-ethnic and democratically elected government which conducts the competences given to the Regional entities namely foreign, diplomatic and fiscal policy (CIA; 2008)[95].

The central legislative branch is composed by a bicameral Assembly. First, the chamber of representatives composed of 28 seats allocated to the Croat-Muslims, whereas 14 seats are given to the Serb Republic. As for the second chamber, five seats are attributed to each of the three communities.

The Dayton agreement also sets up a supervising organ known as the Office of the High Representative which responsibility is to "oversee implementation of civilian aspects of the accord ending the war in BiH" (OHR; 2008). The OHR has been assigned with strong powers which permit them to implement policies in accordance with their interpretation of the Dayton agreement. Furthermore, the OHR was also enabled with the authority to suspend any official (even elected) if the latter does hamper the implementation of the Dayton Agreement (Bonn powers).

Concerning the military aspect, the Dayton Agreement as well as the subsequent UN Resolution 1031 has authorized the implementation of NATO-led forces so to "establish a

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[94] Consistent neighborhood foreign policy; policing; and all other policies which the Constitution does not attribute to the central government.

[95] As well as: Customs policy, Monetary policy, Immigration, refugee and asylum regulations; International criminal law enforcement; Common and international communication facilities; Inter-entity transport regulation, and air traffic control (BiH Constitution; Art. 3; annexe IV).

durable cessation of hostilities (…), including the use of necessary force, to ensure compliance (…) to establish lasting security and arms control measures" (Dayton Agreement)[96].

As for other aspects of the Dayton Agreement, the latter provided the basis of the Bosnian Constitution and put accent on several dispositions likewise human rights protection, return right for refugees and displaced persons as well as the reconstruction of the economy (Keane; p. 69; 2002).

V.3.6. *Conclusion*

Thus it seems that the Enforcement policies have brought in several major changes within the Bosnian conflict. Nevertheless it must be said that the EU's role was reversed to second order.

It has also been revealed several management failures with dramatic consequences on the field. Thus blurred mandates provided by the SC as well as the multiplication of commanding centers for different components as the UNHCR, NATO, UNPROFOR etc have shown several lacks of coordination. A major failure was also the reluctance of UN member states and the SC to authorize and provide sufficient troops to UNPROFOR.

As it has been shown, the USA entered the negotiation and by the same imposed their policies bypassing the European attitude. A second negotiation sphere was created with the Contact Group as the main dialogue sphere instead of the ICFY.

Secondly the USA imposed a coercive diplomacy which started with punctual air strikes to protect safe areas and UNPROFOR into generalized air strikes on Bosnian Serb positions. It has also be shown that UNPROFOR has had punctual ground fighting's with warring parties.

However the generalized bombing seemed to create a favorable window of opportunity to impose a peace agreement. The latter has been done with the Dayton Agreement only a couple of weeks after the generalized bombing.

As for the EU, the latter seemed to be still marked by its divisive illness although the presidential elections in France have brought in a major advocate for the coercive-power base approach.

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[96] However the latter force will be reviewed within the chapter concerned with Peacekeeping policies.

V.4. Peacekeeping (PK)

V.4.1. *Introduction*

PK has been defined as a "technique designed to preserve the peace, however fragile, where fighting has been halted and to assist in implementing agreements achieved by the peacemakers". An important distinction in contrast to peace-enforcement is that PK missions occur after the conflict and with the consent of all warring parties which in case of BiH has been agreed on, respectively enforced, within the Dayton Agreement.

Henceforth it should be focused on the military and policing aspects of PK policies. The Dayton agreement has set the basis of the Bosnian State by keeping its international borders but also by creating a multi-tiered government which involves one government for the Serb region, one government for the Croat Muslim Federation and one loose centralized government for BiH[97].

However in its attempt to make things work, the EU and the UN had to make sure that the cease-fire and the Dayton agreement would be respected. Hence, seen from the military and policing aspect, one of the first post-conflict policies to implement was the deployment of appropriated stabilization forces.

It should be distinguished here among several structures which have been set up in order to conduct PK missions. Core elements of these structures entail the Implementation Force (IFOR), the UNMIB; Stabilization Force (SFOR); Althea; EUPM and the Office of the High Representative (OHR).

These different units will be analyzed more in depth below. However it should be reminded that because the analysis is about EU and the UN, IFOR and SFOR will only be shortly overviewed because they are directly attached to the NATO structure. Nevertheless it will provide the opportunity to discuss the implication of the predominant NATO involvement on EU and UN policies.

V.4.2. *NATO takeover*

As NATO air strike campaign and the implementation process of the Dayton agreement have brought a major military approach within the conflict resolution process, NATO seemed to take over the CR process since its peace-enforcement phase. Following the latter phase, NATO had to ensure the responsibility for monitoring the good implementation of the peace agreement. To do so, NATO and the UN agreed on the evacuation of UNPROFOR troops which would be replaced by a multinational NATO-led force, namely the IFOR.

In contrast to UNPROFOR's beginning, IFOR was more clearly mandated by the SC under Chapter VII which allowed the latter to make use of force to defend itself as well as to fulfill its missions (UN; Res. 1031; 1995). IFOR started directly after the ratification of the Dayton agreement in December 1995. IFOR's mandate was defined within the Dayton agreement

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[97] In reality things are even much more complicated. Indeed for example the Dayton agreements have set an Office of the High Representatives which in practice promotes "the effective progress and accommodation in state institutions" (Keane; p. 71; 2001). The latter OHR has strong powers within the decision-making process (see peacebuilding chapter).

stating that IFOR shall: impose a sustainable cease-fire; ensure the withdrawal of the warring parties' armies to their respective Regional Entity; ensure the territorial transfers as agreed within Dayton to its respective Entity; ensure the disarmament of heavy weapons of the warring parties (Dayton Agreement).

To fulfill its mission IFOR relied on 60'000 troops provided by a multinational force. The latter has been directly placed under the authority of a unified NATO commanding chain namely the Supreme Allied Command in Europe (SACEUR). The deployment of IFOR also signified the withdrawal of UNPROFOR. IFOR counted the participation of all NATO members as well as some non members[98]. Specially remarked was the participation of Russia which insisted not to fall under NATO's direct command.

However it should be said that the rapid deployment of IFOR was facilitated by UNPROFOR's presence in BiH. Thus IFOR was allowed to keep the majority of UNPROFOR's infrastructures. Furthermore 18'500 UNPROFOR troops were simply transferred under IFOR's authority (Ducasse-Rogier; p. 17; 2004).

As IFOR's mandate was planned for one year, November 1996 saw the emergence of a new mandate which defined the takeover of a new force named the Stabilization Force (SFOR) (UN; Res. 1491). SFOR was still kept under NATO's authority, but its strength was reduced to 35'000 troops. Their mandate defined its core missions as to keep the respect of cease-fire; ensure freedom of movement; secure the environment…. As the cease-fire seemed to be respected, SFOR saw its troops regularly being reduced until 8'000 troops in 2004 (CDEF; p.54; 2006).

Likewise IFOR, SFOR subdivided its commanding chain according to three zones placed under responsibility of France, UK; and the USA. A noticeable mission continued by SFOR was the disarmament of warring parties' heavy weapons. Furthermore SFOR conducted the Train and Equip programme in order to rebuild auto sufficient Bosnian defense and security capabilities. The success of the latter programme was strongly related to the gradual evacuation of the multinational forces.

Thus, to fulfill the Equip and Train programme as soon as possible, NATO (USA) injected a budget of 400 mio. dollars as well as the rearmament contributions from several Arab countries (CDEF; p. 57; 2006).

V.4.3 *Europe's second hour*

V.4.3.1. *The military mission*

Once must wait until 2004 to see the EU act as a united actor within the military aspect of PK. This late implication within BiH is of course due to several factors. First the EU has had major formal-institutional developments in terms of defence and security policies[99].

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[98] I.e. Morocco; Jordania; Malaysia; Egypt
[99] Indeed after the EU Treaty in 1992, a third pillar has been introduced to set formal institutional framework on security and defence policies (CFSP). More recently the EU has also developed its capabilities and mandates. Thus, the latter has set a Rapid Reaction force as well as defined its tasks within the Petersberg Tasks which are:

Second, as USA's foreign policy's priority knew a radical shift towards the war on terrorism, its attention and forces seemed to converge to other areas. For Bosnia, this implied a decrease of American troops from 20'000 troops in 1996 (IFOR) to 900 troops (SFOR) in 2004 (ICG; June 29; 2004). Nevertheless it should also be added that cease-fires seemed to be respected in BiH and by the same military PK capabilities could be reduced.

As the USA seemed to massively evacuate Bosnian ground, it appeared that the continuity of a US-NATO commanding chain was not wanted anymore. At the same time, the EU was looking for opportunities to promote the credibility of the CFSP.

Henceforth, in July 2004, the EU agreed to send a military PK component to replace the SFOR-NATO mission (EU; 2004/570/CFSP). To do so, the EU has managed to gather 7'000 troops. EUFOR-Althea's missions were more or less the same as those conducted by SFOR. Furthermore with the Berlin plus agreements, the EU has been enabled to make use of military capabilities and logistics left over by NATO (EUFOR, 2008).

Other core missions were also the arrestment of war criminals[100]; monitoring and securing weapons storage sites, and reforming the Bosnian army (ICG; p. 7; June 29 2004). Nevertheless as the military autonomy of the warring parties was always highly sensitive and politicized, neither IFOR; SFOR or EUFOR enabled any kind of a unified Bosnian army. Indeed since the end of the hostilities, each army has been confined to its military basis, respectfully to its regional entity. Each of them has its own independent; uniform, structure, financial and commanding policy.

As stated by D. Rumsfeld, EUFOR's missions would contain "less military and more police in its orientation" (ICG; 2004). An important difference here with the SFOR, is that EUFOR has also been an instrument at disposition of the European civilian PK teams. Thus the OHR has been granted a place within the decision-making process of EUFOR's missions. By doing so the OHR was able to produce a better coordination among the military, police and civilian operations (ICG; 2004).

V.4.3. *Police mission*

Concerning the police missions it could also be noticed a late EU takeover. As mentioned before, because IFOR and SFOR's were strictly kept within military tasks, the UN took first the lead to set up an international police force in BiH. Thus while the creation of IFOR, the UN created the UNMIBH as a policing organ for BiH (Res. 1035; 1995).

The UNMIBH/IPTF[101] had as mission to control, observe and inspect activities of Bosnian polices. Furthermore IPTF also had to train and inform Bosnian police organs; their administration as well as to investigate on Human Rights violations (Operationdepaix; 2008).

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humanitarian and rescue tasks; peace-keeping tasks; tasks of combat forces in crisis management, including peacemaking

100 I.e. the first arrest was made by SFOR on 10 July when its troops arrested Milan Kovacevic and killed Simo Drljaca in a shoot-out. Other actions for illustration could be related when "SFOR intervened in Banja Luka to shield President Plavsic and ensure her control of the police. On 10 November SFOR troops intervened again in Doboj to dissolve the special police and close its barracks" (ICG; November 1997).

[101] International Police Task Force

To fulfill their mission, UN member states have put at disposal over 2'000 policemen in 1997. The latter was reduced to 1'500 policemen, 400 international experts and 1'170 local experts in 2002 (Operationsdepaix; 2008). The UNMIBH was placed under the direct authority of the Secretary-General and the Coordinator of UN operations in Bosnia. The latter was also marked by a close cooperation with the OHR and NATO.

The need for an international police force is mainly due to the fact that the local police is often "nationally partial, under-qualified, underpaid, corrupted, (…) and controlled by politicized and nationalized interior ministries"[102] (ICG; May 2002). Furthermore the institutional design left by the Dayton Agreement has brought in a very complex situation for the international police force. Thus, Bosnia counts fourteen separated police forces which cooperate poorly if not at all (ICG; p. 2; May 2002).

Nevertheless, some UN successes on several reform strategies have been the creation of a joint State Border Service[103], the promotion of a State Information and Protection Agency and the withdrawal of police officers who were implicated within ethnic cleansings. The only major obstacle to a successful mission is the difficulties to "curb political influences over the police" (ICG; May 2002).

However several failures must be taken into account. Hence, when the end of UNMIBH's mandate approached in December 2002, it seemed that the biggest problems for the Bosnian police were; facing organized crime and investigations in touch with powerful and wealthy men. The latter obstacles were of course due to "professional deficiencies and to the obstacles represented by cantonal, entity and state frontiers" (ICG; May 2002).

In line with the EU's attempt to hold an impressive role within the international scene, the extinction of the UNMIBH mandate brought another opportunity for the EU to prove its capabilities. Hence the SC approved the decision of the EU to overtake UNMIB/IPTF mission in BiH by an European police force (UN; Res. 1396).

On February 2002 the EU announced the creation of the EU Police Mission (EUPM) which entered into force on January 1993.

Nevertheless the EUPM resources were much more limited than those of the UNMIBH. First the EUPM mandate has been restrained to three core missions namely "the support to the police reform process, strengthening of police accountability and support fight against organized crime". The aim should be to establish a "sustainable, professional and multi-ethnic police service (…) in accordance with European standards" (EUPM, 2008). In short the latter could be defined as a supervising, monitoring and advising mission.

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[102] A UN report stated the context as follows: "Numbering over 44'000, the local police forces were mono-ethnic paramilitary units, organized in three parallel structures, and entirely unsuited to civilian law enforcement. Instead of attempting to provide citizens of minority groups with some sense of security, police forces continued to discriminate against, harass and intimidate citizens who were not of their own ethnicity. (…) Moreover police forces were corrupt and politically dominated" (UN SC; S/2002/1314; p. 2)

[103] The State Border Service (SBS) has been launched in June 2000. The latter has as core mission to monitor illegal immigration at international borders, to supervise the security of airports of BiH as well as other traditional custom missions (NATO; 2008).

Second, although the EUPM seems to benefit from the contribution of 33 countries[104], the latter did only manage to send a total of 180 individuals, mainly policemen. By adding some other international staff as well as the local staff, the EUPM still counted less than 1'000 individuals. Also the size of the budget was strongly reduced from annually USD 121 mio. to around 60 mio. for the EUPM (ICG; p. 3; May 2002).

Furthermore the reduction of international police forces from UNMIBH to EUPM also symbolized a strategic shift. Thus, whereas UNMIBH put much emphasis on proximity policing by deploying many officers within local areas[105], the EUPM was now focusing within strategic institutional positions likewise the core command centers of the entities and cantonal interior ministries (ICG; p. 4; May 2002).

This change from a proximity policy (local police stations) to core policy-making centers of Police institutions (e.g. Ministry of Interior) raises several implications. First, it could be claimed that by adopting a top-down approach as the EUPM- supervising the higher departments of the Police- it could have much more deeper impacts on the entire policing system throughout major reforms and the near monitoring of national-politicized officers.

The latter would confirm the sayings of UNMIBH personals who criticized the UN bottom-up approach: "We don't need people, co-locators, sitting around drinking coffee and teaching the police to greet citizens on the street" (ICG; p. 50; May 2002).

Nevertheless a second claim could also state that by concentrating EUPM's resources on higher departments, the latter situation would raise serious implications on the reliability of assessment and informative sources. Hence by detaching from the proximity level, the EUPM will be dependant on reports made and supervised at first hand by the different Bosnian authorities.

Concerning the EU and UN implication within military and police PK missions, it seems that the EU shows a late unified willingness to overtake these missions. Before that, the bulk of the missions had been carried out by NATO (IFOR & SFOR) and UN (UNMIBH/IPTF) operations. By the way the EU seemed also to put fewer resources within the policing mission compared to its predecessors. The latter being partly due to the already accomplished missions by the UNMIBH but also because the EU has brought a top-down approach which does not call for local policing presence.

Furthermore it seems that the EUPM failed in achieving some of the major objectives fixed by "post-Dayton constitutional changes". Thus whereas it has been agreed on to induce an ethnically equilibrated representation within public institutions, it seems that the target is far from reached. Hence, less than 8 % of the Serbian regional police is occupied by non-Serbs and assigned within lower administrative tasks, whereas less than 10 % of the Croat-Bosnian Police entail Serbs.

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[104] The EU 27 as well as the participation of Canada, Iceland, Norway, Switzerland ; Turkey ; Ukraine (EUPM ; 2008)

[105] Indeed the IPTF strategy was focusing on three levels: the individual police officer; law enforcement institutions; relationship between police and public. To do so the IPTF followed six core programmes which had as purpose: "the certification of individual officers, accreditation of police administrations; and the establishment of self-sustaining mechanisms for State and regional level inter-police force cooperation" (UN SC; S/2002/1314; p. 3).

Two other failures could also be addressed. A first would be the missed decrease of the over employment of police forces which count 19'000 officers for a State with less than 4 mio inhabitants. The latter situation causes an estimated expenditure of a more or less 10 % for each regional as well as cantonal public budget. The second major failure is the non collaboration of the respective police forces[106]- especially within the Serbian Region when it comes about the cooperation with the ICTY and the facilitation process for the return of refugees (ICG; pp. 1-2; 2005).

Hence whereas the UNMIBH/IPTF's mission could be interpreted as a monitoring of the Bosnian police on field, the EUMP was reduced to administrative reform tasks. However, according to experts, the police officers send by the EU to conduct administrative reform tasks were inappropriate for the latter job. Indeed administrative reforms should be charged by civilian administrators which have a high expertise within the field of public administration (ICG; p. 13; 2005)[107].

Although EUPM's strategy is to pressure on administrative reforms, the latter did not overcome the major obstacles in order to reach an effective and efficient police administration. Indeed the Bosnian Constitution still forbids each Entity's police to cross its investigation into another Entity. The latter situation is even complicated by a fragmentation of the police among ten different cantons[108]. Furthermore each canton seems to have an autonomous police department which falls under the authority of the Federal Interior Ministry only for terrorism and organized crime cases. Alarmingly, there is no relevant coordination framework[109] (ICG; p. 2; 2005).

The EUPM's incapacity to enhance the effectiveness of the Bosnian police must of course be put into perspective. Thus a major handicap here is that major reforms concerned with police institutions would need constitutional amendments which require two-thirds of the federal parliament (ICG; p. 6; 2005). This is of course not imaginable in the context of BiH where police structures and institutions are strongly kept by ethnical and politicized authorities.

Although the EUPM could rely on the OHR[110] to impose several reforms and legislative acts[111], it should be reminded that the OHR's authority is not allowed to bring any constitutional changes to what has been agreed by the Dayton Agreement.

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[106] The only noticeable joint Croat-Muslim-Serb forces are the State Border Service and the State Information and Protection Agency. The two agencies have been created under UN and NATO presence.

[107] An investigation made by the International Crisis Group stated that: "No matter what criteria are used to asses EUPM performance, the indicators are depressing. A weak mandate has been interpreted in the narrowest possible fashion, permitting it to avoid many responsibilities. The mission is deployed around the country rather arbitrarily. It tasks police officers to design and run public administration reform, an area where few have relevant training or experience. It often receives under qualified officers from contributing countries, who arrive without proper training or any introduction to the mission. Frequently personnel lack sufficient English, the official language of the mission" (ICG; p. 12; 2005)

[108] By adding the police forces of the autonomous Brcko District as well as the police force of the Serb Republic and of the Croat-Bosniak federation, there are 13 police forces for the entire state of BiH.

[109] "In the Federation, the police force is directed by the internal ministries in each of the ten cantons (the police as such are controlled by the Federation's Ministry of Internal Affairs). In Republika Srpska, the police force is centralized and placed directly under the Ministry of Internal Affairs" (Operationdepaix; p. 549)

110 "Office of the High Representative (OHR) is an ad hoc international institution responsible for overseeing implementation of civilian aspects of the accord ending the war in Bosnia and Herzegovina. The position of High Representative was created under the General Framework Agreement for Peace in Bosnia and Herzegovina" (OHR; 2008)

[111] The powers of the OHR are important. Indeed, the latter under the so-called Bonn Powers has the final competence for interpretation of the implementation of the Dayton Agreements. Throughout the Bonn Powers

As a result, criminals are benefiting from this fragmented police institution by simply escaping to neighboring entities. Even worse it has been noticed that since the EUPM overtook the UNMIBH/IPTF presence, crime increased by 22 % in the Serb region and 32 % within the Croat-Bosnian federation (ICG; p. 13; 2005). The latter situation has also blocked BiH accession within NATO in 2004 and is still a major obstacle to the integration process within the EU[112].

Thus, concerning the EU and UN implication within military and police PK missions, it seems that the EU shows a late unified willingness to overtake these missions. Hence the two different international policing units (UNMIBH/IPTF & EUPM) have not been able to enhance the effectiveness of the Bosnian polices which are still "overstaffed, under-equipped and fragmented along ethnic lines" (ICG; p. 5; 2005)

V.4.4. *Cleansing of War Criminals*

One of the most important objectives set for the international military and police staffs is concerned with the investigation and arrest of war criminals. To do so, the UN and the EU as well as NATO had to coordinate their activities with the ICTY.

The indictment of war criminals may be launched by the ICTY or/and by local judicial authorities. However the ICTY is given the major role because its authority is set as superior to those of local courts[113]. This is made obvious by the "Rules of the Road" which obliges local authorities to "submit to the Office of the Prosecutor of the Tribunal (…) lists of individuals they believe to have committed" war crimes for ICTY arrestment approval (ICG; p. 8; 2000).

Although SFOR and ALTHEA could (have) be(en) used for the arrestment of war criminals, the lack of cooperation and collaboration from the different Entities have reduced possibilities to arrest all of them. Even worse, the UNMIBH has reported that "numerous police officers working today have been implicated in war crimes". The latter situation is of course contrasting with the need to ensure the safe return of refugees. A need asked to be fulfilled by those who were also directly responsible for their displacement (ICG; p. 77; 2000).

However some efforts have been made after the increasing cadence of sanction threats. Thus in 2004 the Serbian police accepted to arrest 16 war criminals - including politicians and policemen - after their indictment from the Sarajevo Cantonal Court. Furthermore, in December 2004 Serbian authorities accepted to transfer one and half tons of wartime military documents to the ICTY. Nevertheless major deficiencies are still important likewise the arrestment of Ratko Mladic who was hided by Bosnian Serb military authorities (ICG; p.3; 2000).

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the OHR has imposed 49 laws and 82 modifications of existent laws. Furthermore it has modified 12 institutions and suspended 82 officials who were judged to block the Dayton implementation (French Senate; 2008).

[112] Concerning the police reform, the EU has three major criteria for BiH which are: the exclusive legislative and budgetary competence for police issues at state level; apolitical police organs; and Local police areas based on technical policing considerations in contrast to political considerations (ICG; p. 7; 2005).

113 "The international Tribunal shall have primacy over national courts. At any stage of the procedure, the International Tribunal may formally request national courts to defer to the competence of the International Tribunal in accordance with the present Statute and the Rues of Procedure and Evidence of the International Tribunal" (ICTY Statutes; art. 9 par. 2)

Herewith it should be mentioned that the implementation of substantive policies which led to the founding of the ICTY at an early stage of the conflict and which has been kept functional until today (UN; Res.: 827; 1166; 1329). Hence not only did the ICTY have a considerable impact on the development of international law[114], but for BiH it tries to reintroduce the value of justice for war victims[115] as well as the banishment of impunity for war criminals. By doing so the ICTY also reduces a potential desire of vengeance and by the same contributes as a peacekeeper.

To fulfill its mission the UN has gradually attributed the resources to do so. First its mandate was defined under Chapter VII of the UN Charter declaring it as an instrument to promote international peace and security (ICTY; 2008). Furthermore its structure does not only entail judicial administrations. The ICTY activities range from the management of : a Detention Unit; legal aid system; witness protection and assistance programme; translation; collection of evidence, securing evidence etc (ICTY; 2008).

The funding is formally provided by the UN (ICTY Statutes; art. 32). The budget line is approved by the General Assembly and the expenses are shared among the Member States according to a fixed distribution (UN Charter; art. 17). Interestingly its budget has known an intensive increase since the foundation of the ICTY in 1993.

Table 17

ICTY BUDGET				
1993	**1994**	**1995**	**1996**	**1997**
$276,000	$10,800,000	$25,300,000	$35,430,622	$48,587,000
1998	**1999**	**2000**	**2001**	**2002-2003**
$64,775,300	$94,103,800	$95,942,600	$96,443,900	$223,169,800
2004-2005	**2006-2007**	**2008-2009**		
$271,854,600	$276,474,100	$310,952,100		

ICTY; 2008

The analysis of the latter ICTY Budget confirms the constant annual increase of the ICTY budget. Especially remarkable is the increase from 1993 to 1994 which saw its previous budget increased around 40 times.

Concerning its staff, the ICTY today employs over 1'100 personals gathered from 82 different nationalities. The main Court Chambers are composed by 16 permanent and independent judges who are elected by the UN General Assembly every four years re-electable (ICTY; 2008).

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[114] "Thanks to the ICTY, the question is no longer whether leaders should be held accountable but rather how can they be called to account" (ICTY; 2008)

[115] « To date, over 3'500 witnesses have taken the opportunity to tell their stories while testifying in court (…). The prosecution has also interviewed 1'400 other potential witnesses. This has given victims and witnesses a real sense that they and their communities are involved in the work of the Tribunal" (ICTY; 2008)

Since its foundation, the ICTY has identified 162 war criminals subject to indictment. 115 of them are concluded cases; another 46 are deferring to court; whereas two are still at large namely Ratko Mladic and Goran Hadzic.

V.4.5. *Conclusion*

Thus it has first been shown that NATO and the UN did play a major role in PK after the Dayton agreement. Whereas NATO was committed to military aspects the UN took care of the policing mission. However the gradual decrease of US-NATO troops within BiH combined to the renewed willingness of the EU to hold a major role as an international actor has brought the EU to takeover NATO and UN's military and policing mission.

However the success of the EU to do so is furthermore disappointing and is qualified as a failure by several experts. Although the introduction of the top-down approach by the EUPM did offer the necessary access to proceed with administrative reforms concerned with Police departments.

Nevertheless the staff which has been sent to do so is majorly not appropriated for the latter mission (EUPM is composed by policemen rather than civil-administration experts). Furthermore, compared to the previous police organ- the UNMIBH/IPTF- the EUPM has presented a major cut within its resources (budget and staff).

The latter resulted into an increase of criminal activities throughout every entity of BiH. War criminals were still hided by several official authorities, sometimes they were still employed as police officers in their respective Entity.

Finally one organ which could be qualified as a successful contribution to PK is probably the ICTY. This because the ICTY seems to be one of the rare instruments which had not suffered yet from the typical EU-UN gradual extinction policy.

Indeed since its creation the ICTY gathered more and more resources (staff and budgetary) to fulfill its mission as a result of its successful and extensive work. Nevertheless its work has been hampered by a slow and fragmented Bosnian executive force which seemed to be reluctant to arrest and transfer war criminals especially during the first years of the Dayton implementation.

VI. Evaluation of the findings and recommendations for Crisis Resolution improvements

To remind briefly our theoretical approach of CR policies we distinguished three mutually fulfilling approaches namely the Interest- (IBA), Power- (PBA), and Right-based (RBA) approach (see Figure 7).

Figure 18
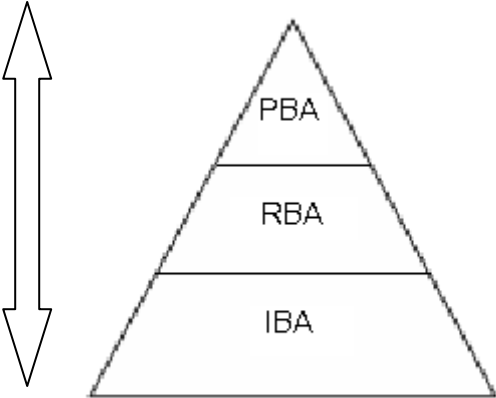
Henceforth to discuss our findings it is invited to consider two different aspects which should be figured throughout a vertical and a horizontal axis. Thus the horizontal axis will consider the adopted approach towards Bosnia singularly for each IGO. This will allow a comparison of CR policies between the EU and the UN. As for the vertical axis, the latter considers the overall approach (EU and UN CR combined) towards Bosnia:

Figure 19

Multilateral Crisis Resolution process

EU **UN**

Bosnia and Herzegovina
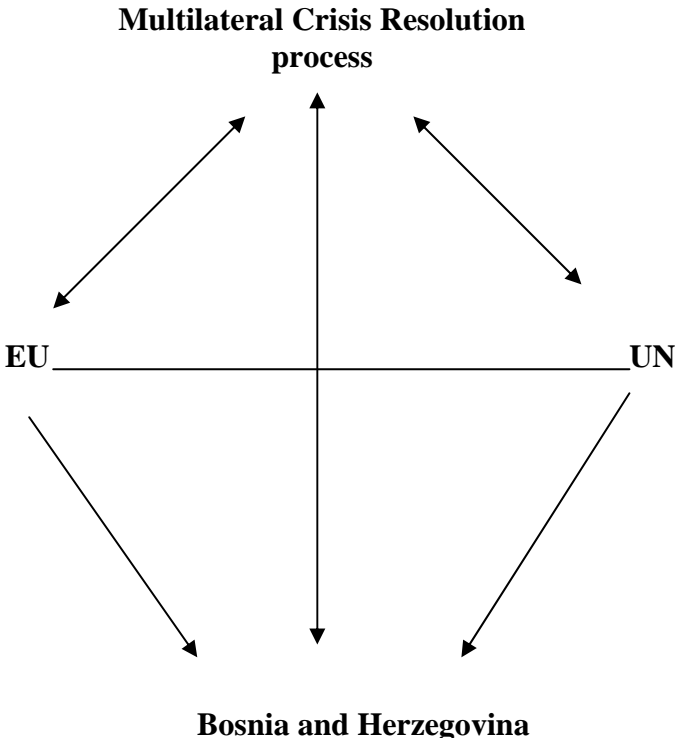
VI.1. Horizontal analysis and suggestions for improvements

Throughout the Conflict Prevention phase it appeared that the EU/EC's CR policy granted most of its efforts to the IBA. Thus the EU/EC managed to create a dialogue sphere (CY) as a negotiation tool which proposed failed peace plans. Furthermore several policies concerned with the recognition question of Bosnia have also been conducted although it has been done in a catastrophic and non coordinated way.

It also appeared that the UN, throughout the voice of several delegations, conducted "good offices". Nevertheless the UN played a much smaller role within these negotiations so that it could be deducted that the IBA has been majorly assigned to the EU/EC.

Nevertheless the EU/EC's IBA seemed to be a failure. Before the start of the conflict the EU/EC did not respond to the integrative process requested by the Yugoslav authorities. Furthermore, it has been fully agreed with De La Haye's interpretation which stated that the EC has shown its incapacity to react in a punctual and targeted way towards several possibilities. These "Missed Opportunities" were especially marked by the non supervision of the elections of 1990 as well as the non financial support throughout the PHARE programme.

A last important point was the question of recognition. To remind, the EC (member states) and the EC parliament supported and traduced contradictive positions towards the secession of BiH. The latter position was even aggravated by the further contradictive position taken by the UNSG.

Thus, to avoid such weaknesses, several points could be stressed out. Hence, as the UN gives legitimacy to the EU in order to act as a regional actor (UN Charter; Chapter VIII), the EU should adopt a more principle-agent behaviour. To overcome national-level discords the EU should also predefine a guideline which encompasses an overall strategy on which member states agree to act properly in a way to settle the conflict although divergent national interests[116].

Also, because it is agreed that often the incapacity to work out common positions is related to the lack of information it is suggested to enhance information/intelligence gathering and sharing among the EU/UN Member States could certainly help to the emergence of common denominators. Several authors even suggest that information/intelligence gathering units should be established at IGO level so to centralize information channels and by the same overcome the national reluctance to share information (Wies eds.; 2003). The latter would also contribute to a better comprehension of the situation on ground and by the same offer a clearer view on the approach which has to be taken.

An emerging idea promoted by the EU nowadays invites for the development of so-called "smart sanctions" in order to target directly the principal hostile actors of the conflicts (EC; COM (2001); p. 24; 2001). It is proposed to target "swiftly and unambiguously on individual decision-makers" (EC; COM (2001); p. 24; 2001). At the same time this would spare the

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[116] The Bosnian conflict as well as the international context at that time did probably give to the EU a major boost for the development of institutional arrangements aiming to guide a collective strategy in order to address an ongoing conflict. Thus, 1992 has seen the implementation of the ESDP which already stressed a closer cooperation to fulfill the "Petersberg tasks". Future developments have led to stronger arrangements as those settled with the Nice (2001) and Amsterdam (1999) Treaty.

population from major economic sanctions and embargos which are often implemented in conflict areas.
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Also, if a potential conflict is detected at a very early stage, IGO's could invite for several policies which would focus on providing social activities meaning jobs and occupations for those populations who might risk becoming future combatants. Hence in the case of BiH, an early EU/EC pre-adhesion process or at least close cooperation with consistent financial tools to create job opportunities for younger people could have withheld many potential combatants at home instead of engaging in militias.

Complementary to the latter policy, the Conflict Prevention phase should also see a massive engagement of the UN and EU within a neutral informative public relation campaign. Thus IGO's at stake should engage in massive support of national media and local NGO's in order to diffuse alternative messages countering hostile propaganda campaigns of the warring parties which are often preceded by a conflict. Supportive priority should be exerted on national medias and local NGO's which are in line with support to "democracy, rule of law, civil society, gender equality" (EC; p.13; 2001).

Concerning the PBA, it has been noticed that the latter were weakly used. Of course within a conflict prevention phase it is not supposed to employ muscled policies in a first term[117]. Nevertheless it appeared that the EU has shown some PBA policies throughout the short and limited deployment of the ECMM[118]. Furthermore the EU/EC imposed several trade sanctions to Yugoslavia but not as important as what the UN agreed to do.

Hence the UN decided throughout resolution 713 a complete military equipment embargo. Furthermore the UN did impose a cease fire force in Croatia. Nevertheless these two promising policies have seen its effectiveness sharply reduced by the attitude of other actors[119].

Finally within the CP phase, the RBA was the weakest approach used by the EU as well as by the UN. It could be relied on the Badinter Commission which played a major role in the settlement of the recognition question of BiH and concluded that a referendum would be necessary. Of course, recognizing the credibility of the Badinter Commission as belonging or not to a RBA could be put into perspective.

Concerning the PM phase, it could be made mention of edited CR configurations. Hence concerning the EU, it appeared that the latter did still put most of its effort within the IBA. The latter has been strengthened in comparison with the CP phase. Hence the CY has been modified and renamed under the ICFY structure. The major difference resided in the fact that the latter structure was given a permanent status. Furthermore the ICFY declared to opt for rewarding/sanction strategy although it was not perceptible throughout the PM phase.

The EU managed to present several peace plans. Thus it has been made mention of the Vance-Owen, the Owen-Stoltenberg and the Union of three Republics plans. As for the UN the latter seemed to delegate the IBA to the EU but also by partly integrating it.

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[117] We will come to this point again within the vertical analysis.
[118] European Community Monitoring Mission
[119] See vertical analysis for more details.

Concerning the PBA approach, it seemed that the UN played the major role. Thus the UN managed to organize the UNPROFOR for several missions (security assistance, cease-fire imposition, non-flight zone...). However it appeared that the UN was marked by several lack in terms of resources but also in terms of coordination. The latter failures have been explained throughout several points.

Hence, a major point to mention is the multiplication of missions which have been assigned to UNPROFOR. Beside managing the Sarajevo airport and the protection mission of the UNHCR, UNPROFOR has also been mingled with Chapter VII policies which assigned them to monitor the no-fly zone (as well as protecting safe areas, see below) and if necessary to call for NATO air strikes if any violations should occur.

By doing so, the EU and the UN have blurred the distinction between a peacemaking and a peace-enforcement force which put UNHCR and UNPROFOR personals at danger by turning their image onto an enemy, especially for Bosnian Serbs[120].

Blurred mandates of UN resolutions should be avoided and be much more output based. The production of blurred mandates could be explained because of the EU reluctance to provide sufficient resources and structures for a delimited task-sharing of the various missions between the EU and the UN. On several occasions it has been revealed that factors due to the lack of consistency of mandates are related to political unwillingness, but also on insufficient knowledge (Durch (ed.); p. 17; 2003).

The incoherency of peace-enforcement missions with peacemaking missions should of course be avoided in future missions. Troops which have been assigned to protect relief delivery should strictly be restrained to humanitarian areas so not to damage the impartial image of the UNHCR. Indeed many experts would agree when saying that "peacekeeping and peace-enforcement are separate and mutually exclusive activities that cannot be mixed" (US Congress; p. 43; 1994)[121].

Furthermore because the protection of relief convoys has been coordinated between the UNHCR and UNPROFOR headquarters, the effectiveness of humanitarian deliveries has been hampered because of a lack of accordance.

Potential solutions which could be debated can be found in the creation of integrated security troops[122] which would be internally linked to UNHCR structures. Of course the latter should be governed by strict self-defence rules and furthermore be hold within a dissuasive mission first[123].

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[120] To remember, principles which should be kept by a UN peacemaking and peacekeeping force are; impartiality, consent of warring parties, and the non-use of force except in self-defence.

[121] The latter conclusion is gathered from Charles Dobbie (1994) in A Concept for Post–Cold War Peacekeeping. *Survival*, Autumn 1994

[122] However because Member States furnishing troops for these security forces would certainly insist on being part of the decision-making/management process of the UNHCR, the latter could target the recruitment of forces within private sector. Furthermore this could challenge the way present politics have made use of private security forces throughout the world.

[123] Another way to present the latter idea is throughout the concept of Non-Provocative Defence which « seeks to make war less likely, not by building more military strength, but by restructuring strategic planning in order to threaten potential enemies » (Jing; p. 141; 2000).

Coercive interventions should only be carried out by regional organizations clearly separated from blue helmets. In the latter case, the UN organs should see a centralization of their headquarters within a common permanent structure so to avoid the "Kafkaesque" operational coordination as happened in Bosnia (Howard; p. 48; 2008).

Furthermore and linked to the previous, the deployment of observation groups at early stage would be part of the information gathering initiatives. However the CP phase conducted in Bosnia by the EU and the UN has shown that only a few observers have been deployed to BiH and mainly in and around Sarajevo. Henceforth it is suggested to provide observation staffs with sufficient personals as well as appropriate equipment. Some have already proposed that it should be made wider use of modern technologies (satellites; intelligence; close monitoring of politicians) so to enhance precise information gathering (US Congress; 1995).

Finally the PM has been marked by an important step towards the RBA. The latter was induced especially by the UN. Nevertheless the cooperation of the EU member states was a major part to the success of the RBA. Hence after several commissions the RBA based itself mainly on the establishment of the ICTY which benefited from the full support of the international community.

Concerning the PE phase, the analysis assisted to the crumble of the EU CR process. Hence concerning the IBA, it was clear that the EU's failures to impose a peace-settlement have created the need for new strategies and actors. As the USA was willing to take the lead, a new tool for the IBA appeared throughout the Contact Group. Nevertheless several EU member states managed to take place into it and by the same represented symbolically the EU. Thus by imposing diplomacy with muscles, the Contact Group finally managed to impose an agreement known as the Dayton Agreement.

Nevertheless, the creation of the US-lead Contact Group was particularly effective in finding responses to the development of the conflict. Of course the Contact Group developed in a specific context where it was favourable to "marry force with diplomacy", but this does not neglect the fact that the Contact Group was more flexible and fast in determining common denominators for policy responses than the ICFY was.

Hence suggestions could be found within the latter case. As stated by that time British Foreign Affairs Minister Rifkind: "Fast moving diplomacy needed that a minority led diplomacy". Hence the creation of strong, small and flexible negotiation groups involved as delegated negotiators by IGO's for CR management should be encouraged.

Hindrances to the choice on who should be part of the group would certainly be a major difficulty to overcome. However the choice should be based on (regional) members possessing major political, logistical and military resources to back up their outcomes for CR policies. Furthermore the latter should also be an occasion to enhance the RBA for CR. Thus matters which would show strong resistance towards consensus should be delegated to neutral International Arbitration Courts so to settle in accordance to international law.

Concerning the RBA approach, the latter was still traduced throughout the ICTY structure which importance was perceptible throughout the increasing number of indictments as well as the impressive increase of the allocated budget.

It seems clear that the PBA is given major importance within the PE phase. Hence, the UN tried to ensure its role within the PBA by protecting safe areas. However the UN seemed in a very weak position to ensure an optimal effectiveness of its mission. This has serious implications as noticed by experts.

Hence, unless safe areas "are protected by reliable forces, it can generate a false sense of security and be responsible for more disasters. (Because safe areas) are magnet to refugees, their creation may actually end up helping ethnic cleansing by encouraging people to move" (Jeong; p. 139; 2000). Thus the analysis revealed the lack of resources to ensure safe areas.

However the UN managed to deploy only around 15'000 troops instead of the needed 40'000 which no IGO was ready to provide. As for the coordination between NATO air support and UNPROFOR, the latter was hampered by the "dual key" procedure. Thus the peace-enforcement mission was managed by two different commanding chains which have lead to fuzzy occasional operations until the generalized bombing of November 1995[124].

Concerning the EU, the PBA seemed to be very weak. Even when considering their participation throughout NATO structures it appeared that the latter provided around one fifth of NATO's PE operations. Another PBA lead by several EU member states was the creation of the limited Rapid Reaction Force in order to support ground operations with heavy equipped troops.

A challenging suggestion in order to avoid the failures which occurred within safe areas because of the lack of troops could reside in the attempt to work directly with the warring parties responsible for the shelling. Indeed often the argument of Serb forces for bombing safe areas resided in the accusation that safe areas were seen as a refuge for rival combatants. In the latter case, several policies could be implemented so to allow common disarmament monitoring policies within safe areas jointly with warring parties.

Indeed the latter would be an occasion for peacekeepers to emphasis confidence building. Thus for example peacekeepers in charge of safe areas could set up common patrols inside safe areas but being the only group which would be armed. Warring parties would only be allowed to assist and monitor the demilitarization of safe areas. In such a way, refugees will feel that armed peacekeepers are protecting them, whereas warring parties would have the occasion to monitor the demilitarization of safe areas and by the same develop a feeling of cooperation with peacekeepers.

Furthermore insufficient numbers of troops will still be a hindrance in future peace operations. Therefore it is suggested that instead of enhancing the numbers of troops, it should be put major emphasis on enhancing the flexibility of the available troops. Herewith it is invited to point out a recent development of the EU peace operation tools.

Thus the latter has pushed further the institutionalization of "Eurocorps" as a permanent deployment force led by the EU. Hence the development of such rapid and flexible stand-by forces has been suggested at UN level by the Brahimi report. Here the latter has invited for the development of UN Stand-by Arrangements (UNSAS) where Member States can commit

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124 "The United Nations report says that the Dutch commander had asked for NATO air support on several occasions but was turned down" (*NYT*; November 16; 1999)

a fixed number of peacekeepers rapidly deployable[125]. The latter would also offer the occasion to focus these committed soldiers to special adequate training programmes for peace operations.

According to experts, the creation of a UN brigade which could be deployed after 24 hours following Security Council authorization is easily feasible. Experts evaluated that the required equipment would require around USD 600 mio. plus around USD 250 mio. running costs per annum; which is almost nothing when divided by all UN Member States (Ramsbotham; pp. 241-242; 2005).

Another aspect of flexibility which should be discussed here is also the mobility of the troops on ground. Hence as insufficient troops are provided to cover the conflicting areas, it should be provided with accommodated mobility crafts for the troops. The kind of transport craft depends of course on the geographical context of the targeted country; however the latter should encourage the use of air, road and maritime means. Thus small numbers of troops will be able to promote a presence feeling everywhere at the same time and by the same enhance its dissuasive aspect.

Last to mention is about the PK phase.
Concerning the IBA phase, the PK phase showed a more complex structure. As the PE phase managed to create a peace-settlement it appeared that implementation forces have been more engaged. However throughout the PK analysis the EU set up new structures in order to accompany the implementation of the Dayton Agreement. Hence the OHR appeared to be a negotiation guide which could be seen as an IBA.

Nevertheless as the OHR relied on strong power (Bonn Powers) in order to overcome deadlocked situations, it would certainly not be wrong to entitle the OHR as a PBA. But at the same time it has been seen that the latter PBA aspect of the OHR had its limits. Hence any edition of the Dayton Agreement cannot simply be overcome by the Bonn Power procedure. Indeed every change of the Dayton Agreement needs a parliamentary vote with two thirds majority.

As the latter majority is still far from being reached among the "old" warring parties, it appeared that several reforms which are needed cannot be done. To cite a telling example it could be made mention of the Police reforms needed in order to allow the different regional police forces to cross their respective regional borders.

The latter situation is temporary overcome although the effectiveness of the solution could be discussed. Hence a further PBA has been implemented by introducing international police forces which were not hampered by regional borders. Thus the UMNIBH/IPTF has managed to tackle several problems by providing 2'000 policemen in Bosnia with a budget of USD 120 mio. Nevertheless as the EU took over the multinational police force throughout EUPM structure we assisted to a major decrease of the staff as well as of the budget.

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[125] For example, Danish authorities have taken an initiative to support UNSAS policy. Hence the Danish developed a "Multinational UN Standby Forces High Readiness Brigade (SHIRBRIG) (…) will complement the UNSAS with a complete, integrated unit that has a projected response time of 15-30 days. (…) consist of 4'000-5'000 troops, comprising a headquarters unit, infantry battalions, and reconnaissance units, as well as engineering and logistical support. (…) self-sustaining in deployments of up to six months' duration and capable of self defence" (Ramsbotham; p. 232; 2005).

Furthermore the EUPM introduced a top-down approach by introducing their staffs within strategic ministries in order to conduct reforms. Nevertheless it seems that the latter approach is ineffective and traduces an increase of criminality since the UNMIBH/IPTF left out with its local policing strategy.

The PBA was also traduced by the EU by the military NATO take over throughout the EUFOR-Althea. The latter relied on a force of 7'000 troops as well as a positive use of the Berlin plus agreements. The EUFOR structure seemed also to enhance the collaboration between the military aspect and the civil aspect (OHR) of the PK force. Although this good collaboration it seemed difficult to fulfil the assigned objectives likewise the achievement of the Bosnia army reform.

Finally, the PK phase also so an acceleration of the RBA. Although several reluctances, especially by the Serb authorities, to deliver war criminals it appeared that the ICTY managed to indict a total of 162 war criminals plus 46 which are still appearing at court. It should of course be reminded that a very symbolic personality has still not been delivered, but the latter is probably just a question of time.

The acceleration of the RBA should not be put singularly at the expense of the EU and the UN but furthermore at both of them as being a core part of the entire international community. The ICTY employs nowadays over 1'100 persons from over 82 countries. Furthermore as figure 17 shows, the budget has kept on its initial increase and has been multiplied by 40 times between 1993 and 2008.


VI.2. Vertical analysis and hypotheses for further researches

Henceforth it is proposed to consider shortly the whole CR process according to the conflict phase. This will be an opportunity to provide an overviewed image of the process as well as to consider the coordination and the sharing of the different approaches by the two studied IGO's. Furthermore this sub-chapter will generate several hypotheses which should be an invitation for further researches.

As the analysis has shown, the CP phase was majorly dominated by the IBA approach. The latter was conducted by leading EC structures and occasionally accompanied by UN good offices. Relying on our theoretical chapter and on the empirical findings, the EU/EC endorsed its IBA during the escalation phase starting with the differences, contradiction and polarization phase of the conflict.

As for the UN the latter took on a more PBA by imposing embargos to the entire region and this within the same time as the IBA conducted by the EC. Furthermore the deployment of the UNPROFOR within neighboring countries could also be considered as a limited PBA. As for RBA, the latter was very limited within the CP phase an occurred in a discussable way only for the question of recognition.

Hence an overall picture towards Bosnia during the CP phase without distinguishing EU and UN policies could be summarized as follows:
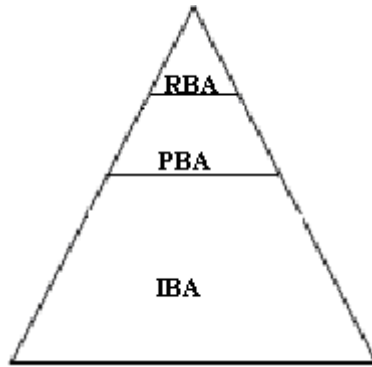
Within the PM phase which appeared within the escalation phase more precisely during the polarization and war phase the following configuration appeared. Hence the EU seemed still to put the very most of its efforts within the IBA. The UN emphasized some more its PBA whereas both IGO's seemed to opt find consensus by implementing the RBA throughout the ICTY.

Nevertheless it should be reminded that the PBA was traduced by the embargo and sanctioning resolutions as well as several troops which had as mission to assist the humanitarian corps and to monitor the Sarajevo airport.

This new configuration invites for an edition of the CP crisis resolution configuration which here could be figured as follows:
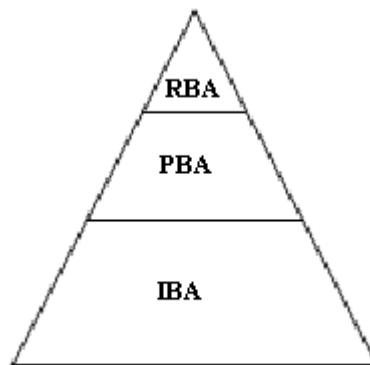

Throughout the PE phase which is occurring represents the high point of the conflict phase in terms of intensifications of the combats, the CR configuration has seen several changes. Hence the EU and its IBA has been eclipsed by a new structure throughout the Contact Group.
As for the UN the latter seemed to be totally absent from the IBA. However the UN kept ground with its PBA and the latter has seen a gradual support on behalf of NATO especially by US military forces. Finally the RBA kept on its investigations throughout the ICTY structure.
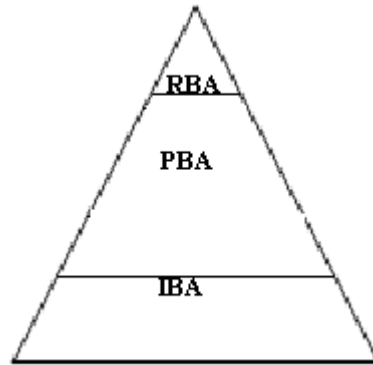
In a last stage of the empirical finding, it has been discussed the PK phase which occurred within the de-escalation process, namely the ceasefire and agreement stages. Throughout the latter analysis it appeared that the EU was able to overtake NATO military missions as well as UN police missions, although both have been undertaken throughout a limited deployment in terms of staffs. The EU did also take the lead of the new IBA's structure throughout the OHR.

Finally the RBA seemed to touch its high point in terms of conducted persecutions and assigned budgets. This new phase lead to a renewed configuration of the CR policies which could be figured out. The following figure takes of course also into account the initial NATO force (IFOR and SFOR) which reached 60'000 troops on ground:
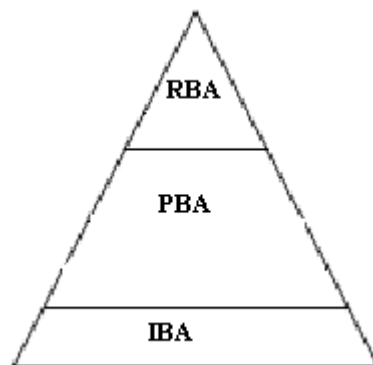
Hence from the different configuration of the approaches summarized it now proposed to develop hypotheses which should invite for further researches. Of course it should first be said that every conflict phase is able to generate its own hypotheses.

However according to our study, it has been opted for three core hypotheses. One of them is charged in order to measure the effectiveness of the most effective configuration of the various approaches according to the conflict stage, whereas the second is trying to consider the ability of the institutional design of an IGO to provide the necessary CR policies. As for the third one, the latter focuses especially on the EU but is also related to the previous hypothesis.

Thus let us here consider the first hypotheses. The latter states that:
"the effectiveness of a multilateral CR process strongly depends on the ability to back up the IBA (and the RBA) with substantial PBA policies."

The latter hypothesis has been generated by considering a transversal analysis of the empirical findings. Indeed as shown above, the first stages of the CR process namely CP and PM have been marked by the constant lack of means in order to push for a peace-settlement. Hence, the CP and the PM phase have managed to propose several peace-settlement as well as resolutions in order to implement a sustainable cease-fire.

Nevertheless the insufficiency of; financial resources, staffs as well as political willingness in order to impose the results negotiated within the different IBA were absent most of the time. However the PE phase as well as the PK phase have shown that the ability to "marry force with diplomacy" as well as the ability to provide sufficient means, have created a favorable window of opportunity to implement a cease-fire and at least a sustainable negative peace.

Nevertheless it should be reminded on a certain core point. Hence the latter hypothesis probably fits with asymmetrical conflicts likewise the Bosnian case. Indeed in a symmetric conflict, it is probably more easily to impose a ceasefire because the different warring parties seem to suffer equally from the collateral damages and therefore are both more inclined to negotiate at least a ceasfire.

Our second hypothesis which should be discussed here states as follows:
"the ability of the IGO's to provide successful and coherent CR policies strongly depend on the number of actors which are taking part to the decision-making process".

Thus as seen throughout the empirical findings, it appeared that the different the EU and the UN were strongly conditioned by the Intergovernmental decision-making process. Hence the latter process allowed to the Member States to conduct and opt for their own policies which have lead to catastrophic and sometimes contradictive policies towards Bosnia. The latter situation did on certain occasions aggravate the situation instead of relieving it.

To briefly remind, the recognition question of Bosnia during the CP phase has shown contradictive and eclectic alignments not only on behalf of the Member States, but also from several organs of the IGO's likewise the European Parliament and the Secretary General of the UN. Furthermore several countries likewise Germany, the US and the Muslim community have managed to deliver arms to the Bosniaks[126] in order to fight back the Serbs although UN resolution 713 has imposed a complete weapons embargo.

Thus this second hypothesis emerged especially during the PE phase with the creation of the Contact Group and its lead of the IBA. However this second hypothesis should also be related with the first one as the PE phase seemed to confirm.

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[126] Bosnian Muslims

Finally a third hypothesis which focuses on the EU states that:
"the institutional changes introduced within the CFSP since the Maastricht Treaty, do still not permit the EU to deploy a common united peacekeeping force during the escalation phase of a conflict in order to impose ceasefire".

This last hypothesis seems particularly interesting to be tested for several operations which followed the Bosnian war as well as for future peace operations. Thus this hypothesis emerged throughout the analysis because it appeared that the EU after several institutional changes (which have not been deeply discussed in this study) did create several institutional tools in order to deploy peacekeeping forces, but the latter have only been deployed throughout an EU instrument if there were only weak risks for their troops.

Hence although the CFSP offers several intervention tools for peace-operations, it seems that the EU is still conditioned by other factors to do so. Hence a core factor is probably the intergovernmental decision-making process, but furthermore it could be looked for other factors which influence the Member States to put or not to put troops at disposition of EU forces.

It could already be point out some of these factors. Thus, the risk of the troops within the escalation phase is certainly one explanation. Another one related to the last one could be the electoral market of the Member States which can be influenced by the damages caused by or inflicted to the EU forces. Other argument could be found likewise the financial costs etc. Hence further researches should go into those directions in order to point out the configuration of the different factors.

VII. Conclusion

A transversal analysis points out several systematic failures. A major failure to remind resides in the incapacity of the EU to align behind common positions. Hence the latter hampered the coordination between UN and EU policies. It had also dangerous repercussions on the effectiveness of the field operations especially during the CP and PM phases.

The major consequence of this non coordination relied within the vacuum of a regional organisation which was ready to accompany the decisions produced by the UN. Hence, continued lacks of means, troops and equipment as well as the multiplications of decision-making actors have reduced the effectiveness of UN field operations throughout the escalation phases.

The lack of means for the UN in order to conduct optimized field operations has also been traduced by blurred mandates. Resolution producers should abandon standardized and evasive formulations likewise "all necessary means" and henceforth provide clear case by case formulations. It has been suggested that the formulations should be targeted on more outcome-based approaches which would be formulated in a reasonable way on what is feasible accordingly to the means at disposition[127]. However it should also be reminded that the blurred mandates were a result of the lack of means for the UN.

Another major failure was the overlapping of non-coercive operations within the PE phase. The latter resided within the non recognition of the switch from PM towards PE phase. Thus whereas UNPROFOR's presence around safe areas was not enough to prevent shelling, the international community instead of engaging quickly and strongly, did opt for a gradual approach which incorporated the UNPROFOR onto the decision-making process for peace-enforcement operations.

Henceforth it has been suggested that the EU and the UN should immediately recognize the situation once it has crossed the "Mogadishu line"[128] and that PE actors should engage with intensity as Third-Party interveners at least until a favourable balance of power distribution occurs among the warring parties and creates a prompt window of opportunity for peace-settlement. As confirmed by experts' reports "consent (peacemaking&keeping) and coercion (peace-enforcement) cannot be mixed…"[129] (US Congress; p. 41; 1995). It could also be relied on Major General Trond Furuhovde's[130] who states that "to enforce peace is, in reality, to replace one conflict with another"[131] (US Congress; p. 24; 1995). Finally this situation called saw a major move beyond an EU-UN coordination towards a NATO-UN policy

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[127] The latter is also in line with Zucconi's observation that "the mandate determines the appropriated military doctrine. The doctrine employed is essential for the operation on the ground: it shapes the organization, training and force equipment" (US Congress; p. 42; 1995)

[128] When peacekeepers have been turned to combatants.

[129] M. Zucconi: "the humanitarian operation on the ground needs the consent of the warring parties to be carried out, and that consent tends to be taken away by the party that becomes the target of other initiatives of the Security Council or of NATO itself" (US Congress; p. 41; 1995)

[130] Major General Trond Furuhovde was a Norwegian officer who had great expertise within peace-operations and who commanded several missions likewise in Sri Lanka and in Lebanon. He died in 2006 (operationspaix; 2008).

[131] In the same line, UNPROFOR commander General Rose stated that: "Hitting one tank is peacekeeping, hitting infrastructure, command and control, logistics, that is war, and I am not going to fight a war with white pained tanks" (*Cohen,* September 29; 1994).

As the CR process continued, the PK phase occurred meanwhile the EU was improving its institutional tools for CR policies. The creation of several units within the CSFP facilitated the deployment of several instruments likewise the EUFOR, EUPM or OHR and this during the de-escalation phase.

Hence it appeared that during the different phases of the CR process, the EU put the IBA as their core policy. Nevertheless, the IBA lead by the EU failed in its various peace plans propositions.

The IBA was systematically prolonged within the different phases. The latter was traduced by structural changes throughout the CR process. The EU led negotiations with the CY and ICFY which did not achieve what the Contact Group was able to. Hence it appeared that the Contact Group was more effective in reducing the number of bargaining actors meanwhile articulating the PBA with the IBA.

To overcome several of these failures it has been suggested to invite the EU, among its Member States, to enter into a massive gathering and sharing of information in order to put forward the most plausible win-win solution for the warring parties. The latter would enable to enhance the effectiveness of the IBA.

As for the PBA, the UN seemed to create a more favourable institutional atmosphere compared to that of the EU. Nevertheless most of UN power-based policies were marked by the insufficiency of means, a lack of coordination among the various headquarters as well as the blurred mandates.

Hence it has been suggested a few policies in order to overcome several of these failures. Thus the lack of troops could be overcome if the UN was enabled to create a substantive UNSAS[132] which could serve as a permanent reserve of deployable troops within crisis areas. The costs for such an effective tool would be more than reasonable in comparison to what could be achieved with it.

An alternative to the lack of troop has been suggested throughout the idea of enhance mobility. Hence deploying mobile troops (air, see, ground) would offer a flexible strategy which could enable the effectiveness of several missions especially within the different phases.

The RBA appeared to be the most consensual policy throughout the different phases. Indeed throughout the ICTY the latter has been marked by gradual expansion supported by continued actions from the EU and the UN. This was traduced by a smoothed cooperation among the different Member States and the ICTY's decisions.

The present research did also permit to generate several hypotheses. Hence to remind them briefly:

"the effectiveness of a multilateral CR process strongly depends on the ability to back up the IBA (and the RBA) with substantial PBA policies";

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[132] UN Stand-by Arrangements

"the ability of the IGO's to provide successful and coherent CR policies strongly depend on the number of actors which are taking part to the decision-making process";

"the institutional changes introduced within the CFSP since the Maastricht Treaty, do still not permit the EU to deploy a common united peacekeeping force during the escalation phase of a conflict in order to impose ceasefire".

The latter hypotheses can be a starting point for further researches in line with the present one. Furthermore it is herewith encouraged to direct these researches towards quantitative research methods. Of course the latter requires increased access to internal information as well as important financial resources in order to ensure the needed mobility of the researcher(s).

Further researches within the field of Multilateral CR process should also consider major difficulty which emerged within the present analysis. Hence the latter resided in the dual role of the Member States as decisive veto players within the EU and at the same time within the UNSC. This lead several times to eclectic translations of the reality, especially when EU Member States'; staffs, troops and policies were implemented throughout UN structures as well as NATO.

Hence it is suggested to further researchers to clarify how they are going to handle the multiple belongings of Member States within the different IGOs. Another important initiative which lacked within the present study is the weak importance given to the transformative process of the EC/EU institutional designs especially for the CFSP. Hence more attention should be paid within these processes and their impacts on CR policies.

Finally to mention is the encouragement to further researchers to include the final step of the CR process which is missing within this analysis. Hence the Peace-building phase is an important phase but also a long-going one. As said within the chapter concerned with the research design, the Peace-building phase also needs an important quantitative margin in order to be analysed, margin which was limited for the present analysis.

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