

## **EUROPE AND THE MUSLIM WORLD: EU ENLARGEMENT AND THE WESTERN BALKANS**

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**\*This is an enhanced, expanded and updated version of the paper originally presented at the WWICS European Alumni conference at Yildiz Technical University in Istanbul, in October 2006, which takes account of actual events, in February and early March 2007, which were foreshadowed in the initial presentation.**

South Eastern Europe, or the Western Balkans, offers the largest, longest and most consistent example of Islam as part of the European heritage. Along with other parts of southern continental Europe, it shares a history of Muslim influence and presence. But unlike most other parts of the continent, even where the cultural residue has been greatest, the Muslim presence in South Eastern Europe has been continuous over several hundred years, and at times, that presence has been dominant. Of course, at various points in that history, wrapped up in complementary issues of community, statehood, ideology, revolution and security, friction and conflict have been marked – notably, during the 1990s, when conflicts involving communities defined politically by their leaders by reference to Muslim and Serbian Orthodox cultural pedigree and underpinned by consistent social identification, were strongly present on the international agenda. Those conflicts, involving the completely separate Muslim-based communities of Bosnia and Hercegovina, on one hand, and Kosovo, on the other, were statehood clashes, overlaid, in the former case, at least, with a deep veneer of faith-linked ideology. While the Muslims of Bosnia relied predominantly on their religious-cultural heritage as an identity marker from their Serbian Orthodox and Croat Roman Catholic countrymen co-linguals, the mainly Muslim, ethnic Albanian population in Kosovo had a completely different identity, based on other factors, including language. Yet, despite their differences as communities, and the different degrees to which Islam is a decisive part of their collective identities, they share a common, sober character, absent of so-called Islamic radicalisation and, certainly, of major, or seriously threatening Islamist influence. The Muslim aspect of both Bosnia and Kosovo gave an added dimension therefore to relations with the EU and NATO,

each of which had made significant strategic investment in the region and was working in the framework of partnership and the prospect of eventual membership with the countries: Bosnia and Kosovo were not only questions of post-communist, post-conflict peace and stability, they also offered a chance to affect one of the most important questions on the contemporary security agenda – community cohesion and integration, perhaps the most important, given the threat posed to the very fabric of Western societies by the potential rupture community incoherence and fission would mean.

This important case will be developed in four stages. First, the security threat of community cohesion confronting seemingly fragile political and social communities in the EU and its member states will be established. Secondly, the strategic logic of NATO and, in particular, EU partnership and enlargement policy and practice will be related to the countries of the Western Balkans, considering the EU's 'Neighbourhood Policy', as well as other instruments, such as the Stability Pact for South Eastern Europe. Thirdly, the analysis will explore the prospects and imperatives surrounding the international stake placed in Bosnia and Kosovo, and the future of those polities. Finally, issues of justice and international peace and security relating to Kosovo and Bosnia are considered as they constitute the keys to realisation of the NATO's and, particularly, the EU's, partnership missions.

### **Community Cohesion, Transnationality and Security**

Community cohesion in overwhelmingly multicultural societies across the EU, as a whole, and in its member states, is perhaps the principal security challenge of the early 21st century.<sup>1</sup> A string of events have served to exacerbate tensions in the very social fabric of European polities and to assist the ideologues and practitioners of Islamist violence to mobilise ever larger communities of sympathy, if not support, starting with 9/11 and including the US-led expedition to Iraq in 2003 and many of the subsequent developments there – none more so than the self-inflicted body-blow

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<sup>1</sup> The present treatment reflects research for a collaborative project, funded by the Economic and Social Research Council's New Security Challenges Programme, ESRC Award RES-223-25-0063, Marie Gillespie, James Gow and Andrew Hoskins, 'Shifting Securities: Television News Cultures Before and After Iraq 2003'. The empirical research for the project is located under protected access (initially at least) at [www.mediatingsecurity.com](http://www.mediatingsecurity.com), where further information on the research can be found.

images of abuse at the Abu Ghraib prison in Baghdad. While dedicated Islamist perpetrators of violence remained small in number and the direct impact of their deeds of violence remained very limited, there could be no doubt that the real threat was not in the scale of the damage attacks might inflict, but in the way in which their actions and the repercussions of them could tear asunder the fabric of multicultural polities.

From the 1980s onwards, significant shifts in politics and society developed across the polities of the EU. These processes were never exactly the same, nor were they even in their course and spread. But there were shared features: the ending of strong and distinctive political ideology in party politics and electoral competition for office, replaced by an increasingly managerial form of politics;<sup>2</sup> the growth of individual rights and liberties in relation to the society as a whole, particularly in relation to the European Convention on Human Rights;<sup>3</sup> and the ever greater prominence of the multicultural dimensions to Europe's politics. The last of these was, to some extent, a product of both the processes of 'Europeanisation' through the deepening integration of the Union and the growth of claims to, and recognition of, individual rights and liberties. It was also a by-product of the first of these – the shift to politics as management – in two senses. The first of these concerned the way in which government could 'manage' the issues surrounding integration in liberal democratic societies. The second was the extent to which ideologically 'empty' political competition and marketing-driven political competition over who could best present themselves as managing the economy (and so the prospects of personal well-being) left an ideological, as well as quite probably a moral, vacuum. That vacuum, as any other abhorred in nature, could be filled by those who cleaved to the collective in this world of individualism and who could be mobilised by rejectionist ideologies that appeared to offer explanations for the exclusion and alienation they felt from wider society. These different trends became conjoined through the 1990s and into the 21<sup>st</sup> century, first, in the attraction of certain strands of Islamist ideology for some in Muslim communities who judged that West European politics and society did not

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<sup>2</sup> For example, in the UK context, see Bill Jones, 'Political ideas; the major parties', in Bill Jones et al *Politics UK* 3<sup>rd</sup> ed. (1998) London: Prentice Hall, pp.93-104

<sup>3</sup> David Beetham et al *Democracy Under Blair* (2002) London: Politico's, pp.39-57

offer what they wanted, and, secondly, in the attraction to an apparent solution offered by calls to political violence associated with some proponents of Islamism.<sup>4</sup>

The prospect of violent terrorism from one sector, or set of sectors, of society, across the member states of the European Union is not the issue here. But it does cue consideration of the pressures on those member states and the Union as a whole to maintain cohesion not only across the Union as a new form and level of political community, but also within the member states, as complex societies adjust to changing patterns of politics, community and the distribution of sovereign rights. The onus is on the member states, in the Union context, to maintain the fabric of multicultural polities, in face of the pronounced challenge of violent Islamism, as well as other, less immediately obvious, strains of social and political dissolution.

Five models of managing multicultural have been identified, by Bhikhu Parekh, one of the most prominent thinkers and political actors in this field, in the UK:<sup>5</sup> state-neutral proceduralism; assimilation; bifurcationism; pluralism; and the millet system<sup>6</sup> Political community is the basic requirement for statehood – without an agreed political community, then any state is likely to be subject to internal pressures, with politics focused on the nature and essence of the polity, rather than on decisions over day-to-day life. The simple, but potentially fiendish, equation to be reconciled in multicultural polities is the maintenance of the whole and the fostering of one level of

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<sup>4</sup> It is essential to be aware of two issues here. The first concerns the use of 'Islamism' as a term. This is distinct from 'Islamic', despite sharing the same root. While the latter connotes anything pertaining to Islam, the religion based on the teaching of the Prophet Mohammed, in its many forms and varieties, the former relates to a particular type of ideological interpretation, which lays claim to the essence of Islam, and is shaped by some claiming to be, or who are actually, religious leaders, and which constitutes a political doctrine, rather than a form of faith. The second issue is that some religious, or quasi-religious, teachers, have urged violence, and have spawned movements – of which al-Qa'ida is the most prominent and a brand-leader, but of which there were many examples across Europe and spreading across North Africa and the Middle East before the events characterised as '9/11' brought that name into common parlance. See Alison Pargeter, 'North African Immigrants in Europe and Political Violence', *Studies in Conflict and Terrorism* Vol.29 No. 8, 2006 pp.731-747

<sup>5</sup> Parekh is a member of the House of Lords, the upper chamber in the UK parliament, and has been involved in various strands of activity to promote the integration of communities in the UK, as well as the development of minority rights awareness. The Chief Rabbi in England, Jonathan Sacks has spoken of two models (following John Gray), the first of which is procedural and the second of which he calls '*modus vivendi* liberalism', which corresponds to Parekh's millet system, and which Sacks suggests means that there is not one liberal democracy, overall, but a variety of communities. Chief Rabbi Jonathan Sacks, DEMOS Lecture, 'How to Build a Culture of Respect', King's College London, 18 May 2005

<sup>6</sup> See Bhikhu Parekh, 'Integrating Minorities' Tessa Blackstone, Bhikhu Parekh and Peter Sanders, *Race Relations in Britain* (1998) London: Routledge, pp. 1-21.

common culture against the potential fragmentation presented by multiple sub-cultures. There is no good way to ensure successful reconciliation, as Parekh's analysis of the five modes of multiculturalism makes clear.

One key to understanding the difficulties facing contemporary multicultural societies is the enhanced nature of transnational, kin-community connections. While these have always existed, their significance has grown with the effects of internationalisation and globalisation brought on by advances in communications, particularly electronic and digital communication, meaning that news, whether personal or political, can travel almost instantly. This makes a sense of community and belonging possible, and brings that dispersed community closer together, more or less, in real time, whereas, in the past, bonds would have remained, but would not have been so frequently reinforced because communications, whether mail and telephone personally, or radio, television or press, operated too slowly to reinforce a clear sense of transnational community and action, as well as mostly being too costly to allow that.

The emergence of stronger transnational communities and the greater proximity of distant issues and conflicts is a key feature of the contemporary world. This is especially so where a transnational ideology ostensibly linked to a sense of religious community gains some purchase, as has happened with the appeal of Islamism to individuals within the various Muslim communities, including the appeal, or effect, of political violence linked to actors claiming adherence to Islam. However, even without the conscious force of an ideology seeking to create or foster a transnational sense of identity ostensibly linked to common religious bonds, the realities of contemporary life in multicultural polities are such that, rather than one political community with a patchwork of included ethnic groupings, different communities live in parallel to each other, sharing the same space, but with little or no bonding. The empirical reality is that only one third of people in the UK, for example, had socialised at all with someone from another ethnic group, outside work or school.<sup>7</sup>

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<sup>7</sup> MORI research for the Commission on Integration and Cohesion found that 32 per cent of people had daily contact with people from other ethnic groups, while 47 per cent had weekly interaction, if shopping was taken into account. However, only one third mixed socially outside work or school with people from other ethnic groups. The Commission on Integration and Cohesion, *Our Interim Statement*, February 2007 pp.23-4

Partnership may well be a better model for approaching the complex challenges of multicultural society than any of Parekh's models, each of which was found wanting. Partnership offers a way to capture the possibility of using elements from each of the other approaches on a mix-and-match *sui generis* basis, as well as opening up other possibilities. It also entails the opportunity to focus on the future and joint projects in which unity might be contingently fostered, rather than on separate pasts, which might tend towards division. Partnership, including important dimensions of a shared future and joint project, is also an approach that has brought benefits, since the end of the Cold War across Europe, and increasingly beyond – albeit at different levels and in different contexts. Partnership has been key to processes of stabilisation and fostering peace and security across the formerly communist part of Europe, and has been instrumental in external assistance to temper, or manage, the fissures in multiethnic countries that either produced, or had the potential to become, violent armed conflict. The partnership model is one that has strategic implications for community cohesion at various levels within the European Union and its member states, as well as in the borderlands that constitute the Union's 'neighbourhood.'

### **The EU, Partnership and Enlargement: the Strategic Logic for the Western Balkans**

Partnership and engagement developed successfully to stabilise the European continent during the 1990s. The EU's New Neighbourhood Policy was introduced in May 2004.<sup>8</sup> The following December, the European Commission announced action plans for closer ties with seven 'new neighbours'. These countries were Ukraine, Moldova, Israel, Jordan, Morocco, Tunisia and the Palestinian Authority. However, the immediate issues that prompted this first round of candidates for EU attention did not mean that others would not follow. Already, in March 2005, the Commission issued country reports on Egypt and Lebanon, as well as Armenia, Azerbaijan and Georgia. And for some years before this, the EU had been involved with the countries of the Western Balkans, as the former Yugoslav lands minus Slovenia plus Albania

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<sup>8</sup> I. Samson, 'The New Neighbourhood Policy: Which EU Policy towards the New Neighbours?' [www.oefz.at/fr/Vilnius\\_04/Interventions/Samson.pdf](http://www.oefz.at/fr/Vilnius_04/Interventions/Samson.pdf) On the evolution of partnership policies, see James Gow, *Defending the West* Cambridge: Polity, 2005 and on the evolution of Neighbourhood thinking in particular, see Roland Danreuther ed. *European Foreign and Security Policy; Towards a Neighbourhood Strategy*. London: Routledge, 2004

had come to be known. While these were not formally associated with the Neighbourhood Policy, it was clear that, in practice, they had already been subject to the same kind of EU policy over the years. While some of the New Neighbourhood countries represented an entirely new phase of EU policy development and relationships, the states of the Western Balkans were in the front line of an evolutionary process that had seen the EU's being instrumental in fostering and engineering post-communist transition in Central and Eastern Europe. The next waves in that process – flanked by the isthmus of Bulgaria and Romania, once they joined the Union, in 2008 – are destined to cover the Western Balkans.

Partnership and enlargement approaches, policies and patterns developed during the 1990s as the EU, NATO and their member states sought to stabilise and embrace the former communist parts of the European continent. While NATO was initially assumed to be in the background on approaches to Central and East Europe, from 1994 onwards, its Partnership for Peace Programme became the leading element in forging new relations with the countries of that region. By 1997, when NATO was ready to invite three countries (Hungary, Poland and the Czech Republic) to join it in a first wave of post-Cold War enlargement, the EU too was rapidly developing partnerships and associations throughout the region, and announced its own longer list of invitees to begin negotiations on eventual accession to the Union. Since then, further waves of enlargement, accompanied by expansion of partnership approaches, have placed both NATO and the EU at the heart of a logic that, in the EU's case, could almost only result in the New Neighbourhood Policy. However, the challenges ahead were stronger than most of those already faced.

This logic extends beyond boundaries of NATO and the EU. In North Africa, of course, despite the pressures on it, attempting to maintain a hard border of this kind is easier (although it is not welcome to say so) because of the European-Arab divide and implicit racism. Even so, there must be doubts over how sustainable such a border is in the long-term. There must even be a question, in the very long-term, over whether, or not, the logic of the EU is for parts, or even the whole, of North Africa to join, one day. Indeed, Morocco, reflecting the logic of the situation regarding the Spanish sovereign territories, as well as its generally pro-Western pro-European position has raised this possibility, but has received no encouragement, as yet, from the EU. If the

initial rationale for the creation of the Union and for its subsequent enlargement, in terms of inclusion and security, are followed, there is an underlying strategic logic that suggests Moroccan accession and possibly that of other North African countries, at some point. The presence of Spain's sovereign territories on the North African coast lends the central dynamic here, although, as the inclusion of Cyprus and Malta in 2004, as well as the existing membership of the United Kingdom and the Republic of Ireland, in the Union, indicates, the presence of a sea does not disturb the logic of enlargement.

The strategic and security rationales that underpin both the EU and its enlargement indicate that the EU might have to devise its own equivalent to NATO's PfP, while that programme itself may have to be extended beyond the OSCE region.<sup>9</sup> This would need to be an 'in-between' arrangement, which fostered stability by creating a framework for outsiders who wish to have a closer relationship and for whom the partnership arrangement will make them feel that little bit nearer to being insiders. The essence is to create a partnership arrangement that serves to turn the EU inside out, by bringing the outside at least part of the way in.<sup>10</sup>

The logic of Western security needs, which has driven the record of partnership and enlargement, confirms that there is no alternative to moving in the direction of further investment, engagement, partnership and even, eventually, enlargement. This plays into a range of issues concerning the nature of security and stability across the whole of the European sphere. The limits of that sphere – that is, the boundaries of the West – are not, as noted elsewhere,<sup>11</sup> constituted by any geographical points, but are focused around the spread of values. Almost certainly, the emergence of a security community must be based around those values.

The big test was the Western Balkans, where both NATO and the EU had made a substantial commitment to seeking an end to the Yugoslav war. Both the Brussels-based organisations have placed such an enormous strategic stake in the region that

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<sup>9</sup> This was not wholly inconsistent with the multifaceted political-military approach laid out in the EU's strategy document, *A Secure Europe in a Better World* Paris: European Union Institute of Security Studies, December 2003 p.12.

<sup>10</sup> Gow, *Defending the West* Ch.5

<sup>11</sup> Gow, *Defending the West*



success is vital. For both organisations, the major measure of that success will be the degree to which these countries, emerging from conflict and a legacy of war crimes, are brought into the fold as partners, initially, and quite probably, eventually, as members. This was the effective message of the NATO Riga Summit in November 2006, when Serbia, Bosnia and Montenegro were invited to join partnership for peace (although Serbia and Bosnia were notably expected to cooperate fully with the ICTY as a condition of this relationship and regarding which they were to be ‘closely monitored’),<sup>12</sup> but the message could never be one restricted to the Alliance context. The EU was inevitably implicated in the same policy and process of partnership and enlargement that would eventually translate years of dedicated engagement to foster peace and security into success. Many issues remained to be resolved, even if there were not a major return to armed hostilities. The prospect of partnership with the EU and that of eventual accession (as well as cooperation and partnership with, and eventual membership of NATO) are vital to carrying forward that process.

The strategic stake placed on that region is such that there can be no acceptance of failure. But neither can there be any expectation of overnight or early success for NATO or the EU. Yet if they cannot pull it off, then it will eventually corrupt both of those groups, undermining the essence of each of them. Failure would be a sign of their limitations and weaknesses, which would in turn presage a falling away of attachment to the ideas that bind them together in Union and Alliance. That means making a full and proper commitment to creating polities and societies, which are fit for cooperation with, and possible membership of, NATO and the EU. There is no real alternative here. The only question is over how long they will take to do it, bearing in mind that the Brussels bodies could afford to take a very long time (and indeed have no alternative, as there are no quick fixes), yet they cannot afford to extend the process indefinitely if any sense of credibility is to be retained. This mission involves the war-affected lands of what was then Socialist Federative Republic of Yugoslavia, including Macedonia, and also Albania, which was not part of the Yugoslav federation, but is implicated in that situation. Most tests, in this context, lie in the future of Bosnia and Kosovo, the two territories in the region that have received greatest outside attention, because they lay at the heart of the biggest

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<sup>12</sup> ‘Riga Summit Declaration’, Issued by the Heads of State and Government participating in the meeting of the North Atlantic Council in Riga on 29 November 2006, paras. 34-6..

challenges, and which both embrace long-standing predominantly secular Muslim communities, albeit of quite different character.<sup>13</sup>

### **Bosnia, Kosovo and Europe: Security and Democracy, Community and Cohesion**

Just as the Yugoslav framework that once embraced Bosnia and Kosovo was often labelled a ‘laboratory’ of social political experimentation,<sup>14</sup> so those lands continued to be the laboratory of change after the dissolution of the Yugoslav federation – but more for the major actors of European and international security than for the inhabitants of the broken and war-torn lands themselves. In the context of that international experimentation, Bosnia and Kosovo are the territories of most concern, as both have been subject to highly contested international engagement, including the imposition of transitional administrations under the authority of the UN Security Council (albeit that the form each took was different). In the context of the deep challenges confronting the EU and its member states in terms of community cohesion and relations with Muslim communities, these territories also have particular significance. Both are territories identified with their Muslim populations, both have been crucibles of multiethnic confrontation and attempts at multicultural coexistence, and both have seen European and wider international action to protect those Muslim communities from gross abuses of human rights for which the Serbian regime of Slobodan Milosevic was responsible. Because of this heritage, both were key icons of how the EU, with partners and allies, could handle questions of community cohesion and multicultural polity, as well as symbolically ensuring that Muslim communities with a deeply secular character and centuries’ old traditions rooted in Europe itself were not excluded. Thus, successful handling of, and integration in, 21st century EU Europe is a measure not only of success in bringing peace and justice to post-conflict countries in the Western Balkans, but also of confirming the place of, and respect for, Muslim communities long embedded in Europe, and whose integration in a

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<sup>13</sup> The two types of Muslim community are not restricted to Bosnia and Kosovo, however, with kin communities of Bosnia’s Muslims inhabiting Sandzak, the region straddling the border between Serbia and Montenegro, while ethnic Albanians (not all Muslims, however) live in parts of Macedonia, Montenegro and, of course, in Albania itself. Because of the conflicts in Bosnia and Kosovo, and the scale of international intervention, these territories are the most significant, in security terms.

<sup>14</sup> See Bogdan Denitch, *The Legitimation of a Revolution: The Yugoslav Case* (1976) New Haven: Yale University Press, p.17

multilevel, multicultural, multi-member EU is a measure of security, democracy and community cohesion.

Bosnia and Kosovo have very different character and status. While there is no scope here to outline their histories and development, certain points should be noted. Bosnia, before war, was a multicultural sovereign state within the Yugoslav federation, where the single largest community was Slav Muslim (a group later labelled as 'Bosniak'<sup>15</sup>), comprising around 44 per cent of the population, while Orthodox Serbs made up 33 per cent, Roman Catholic Croats around 17 per cent, and other groups the remainder. Because the removal of population groups, notably the 'Bosniaks' was the purpose of the war from 1992-1995 marked by the strategy of 'ethnic cleansing',<sup>16</sup> international emphasis remained throughout on the preservation of a multiethnic Bosnia, as did that of the Bosnian Government formally. By contrast, Kosovo was a province within a sovereign state – Serbia – although it had a far more homogenous population than Bosnia: around 90 per cent of inhabitants were ethnic Albanian, most of whom were of Muslim heritage. Where the Slav Muslims spoke the same language as Serbs and Croats (and also Montenegrins), the ethnic Albanians spoke Albanian and had a completely different culture. However, in the context of the Yugoslav War, the Slav Muslims and the ethnic Albanians shared the fate of being subject to campaigns of ethnic cleansing at the hands of Serbian forces. And in both cases, there was international engagement to counter ethnic cleansing, to end armed hostilities and, subsequently, involvement in providing security and running the two territories, albeit with different arrangements.<sup>17</sup> The following paragraphs consider the international involvement in each case, following the end of major armed hostilities, as well as consideration of the implications arising from the cases for security, democracy and community cohesion in the EU and its member states.

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<sup>15</sup> Use of the term 'Bosniak' began to associate the Muslims with titular 'ownership' of the multiethnic country. This was an internationally facilitated re-branding, as the term was incorporated in the Dayton Accords and subsequent UN documentation without consideration for the implication the lexical association with country's name would have, or for the a-historical usage of a term originally devised by earlier international managers of Bosnia – the internationally sanctioned Austrian regime from 1876-1919 – which invented the term as a way of trying to label all Bosnia's communities as one to foster unity, rather than attributing it to just one of them.

<sup>16</sup> James Gow, *The Serbian Project and Its Adversaries: a Strategy of War Crimes* (2003) London: Hurst and Co.

<sup>17</sup> On the different approaches to transitional administration in the two territories, see Richard Caplan, *International Governance of War-Torn Territories: Rule and Reconstruction* Oxford: Oxford University Press, 2005

There was major military and civilian engagement in Bosnia. This largely made the country function for the decade after armed hostilities ended, in 1995. In military terms, there were three activities of particular importance. The first of these was the role played by NATO-led troops in the first year after hostilities ended, separating forces and stabilising the country. Secondly, beyond this focused initial period, NATO and, later, the EU, continued to provide troops to underpin security and increasingly offered transitional assistance as the *post bellum* armed forces developed more cooperatively into one framework, which was destined by the end of 2007 to become a single force – the Armed Forces of Bosnia and Hercegovina (AFBiH). Finally, military engagement contributed to the effect that the ‘ghost in the machine’ – war crimes enforcement and detention operations – had in spurring strategic implementation action in other areas (as I have argued elsewhere<sup>18</sup>). In civilian terms, the international commitment was no less. This included vast financial resources committed to the country by the EU, in particular. It also included the leading role of the Office of the High Representative (OHR) and the High Representative, in person, working at the behest of the international Peace Implementation Council (PIC), and authorised by the so-called ‘Bonn Powers’ (formally confirmed in December 1997,<sup>19</sup> underling powers that already existed).<sup>20</sup> The General Framework Agreement for Peace – otherwise known as the Dayton Accords – gave the High Representative ‘final authority’ to interpret the civilian aspects of Dayton. The High Representative’s role was criticised intensely by some for what was seen as a quasi-imperialist character. It was, in reality, the antithesis of imperialism. Rather than intended to control a country and exploit it on behalf of another country, Bosnia was a case of massive transfers of resources to the country, in order to foster its development by a broad range of countries. Moreover, it was the High Representative’s role that made ‘Dayton’ work as much as it had.

The High Representative’s interventionist role has safeguarded democratic development and peace and stability in the country, as well as transforming the political landscape. The measure of this could be seen in one simple statistic: during

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<sup>18</sup> James Gow, ‘The ICTY, War Crimes Enforcement and Dayton: the Ghost in the Machine’, *Ethnopolitics* Vol.5 No.1

<sup>19</sup> *BBC News* 27 May 2005, available at <http://news.bbc.co.uk/1/hi/world/analysis/38390.stm>

<sup>20</sup> Francine Friedman, *Bosnia and Herzegovina: a Polity on the Brink* London: Routledge, 2004, p.72

the first six months of Lord (Paddy) Ashdown's tenure as High Representative, he used his special powers over 180 times, but in the subsequent eighteen months, only six. This confirmed the degree to which Bosnia's politicians were taking their fate into their own hands in a responsible manner.<sup>21</sup> It did not, of course, guarantee that the presence of the High Representative was not needed. None the less, the High Representatives were so successful that, by 2005, there was consideration of ending the role. Christian Schwarz Schilling, who replaced Ashdown in 2006, envisaged his being the last in the role, and took it on with a view to returning Bosnia to Bosnian 'ownership' and ending the Office by July 2007. However, Schwarz Schilling's pronounced approach to a light touch, leaving the Bosnians entirely responsible for their own fate was misguided. It became clear in the second half of 2006, that Bosnia would not be ready completely to run its own affairs and also that it was only the potency of the High Representative's powers that served to discipline politicians from Bosnia's divided communities – as the Bosnians themselves realised, but Schwarz Schilling did not.<sup>22</sup> Thus, although Schwarz Schilling would leave office in June 2007, international leadership would inevitably continue, extending the OHR mandate for another year, at least – as Schwarz Schilling himself had to acknowledge.<sup>23</sup> The continuation of the OHR was a mark of both the strategic stake placed in Bosnia by the international community and the strategic imperative of making sure a country with a significant Muslim community embedded in a multicultural polity – albeit a fragile one – could be associated with and then integrated into the EU and NATO. In a sense, Bosnia was the EU mission regarding its various multiple Muslim communities, member states and different levels of community cohesion in microcosm – but a microcosm that was also a symbol.

Kosovo was effectively separated from the rest of Serbia by the international air action against Belgrade forces during 1999 and the imposition both of an international armed force led by NATO (KFOR) following the forced withdrawal of Belgrade's troops from the province, and of an international civilian administration under the UN – UNMIK. While UN Security Council Resolution 1244 (1999), which marked the end of hostilities and set the terms for post-conflict Kosovo, placed effective

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<sup>21</sup> Lord Ashdown, 'Peace Stabilisation: the lessons from Bosnia and Herzegovina' LSE Centre for the Study of Global Governance, Goodenough College, Public Lecture, 8 December 2003

<sup>22</sup> See [http://iwpr.net/?p=brn&s=f&o=328893&apc\\_state=henh](http://iwpr.net/?p=brn&s=f&o=328893&apc_state=henh)

<sup>23</sup> 'Schwarz-Schilling Television Address on PIC Decision' OHR Press Release, 2 March 2007.

administration of the province in international hands and confirmed *de facto* separation, suspending Belgrade's exercise of sovereignty over the territory because of the gross human rights abuses, it was clear – though often forgotten because it was implicit – that Belgrade retained the final say over the status of Kosovo's borders. Thus, although many considered that 1244 endorsed a framework for eventual independent international personality for Kosovo and the insertion of references about proceeding to consider 'final status' after three years was taken to mean 'independence in three years' in some, especially Kosovan, quarters, and 'independence sometime after three years' by many others, the reality was the final status did not, and need not, mean independent international personality and the qualification of sovereignty. Even when the US Administration of George W. Bush sought to force the pace on Kosovo, insisting that there should be a conclusion to 'final status' talks by November 2006, or 'final status' would be imposed, the difficulties inherent in resolving Kosovo's status proved to be impediments that could not be overcome.

A solution could not be imposed, in practice. This is because the only way to do this in international law was not politically available. The one way 'final status' could be imposed – which would be radical, at the same time – would be by a UN Security Council Resolution under Chapter VII of the UN Charter as a peace and security enforcement measure that would be binding in international law. However, that would require, a positive vote among Security Council members and crucially, the absence of a veto; however, Russia and, especially, China would only accede to a 'final status' resolution, if it had Belgrade's agreement, as anything else would be such an infringement of the sovereignty regime, with such enormous implications for the two countries themselves, that they might even be reluctant to endorse something agreed on Kosovo's separation, let alone to impose it. Thus, the real issue was how other parties – the Kosovo Albanian leadership, or parts of the international community – could persuade Belgrade that there was a good reason to agree to Kosovo's independence, and so to move from a position in which it formally retained sovereignty's final say over the final status of the borders, but had no formal responsibilities otherwise over the province – and so no real incentive to change its position.

This was compounded by two other factors. The first of these was the presence of an ethnic Serb minority in Kosovo, which Belgrade almost inevitably took as a political responsibility, but one which meant primarily prodding UNMIK and others in the international community to ensure that minority's security, status and rights, given that Serbia was excluded from responsibilities otherwise in the province. Beyond this there was always the latent possibility that Belgrade, if prodding the international community failed – or the ethnic Albanians appeared to be uncooperative – might resort to giving direct security assistance to parts of that Serbian community, threatening to spark violence, if not a return to war, in Kosovo. On the other side of this equation, there was the possibility that the Kosovo Albanians (at one level or another) might become so frustrated with progress towards a 'final status' that would mean independence, that they might resort to political violence and armed force – something heralded already in the coordinated violence across the province in March 2004. That experience created a fear in the international community that if the Kosovo Albanians could not be satisfied then they would turn against the international presence – somewhat similarly to the way British troops initially deployed to Northern Ireland to protect Roman Catholics who were being burned out of their homes but ended up in a protracted confrontation with men of violence associated with that community, there was a fear that an international force initially deployed to protect Kosovo Albanians might end up being engulfed in hostility and violence from the very community it set out to protect. Against this, of course, was the vested interest that any wise political actors in Kosovo's political circles would recognise in keeping on the 'right side' of the international community: violence against international troops, or civilians, could only drain sympathy and push any prospect of gaining independence further away. There was no guarantee that wisdom would prevail on any side, however.

The stake placed by the international community, and the EU and NATO, in particular, meant that there was no chance of walking away from the region without losing significant credibility and strategic capital. This means that the EU and NATO need to succeed in their efforts to foster peace, stability and security in the region. Ultimately, the countries in the Western Balkans had to become settled polities, operating liberal democratic systems and contributing to peace and security in Europe as partners, or members, of the EU and NATO. The success of the partnership

approach, as noted above, is such that its extension to the Western Balkans is inevitable and anything other than success unthinkable – though, of course, possible. Partnership and enlargement constitute the immutable strategic logic of EU and NATO engagement in the Western Balkans.

### **The Strategic Logic: War Crimes and Security – Towards the EU and NATO**

That there is an overriding strategic logic can be seen from the handling of another major aspect of international engagement with the region: the war crimes issue. Although cooperation on the war crimes issue was set as a condition for taking relations with the EU forward, there was significant ambiguity over applying this principle concerning Croatia. In that case, EU policy appeared to be compromised. EU policy as a whole, and that of the UK and the Netherlands, in particular – who were prepared to apply vetoes, was to slow, or stop, deepening relations unless war crimes issues were settled. This meant that Croatia's signing a Stabilisation and Association Agreement was delayed when reports from the Prosecutor (Carla del Ponte) at the International Criminal Tribunal for the Former Yugoslavia (ICTY) indicated that cooperation was not full and that, in particular, the question of General Ante Gotovina, wanted by the Tribunal and believed to be in Croatia, had not been settled. However, the importance of both Gotovina and principle appeared to be reduced when Austria engaged in 'hardball' diplomacy, effectively on behalf of Croatia, while also reflecting hostility to Turkey, at the EU summit meeting discussed association and agreement with both countries and others.

Austria threatened to veto an EU decision – strongly promoted by the UK – to open accession talks with Turkey, limiting the scope of any relationship to 'special partnership', while also insisting that talks with Croatia should not wait for the Gotovina issue to be settled. Thanks to an uncharacteristically helpful statement from del Ponte, there was agreement to open talks with Croatia, despite Gotovina's remaining at large.<sup>24</sup> Austria's pitch had 'won' the case for Croatia and generated action to fudge the Gotovina question.<sup>25</sup> This was because the other EU members, despite latent anti-Turkish, possibly anti-Muslim, sentiment in some parts of some

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<sup>24</sup> *The Daily Telegraph* 5 October 2005

<sup>25</sup> It is possible that a mixture of diplomacy, intelligence and prosecutorial judgement flowed together and foresaw Gotovina's eventual detention in Canary Isles, therefore on Spanish-EU territory.



polities – and even their governments – understood that opening the way to Turkey was necessary, not only because of the EU’s own nature, but also pressure from Washington DC, which had forced Turkey onto the EU’s more immediate agenda in June 2004, but also, the imperative of embracing and engaging a predominantly Muslim, but Western oriented and secular, country in the contemporary global security environment. Austria insisted on opening talks with both Croatia and Turkey. Progress with Turkey was too important to be sacrificed to General Gotovina and Croatia’s responsibilities concerning him. That was a lesson for Bosnia, Serbia and other countries in the Western Balkans: all of them were behind Croatia, in terms of meeting the range of conditions for opening talks with the EU, but they might well be encouraged that the underlying logic of partnership and enlargement meant that corners might be cut along the way, given that embracing these countries, despite their problems, was more important to the EU’s security needs than the risks entailed in stalling development and leaving them outside the Union’s embrace.

Ambiguous conditionality was relevant both to Bosnia and Kosovo. The latter had greater problems, despite the recommendation that it should gain ‘conditional’ independence, according to an international report, which was reinforced by the ‘Ahtisaari Plan’ for Kosovo, published in February 2007,<sup>26</sup> which envisaged some degree of international relationship being possible for Kosovo, as well as setting the terms for internal coherence and governance, and remaining legally part of Serbia under close international supervision.<sup>27</sup> This plan was not actually about Kosovo’s status, as such. It was about how it would be configured in practice. Status itself was explicitly omitted, with no reference to sovereignty or independent international personality in any of the public documentation or discussion – and the latter is an indication that this vital, fundamental issue was not addressed explicitly anywhere in the document, therefore. Given the EU’s role in deemphasising border issues traditionally, the most optimistic prognosis here was that developing relations with the EU and eventual membership for the countries of the region would offer a

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<sup>26</sup> Independent International Commission on Kosovo, *The Kosovo Report* Oxford: Oxford University Press, 2000.

<sup>27</sup> Maarti Ahtisaari, as UN Special Envoy for Kosovo (and based on deep experience from Bosnia and Kosovo at earlier stages), was charged with responsibility for the ‘final status’ process. Details of the plan, though not the whole plan itself, were made public: United Nations Office of the Special Envoy for Kosovo (UNOSEK), *The Comprehensive proposal for Kosovo Status Settlement*, February 2007 available at <http://www.unosek.org/unosek/en/statusproposal.html>

framework for leaving Kosovo as a formal part of Serbia, but *de facto* constitutionally separate, with the overarching EU condominium reducing, or even removing, the salience of the sovereignty issue. However, for this to emerge, many other elements would need to fall into place, not least Belgrade's acquiescence. But, there was evidence that the attraction of the EU was less in Serbia than in other post-communist transition countries and also less important than Kosovo in Serbian political culture.<sup>28</sup>

One of the key items for development in the Ahtisaari plan – and, indeed, in Kosovo, whatever the basis for final status – concerned security, where new arrangements were specified as necessary and noted to be major changes in the situation, with increased responsibility for security matters in the hands of the Kosovo authorities.<sup>29</sup> However great that challenge might be, it was limited in comparison with the development of security forces in Bosnia, where the three armies that made war had been gradually forged. This was one of the quiet success stories of international engagement in Bosnia. Not only had significant elements of the warring militaries been demobilised, with necessary assistance from Zagreb, from around 2000 onwards, and Belgrade later (both of whom cut off the forces in Bosnia, which had been integrated elements under their ultimate strategic command and control), but they had gradually been brought together through mixed military working groups into a framework where representatives from each army recognised a professional vested interest in working with the others to forge a new force that would be the basis for genuine cooperation and even integration with those NATO and EU forces who continued as peace implementers in Bosnia, but who increasingly acted as partners in fostering military reform and transition.

By the end of 2005, it was fairly evident that plans to achieve a new, unified Bosnian Defence Force by the end of 2007 were likely to succeed.<sup>30</sup> That model would be based on an integrated ministry of defence, as well as integrated national and higher

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<sup>28</sup> The BBC Monitoring Service provided a summary of Serbian press coverage and attitudes prior to introduction of the Ahtisaari plan, which indicated hostility to any notion of independence. BBC News, 3 February 2007. Serbian President Boris Tadic – a noted moderate and reformer told Ahtisaari when presented with the plan, 'that Serbia and I, as its president, will never accept Kosovo's independence.' *The Guardian*, 2 February 2007.

<sup>29</sup> UNOSCEK, *The Comprehensive proposal for Kosovo Status Settlement*, February 2007 available at <http://www.unosek.org/unosek/en/statusproposal.html>

<sup>30</sup> Defence Reform Commission, *AFBiH: a Single Military Force for the 21st Century*, Sarajevo: Bosnian Defence Commission Report, 2005

military command, down to brigade level – ‘the basic formation of NATO armies’ and so for the Armed Forces of Bosnia and Hercegovina.<sup>31</sup> But, crucially, it would be founded on a regimental-battalion model, rooted both in the territorial division, and the ethnic communities this represented, to some extent, and the traditions of the former armed forces and their continuation. This would mean retention of connections with the past – including the maintenance of heritage and symbols – as all involved entered a new era.<sup>32</sup> However, there would be no possibility of any regiment’s being able to assume command and control responsibilities for itself: each regiment would have three infantry battalions,<sup>33</sup> each of which would contribute to one of three multiethnic brigades; at the same time, each of the regiments would have an honorary colonel and a small headquarters of ‘less than 10 personnel’,<sup>34</sup> to deal with ‘ceremonial and other functions.’<sup>35</sup> This largely unsung and unnoticed success story is essential to Bosnia’s future, especially its association and integration with NATO, or the EU. Thus, as was demonstrated to a considerable extent by NATO’s Partnership for Peace Programme, defence reform can be a beacon for reform across other spheres. In the case of Bosnia, given the need to generate a 1:1 correlation between armed forces and the state, this role is greater in Bosnia than elsewhere, representing not only post-conflict arrangements, but also the overcoming, or management of ethnic inter-communal conflict – notably, involving a Muslim community.

## Conclusion

The fates of Bosnia, Kosovo and the other war torn, security-challenges states of the Western Balkans, and those of the EU, especially, and NATO, are tied to the successful development of partnership arrangements and eventually the chance of

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<sup>31</sup> Defence Reform Commission, *AFBiH*, p.5

<sup>32</sup> A contrasting question in the domain of security sector reform concerned policing, where international efforts were geared towards national policing. This met with resistance, particularly from within the Republika Srpska, which sought to retain entity control and an entity Ministry of the Interior. The principle of good policing is to be community based, which makes local rather than national policing make sense, while maintaining a national accountability framework to deal with questionable action at the local levels. There was a matter of principle, therefore, attached to the objections from the Republika Srpska to the notion of national policing, even if, in practice, those objections were probably based on a desire to protect those in the interior ministry from external scrutiny.

<sup>33</sup> This structure would be reserved for infantry battalions alone; other specialist, functional battalions, such as engineers, medics and so forth, would be in separate battalions and outside the ‘tradition’ framework.

<sup>34</sup> Defence Reform Commission, *AFBiH*, p.8

<sup>35</sup> Defence Reform Commission, *AFBiH*, p.5

membership. The underlying strategic logic of both NATO and the EU partnership and enlargement was the spreading of a zone of security, in the interests of all concerned. That policy, initially geared to handling transition in Central and East European, gained added salience as the EU and its member states faced ever greater challenges concerning community cohesion, making Bosnia and Kosovo especially important. The Muslim aspect of these communities is highly significant for the future of Europe. Both Bosnia and Kosovo have been subject to major international engagement, including the establishment of major political and military peace implementation arrangements. The successful outcome of those implementation processes must result in peace and partnership involving the EU, NATO and the countries of the region. That outcome will embed recognised, non-radical, traditionally 'European' and more secular communities in the New Europe, sending major political signals about the nature of the West, its integration of different communities including those of Muslim derivation and thereby fostering community cohesion within countries and across the EU and the wider Western world. Thus, should the countries of the region accede to the Union, say, in 2011, or 2014, marking the centenary of either the Balkan Wars or the First World War (which was, in effect, a third Balkan War), with great symbolic, that should be a major event in defining eventual success not only in fostering peace and security in the Western Balkans, but in promoting those same qualities across the existing Union and its member states, generating multicultural community cohesion and security along the way.